



CAPE COD COMMISSION

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Date: March 17, 1994
To: Patrick Butler, Esq.
From: Cape Cod Commission
Re: Development of Regional Impact, Section 12, Cape Cod Commission Act
Project #: TR 92055
Project: Costco Wholesale Membership Club Store
Applicant: Costco Wholesale Corporation
Lot/Parcel: Map 27, Lot 1, Book 2593 - Page 29
Map 32, Lot 12, Book 2180, Page 71

Amended Decision of the Cape Cod Commission

Summary

The Cape Cod Commission (Commission) hereby denies the application of The Costco Wholesale Corporation for a Development of Regional Impact (DRI) permit under Section 12 and 13 of the Commission Act (Act), c. 716 of the Acts of 1989, as amended. This decision is rendered pursuant to a vote of the Commission on March 17, 1994.

Project Description

The Costco proposal is for the construction of an approximately 120,000 sq. ft. wholesale warehouse store on a 19.5 acre site. The project is expected to generate 4764 vehicle trips per day and there are Level of Service (LOS) changes and violations at 25 intersections. The site lies entirely within a Wellhead Protection Area. The proposal calls for the sale and storage of numerous hazardous materials in wholesale quantities amounting to 20,000 gallons and 40,000 pounds. The project site is in the Zone of Contribution to the Town's Boiling Springs Wellfield and lies entirely within the Town of Sandwich's Wellhead Protection Area.

The project site is located behind the Coca Cola building on Route 130 in Sandwich, MA. Access

to the site is shown on the site plan from Sandbar Drive which currently serves as the entrance to the Sandwich Car Wash and from Kiah's Way, which runs along the northern boundary line of the property. The town voted to change the zoning of the area from an exclusive industrial use zone to an industrial zone that permits commercial warehouse use by special permit on August 24, 1992 and approved by the Attorney General November 28, 1992. Surrounding parcels support gravel operations, a cement plant, a Coca Cola bottling plant, a car wash and mini-storage buildings.

This site is composed of two parcels in an irregular shape with natural and man-made features. This irregular shape places limitations on the development of the combined parcels. The northwestern portion, shown as Lot 1 of the project site is a former gravel mining pit with several stump piles located on the property. There are also areas of standing water and wetland vegetation on the site. With the exception of one area that remained in question at the time of the final DRI hearing, the wetland areas are generally smaller than 500 sq. ft. in size, which removes these areas from the Commission's regulatory review under the Cape Cod Regional Policy Plan (RPP). The remainder of the site, shown as Lot 12 on the site plan, is an oak/pine forested upland. A 200 foot wide electrical utility easement, which is currently vegetated with understory growth, runs in an east-west direction along the southern half of the site.

Procedural History

Pursuant to the Memorandum of Understanding between the Commission and the Secretary of Environmental Affairs, the Subcommittee held their first public hearing on the project in the form of a joint MEPA/Commission scoping session on September 24, 1992. The MEPA subcommittee included the following members; Sumner Kaufman, Ken Brock, Herb Elins, Alix Ritchie, Andy Young, with David Kellogg and Gloria Brundage as alternates. A Commission staff member acted as hearing officer on two occasions, taking no testimony; first on November 16, 1992 and once again on December 7, 1992 because the applicant was unable to submit the appropriate information in time to hold the hearings. A Draft Environmental Impact Report (DEIR) was submitted and hearings were held on February 4, and February 10, 1993, for the purposes of taking public testimony on the DEIR and subsequently, for the purpose of submitting comments to MEPA. A public hearing was also held on the Final Environmental Impact Report (FEIR) on July 20, 1993 with a subsequent public meeting held on July 21, 1993 for the purposes of taking public testimony and to submit comments to MEPA on the FEIR. At the hearing on the FEIR, a Supplemental Final Environmental Impact Report (SFEIR) was requested by the subcommittee. The MEPA Certificate on the FEIR reflected the subcommittee request for a SFEIR. An SFEIR was submitted and a subcommittee meeting was held on January 11, 1994 for the purposes of commenting to MEPA on the SFEIR. The MEPA subcommittee included Sumner Kaufman, Ken Brock, Alix Ritchie, Andy Young with David Kellogg becoming a full member, replacing Herb Elins who resigned from the Commission.

Following completion of MEPA review, the Commission commenced its review of the DRI application. The Subcommittee delegated to conduct the public hearing scheduled the first hearing for February 23, 1994. However, a hearing officer was used for the purposes of opening the Development of Regional Impact (DRI) review hearings on February 23, 1994 due to the hearing postponement as a result of inclement weather. The DRI subcommittee included the following members; Sumner Kaufman, Ken Brock, Alix Ritchie, David Kellogg with Dick Prince and Greg Silverman serving as alternate members. A hearing was then held on February 25, 1994 for the

purposes of taking public testimony on the project as a DRI and to review the project for compliance with the Regional Policy Plan and the Cape Cod Commission Act.

Materials Submitted for the record

The application and notices of public hearings relative thereto, the Commission staff notes, exhibits and correspondence, the minutes of meetings and hearings and all written submissions received in the course of the proceedings for this project are incorporated into the record by reference.

From the Applicant and Representatives:

1. Preliminary Development Analysis	A.M. Wilson Assoc.	Aug. 31, 1992
2. Environmental Notification Form	A.M. Wilson Assoc.	Aug. 31, 1992
3. Site Asses. Oil/Hazardous Materials	A.M. Wilson Assoc.	Aug. 31, 1992
4. Joint application form	A.M. Wilson Assoc.	Aug. 31, 1992
5. Facts about Costco	A.M. Wilson Assoc.	Sept. 18, 1992
6. Preliminary application	Nutter, McClennen & Fish	Sept. 23, 1992
7. MHC Notification Form	A.M. Wilson Assoc.	Sept. 25, 1992
8. Joint application letter	Nutter, McClennen & Fish	Oct. 8, 1992
9. Memo on Oct. 13th staff meeting	Nutter, McClennen & Fish	Oct. 14, 1992
10. Extention and new public hearing date	Nutter, McClennen & Fish	Oct. 23, 1992
11. To Christopher Whalen	Nutter, McClennen & Fish	Nov. 2, 1992
12. Wetlands	Nutter, McClennen & Fish	Nov. 4, 1992
13. Traffic study	Nutter, McClennen & Fish	Nov. 5, 1992
14. REPS/Wetlands	A.M. Wilson Assoc.	Nov. 5, 1992
15. Site information	A.M. Wilson Assoc.	Nov. 18, 1992
16. Avon Store Product List	A.M. Wilson Assoc.	Dec. 4, 1992
17. DRI App. cover letter	Nutter, McClennen & Fish	Dec. 25, 1992
18. DRI application	A.M. Wilson Assoc.	Dec. 25, 1992
19. Appendix Volumes I & II	A.M. Wilson Assoc.	Dec. 25, 1992
20. DEIR Volume I	A.M. Wilson Assoc.	Dec. 25, 1992
21. Re: DEIR Volume II	Nutter, McClennen & Fish	Dec. 30, 1992
22. DEIR/DRI Volume II	A.M. Wilson Assoc.	Dec. 30, 1992
23. To George H. Dunham	Nutter, McClennen & Fish	Jan. 6, 1993
24. Extension	Nutter, McClennen & Fish	Jan. 10, 1993
25. Purchase and Sale	Nutter, McClennen & Fish	Jan. 15, 1993
26. Setting up another staff meeting	Nutter, McClennen & Fish	Jan. 27, 1993
27. Additional DRI copies	Nutter, McClennen & Fish	Jan. 28, 1993
28. DEIR Volume II	A.M. Wilson Assoc.	Jan. 28, 1993
29. To J. Dubner	Nutter, McClennen & Fish	Feb. 5, 1993
30. Cinch Calculations	Abend Assoc.	Feb. 8, 1993
31. To J. Dubner	A.M. Wilson Assoc.	Feb. 9, 1993
32. Fire & Hazardous Materials	TVA	Feb. 10, 1993
33. Competitive	The Howell Group	Feb. 10, 1993
34. Responce to staff report	Nutter, McClennen & Fish	Feb. 10, 1993
35. Floor Drain Research	A.M. Wilson Assoc.	Feb. 10, 1993
36. To J. Dubner	A.M. Wilson Assoc.	Feb. 10, 1993
37. Facts About Costco	A.M. Wilson Assoc.	Feb. 1993
38. Hazardous Waste	Rollins Hudig Hall	March 15, 1993

