

CAPE COD COMMISSION

3225 MAIN STREET
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Date: September 6, 1994
To:
From: Cape Cod Commission
Re: Development of Regional Impact
Jurisdictional Determination Request
Cape Cod Commission Act, Section 12 (j)
Applicant: Brewster Elementary School Building Committee
Project: Brewster Elementary School
Off of Route 6A and Underpass Road
Assessors Map 16 Lot 16-80
Brewster, MA. 02631
Book/Page Book 813 Pages 80,81,82 and 83

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby finds that the proposed Brewster Elementary School is not required to be reviewed by the Commission as a Development of Regional Impact (DRI) because it does not meet or exceed a DRI threshold contained in Section 3 of the Cape Cod Commission Development of Regional Impact Enabling Regulations, Barnstable County Ordinance 90-12, as amended. The decision is rendered pursuant to Section 12(j) of the Act by a vote of the subcommittee on behalf of the Commission on September 1, 1994.

PROJECT DESCRIPTION

The site is located in the north/central section of Brewster. The parcel is bounded by Route 6A to the north, Route 124 to the west, Route 137 to the south and Underpass Road to the east. The development involves the construction of approximately 67,000 sq.ft. elementary school with the enrollment of 600 students. The new elementary school is proposed on the same site as the existing 600 student elementary school. The proposal may include a new access to the school property from Route 6A or an extension of the existing driveway off of Underpass Road.

PROCEDURAL HISTORY

The Town of Brewster filed an application for a Jurisdictional Determination (JD) on August 17, 1994. The subcommittee was authorized to act on behalf of the full Commission, pursuant to a vote of the full Commission on August 18, 1994.

Materials Submitted for the record include:

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|---|-------------------|
| 1. A JD Application prepared by Jillian Douglas | August 12, 1994 |
| 2. JD Decision Barnstable Middle School | April 21, 1992 |
| 3. Wildlife Habitat/ Vernal Pool Assessment | May 27, 1994 |
| 4. Environmental Notification Form | August 30, 1994 |
| 5. Minutes of Board of Selectman Meeting | August 9, 1994 |
| 6. Applicant's Memorandum | September 1, 1994 |
| 7. Parcel Lot Information | September 1, 1994 |

A public hearing on the jurisdictional determination was held on September 1, 1994 at 7:00 pm in the auditorium of the Brewster Town Hall. The application and notices of the public hearing relative thereto, the Commission's staff report, exhibits and correspondence, the transcript and minutes of the hearing and all written submissions received in the course of our proceedings are incorporated into the record by reference.

SCOPE OF JURISDICTIONAL DETERMINATION

Pursuant to Section 12(j) of the Cape Cod Commission Act (the Act), the Town of Brewster has applied for a Jurisdictional Determination as to whether the proposed 67,160 sq.ft. public elementary school is to be reviewed as a Development of Regional Impact under Section 3(6) of the Cape Cod Commission DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended.

TESTIMONY

At the public hearing held in the auditorium of the Brewster Town Hall on September 1, 1994 at 7:00 pm the following testimony was taken:

Richard Oja, HMFH Architects, described the proposed building, access and the permitting process to date.

Edward Veara, Brewster Town Counsel, spoke from the Applicant's Memo on the statement of facts. He agreed with staff recommendation that the proposal public school was not a mandatory referral under the Commission Act or Regulations.

Elizabeth Taylor, Chair of the Brewster Conservation Commission, read a list of concerns the Conservation Commission has with the proposed site. She noted that the Conservation Commission would file a Discretionary Referral if the School Building Committee fails to address the Conservation Commission's concerns within the 60 day time clock.

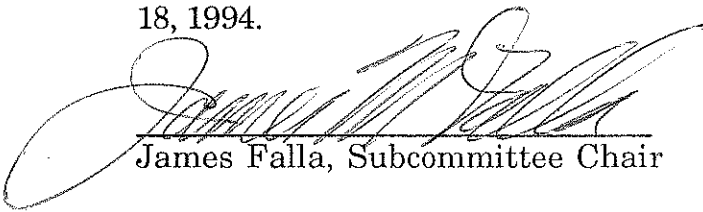
FINDINGS

The Commission has considered the applicant's request for a Jurisdictional Determination regarding the proposed elementary school for the Town of Brewster, and based upon consideration of such a request, and information presented at the public hearing and submitted for the record, makes the following finding(s):

1. This proposed elementary school does not meet or exceed the standards and criteria set forth in Section 3 of the DRI Enabling Regulations and therefore is not required to be referred as a Development of Regional Impact (DRI). Specifically, the proposed school is a public, not private, educational development and therefore does not require automatic referral for a DRI review under Section 3(6) of the DRI Enabling Regulations.
2. If the proposed elementary school is required to prepare an Environmental Impact Report (EIR) under Character 30, Sections 61-62 H, this determination of non applicability shall become null and void since the project would become a DRI under Section 12(i) of the Act.

CONCLUSION

In conclusion, the subcommittee finds that the project is not required to be referred as a Development of Regional Impact because it does not meet or exceed the Standards and Criteria of Section 3(6) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12, as amended. This decision is rendered by a vote of the subcommittee as authorized by a vote of the full Commission on August 18, 1994.



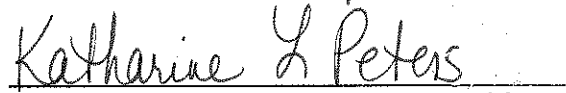
 James Falla, Subcommittee Chair

9/6/94

 Date

Commonwealth of Massachusetts

Barnstable, ss.
Subscribed and sworn to before me this 6th day of Sept 1994.



 Katharine L. Peters, Notary Public

My Commission Expires: 