

CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

DATE: August 18, 1994 CCC# EX94010

TO: John F. Cabana
460 Bearses Way
Hyannis, MA 02601

FROM: Cape Cod Commission

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

PROJECT: LA-Z-BOY SHOWCASE SHOPS
892 Airport Road, Hyannis, MA

BOOK/PAGE: Book 5328 / Page 273

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves the application by John F. Cabana for the La-Z-Boy Showcase Shops-EX94010 (the Project), for a Development of Regional Impact Exemption under Section 12(k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the redevelopment a vacant site off Route 132 and Airport Road in Hyannis, MA, previously used as a Boy Scout facility, into a single-use furniture gallery with a 12,000 square foot display and sales floor and a 12,000 square foot basement for storage, for a total area of 24,000 square feet.

The decision is rendered pursuant to the vote of the Commission on August 18, 1994.

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PROJECT DESCRIPTION

The Project, on 1.13 acres of land, will redevelop a vacant site previously used as a Boy Scout facility into a single-use furniture gallery with a 12,000 square foot display and sales floor and a 12,000 square foot basement for storage, for a total area of 24,000 square feet. Approximately 38 parking spaces are proposed, with drainage of impervious surfaces being routed to subsurface drains. The Project will be served by municipal water and sewer systems.

JURISDICTION

The proposed Project qualifies as a DRI under Section 3(6) of the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended, as "new construction with a gross floor area greater than 10,000 square feet." The referral was made by the Barnstable Building Inspector on June 14, 1994, and received by the Commission the same day.

The applicant also applied for a DRI Exemption under Section 12(k) of the Act. The application was received on June 9, 1994.

PROCEDURAL HISTORY

A properly-noticed public hearing was held on August 9, 1994 at 7:00 PM in the Assembly of Delegates Chamber, Barnstable, MA, to hear testimony on both the DRI Exemption and DRI Application. The public hearing for both the DRI Exemption and DRI Application was closed on 8/9/94. The Subcommittee conducted a meeting immediately following closure of the public hearing and voted to recommend approval of the DRI Exemption application to the full Commission. The Subcommittee's report was submitted to, and accepted by, the full Commission on August 18, 1994.

MATERIALS SUBMITTED FOR THE RECORD

<u>From the Applicant:</u> DRI Application	<u>Prepared by:</u> William Leiberman	<u>Date:</u> 6/9/94
<u>From Town of Barnstable:</u> Ltr. from Alfred E. Martin, B.I. Ltr. from Robert A. Bergman, Town Engineer Fax from Alfred E. Martin, B.I.	<u>Issue:</u> Site design, traffic Basement elevation Architectural design	<u>Date:</u> 6/23/94 6/29/94 8/1/94

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The Commission also received oral testimony from Mr. Cabana, the applicant, and his representative, Mr. Leiberman, as described in the minutes of the public hearing held on 8/9/94. The application and notice of public hearings relative thereto, the Commission's staff reports, and exhibits, minutes of all hearings and all written submissions received in the course of the proceedings, including materials submitted on file # EX 94010 and TR94010 are incorporated into the record by reference.

TESTIMONY

At the public hearing on 8/9/94, the following people testified on the proposed project:

William Leiberman and John Cabana presented the Project to the Subcommittee, including the history of Mr. Cabana's existing La-Z-Boy business in Hyannis, and the history of the proposed site. Other topics covered were: history of town permitting; location of the site; low traffic generation; sewer and water availability; pervious and green areas to be retained; construction of a sidewalk along Route 132; and a reduction to only one curb-cut onto Airport Road. Mr. Cabana stated that the main reason for the Project was to create more showroom space.

FINDINGS

The Commission has considered the DRI Exemption application of John F. Cabana for the La-Z-Boy redevelopment off Route 132 and Airport Road in Hyannis, MA. Based on consideration of such application, the information presented and the Commission staff recommendations, the Commission makes the following findings pursuant to Section 12(k) of the Act:

1. The Project meets the threshold of a Development of Regional Impact specified in Section 3(6) of the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended, as "new construction with a gross floor area greater than 10,000 square feet."
2. The Project site is not within a designated District of Critical Planning Concern, Proposed Open Space Greenbelt, Freshwater Recharge Area, designated Rare Plant or Animal Habitat, or any historic district.
3. The Project is within the zone of contribution to a public water supply well, but will utilize a municipal sewer system and will not use hazardous materials or generate hazardous wastes.

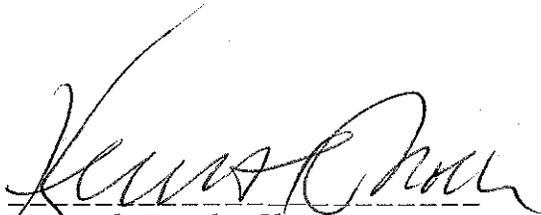
4. There are no wetland resource areas on the site, or within 100 feet of the site.
5. The Project will result in the redevelopment of a previously developed, but now vacant site.
6. The Project will result in very low traffic generation (26 trips in the peak hour); redevelop an already-disturbed, non-environmentally-sensitive site; hook up to town water and sewer; will locate in an area of existing and planned business activity and will dedicate land for, and construct, a sidewalk along Route 132.
7. The Project, as proposed, will retain open space in excess of the RPP standard of 40% for commercial projects.
8. Visual screening of the project from Route 132 and from adjacent properties has been adequately addressed in the application and will be further addressed through the Barnstable Site Plan Review process. The Barnstable groundwater protection bylaw requires that 50% of the site remain as "pervious" surface, and of that, 30% remain as "undisturbed." Significant areas of this undisturbed area will be located so as to be an effective visual screen between the building/parking areas and Route 132.
9. The architectural design of the building is acceptable at the location proposed.
10. The Project will obtain the necessary variances, special permits and site plan review from the Town of Barnstable prior to construction.

CONCLUSION

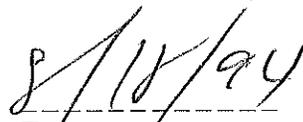
After reviewing the Project as a DRI Exemption in relation to Section 12(k) of the Act, the Commission concludes that a DRI Exemption approval may be granted because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is located." This conclusion is supported by findings 2. through 10., listed above.

DECISION

The Commission hereby approves the DRI EXEMPTION application for the La-Z-Boy Showcase Shops - EX94010, pursuant to Section 12(k) of the Act.



Kenneth Brock, Chair

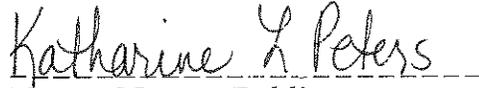


Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn before me this 18th day of August, 1994



Name, Notary Public

My Commission expires: _____