39. Traffic Information	Abend Assoc.	April 9, 1993
40. Directional methodology	Abend Assoc.	April 12, 1993
41. Request for subcommittee meeting	Nutter, McClennen & Fish	April 21, 1993
42. To Elizabeth Lane, Esq.	Nutter, McClennen & Fish	April 29, 1993
43. To S. Kaufman	Nutter, McClennen & Fish	April 29, 1993
44. Notice of Intent	A.M. Wilson Assoc.	April 1993
45. Revised N03 Loading Calcs.	A.M. Wilson Assoc.	Undated
46. Wetland issues COSTCO	A.M. Wilson Assoc.	Undated
47. Costco Risk Management Procedures Manual (6/91)		May 12, 1993
48. Extension Agreement	Nutter, McClennen & Fish	May 18, 1993
49. Cinch Cal.	Abend Assoc.	May 26, 1993
50. Extension Agreement	Nutter, McClennen & Fish	May 19, 1993
51. Regarding the filing of FEIR	Nutter, McClennen & Fish	May 28, 1993
52. Trip Distribution	Abend Assoc.	June 7, 1993
53. Extension Agreement	Nutter, McClennen & Fish	June 16, 1993
54. Filing of a copy of the FEIR	Nutter, McClennen & Fish	June 21, 1993
55. FEIR/DRI Costco EOEA# 9164 Vol.I	A.M. Wilson Assoc.	June 30, 1993
56. FEIR/DRI Costco EOEA# 9164 Vol.II	A.M. Wilson Assoc.	June 30, 1993
57. FEIR/DRI Costco EOEA# 9164 Vol.III	A.M. Wilson Assoc.	June 30, 1993
58. Appendices for DRI Application Vol. I	Abend Associates	June 30, 1993
59. Appendices for DRI Application Vol. II	Abend Associates	June 30, 1993
60. Regarding meeting with staff	Nutter, McClennen & Fish	July 1, 1993
61. Back-up materials Fair Share Analysis	Abend Associates	July 6, 1993
62. Missing pages of FEIR/DRI	Nutter, McClennen & Fish	July 7, 1993
63. Oil & Hazardous Materials	Penny Engineering, Inc.	July 19, 1993
64. Payment of copies	Nutter, McClennen & Fish	July 20, 1993
65. Wetlands Analysis	A.M. Wilson Assoc.	July 20, 1993
66. Wetland/Hazardous info handout	A.M. Wilson Assoc.	July 20, 1993
67. Request for tapes of hearing-meetings	Nutter, McClennen & Fish	July 30, 1993
68. Meeting on SFEIR	Nutter, McClennen & Fish	Aug. 5, 1993
69. Extension Agreement	Nutter, McClennen & Fish	Aug. 13, 1993
70. Meeting on SFEIR	Nutter, McClennen & Fish	Aug. 31, 1993
71. Request for a Determin. Applic.	David Peterson	Aug. 1993
72. Sept. 21, 1993 Meeting	Nutter, McClennen & Fish	Sept. 8, 1993
73. List of question	Nutter, McClennen & Fish	Sept. 15, 1993
74. Test Pit Locations	Nutter, McClennen & Fish	Oct. 27, 1993
75. Trip Generation #	R.D.V. Joe Stupar	Nov. 10, 1993
76. Wetlands issue	Nutter, McClennen & Fish	Nov. 12, 1993
77. Price Costco Handout	Franz Lazarus	Dec. 6, 1993
78. Wetland Issue	A. M. Wilson Assoc.	Dec. 8, 1993
79. Cover letter for SFEIR/DRI	Vanasse & Assoc.	Dec. 17, 1993
80. SFIER/DRI Costco EOEA#9164	Vanasse & Assoc.	Dec. 17, 1993
81. SFIER/DRI Technical Appendix I	Vanasse & Assoc.	Dec. 17, 1993
82. SFIER/DRI Technical Appendix II	Vanasse & Assoc.	Dec. 17, 1993
83. Wetland issue	A.M. Wilson Assoc.	Jan. 12, 1994
84. Request for Regulatory Comm.	Nutter, McClennen & Fish	Jan. 12, 1994
85. Def. Applic. on Wetlands	Nutter, McClennen & Fish	Feb. 1, 1994
86. Request for Alix Ritchie to recuse	Nutter, McClennen & Fish	Feb. 23, 1994

87. Traffic Handout	Vanasse & Associates, Inc.	Feb. 25, 1994
88. Legal Handout	Nutter, McClennen & Fish	Feb. 25, 1994

From the Town of Sandwich:

1. Town Clerk	Zoning changes	Sept. 2, 1992
2. Board of Assessors	Not Certified list	Sept. 4, 1992
3. Board of Assessors	Certified list	Sept. 14, 1992
4. Peter Tancredi, Town Engineer	Traffic Study	Sept. 24, 1992
5. Mark Haney, Chair, Planning Board	Traffic concerns	Sept. 24, 1992
6. Mark Galkowski, Conservation officer	Wetland concerns	Nov. 13, 1992
7. George H. Dunham, Exc. Secretary	Selectmen letter of support	Jan. 25, 1993
8. David J. DeConto, Conservation Com.	Letter of clarification	Feb. 4, 1993
9. Conservation Commission	Determination of applicability	Feb. 4, 1993
10. Conservation Commission	Determination of applicability	Feb. 9, 1993
11. Mark Haney, Chair, Planning Board	Project concerns	Feb. 17, 1993
12. Board of Selectman	Concern w/Planning Board Let.	Feb. 26, 1993
13. Mark Haney, Chair, Planning Board	Appointment with Costco	March 8, 1993
14. Conservation Com.	Hearing /DRI issue	April 12, 1993
15. Board of Health	Health concerns	April 12, 1993
16. Board of Health	Floor Drain Regulations	July 1, 1993
17. DRI Referral Form	Zoning Board of Appeals	July 15, 1993
18. Planning Board/Local Planning Com.	Very serious concerns	July 20, 1993
19. Board of Selectmen	FEIR adequate	July 26, 1993
20. Planning Board	Very serious concerns	July 26, 1993
21. Conservation Com.	Wetlands Determin.	Oct. 27, 1993
22. To Scott Dale/Planning Board	Meeting with Planning Board	Dec. 6, 1993
23. Planning Board	Misrepresentation of LPCD	Jan. 11, 1994
24. To Trudy Coxe/Board of Selectmen	Adequately addresses issues	Jan. 19, 1994
25. To J. Dubner/Planning Board	Concerns with SFEIR	Jan. 24, 1994
26. Board of Health	Concerns with Proposal	Feb. 10, 1994
27. Economic Development Committee	Supports Costco	Feb. 22, 1994
28. George H. Dunham	Questions on the proposal	Feb. 22, 1994
29. Planning Board	Opposition to Costco	Feb. 25, 1994

From the Town of Mashpee:

1. Greg Taylor, Supt. Public Works	Traffic concerns	Feb. 4, 1993
2. Nancy Caffyn, Board of Selectmen	Traffic concerns	Feb. 25, 1994
3. Tom Fudala, Town Planner	Traffic concerns	July 8, 1993
4. Greg Taylor, Supt. Public Works	Traffic concerns	July 15, 1993
5. J. Vaccaro, Board of Selectmen	Traffic concerns	Aug. 16, 1993

From the Town of Barnstable:

1. Warren J. Rutherford, Town Manager	Conflict of Interest	Feb. 4, 1993
2. T. Mullen, DPW Superintendent	Traffic concerns	Feb. 24, 1993
3. To Town Engineer/DPW	Traffic concerns	Jan. 11, 1994
4. To Trudy Coxe/DPW	Traffic concerns	Jan. 19, 1994

From the Cape Cod Economic Development Council:

1. J. D. O' Brien	Supporting Costco	July 6, 1993
2. J. D. O' Brien	Supporting Costco	Feb. 25, 1994

From the State:

1. DPW letter	Trip generation	Sept. 30, 1992
2. EOTC ENF Comment Letter	Traffic scope	Oct. 14, 1992
3. EOEA Certificate	EIR required	Oct. 14, 1992
4. MHC Letter	No resources	Oct. 18, 1992
5. EOEA Letter	Incomplete application	Dec. 31, 1992
6. Representatives Cahir and Klimm	Letter of support	Feb. 2, 1993
7. Senator Rauschenbach	Letter of support	Feb. 8, 1993
8. To A.M. Wilson	Floor drains infor.	Feb. 9, 1993
9. Senator Murray	Letter of support	Feb. 10, 1993
10. Mass Highway	Traffic information	Feb. 24, 1993
11. Certificate on DEIR	Draft Complies	March 4, 1993
12. DEP to M. Digregorio	Wetlands issue	July 26, 1993
13. Dept. of the Air Force	Traffic not permitted	July 27, 1993
14. Certificate on FEIR	Does not comply	Aug. 4, 1993
15. Patty Daley	State Ethics Com.	Jan. 19, 1994
16. Certificate on SFEIR	Complies	Feb. 2, 1994

Indepent Studies or articles on similar businesses:

1. Small Business Forum	Kenneth E. Stone, Ph. D.	Dec. 22, 1992
2. Competing with Mass Merchandisers	Kenneth E. Stone, Ph. D.	Dec. 22, 1992
3. Alternative Store Formats	Food Marketing Institute	Dec. 23, 1992
4. Babson College Retailing Report #6	Tigert, Arnold & Cotter	Feb. 22, 1993
5. UNC-Chapel Hill	Richard Moe, NTHP	Feb. 25, 1994
6. Com. appearance and tourism	Edward McMahon	Winter 1993
7. Land Protection	Donella H. Meadows	Undated
8. Value of Open Spaces	Elizabeth Brabec	Undated
9. Life After Wal-Mart	Cynthia McBurney	Undated
10. Impact of Discount Stores on Small-Town	D. Guimond & M. Miller	August 1989
11. Fiscal Impact of Mall Development	J. Armstrong & J. Mullin	Undated
12. Costs of Sprawl Research	K. Stone	Undated
13. The Economic Impact of Walmart Stores	L. Franz & E. Robb	Undated
14. A Sandwich Album	Cullity & Cullity	Feb. 24, 1994
15. Communities At Risk: The Consequences of Sprawl		Feb. 25, 1994
16. Comprehensive Marina Area Deve. Plan	Cecil & Rizvi. (DRAFT)	June 24, 1993
17. Growth-Tax Dilemma	Clark University	April 1990
18. Industrial Performance Standards	APA/PAS #444	May 1993
19. Dealing with a volume chain store	Small Town mag.	Sept. 1991
20. Two sides of the Sam Walton Legacy	Time Mag.	April 1992

