



CAPE COD COMMISSION

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DATE: August 19, 1993

APPLICANT: Gerald R. McAuliffe
On-Cape Lithographers, Inc.
22 Attucks Way
Hyannis, MA 02601

PROJECT #: TR930012

PROJECT: On-Cape Lithographers, Inc. Proposed Addition
22 Attucks Way
Hyannis, MA 02601

RE: Development of Regional Impact
Cape Cod Commission Act, Section 12(c)

BOOK/PAGE: Book 368, Page 52

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the Development of Regional Impact (DRI) application of Mr. Gerald McAuliffe under Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed addition to an existing printing and lithography facility in Hyannis, MA. The decision is rendered pursuant to a vote of the Commission on August 19, 1993.

PROJECT DESCRIPTION

The project consists of a proposed 7742 square foot addition to an existing 19,392 square foot printing facility on a 2.37 acre site located in Independence Park, Hyannis, MA, for storage purposes and expansion of bindery operations. A total of thirteen additional parking spaces with related site and landscaping improvements are also proposed.

The project site is located at the southeast corner of Independence Park Drive and Attucks Way in Independence Park. This industrial park contains the Hyannis Ponds complex, an area of coastal plain ponds which supports an unusual concentration of rare species. The site is also within a Wellhead Protection Area for the Town of Barnstable. The site is zoned for industrial use and is surrounded by office/light industrial development to the north, south and west, with Barnstable Municipal Airport located directly east of the site. Wooded areas, which buffer the existing building from adjacent roadways, will substantially remain upon completion of the addition.

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PROCEDURAL HISTORY

The project was referred to the Commission as a DRI by Mr. Joseph DaLuz, Town of Barnstable Building Commissioner on June 3, 1993. A public hearing was conducted by an authorized subcommittee of the Commission on July 29, 1993, in the Barnstable Town Hall, Hyannis, MA. On July 29, 1993, the subcommittee voted to close the public hearing, leaving the record open until the close of business on August 13, 1993. Public meetings were also held on July 29, 1993 and August 16, 1993. On July 29, 1993, the subcommittee voted unanimously to recommend to the full Commission that the proposed addition be approved as a DRI, subject to conditions which have been agreed to by the applicant. On August 16, 1993, the subcommittee unanimously approved the subcommittee report. The subcommittee report was presented to the full Commission on August 19, 1993. At this meeting, the Commission unanimously voted to approve the project as a DRI, subject to conditions.

Materials Submitted for the Record

From the applicant:

- DRI Application Form with attachments, dated July 1, 1993
- letter from Atlantic Design Engineers, Inc. to Cape Cod Commission re: hazardous materials handling, dated July 20, 1993
- letter from Atlantic Design Engineers, Inc. to Mr. Joseph DaLuz, Town of Barnstable Building Commissioners, dated May 10, 1993
- facsimile from Atlantic Design Engineers, Inc. to Cape Cod Commission re: lawn area, received July 21, 1993
- Proposed Site Plan for On-Cape Lithographers addition, prepared by Atlantic Design Engineers, Inc., dated October 21, 1992, revised through June 24, 1993, 3 sheets
- Floor Plan for On-Cape Lithographers addition, prepared by Atlantic Design Engineers, Inc., dated October 21, 1992, 4 sheets

From Commission staff:

- Cape Cod Commission Staff Report, dated July 22, 1993
- letter from Cape Cod Commission staff to Gerald McAuliffe, dated July 8, 1993
- Cape Cod Commission Subcommittee Report, dated August 13, 1993

From public officials:

- DRI Referral Form, received June 8, 1993
- Proposed Site Plans/Floor Plans as submitted to the Barnstable Site Plan Review Committee for On-Cape Lithographers addition, prepared by Atlantic Design Engineers, Inc., dated October 21, 1992, 8 sheets
- Site Plan Review application, dated February 23, 1993
- letter with attachments from Joseph DaLuz, Town of Barnstable Building Commissioner to Atlantic Design Engineers, Inc., dated March 24, 1993
- letter with attachments from Joseph DaLuz, Town of Barnstable Building Commissioner to Cape Cod Commission, dated June 3, 1993
- letter from Massachusetts Historical Commission, dated August 11, 1993

The application and notices of public hearings relative thereto, the Commission's staff notes,

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exhibits and correspondence, the transcript and minutes of the hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

Richard Tabaczynski of Atlantic Design, Inc., project engineer, made a presentation for the applicant, Mr. Gerald McAuliffe. He stated that the proposed 7742 s.f. addition was for storage of non-hazardous materials such as paper supplies. He also noted that the addition would contain approximately three bindery machines. He believed that the project would result in minimal impacts and was consistent with the RPP.

Commission member Andy Young expressed approval of the applicant's efforts to reduce hazardous materials/waste generation on the site. He also recommended that the floor of the addition be sealed. Commission member Bruce Rosinoff noted difficulty with sight lines from the southernmost site drive. Commission member Vicky Lowell noted that this portion of the industrial park will likely be sewered within the next two years. If so, the applicant may be able to eliminate the nitrogen loading created by the septic system. She also recommended that the applicant report to the Commission on the success of the carpooling program.

The Commission staff report noted the environmental sensitivity of Independence Park, both for its location in a Wellhead Protection Area for the Town of Barnstable, and as a home to many rare species. Staff therefore recommended that the addition be used only for the stated purposes of non-hazardous materials storage. Economic Development Officer Jim O'Connell cited the economic benefits of the project. Hazardous Waste Planner Andrea Adams noted that the new bindery machines would use oil for servicing only, and that the floor would be sealed. Transportation Engineer Dave Clark recommended that the RPP's 20% trip reduction standards be met by providing bike racks or bike lockers, as well as information on carpooling. Ed Eichner stated that the applicant will need to meet the 5 ppm nitrate-nitrogen loading standard through a reduction in lawn area.

Testimony from public officials included Robert Schernig, Barnstable Planning Director, who noted that the project has completed a preliminary Site Plan Review by the Town of Barnstable. The project has been revised to meet the town's curb cut radius and view triangle standards. He also stated that the sewer extension is expected to be completed within approximately 12-18 months. He requested that if lawn area is reduced to meet the 5 ppm nitrogen loading standard, that disturbed areas be planted with indigenous species. Sumner Kaufman addressed the subcommittee as a Barnstable resident and stated that he believed this project represented good economic development and that the project review be expedited to completion.

JURISDICTION

The proposed addition to On-Cape Lithographers, Inc. qualifies as a DRI under Section 12(c)(6) of the Cape Cod Commission Act (Act) as "any proposed retail or wholesale business ...development ...which (is) an addition greater than 5000 square feet."

FINDINGS

The Commission has considered the application of Mr. Gerald McAuliffe for the proposed addition

to On-Cape Lithographers, Inc. in Hyannis, MA, and based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following findings subject to Sections 12 and 13 of the Act:

- 1). Section 2.1.1.2.A of the RPP requires that projects within Wellhead Protection Areas meet a 5 ppm standard for nitrate-nitrogen (NO₃-N) loading. Based on a total of 45 employees, the proposed project will generate 675 gallons per day (gpd) of wastewater, resulting in a nitrogen loading concentration of 5.61 ppm NO₃-N. The applicant agreed to reduce nitrogen loading to meet the 5 ppm standard by limiting lawn areas, reducing fertilization rates, and replanting additional disturbed areas with plant materials requiring little or no fertilization.
- 2). The applicant estimates that the proposed addition will create a total of ten to eleven new full-time, year-round positions over the next two years. The applicant also anticipates that Cape Cod contractors and suppliers will be hired to construct the proposed addition.
- 3). The proposed expansion will allow for diversification of the Cape Cod economy in accordance with the Commission Act's purpose of encouraging "balanced and sustainable economic development capable of absorbing the effects of seasonal fluctuations in economic activity." This purpose is also reinforced by the Economic Development goals and policies of the RPP. Publishing is a sector which has been identified as having the potential to increase Cape Cod's economic base. The project represents overall consistency with the Economic Development goals and policies of the RPP by allowing for the expansion of the publishing sector of the Cape Cod economy.
- 4). The estimated increase in vehicle trips to/from the site will be approximately 32 new vehicle trips per day (16 in/16 out). The primary access to the site is through the signalized intersection of Route 132 and Independence Drive. The proposed project is expected to have minimal impacts on the transportation network adjacent to the site. Level-of-service impacts as well as the 20% trip reduction standard of the RPP were met for this project by developing a company-wide carpooling program, investigating changes to shift schedules to avoid morning and afternoon peak hours on Route 132, and providing bicycle storage facilities for employees on-site.
- 5). The project is located within a Wellhead Protection Area for the Town of Barnstable. The applicant testified that the proposed addition will be utilized as storage space for additional feedstock paper and to accommodate up to three new bindery machines. These machines will be oiled as part of their routine maintenance. The oil used is a hazardous material, but its total usage for these machines will be limited to approximately one quart per year. The applicant also agreed to prohibit floor drains and to seal the floor of the proposed addition to prevent the accidental leakage of hazardous materials/waste through the floor.
- 6). The existing printing and lithographic facility uses various hazardous materials as part of its operations, and is a registered Small Quantity Generator of various hazardous wastes including ignitables, corrosives, and reactives. Disposal of these wastes are handled by a licensed hazardous waste management firm.
- 7). The applicant has undertaken efforts to reduce its use of hazardous materials and generation of hazardous wastes. These efforts include use of water-based chemicals, use of non-hazardous inks, more efficient cleaning procedures, reuse of cleaning rags, and anticipated changes to

electronic typesetting. The applicant has also expressed a willingness to further improve operations by continuing to seek out non-hazardous materials and redesign production methods.

8). The applicant indicated that three (3) groundwater monitoring wells are currently on-site. These wells are tested annually for compounds including volatile organics and various metals. The applicant has indicated that monitoring data is available upon request to the Barnstable Health Department and the Department of Environmental Protection.

9). Article 39 of the Barnstable Zoning Bylaw requires that all owners or operators storing, at any one time, more than 50 gallons or 25 pounds dry weight of hazardous or toxic materials, register with the Barnstable Board of Health. The Board of Health may also require detailed inventories, and must be notified of spills in excess of 5 gallons or 25 pounds dry weight.

10). The applicant conformed with Section 6.1.4 of the RPP by providing a total of 57% open space, with 31% of this total consisting of existing trees which will be retained to screen the development from adjacent roadways.

11). Section 7.2.1 of the RPP requires that the height and scale of a building addition be compatible with its site and existing surrounding buildings. Existing development within Independence Park consists of a variety of office, retail and light industrial buildings, ranging from approximately 25-35 in height, and approximately 20,000-50,000 s.f. in size. Buildings along Independence Park Drive are generally sited just above the level of the roadway and are appropriately screened.

12). The existing and proposed building will total approximately 27,134 s.f. in size, and will be approximately 18 feet in height. The proposed addition will also be located to the rear of the existing building, and partially screened from adjacent roadways by an existing buffer of trees. Therefore, the height and scale of this building will be compatible with other surrounding buildings.

13). The applicant has demonstrated conformance with Sections 7.2.3 and 7.2.4 of the RPP by providing additional landscaping and by retaining existing trees, and conformance with Section 7.2.8 of the RPP by locating additional parking to the side of the building.

CONCLUSION

Based upon the findings above, the Cape Cod Commission hereby concludes:

The benefits of the proposed project outweigh the detriments. This conclusion is supported by the findings that the project will provide for the expansion of the publishing sector of the Cape Cod economy; and by the efforts of the applicant to reduce his use of hazardous materials and hazardous waste in the operation of the existing business. These benefits outweigh the detriments of nitrogen loading which exceeds 5 ppm, which was mitigated by a reduction in lawn area; and, minimal level-of-service impacts on area roadways, which were mitigated by trip reduction measures and provisions for bicyclists.