From the public:

1. Bill Jomharek	Site plan concerns	Sept. 21, 1992
2. Leonard Ehrman	Rezoning was not for Costco	Sept. 25, 1992
3. Sue Walker	Site alterations	Oct. 29, 1992
4. Nancy Dickson	Request of Determination	Nov. 5, 1992

5. Sabatia	Site Determination Request	Nov. 19, 1992
6. Sabatia	Wetland Site Assessment	Dec. 18, 1992
7. Sabatia	Response to A.M. Wilson letter	Jan. 7, 1992
8. REPS	Response to A.M. Wilson letter	Jan. 7, 1993
9. Donald Schall	Report to Sandwich Con.Com.	Jan. 19, 1993
10. Frank Bess, Com/Electric	Electric easement	Jan. 29, 1993
11. Richard Hurley	Traffic marketing/generation	Feb. 8, 1993
12. Rosalind Russell	In opposition	Feb. 10, 1993
13. APCC Letter	? Project complinace with RPP	Feb. 10, 1993
14. REPS Flyer	Concerns with the project	Feb. 10, 1993
15. Tocci Building Corp.	Local preference program	Feb. 10, 1993
16. Rollins Hudig Hall	Past spill track record	Feb. 10, 1993
17. City of Seaside	Effects on business community	Feb. 10, 1993
18. City of Union Gap	Effects on business community	Feb. 10, 1993
19. Monroe L. Levin	In opposition	Feb. 10, 1993
20. Board of Selectmen, Town of Avon	Effects on business community	Feb. 10, 1993
21. Town Manager, Town of Danvers	Effects on business community	Feb. 10, 1993
22. Fire Deputy Chief, Town of Danvers	Experience with the Danvers store	Feb. 10, 1993
23. Jean Bowden	In support	Feb. 10, 1993
24. Alvin's Sandwich Shop	Thank you letter to Costco	Feb. 10, 1993
25. Boston Coffee Cake	Thank you letter to Costco	Feb. 10, 1993
26. Ferncroft Mobil	In support	Feb. 10, 1993
27. Goodwill Industries, Inc.	Thank you letter to Costco	Feb. 10, 1993
28. Goddard Medical Ass.	Thank you letter to Costco	Feb. 10, 1993
29. Avon High School	Thank you award	Feb. 10, 1993
30. Avon ambulance fund	Thank you award	Feb. 10, 1993
31. United Way	Certificate of appreciation	Feb. 10, 1993
32. Genesis Fund	Thank you letter to Costco	Feb. 10, 1993
33. Cardinal Cushing Hospital	Thank you letter to Costco	Feb. 10, 1993
34. Avon School Ass.	Thank you letter to Costco	Feb. 10, 1993
35. Temple B'Nai Abraham	Thank you letter to Costco	Feb. 10, 1993
36. L and P. Ehrman	Fully meet RPP or reject project	Feb. 11, 1993
37. Charles Kergo	Concern with tax base	Feb. 11, 1993
38. Sabatia	Appeal of D. of A. Wetlands	Feb. 16, 1993
39. Sabatia	Clarification on Costco	Feb. 18, 1993
40. Anne Taylor	Concerns with Costco	Feb. 19, 1993
41. Joan Mayhew	Concerns with Costco	Feb. 23, 1993
42. M. Levin	Information on Costco	March 4, 1993
43. D. Enos	Opposition to Costco	March 4, 1993
44. B. Dixon	Opposition to Costco	March 4, 1993
45. S. Douglas	Regarding the Town Meeting Vote	March 10, 1993
46. A. Crowley	Opposition to crusher and Costco	March 22, 1993
47. T. Mogilinicki	Opposition to Costco	March 22, 1993
48. REPS	Opposition to Costco	March 26, 1993
49. REPS	Possible wetland violations	March 30, 1993
50. A. Eshbaugh	Opposition to Costco	April 12, 1993
51. E. Golfomitsos	Opposition to Costco	April 15, 1993
52. C. Jacobs	Opposition to Costco	April 15, 1993

53. J. & E. Scott	Strictly enforce RPP	April 29, 1993
54. W. Woods	Traffic Concerns	May 5, 1993
55. J. Karnes	Supporting Costco	May 18, 1993
56. R. Smith	Supporting Costco	June 4, 1993
57. REPS to Trudy Coxé	On incomplete FEIR	July 1, 1993
58. Houston & Fitch	Opposition to Costco	July 19, 1993
59. C. Papagni	Opposition to Costco	July 20, 1993
60. B. Sherman	Opposition to Costco	July 20, 1993
61. P. C. Fraser	Supporting Costco	July 21, 1993
62. J. Eshbaugh to Trudy Coxé	On incomplete FEIR	July 22, 1993
63. F. Lazarus	Supporting Costco	July 22, 1993
64. D Tutein	Supporting Costco	July 23, 1993
65. R. Shilo	Supporting Costco	July 23, 1993
66. W. Sullivan	Supporting Costco	July 23, 1993
67. J. Mayhew	Opposition to Costco	July 28, 1993
68. E. & F. Smith	Supporting Costco	July 28, 1993
69. J. Mayhew	Opposition to Costco	July 30, 1993
70. J. & P. Murphy	Supporting Costco	Aug. 2, 1993
71. B. Lee	Supporting Costco	Aug. 3, 1993
72. L. O' Leary	Opposition to Costco	Aug. 4, 1993
73. B. Manning	Opposition to Costco	Aug. 17, 1993
74. P. Brassey	Supporting Costco	Aug. 17, 1993
75. E. Hansen	Opposition to Costco	Aug. 23, 1993
76. B. Herman	Supporting Costco	Sept. 8, 1993
77. P. Hansen to MEPA	Concerns with Proposal	Sept. 22, 1993
78. J. Jacobi	Opposition to Costco	Dec. 7, 1993
79. L. O'Connell	Opposition to Costco	Dec. 14, 1993
80. E. Hansen	Opposition to Costco	Dec. 20, 1993
81. J. Mayhew	Opposition to Costco	Dec. 20, 1993
82. B. O'Reilly	Opposition to Costco	Dec. 21, 1993
83. J. Dellarorte	Opposition to Costco	Dec. 22, 1993
84. J. Flynn	Opposition to Costco	Dec. 22, 1993
85. W. Walsh	Opposition to Costco	Dec. 23, 1993
86. E. & D. Kazanfran	Opposition to Costco	Dec. 23, 1993
87. J. Smith	Opposition to Costco	Dec. 27, 1993
88. M. Taubert	Supporting Costco	Dec. 28, 1993
89. I. Solov	Opposition to Costco	Dec. 29, 1993
90. R. & E. Held	Supporting Costco	Jan. 3, 1994
91. Mr. & Ms. Loftus	Opposition to Costco	Jan. 4, 1994
92. J. Spinello	Opposition to Costco	Jan. 5, 1994
93. S. Lourné	Opposition to Costco	Jan. 6, 1994
94. R. Wernitz	Opposition to Costco	Jan. 10, 1994
95. L. MacDonald	Opposition to Costco	Jan. 12, 1994
96. J. & L. Abbott	Concerned with Proposal	Jan. 18, 1994
97. N. Wahle	Opposition to Costco	Jan. 18, 1994
98. J. & G Anderson	Opposition to Costco	Jan. 19, 1994
99. REPS	To Trudy Coxé	Jan. 18, 1994
100. M. Fawsett	Opposition to Costco	Jan. 20, 1994