The project is consistent with the Minimum Performance Standards of the Regional Policy Plan.

The proposed project is consistent with the Town of Barnstable zoning bylaws.

The Commission hereby approves with conditions the proposed addition to On-Cape Lithographers, Inc. in Hyannis, MA as a Development of Regional Impact, pursuant to Section 13 of the Act, provided that the following conditions are met:

1. The plans as submitted and listed in this decision shall become part of the written decision and any changes shall be approved by the Cape Cod Commission or its designee. Any increase in the use or storage of hazardous materials or generation of hazardous waste in the proposed addition shall require review by the Commission as a DRI.

2. The applicant shall obtain a Certificate of Compliance from the Commission or its designee before the local official responsible for issuing certificates of occupancy may issue a permanent or temporary Certificate of Occupancy for any portion of the proposed development. All conditions attached to this decision must be met and all site and landscape improvements completed prior to the issuance of a Certificate of Compliance from the Commission.

If, due to winter weather conditions, all required site and landscape improvements are not completed at the time a Certificate of Compliance is sought from the Commission, any work related to site and/or landscape improvements, as approved by the Commission, which is incomplete between December 1 - April 1 shall be subject to a standby letter of credit or performance guarantee of a form and content acceptable to counsel to the Commission. The amount of the letter of credit or performance guarantee shall equal 110% of that portion of the work which remains incomplete, with the amount approved by Commission staff. The guarantee shall be payable to the Cape Cod Commission with the work approved by Commission staff prior to the release of the letter of credit or guarantee. Upon acceptance of the letter of credit or performance guarantee by the Commission, the Commission shall issue a temporary Certificate of Compliance authorizing the Building Inspector to issue a temporary occupancy permit.

3. The applicant shall obtain all necessary state and local permits for the project.

4. Nitrate-nitrogen loading for the project shall be reduced to 5 ppm by limiting lawn areas to a maximum of 7500 s.f. and by restricting fertilization to one(1) pound of nitrate-nitrogen/1000 s.f. per year. The applicant shall document the restricted application of fertilizer prior to issuance of a Certificate of Compliance from the Commission. Any disturbed areas greater than 7500 s.f. shall be replanted with vegetation characteristic of the sandplain grassland plant community and which requires no fertilization. Recommended species include *Asclepias tuberosa* (Butterfly weed), *Danthonia* (Poverty grass) and *Andropogon scoparius* (Little Bluestem). Upon notification from the Town of Barnstable that municipal sewer connection to the site is complete and operational, this condition shall be void.

5. The applicant shall provide a bicycle rack on site for use by employees and shall designate an area inside the building for storage of bicycles in inclement weather.

6. The applicant shall develop and implement a carpooling program for employees and shall investigate coordination of this program with other employers within Independence Park. The Applicant shall also schedule work shifts to avoid shift changes during the morning and afternoon peak hours on Route 132 in Hyannis. The Applicant shall report to the Cape Cod Commission

annually for three (3) years from the date of receipt of a Certificate of Compliance regarding carpooling and alternative transportation participation by its employees.

7. The proposed addition shall be used only for the stated purposes of non-hazardous materials storage and bindery operations which involves the use of approximately one (1) quart of lubricating oil/year for maintenance of these machines. The Barnstable Health Department and Cape Cod Commission shall be notified prior to any change in operations involving any additional use or storage of hazardous materials or additional waste generation in the addition.

8. The floor of the proposed addition shall not contain any floor drains and shall be constructed with a poured concrete floor and sealed with an impervious concrete sealer designed to prevent leakage of hazardous materials or waste through the floor.

9. The Applicant shall ensure the recycling of construction and demolition debris to the greatest extent possible.

The Commission hereby grants Mr. Gerald R. McAuliffe an approval with conditions as a Development of Regional Impact, pursuant to Section 13 of the Act, for a proposed addition to an existing printing/lithography facility in Hyannis, MA.

David Ernst

David Ernst, Chair

8/19/93

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 19th day of August 1993

Katharine K Peters

Name, Notary Public

My commission expires:

Commission Expires November 1, 1997