101. J. Eshbaugh	Opposition to Costco	Jan. 21, 1994
102. J. Bowden	Opposition to Costco	Jan. 21, 1994
103. REPS	Opposition to Costco	Jan. 24, 1994
104. B. Sherman	Opposition to Costco	Jan. 25, 1994
105. J. Eshbaugh	Opposition to Costco	Jan. 26, 1994
106. N. & K. Rittia	Opposition to Costco	Jan. 27, 1994
107. J. Maruca	Concern with Lighting	Feb. 8, 1994
108. M. Spellmeyer	Opposition to Costco	Feb. 8, 1994
109. H. Adams	Opposition to Costco	Feb. 10, 1994
110. A. Coolridge	Opposition to Costco	Feb. 10, 1994
111. The Lotters	Supporting Costco	Feb. 10, 1994
112. J. & M. Teehan	Opposition to Costco	Feb. 11, 1994
113. M. Levin	Concern with Proposal	Feb. 11, 1994
114. A. Pearson	Opposition to Costco	Feb. 11, 1994
115. R. Whith	Opposition to Costco	Feb. 11, 1994
116. B. Mullaney	Opposition to Costco	Feb. 11, 1994
117. L. Leary	Opposition to Costco	Feb. 14, 1994
118. C. White	Opposition to Costco	Feb. 14, 1994
119. N. Bird	Opposition to Costco	Feb. 15, 1994
120. J. Bielkevicius	Supporting Costco	Feb. 15, 1994
121. M. Sheehan	Supporting Costco	Feb. 15, 1994
122. K. & F. Fraser	Supporting Costco	Feb. 16, 1994
123. G. Elvander	Supporting Costco	Feb. 17, 1994
124. B. & R. Baldwin	Opposition to Costco	Feb. 17, 1994
125. Mr. & Ms. Freeman	Opposition to Costco	Feb. 17, 1994
126. Mr. & Ms. Goutal	Opposition to Costco	Feb. 17, 1994
127. A. McDonald	Supporting Costco	Feb. 17, 1994
128. J. Judson	Supporting Costco	Feb. 18, 1994
129. D. Leitner & A. Myers	Supporting Costco	Feb. 18, 1994
130. W. Garvin	Opposition to Costco	Feb. 22, 1994
131. C. Purby	Opposition to Costco	Feb. 22, 1994
132. D. Wesley	Opposition to Costco	Feb. 22, 1994
133. G. Watson	Opposition to Costco	Feb. 22, 1994
134. J. Russell	Opposition to Costco	Feb. 22, 1994
135. W. & F. Johnson	Opposition to Costco	Feb. 22, 1994
136. A. & J. Kanalon	Opposition to Costco	Feb. 22, 1994
137. R. Stavrakas	Opposition to Costco	Feb. 22, 1994
138. E. & F. Soule	Opposition to Costco	Feb. 22, 1994
139. D. Cullity	Opposition to Costco	Feb. 22, 1994
140. R. Cullity	Opposition to Costco	Feb. 22, 1994
141. G. & N. Madison	Opposition to Costco	Feb. 22, 1994
142. J. & K. Knapp	Opposition to Costco	Feb. 22, 1994
143. V. Lindquist	Opposition to Costco	Feb. 22, 1994
144. T. & K. McCarthy	Opposition to Costco	Feb. 22, 1994
145. R. Empiu	Opposition to Costco	Feb. 22, 1994
146. M. Landrigan	Opposition to Costco	Feb. 22, 1994
147. Mr. & Mrs. J. Giniewig	Opposition to Costco	Feb. 22, 1994
148. C. Ellis	Supporting Costco	Feb. 22, 1994

150. L. Frazier	Supporting Costco	Feb. 22, 1994
151. W. O'Neil	Supporting Costco	Feb. 22, 1994
152. M. Pratt	Supporting Costco	Feb. 22, 1994
153. D. & G. Magnuson	Supporting Costco	Feb. 22, 1994
154. R. & S. Jackson	Supporting Costco	Feb. 22, 1994
155. Mr. & Mrs. Raymond	Opposition to Costco	Feb. 23, 1994
156. N. Titcomb	Opposition to Costco	Feb. 23, 1994
157. C. Lowrance	Opposition to Costco	Feb. 23, 1994
158. P. Bacon	Opposition to Costco	Feb. 23, 1994
159. A. Coolidge	Opposition to Costco	Feb. 23, 1994
160. S. Sheehan	Opposition to Costco	Feb. 23, 1994
161. D. Enos & A. Sanchez	Opposition to Costco	Feb. 23, 1994
162. J. Sheehan	Opposition to Costco	Feb. 23, 1994
163. A. Fischer	Opposition to Costco	Feb. 23, 1994
164. E. Russell	Opposition to Costco	Feb. 23, 1994
165. M. Schultz	Opposition to Costco	Feb. 23, 1994
166. H. Touisersse	Opposition to Costco	Feb. 23, 1994
167. C. & H. Bradley	Opposition to Costco	Feb. 23, 1994
168. M. & M. Maquire	Opposition to Costco	Feb. 23, 1994
169. D. Coe	Opposition to Costco	Feb. 23, 1994
170. Mr. & Mrs. Muto	Opposition to Costco	Feb. 23, 1994
171. M. Landus	Opposition to Costco	Feb. 23, 1994
172. S. & G. Dale	Opposition to Costco	Feb. 23, 1994
173. W. Griffiths	Supporting Costco	Feb. 23, 1994
174. H. Daden	Supporting Costco	Feb. 23, 1994
175. E. & P. Bowen	Supporting Costco	Feb. 23, 1994
176. B. Figueroa	Supporting Costco	Feb. 23, 1994
177. B. Callis & Paul Gouldrup	Supporting Costco	Feb. 23, 1994
178. M. Maynahan	Supporting Costco	Feb. 23, 1994
179. Mr. & Mrs. Perfetou	Opposition to Costco	Feb. 24, 1994
180. J. Cullity	Opposition to Costco	Feb. 24, 1994
181. S. Cross	Opposition to Costco	Feb. 24, 1994
182. W. Slepchuk	Opposition to Costco	Feb. 24, 1994
183. F. Feigenbuam	Opposition to Costco	Feb. 25, 1994
184. M. Schiffman	Opposition to Costco	Feb. 25, 1994
185. W. Banks	Opposition to Costco	Feb. 25, 1994
186. N. Comoletti	Opposition to Costco	Feb. 25, 1994
187. R. & M. Anderson	Supporting Costco	Feb. 25, 1994
188. S. Geoffrion	Opposition to Costco	Feb. 25, 1994
189. 2726 signatures on a petetion in	Opposition to Costco	Feb. 25, 1994
190. 245 Post Cards (Signed)	Opposition to Costco	Feb. 25, 1994
191. 87 Post Cards (Signed)	Supporting Costco	Feb. 25, 1994
192. 900 Post Cards	Supporting Costco	Feb. 25, 1994
193. G. & C. Lofgren	Opposition to Costco	Feb. 28, 1994
194. N. Dickson	Opposition to Costco	Feb. 28, 1994
195. R. DiGregorio	Opposition to Costco	Feb. 28, 1994
196. A. & K. Redman	Opposition to Costco	March 1, 1994
197. J. Mayhew	Opposition to Costco	March 1, 1994

198. R. Havens

Opposition to Costco

March 1, 1994

Additional materials:

1. All notices of public hearings and minutes.		
2. To Paul Brickman	Notice	Sept. 8, 1992
3. To Secretary Tierney	Recommends EIR	Sept. 29, 1992
4. Staff Report		Sept. 29, 1992
5. Staff Report to MEPA		Sept. 29, 1992
6. To Attorney Bulter	Fee waiver request	Oct. 1, 1992
7. To Arlene Wilson	Ex parte communication	Oct. 6, 1992
8. To J. Mark Haney, Planning Board	MEPA comments	Oct. 14, 1992
9. To P. Bulter	Wetland issues	Oct. 30, 1992
10. To P. Bulter	Wetland issues	Nov. 9, 1992
11. To William Gage, MEPA Unit	ZOC concerns	Nov. 13, 1992
12. To Diane Tucker, Board of Selectmen	ZOC concerns	Nov. 23, 1992
13. To P. Bulter	Extension of decision time	Dec. 14, 1992
14. To P. Bulter	Incomplete submittal	Dec. 29, 1992
15. Guidelines for Traffic Assessment		Dec. 29, 1992
16. To Ms. Wilson	Perc. tests/Wetlands	Jan. 3, 1993
17. To Warren Rutherford	Conflict of interest	Jan. 4, 1993
18. Extension Agreement	Until April 15, 1993	Jan. 7, 1993
19. To Michael Abend	Traffic calculations	Jan. 25, 1993
20. To Tom Fudula	Costco traffic re: Mashpee	Jan. 27, 1993
21. Staff Report	DEIR/DRI hearing	Jan. 29, 1993
22. Staff Memo	Potential bridge impact analysis	Feb. 10, 1993
23. Staff Memo	Traffic engineering	Feb. 11, 1993
24. Summary on Wetland Issue	Handout	Feb. 1993
25. To Secretary Tierney	Subcommittee report	Feb. 22, 1993
26. To A.M. Wilson	Incomplete submittal	Feb. 23, 1993
27. To Daniel Beagan	License plate numbers	March 1, 1993
28. To P. Tancredi	Traffic information	March 11, 1993
29. Extension Agreement	Until June 1, 1993	March 31, 1993
30. To Ms. MacDonald	Wetland concerns	April 12, 1993
31. To M. Abend	Traffic information	April 21, 1993
32. To P. Butler	Regarding procedural issues	April 30, 1993
33. To P. Butler	Extension Agreement	May 13, 1992
34. To M. Abend	Traffic review comments	May 13, 1993
35. Extension Agreement	Until September 1, 1993	May 18, 1993
36. To P. Butler	Signed Extension Agreement	June 16, 1993
37. Membership Application	Franz Lazarus, Costco	Undated
38. To Commission	McDonough & Scully	July 12, 1993
39. Staff Report	FEIR/DRI hearing	July 20, 1993
40. Subcommittee Report	FEIR/DRI	July 22, 1993
41. Extension Agreement	Until January 20, 1994	August 19, 1993
42. To Costco Tech. Team	Memo on SFEIR/DRI issues	Sept. 24, 1993
43. To P. Butler	Test Pit information	Oct. 28, 1993
44. To P. Butler	Wetlands Consultant	Nov. 12, 1993
45. To Joe Stupar	Trip Generation	Dec. 8, 1993

46. To P. Butler	Extension Agreement	Dec. 8, 1993
47. To Staff/ D. Schall	Wetland Issues	Dec. 9, 1993
48. Staff Report	SFEIR/DRI hearing	Jan. 8, 1994
49. Extension Agreement	Until March 20, 1994	Jan. 18, 1994
50. To Sec. Trudy Coxe	Subcommittee Report	Jan. 21, 1994
51. To Sec. Trudy Coxe	Wetland issues	Feb. 14, 1994
52. McDonough & Scully	Traffic memo	Feb. 18, 1994
53. Staff Report	DRI hearing	Feb. 19, 1994
54. To Patty Daley	Wetlands Definition in RPP	Feb. 23, 1994
55. To Commission	State Ethics Commission infor	Feb. 25, 1994
57. Subcommittee Report	DRI recommendation	March 10, 1994

Testimony

On September 24, 1992, a scoping hearing was held by the Subcommittee and MEPA representative Jolene Dubner. The staff explained the purpose of the hearing noting that the Commission's scope of review is broader than that of MEPA.

Patrick Butler, Attorney representing the applicant, stated that the applicant would be responsive to the concerns raised at the hearing. Costco representatives proceeded to give a detailed project description and presented a preliminary outline of issues.

Commission staff members discussed the information presented in the staff report noting that the main issues from the staff perspective were land use and economic development, water resources, hazardous materials, natural resources, open space, solid waste, traffic and community character. The Subcommittee considered information relative to the review that included not only the above issues, but concerns related to the issues such as air pollution associated with traffic, net employment gain versus employment lost, industrial versus commercial use of the site and economic development. Mr. Guimond, Cape Cod Commission regulatory planner, noted that the project would be reviewed against the Regional Policy Plan and provisions in the Cape Cod Commission Act.

Jolene Dubner, MEPA representative, stated that issues such as economic development are not required for the MEPA analysis, but that these issues are appropriate for inclusion given that the review is being conducted jointly and that the document is a joint document.

At this scoping hearing the public testimony included 1 person speaking in favor of the project and 4 people speaking in opposition to the project.

On February 4, 1993, a hearing on the Draft Environmental Impact Report (DEIR) was held. At this hearing Mr. Kaufman, Subcommittee Chair, read letters into the record from himself and Warren Rutherford, Barnstable Town Manager, regarding the perception of a conflict of interest relating to Mr. Kaufman's role with the Association for the Preservation of Cape Cod (APCC).

Dennis Finn, Regulatory Planner for the Commission, presented the staff report. He highlighted the major areas from the staff report that related to the review of the DEIR. These issues included traffic, wetlands, hazardous materials and water resources.

Mr. Butler, Attorney for the applicant, stated that they have prepared a comprehensive report that

addresses the issues raised in the staff report. Mr. Butler discussed the project further, showed a video of the site, computer simulations, as well as photographs and a landscape plan. Mr. Paul Brickman, Costco representative, showed slides of the interior of a typical Costco and discussed the wholesale/membership club store concept. Mr. Brickman further elaborated on the employee structure and benefit package.

Arlene Wilson, wetland consultant to the applicant, distributed information on wetland and water resources issues. She reviewed the Sandwich Conservation Commission determination that there were vegetated wetlands on the site and further noted that she has determined the "wetlands" to be Isolated Lands Subject to Flooding. She noted the reference to the Wetland Protection Act in the RPP definition of wetlands. Ms. Wilson discussed the issue of hazardous materials in a Zone of Contribution (ZOC). She noted that the definition of hazardous materials is broad including many items that are already in ZOCs.

Dr. James Howell, Economic Development Specialist for the applicant, discussed the economic aspects and the affect of this type of development on Cape Cod. He stated that the reliance on retirees, tourism and seasonal residents is a structural weakness in the Cape economy. Dr. Howell indicated that there are a surplus of retailers within a 30 mile radius of the proposed site and a shortage of wholesalers.

There was extensive testimony taken from municipal officials and the public, as well as questions from the subcommittee. Mr. Butler asked for additional time to rebut comments and to provide additional testimony on traffic issues.

Mr. Mike Abend, the applicant's traffic consultant, stated that he followed the Commission's guidelines for the traffic study. Mr. Abend discussed the difference between MEPA requirements and the traffic requirements of the Commission. He noted areas of disagreement with the staff report and stated that he was willing to provide additional information.

Mr. Young moved to continue the public hearing to February 10, 1993 and the motion was seconded and approved unanimously.

The public testimony for the February 4, 1993 hearing included 15 people speaking in favor of the project, 10 speaking in opposition to the project and 6 people expressing concern.

On February 10, 1993, Mr. Kaufman continued the hearing from February 4, 1993. Dennis Finn discussed the purpose of the hearing continuation and noted that the Commission can ask for or require more information that goes beyond the requirements of MEPA.

Mr. Butler presented information that focused on the economic analysis that Costco has performed. Mr. Butler described the methodology used to prepare the economic analysis and discussed the economic benefits of the proposed project. Mr. Butler said that there would be no detrimental impacts from the Costco store. There is some impact on towns with Costcos, but overall, Costco is a benefit he noted. Mr. Butler said that small and medium businesses will be positively affected. Mr. Butler said that it is not likely that other stores will come into the area around Costco. Mr. Butler noted letters of support, including letters from town Selectmen.

Walter Lynch, Costco architect, said the store will set a new standard for construction of large

buildings. He showed a depiction of the store and samples of the building materials.

Mr. Paul Brickman, Costco representative, discussed issues related to signage and lighting.

Ms. Wilson discussed the wetland issue. She said that Costco will enhance a wetland and build a vernal pool. Costco has also offered to purchase a wetland area and donate it to the town she said. Ms. Wilson then discussed drainage and the issue of floor drains in the facility.

Bob Mumford, Commission traffic staff, noted traffic concerns. He pointed out problems with trip generation and he noted that Costco has used the lowest numbers in its analysis. He noted the importance of the weekend analysis and stated concerns about the trip distribution analysis, including bridge crossings. Mr. Mumford said that the RPP allows structural mitigation only as a last resort.

Ed Eichner, Commission water resource staff member, noted that there could be a water quality monitoring expense on a per household basis if DEP determines that the Safe Drinking Water Act land use protection requirements are not met.

Mr. Young stated that he does not feel that a Supplemental Draft Environmental Impact Report (SDEIR) is required for the Draft EIR, and that it may be of marginal benefit. Ms. Ritchie added that the adequacy of the document should be compared to the scope and further noted the purpose of the joint review.

Mr. Kaufman said that the question of hazardous materials in the Zone of Contribution is significant and will have to be addressed as a DRI issue.

Mr. Young moved to recommend that a SDEIR not be required however the traffic, wetland and hazardous material issues should be considered in the MEPA decision on the SDEIR. Mr. Brock seconded the motion and the vote was unanimous.

The public testimony at the February 10, 1993 hearing was 3 people in favor and 3 people opposed to the project.

On July 20, 1993, a public hearing was held on the Final Environmental Impact Report (FEIR).

Mr. Finn gave a brief presentation of the staff report.

Mr. Butler stated for the record, that the subcommittee had limited the amount of time for his presentation (30 minutes) in an effort to provide the maximum amount of time for public testimony and that he would need 5 minutes at the end of the evening for rebuttal.

Mr. Butler said that the staff presentation was an example of the general misunderstanding and misrepresentation of the information presented in the FEIR. The intersections identified in the study area had problems without Costco and Costco will not substantially increase the danger at area intersections. Mr. Butler said that the Commission's fair share analysis does not work and you get crazy numbers when you use it.

Mr. Abend said that it is easy to solve the traffic problems, but that the mitigation may not be desirable. He stressed that the traffic issues relating to the Costco proposal are resolvable. He noted

that the trip generation of this project would be half of the traffic generated from a supermarket. Mr. Abend said that the project would only require 5 signals and that every single intersection shown on the staff's map would require signals now if the RPP is used.

Mr. Butler said that he wanted to stress that the Abend analysis showed a difference in the fair share analysis from the Commission staffs analysis. He said that the applicant feels that \$101,000 is appropriate mitigation costs, which is different than the Commission staff amount of \$1.5 million. The applicant is willing to put \$480,000 toward mitigation, however.

Ms. Wilson said she has mapped areas of ponding within the site and has provided an updated analysis report with species lists and photos. She stated that the Conservation Commission of the Town of Sandwich has found some wetland plants, but the wetland areas are degraded and therefore not important to save.

Mr. Butler stressed that Costco has met MEPA's scoping requirements and is only looking for fair treatment by the subcommittee.

Ms. Ritchie stated that she is concerned that the traffic analysis is contrary to the RPP standards for scenic and historic roads.

Mr. Butler responded that the proposed mitigation does not go against the scenic or historic minimum performance standards.

There were 36 people testifying at the hearing. There were 5 people in favor of the project, 21 people opposed to the project, and 10 people that had concerns.

Mr. Butler said that much of the testimony was emotional and he invited the people in the audience to review the letters that Costco had received. Mr. Butler said he understands the concerns with traffic and the Commission can handle these concerns by approving the proposed mitigation. He felt that the MEPA criteria has been met and the Secretary (of EOEA) should certify the document.

Mr. Mumford noted that non-structural mitigation and improvements are recommended first. Mr. Mumford said that Costco identified 17 intersections that needed traffic signals, but that they were only proposing to install 5. That information is clearly spelled out on pages T-51 through T-53 of the FEIR. Mr. Mumford stated that additional information is needed on fair share, accident data link analyses, acceptable mitigation, trip reduction and travel times for through trips.

Herb Elins moved to meet on July 21, 1993 to discuss the letter to MEPA. Alix Ritchie seconded the motion and the vote was unanimous. Ken Brock moved to close the hearing and leave the record open. Herb Elins seconded and the vote was unanimous.

On July 21, 1993, a subcommittee meeting was held to discuss the letter to MEPA on the FEIR. Mr. Kaufman opened the meeting and the subcommittee discussed areas in the traffic section of the FEIR. The traffic discussion included a discussion of trips to the proposed site that would cross the bridge, acting as a constraint to the traffic flow.

Mr. Abend, traffic consultant for Costco, said that the traffic numbers in terms of expected trips from off- Cape are 20% and not 49% as the Commission staff had stated.

Mr. Young noted that the 20% would still be 1,000 trips per day over the bridge and this is something that had to be addressed.

Mr. Kaufman read a statement from Ken Brock, absent subcommittee member, stating that every facet of the RPP must be addressed. He believes that the RPP is clear with respect to hazardous materials and they are not allowed in a wellhead area. Traffic signals will change the character of the town as well.

Mr. Abend said that the applicant has not proposed additional intersections for signals. The applicant has identified mitigation that are needed to comply with the RPP. Costco is only proposing to install 6 traffic signals.

Mr. Kaufman said the community character issue with respect to traffic improvements was raised quite strongly at the hearing and this needs to be addressed in the SFEIR.

Mr. Brickman asked if the Commission could set a date now for the DRI hearing. Mr. Young said that a hearing date could not be set until MEPA has certified the SFEIR.

Mr. Young moved to adjourn the meeting which was seconded by Mr. Elins. The vote was unanimous.

Mr. Scott Dale introduced himself as a new representative of Costco and said that he was getting involved late in the process, but that he felt there was a need to increase communication.

Mr. Kaufman agreed and said interaction with the staff is possible, but he noted that subcommittee members can not participate in these discussions.

A public meeting was held on January 11, 1994 for the purposes of commenting on the SFEIR. Mr. Kaufman opened the meeting for the subcommittee to discuss the Supplemental EIR.

Mr. Finn reviewed the staff report. He noted that with respect to the wetland issue, most of the wetland areas on the site have been shown to be under 500 sq. ft. in size which places them outside of the Commission's regulatory review. There is one area that still remains in doubt however. With regard to traffic, the staff felt that they now had enough information to determine the projects traffic impacts. The water quality issue with respect to hazardous materials is still unresolved. The burden of compliance with the RPP is the applicants, Finn noted.

Mr. Kaufman said that the proponent had done a good job on the SFEIR. Mr. Kaufman asked about the traffic analysis noting that there was a question with respect to the trips with and without a Sam's Club. Mr. Mumford said that competing stores scenario (Sams and Costco) produces different traffic numbers.

Mr. Young said that the applicant had done a good job responding to the issues. He felt that the SFEIR presents the information needed to identify the impacts. He moved that the subcommittee recommend that the SFEIR is complete. Mr. Brock seconded.

Mr. Butler asked if there would be an opportunity for the applicant to provide clarification on the

staff report. Mr. Kaufman responded that this was a meeting not a hearing.

Mr. Young asked if the clarification was related to the question of whether or not the SFEIR was complete to which Mr. Butler responded no, but that it would be helpful for the applicant to have direction from the subcommittee.

Mr. Butler requested to work with staff to clarify the definition of wetlands and the qualitative analysis of what constitutes hazardous.

The subcommittee motioned and voted to adjourn the meeting.

On February 25, 1994 a public hearing was held on the DRI issues.

Mr. Kaufman opened the hearing and introduced a letter from Warren Rutherford, permitting him to participate and vote in the Costco review, notwithstanding a potential appearance of a conflict of interest due to his position as a Board Member of APCC. Alix Ritchie also responded to a charge of a potential conflict of interest with a letter from the Ethics Commission and the Provincetown Board of Selectmen.

Mr. Kaufman stated that this was a hearing that focused on the DRI review issues. The three major impacts of concern Mr. Kaufman stated were greater than household and retail quantities of hazardous materials in a wellhead protection area, traffic and community and regional character. Mr. Kaufman then said that Mr. Butler had requested one hour and fifteen minutes for his presentation.

Mr. Butler explained the past uses of the proposed site and the improvements that would be made as a result of this project. He said the Costco application has been the subject of unprecedented public and private debate. The debate has been good, but there has been inaccurate and distorted views presented also. Mr. Butler said the staff report has exacerbated the negative and prejudicial atmosphere against this project. Mr. Butler said the project has been consistently supported by the Sandwich Board of Selectmen. Costco received over 1000 postcards from residents on Cape Cod supporting the project, he said.

Joseph Stupar, traffic consultant for the applicant, explained the proposed traffic mitigation. He noted changes have been made since the filing of the SFEIR. Mr. Stupar presented a detailed analysis of the project area showing slides of area intersections and describing the number of vehicles that would actually pass through some of these intersections per minute. These were not unreasonable numbers he said.

Mr. Butler said that there was 38% less traffic from this project than from a typical supermarket. This project generates 4500 trips per day and this requires a need for putting traffic issues into context.

Ms. Wilson pointed out what she felt were inaccuracies in the staff report. Ms. Wilson said there were no wetlands on the site, and she said that the land use was not consumptive. The use is one of redevelopment of an existing disturbed site. Ms. Wilson said that the hazardous materials are not considered hazardous as long as they remain in their original containers. She said she believes that the same products can be found in the local grocery store. She questioned the definition of hazardous materials in the RPP and said that it comes from OSHA. She said that perhaps the

definition in the RPP meant to say something else. She further cited the definition of hazardous material in MGL Ch. 21E. It is Costco's contention that nothing it intends to sell fits this definition properly.

Ms. Wilson offered that much of the dry weight of hazardous materials cited by Commission staff has now been eliminated from the proposed inventory. The typical subdivision has similar amounts of hazardous materials that could go into septic systems Ms. Wilson said. Costco's septic system is closed, however. Ms. Wilson also discussed the wetland issue on the site saying that the hydrology is not present to support the definition of wetlands and the Commission's own consultant has stated this same fact.

Mr. Butler noted that the land is zoned for industrial purposes and that the zoning change to allow a Costco type store was approved by the town 4 -1. In addition, any new project would need a special permit and Cape Cod Commission review. Mr. Butler described the economic benefits of the project and he discussed the types of impacts the Costco would have on area business. No supermarket employee has ever lost his job because of a Costco, he said. Mr. Butler further discussed the idea that Costco would put other businesses out of business and he said that this was not supported by the evidence.

Mr. Finn introduced the issues that were of concern to the Commission staff.

Mr. Mumford said that the information identifies the impacts and the need for increased roadway capacity as a result of the project. The mitigation proposed includes signalization and road widening, Mr. Mumford said. The project results in violations of the RPP minimum performance standards for levels of service (LOS) at 25 intersections, Mr. Mumford said.

In many locations they are making an already unacceptable situation worse, Mr. Mumford said. Mr. Mumford described the hypothetical road widening needed to offset the impacts of the project and he further noted that Costco does not intend to do these. Without these improvements, traffic volumes to Costco will violate LOS standards. The public will bear the burden of many of the needed improvements Mr. Mumford said. These burdens include driver frustration, safety problems, the costs associated with the solutions and loss of community character.

Dennis Finn summarized the remaining issues including issues of economic development, community character, and hazardous materials in a Zone of Contribution. Mr. Finn added that the staff finds that the project's benefit does not outweigh its detriment and the staff recommends that the project be denied.

Joanne Miller Buntich, Chair of the Sandwich Planning Board, opposed Costco believing that this use is too intensive a use for the town and she recommended that the project be denied.

Ed Condon, Chair, Board of Selectmen, supported the project and said that this was the only site in town that was suitable for Costco. He said the applicant deserves a fair and objective hearing. He called the staff report a biased misrepresentation.

Alix Ritchie questioned the timing of a memo from McDonough and Scully, the Commission's traffic consultant. Dennis Finn said that he faxed the memo to the applicant prior to the meeting on the SFEIR on January 11, 1994.

Sue Walker, Assembly of Delegates representative, said the project does not meet the spirit or intent of the RPP. Costco is an economic detriment and not a benefit. She urged the Commission to deny the project.

Ms. Creeden, Sandwich Board of Health, was concerned about hazardous materials on the site and she also noted many detriments cited by the applicant in their presentation.

Robert Jones, Vice Chair, Finance Committee, speaking as an individual member noted the public fear of this project and likened it to "chicken little". He cited inconsistencies in the staff report. He thinks the tax revenue for the project would be a benefit for the town.

Joseph Ashmankas, Planning Board member, speaking as an individual, supports the project.

Jan Teehan, Finance Committee, said the Finance Committee does not unanimously support this project. The project would lower the tax bill by \$20 per household she said. She was concerned about child safety, road widening and believes that Costco will not be good for Sandwich's future.

Chris Rigby, Association for the Preservation of Cape Cod, discussed the importance of air quality and the relationship to the federal funds being offered for areas of attainment under the Clean Air Act Amendments. He suggested that Costco be evaluated against these standards.

Phyllis Szereko noted that Costco threatens the beauty of Sandwich. She urged the Commission to consider the cost to the town.

Michael Teehan, Citizens for Sandwich's Future, noted that a petition had been circulated urging denial of the project. The signers of the petition feel the entire Cape will be adversely affected by Costco in terms of traffic, community character, and environmental hazards.

Richard Loring, East Sandwich, asked that a letter from the Sandwich Department Heads be read into the record. Mr. Kaufman read the letter.

Bob Sherman, Conservation Agent from the Town of Mashpee, discussed wetland issues. He noted that the Conservation Commission in Sandwich determined that there were wetlands on the site. The presence of hydrology is not required by the Wetlands Protection Act.

Scott Ricci, said he moved to town because of its charm and environmental quality. He is supportive of small businesses and feels the impacts to Sandwich's character from Costco will be detrimental.

Walter Murray, owner of Bayberrys Restaurant, said he would benefit from a Costco but as a citizen he is opposed to the store. He believes it would be detrimental to the town's character.

Lee Erb, said he was against Costco because it would impact the town's character.

Rosalind Russell said she liked the staff report and asked how detrimental does a project have to be before the selectmen oppose it.

Roger Levin, noted the importance of the tourism industry and questioned the cumulative impact of the development over time.

Lynne McDonald, member of Reps (Responsible Environmental Protection for Sandwich) said that the environment is the economy of Cape Cod. She does not want the Cape to become "Anywhere USA".

Richard Hurley, area businessman, said he had lots of experience with Costco. Opponents of the project have Sandwich's best interest in mind, he said.

Bob Hynes questioned the tax base presumptions made by the applicant. The traffic analysis should consider the fact that the project generates 40 times the amount of traffic of other industries when you consider vehicle miles traveled.

Jane Eshbaugh, Barnstable resident, said the project is one of regional impact and she is opposed to it.

Beth Caico, was opposed to Costco because of its impact on community character. She moved to Sandwich because it was beautiful. She urged the project be denied.

Norman Otto, Sandwich, said he is a Costco member and lived within 2 miles of a Costco in Florida. He has seen what this kind of development has done. He urged that Costco be sent someplace else.

Dick Kazanjian said the average Costco does \$2 million per year and he thinks Costco will not have a lot of competition here and he believes the traffic may be more than estimated.

Ivonne Anderson, expressed concern about the loss of community character. She likened the character of Sandwich to an endangered species in the face of Costco. We need more places to work, not more places to shop, she said.

Marian Reilly expressed concern that Costco would open the door to future development. She urged the Commission deny the project.

Michael Canfield said that he moved to Sandwich because he loved it. We need sustainable development and quality jobs he said.

Paul Rodliff, East Sandwich, said he voted for the zoning change that allowed Costco to come forward. He is now opposed to Costco. He said the Commission should do everything possible to protect tourism on Cape Cod since it brings in \$100 million in revenue annually.

John Houson, East Sandwich, said Sandwich's uniqueness is threatened by Costco and creeping sameness. We have a responsibility to past and future generations to stop these pervasive sameness monsters. He urged denial.

Leonard Ehrman said he voted against the zoning change. He said Costco presented a best case analysis.

Susan Juetter, said she chose Sandwich because this community is the antithesis of urban sprawl. She said people and not Costco should dictate the future of Sandwich.

Monroe Levin read a letter from the Mashpee Board of Selectmen opposing Costco.

Joan Russell discussed the tax issue related to Costco. The tax benefit may be less than cited she said.

Paul White asked why signals, widening and reconfiguring the town center are cited as improvements.

David Peterson, said he co-owns the land Costco hoped to use. He said it is difficult to find clean light industries that want to locate on the Cape. He doesn't think community character is an issue for this site. We need the economic benefits of this project he said.

Virginia Rasmussen said that stores like this take more than they give. We should seek to meet our own needs on Cape Cod, if they are met by others we are vulnerable she said.

Linda Webber said that if there is any doubt at the Commission about how Sandwich residents felt about this project, we hope we have made ourselves clear.

Ron Smith said the economic infusion of Costco is based on their payroll. He thinks it will have a significant economic benefit. He said that traffic improvements will have to be made even without Costco.

Andrew Jones said he is opposed to Costco.

Warren Blake said he chose to live in Sandwich because of its character. He noted that the two people who spoke in favor of Costco prior to him were the owner of the land, and the broker who stands to make a profit from the project.

Margaret Thompson said if Costco expects so little traffic and has such a little impact on traffic, they wouldn't make any money, she said.

Terry Blake said she had no idea Costco was coming when she moved to Sandwich. She is willing to drive an hour for a bargain, but doesn't want to live next to a Costco.

Mr. Butler noted that many of the comments were based on emotionalism and not on the Act or the RPP. He believes that impacts need to be discussed. The comments in the staff report, including the description of the fair share contribution are wrong, he said. He wants the subcommittee to decide on the basis of fairness.

Ms. Ritchie moved to close the public hearing and leave the record open for the limited purpose of taking written comments on the final subcommittee report. Mr. Prince seconded and the motion was approved unanimously.

A public meeting was called to order on February 26, 1994, following a five minute recess after the public hearing on February 25, 1994.

Mr. Brock said that he felt the applicant made an effort, but that their effort does not meet the requirements of the RPP.

Mr. Kaufman agreed, noting that the hazardous materials issue and the traffic problems are not adequately mitigated. He doesn't see the project providing a benefit to Cape Cod.

Ms. Ritchie said the applicant cannot mitigate traffic impacts since the needed mitigation is also inconsistent with the RPP. The scales are heavy on detriments for this project.

Greg Silverman noted that for him, he is now clear on the applicant's position regarding the hazardous materials and wetland issues. The major concerns are traffic, economic development and community character. He is also concerned about the loss of industrially zoned land in Sandwich. He further noted the desire for clean light industry, as pointed out in the Fantas Report. He said the Cape Cod Commission Act contains the desires of the voters.

Mr. Prince agrees with Ms. Ritchie and Mr. Silverman, saying that he is not convinced the project is in compliance with the RPP minimum performance standards. He noted the letters and testimony have repeatedly referenced the loss of community character.

Mr. Kaufman said there were a lot of detriments in the area of community character.

Mr. Brock said that there are some positive economic benefits. Some jobs will be created but others will be lost. He believes that the Commission was not created to foster this kind of development.

Mr. Kellogg feels that the town now knows what it wants. The problems with the project seem to be considerably greater than the positive attributes.

Mr. Prince said that where structural road improvements are needed and they are not possible, the minimum performance standard can not be met.

Mr. Brock moved that based on the record, the testimony received, the findings of noncompliance with the RPP and the probable benefit not outweighing the probable detriment, that the subcommittee recommend denial of the project. Mr. Prince seconded the motion.

It was approved unanimously.

Mr. Kaufman directed staff to prepare a subcommittee report and decision. The meeting was adjourned.

A Subcommittee meeting was held on March 9, 1994 for the purposes of reviewing the subcommittee report.

The Subcommittee discussed the fact that the record was left open for the limited purpose of taking comments on the Subcommittee Report. Mr. Kaufman asked for a motion to close the record by the close of business Wednesday March 16, 1994. Mr. Prince made the motion, seconded by Mr. Kellogg, and the motion was voted on unanimously.

Ms. Ritchie discussed her comments on the economic development section of the report. She said the loss of industrial land for commercial purposes was an economic development issue and the discussion should be relocated in the report to reflect this.

The subcommittee further focused on the hazardous materials issue and asked that the report be clarified. The discussion of the report included the issues of traffic and community character. Several subcommittee members noted the loss of character, associated with the proposed mitigation measures and the historic nature of the Town of Sandwich.

Mr. Silverman said he does not find the hazardous materials issue significant. Solutions can be engineered, he said making the prospect of a spill remote. Mr. Kaufman responded that a remote probability is the problem. I have seen technological solutions to these kinds of problems, but not in water supply areas. You simply can't make mistakes in an area of water supplies he said.

Mr. Prince said that he wanted the land use and growth management issue enhanced. It is important and the report is not clear on this issue. The quantity of people that expressed concerns over quality-of life issues makes this extremely important.

Mr. Finn said that an issue was raised concerning a memo to the applicant. At the February 25, 1994 hearing, the applicant stated that they did not get a traffic memo, and Mr. Finn responded that the memo had been faxed to them. Going through the record, preparing for the report, Mr. Finn discovered that he had not faxed the memo to the applicant as stated, Mr. Finn said. Mr. Finn apologized to the applicant and the subcommittee for this error. Mr. Finn further noted that the memo had been a draft, and that the applicant did get the memo in final form at the same time as the subcommittee. The memo did not enter significantly into the subcommittee's decision.

Mr. Butler asked when the report would be ready and further stated that he would be prepared to submit the materials to the full Commission by the deadline. Mr. Butler added that he would like a full hearing before the full Commission and would draft a letter requesting the same.

Ms. Ritchie moved that the staff incorporate the comments into the subcommittee report and the meeting be adjourned. The motion was seconded. Ms. Ritchie also asked that the minutes from the earlier hearings and meetings could be approved at the meeting on March 17, 1994. The subcommittee agreed.

Jurisdiction

The proposed Costco Wholesale Warehouse qualifies as a DRI under Section 12 (c) (6) as "Any proposed wholesale...development...greater than ten thousand square feet... and section 12 (i) as Any proposed development project for which the secretary of environmental affairs requires the preparation of an environmental impact report..." The applicant voluntarily entered into the joint MEPA/Cape Cod Commission review process.

Findings

1. The project is a 120,000 sq. ft. wholesale club store that is proposed for a 19.5 acre industrially zoned site in Sandwich, MA.
2. The proposed site is located entirely within the Zone of Contribution to the town's Boiling Springs Wellfield and an identified Zone of Contribution. This public wellfield currently supplies up to 1.4 mgd and the town plans to increase withdrawal from this field up to 2.3 mgd. This wellfield

currently supplies northern areas of the town including the Route 6A area.

3. The Town of Sandwich is the oldest town on Cape Cod, and is a traditional Cape Cod village with many scenic, natural, historic and cultural resources. A poll conducted by the Boston Globe rated Sandwich one of three of the most traditional villages in New England. Sandwich also acts as a primary gateway to the Old Kings Highway Historic District, the longest continuous historic district in the nation.

4. The project does not comply with Goal 1.1 of the RPP which seeks "to encourage sustainable growth and development consistent with the carrying capacity of Cape Cod's natural environment in order to maintain the Cape's economic health and quality of life, and to encourage the preservation and creation of village centers and downtown areas that provide a pleasant environment for living, working and shopping for residents and visitors." The project is out of compliance with Goal 1.1 because the traffic generated by the project would exceed the capacity of the Cape's roadways and the project is located outside of a commercial center.

5. The project is not located within a designated growth center and would consist of and foster strip development as defined by the RPP. Therefore, the project does not comply with Minimum Performance Standard 1.1.3 which prohibits the creation of new roadside "strip" commercial development outside of designated growth centers.

6. The project does not meet Goal 2.1.1 which was devised to maintain the overall quality and quantity of Cape Cod's ground water to ensure a sustainable supply of high quality untreated drinking water. The project does not meet Goal 2.1.1 because, as proposed, the project poses a potential threat to the Town of Sandwich's public drinking water supply. Although the applicant has offered an engineered solution of containment for the hazardous materials, containment is not sufficient to protect the public water supply and the Cape's sole source aquifer in the event of a catastrophic episode. Containment as protection against the possibility of human error is also insufficient considering the critical nature of the public water supply and the amount of hazardous materials proposed to be stored on site.

7. The project does not comply with Minimum Performance Standard 2.1.1.1.A.2 which prohibits the use, treatment, generation and storage of hazardous waste or materials, greater than household or retail quantities in a wellhead protection area. The project is out of compliance with standard 2.1.1.1.A.2 because the project will store hazardous materials in a Wellhead Protection Area and Zone of Contribution in wholesale quantities.

8. The project does not advance Goal 3.1 which seeks to diversify and encourage businesses that are compatible with Cape Cod's environmental, cultural, and economic strengths that ensure balanced economic development. The proposed project cannot be integrated into the community without an adverse impact on Cape Cod resources including roadway carrying capacity, community character and potential adverse economic impacts on local businesses.

9. The project does not advance Goal 3.2 which seeks to locate development so as to preserve the Cape's environment and cultural heritage, minimize adverse impacts and enhance the quality of life. The RPP encourages the location of large-scale commercial activities in regional growth centers where adequate infrastructure is available. The project is not located within a designated growth center and adequate infrastructure is not available to support the development, particularly with regard

to roadway capacity.

10. The project does not further Goal 3.3 which encourages the creation and diversification of year round employment. The Costco submittal indicated that there would be approximately 55 full time and 55 part time employment opportunities which would result in an overall net increase in jobs on Cape Cod. The Commission research has indicated that it is probable that jobs will be lost in competing businesses as a result of Costco and therefore finds that the benefit in terms of net job creation is questionable. It has also not been demonstrated how much of a benefit there will be to the overall economic health to the town or region.

11. The proposed project, from estimates in the SFEIR, would generate at least 4764 vehicle trips per day.

12. Based upon trip distribution information in the SFEIR, daily traffic volumes at 12 of the intersections in the study area will include 1000 or more vehicles travelling to or from Costco. In addition, Sagamore Bridge traffic is expected to include 786 trips per day from vehicles travelling to or from Costco as outlined in the Costco SFEIR.

13. The necessary mitigation identified in the SFEIR includes 20 signals at various locations and over 26 miles of road widening. The improvements identified in the SFEIR by Costco are theoretically required in order to offset the impacts of this project.

14. The current proposal violates transportation Goal 4.1.1 and Minimum Performance Standards 4.1.1.1, 4.1.1.2 and 4.1.1.3 which seek to foster a transportation system on Cape Cod for present and future year-round needs which is safe, convenient, accessible, economical and consistent with the Cape's historic, scenic and natural resources. Substantial roadway improvements, including extensive signalization and road widening would be required to support this project. Such improvements would result in a substantial change to the community character of Sandwich and surrounding towns, and in many instances the improvements are prohibited by the RPP.

15. The theoretical structural improvements are not consistent with the RPP Minimum Performance Standards because they propose hypothetical, structural roadway improvements which impact scenic and environmental resources and therefore cannot serve as the basis for the applicant's fair share estimates. The Commission finds that because the mitigation as offered is in violation of the RPP, the applicant's fair share calculation flawed and incorrectly calculated. As proposed, the mitigation would require structural changes to many area roadways, would require land takings and could cause a widespread irreversible impact to the area's community character. The applicant did not respond with significant non-structural mitigation as required by the RPP. According to the Draft MHD Section 61 findings, the mitigation is not practical nor does it realistically offset the traffic impacts found in at least 9 different locations.

16. The project does not comply with Goal 4.1.2 or Minimum Performance Standard 4.1.2.1 and 4.1.2.3 which seek to develop alternate modes of transportation thereby reducing dependence on individual automobiles. The trip reduction measures offered by Costco were inadequate and road improvements would have reduced or eliminated bicycle access along existing roads.

17. Barnstable County is classified as being in "serious non-attainment" for the Clean Air Act Amendments of 1990 Ozone standards. Areas of non-attainment must strive to reduce vehicle miles

travelled in an effort to reduce emissions. Costco does the opposite, and is expected to increase vehicle miles travelled on Cape Cod. Further, the RPP requires that projects reduce trips by 20%. Emission reduction is a goal that is also stated in the Long Range Transportation Plan for Cape Cod as well. As proposed, the Costco project would be inconsistent with the Clean Air Act Amendments, and does not meet the RPP Minimum Performance Standards for vehicle reductions.

18. Costco submittals covering hazardous materials included a list from a Costco in California as representative of products on hand. This list indicates that there could be 20,000 gallons and 40,000 pounds of hazardous materials, as defined by the Code of Federal Regulations (CFR) Title 29, 1910.1200, that would be stored and offered for sale. The Costco Risk Management Procedures Manual which was submitted as part of the application and is distributed to "all locations of Costco Wholesale Corp." also identifies products for sale as hazardous according to Title 29. The RPP also references Title 29 in its definition of hazardous materials. The applicant indicated at the February 25, 1994 hearing, that some hazardous products have been eliminated from the MA stores, such as road de-icer, which reduces the amount of hazardous materials for sale. There are many more federally listed hazardous materials still offered for sale in the proposed store that need to be removed for the project to be in compliance with RPP Standard 4.2.2.3.

19. The wetland resources on the site were delineated and determined to be generally under the 500 sq. ft. size that is protected by the RPP. There was one area on the site that needed further vegetational analysis in order to determine if the requisite 50% wetland vegetation was present and if this area was 500 sq. ft. or larger. The Commission finds that the information needed to resolve the wetland issue was not submitted at the time of the February 25, 1994 hearing and therefore the applicant has not demonstrated compliance with Goal 2.3 or Minimum Performance Standards 2.3.1.1 and 2.3.1.2 of the RPP.

20. The required 40% open space as required by the RPP was not delineated on the site plan which left compliance with Minimum Performance Standard 6.1.4 in question.

21. The project as proposed is inconsistent with the RPP's Goal 7.1 which maintains that the protection and preservation of the important historic and cultural features of the Cape landscape and built environment are critical components of the Cape's heritage and economy. Structural road improvements necessitated by the proposed project would have altered integral elements of Sandwich's community character including Route 6A, Sandwich Center and Forestdale Center.

22. The project does not meet Goal 7.2 which seeks to ensure that the development respects the traditions and character of historic village centers and outlying rural areas in an effort to protect the visual character of the Cape. Written and verbal testimony received during the course of the review of this project reflected the concern of citizens and some community boards for the loss of community character as a result of the projects impacts. This concern was substantiated by the analysis that was performed during the hearing and review process. It was determined that the impacts of this project extend far beyond the architecture and site. The impacts of this project potentially affect the community character of the Town of Sandwich and the upper Cape.

23. The Commission has determined, that based on the above findings the probable benefit of the project does not outweigh the probable detriment.

Conclusion

The Commission concludes that the project is not in compliance with the goals, minimum performance standards or vision articulated in the RPP. After a thorough review of the information as presented, the Commission recognizes the project's impacts and concludes that the project's probable benefit does not outweigh the project's detriment. Further, the project as proposed is not consistent with the purposes and intent of Section 1(c) of the Cape Cod Commission Act. For these reasons, based on the submittals received and reviewed, public testimony and information in the record, the Commission hereby denies the Costco Corporation a Development of Regional Impact Permit.

David H. Ernst
David H. Ernst, Chair

April 28 1994
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 28th day of April 19 94

Katharine Y. Peters
NAME, Notary

My Commission expires:

My Commission Expires December 1, 1997