

# CAPE COD COMMISSION

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DATE: July 27, 1995

APPLICANT: Susan and Chester Hughes  
c/o Patrick M. Butler  
P.O. Box 1630  
Hyannis, MA 02601

PROJECT #: EX95014/TR95014

PROJECT: Women's Body Shopp  
Attucks Lane  
Independence Park, Barnstable, MA

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

BOOK/PAGE: Book 1113, Page 366

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (the Commission) hereby grants the application of Susan and Chester Hughes for a Development of Regional Impact (DRI) Exemption under Section 12(k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for construction of a two story building for use as a recreational fitness center at Lot B, Attucks Lane, Independence Park, Barnstable, MA, on July 27, 1995.

### PROJECT DESCRIPTION

The proposed project is located along Attucks Lane within Independence Park in Barnstable, on a 2.46 acre parcel. A portion of this site was previously used as a staging area for the municipal sewer system and is partially cleared of vegetation. The western portion of the site remains vegetated and abuts Fresh Holes Pond. The proposal is to construct a recreational facility consisting of two floors with a total

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floor area of 12,200 square feet, as described in building and site plans dated June 23, 1995. The building includes approximately 11,010 square feet for fitness and recreational use, including a pool, and 990 square feet of retail space for a rehabilitation therapist. The Woman's Body Shopp is currently located within a shopping center near the Cape Cod Mall and will relocate to the proposed facility.

#### PROCEDURAL HISTORY

The town of Barnstable Building Commissioner referred this project to the Cape Cod Commission on June 6, 1995 under Section 12(c) of the Cape Cod Commission Act. Duly noticed public hearings were held on the project on July 12, 1995 at the Assembly of Delegates Chamber in Barnstable and on July 24, 1995 at the Cape Cod Commission office in Barnstable. A public hearing was also held before the Cape Cod Commission on July 27, 1995 at the Assembly of Delegates Chamber in Barnstable.

Based upon testimony received at the public hearings, application materials submitted by the project proponent, written material submitted by all interested parties, and supporting technical information provided by staff, the subcommittee voted unanimously on July 24, 1995 to recommend to the full Commission that the proposed construction of a recreational fitness center be granted a DRI Exemption. On July 27, 1995, a draft decision was presented to the full Commission. Also on July 27, 1995, the Commission voted to grant the applicant a DRI Exemption pursuant to Section 12(k) of the Act.

#### MATERIALS SUBMITTED FOR THE RECORD

##### From the applicant:

- Application for Development of Regional Impact Exemption, dated June 5, 1995.
- Application for Development of Regional Impact, dated May 31, 1995.
- Letter from Patrick Butler regarding Purchase and Sale Agreement to be held *in camera*, dated June 26, 1995.
- Conceptual Site Plan, Interior Floor Plans and Front elevation drawing of proposed structure, received June 6, 1995.
- Letter from Patrick Butler regarding Massachusetts Historical Commission Notification Form, dated July 3, 1995.
- Information regarding site lighting and fixtures, received June 27, 1995.
- Letter from Patrick Butler regarding drainage, site plan and traffic information, dated July 11, 1995.
- Drainage Calculation and Design for proposed site, by Peter Sullivan, P.E., dated July 11, 1995.
- Letter from Vanasse Hangen Brustlin, Inc. to Patrick Butler regarding traffic generating characteristics of proposed project, dated June 30, 1995.
- Package of information supporting DRI Exemption, received July 12, 1995.

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- Letter from Patrick Butler regarding membership, pool, rental space and traffic information, dated July 19, 1995.
- Women's Body Shopp schedule and membership information, received July 19, 1995.
- Letter from Ann J. Sutherland regarding pool program at the Holiday Inn, dated July 17, 1995.
- Letter from Michael A. Tropp regarding relationship between Women's Body Shopp and Holiday Inn, Hyannis, dated July 19, 1995.
- Conceptual Site Plan, Landscape Plan and Interior Floor Plan for Women's Body Shopp, dated June 23, 1995, received June 27, 1995.
- Topographic Detail Plan with wetland delineation of Lot B, Attucks Way, Hyannis, MA, for Chet Hughes, dated April 4, 1995.
- Site Plan showing drainage plan for Lot B, Attucks Way, Hyannis, MA, by Peter Sullivan, P.E., dated July 10, 1995.

From Commission staff:

- DRI Referral Notification Form, dated June 14, 1995.
- Cape Cod Commission Staff report dated June 7, 1995.
- Cape Cod Commission Staff report dated July 21, 1995.

From Public Officials:

- DRI Referral form and attachments, dated June 6, 1995.
- Letter from Robert A. Burgmann, P.E., Town of Barnstable Engineer, regarding treatment plant capacity, dated July 12, 1995.
- Letter from Richard W. Clark, Councilor, dated July 12, 1995.
- Letter from Henry C. Farnham, Chair, Barnstable Economic Development Commission, in support of project, dated July 11, 1995.
- Letter from Lanny Chase, Executive Director, Hyannis Area Economic Development Corporation, in support of project, dated July 12, 1995.
- Letter from Royden Richardson, Councilor, requesting hearing minutes, dated July 13, 1995.

Other Materials:

- Letter from Susan St. Cyr in support of project, received July 19, 1995.
- Letter from Kathleen Hitchcock in support of project, received July 19, 1995.
- Letter from George H. Bartlett in support of project, dated July 10, 1995.
- Letter from Susan Fedele, Steve and Sue's Management, Inc, in support of project, received July 12, 1995.
- Letter from Mrs. David W. McGraw in support of project, dated July 6, 1995.
- Letter from Janice Naughton in support of project, dated July 6, 1995.
- Letter from Ruth Goldrosen in support of project, dated July 10, 1995.
- Letter from Maureen Ceizeant in support of project, dated July 8, 1995.
- Letter from Marilyn Leohynote in support of project, dated July 1, 1995.
- Letter from Terry Hills in support of project, dated July 7, 1995.

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- Letter from Alisha Tuba in support of project, dated July 5, 1995.
- Letter from E. Stuart peoples in support of project, dated July 3, 1995.
- Letter from L. Paul Lorusso in support of the project, dated July 11, 1995.

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

At the public hearing of July 12, 1995:

Patrick Butler, attorney for the applicant, described the project, its location, and its current membership, noting that the proposed site is located within an Economic Opportunity Are and is designated as a growth center in the draft Local Comprehensive Plan. It is also within a groundwater protection area. Mr. Butler described information provided by the firm of Vanasse Hangen Brustlin, Inc. regarding transportation issues and stated his belief that impacts would not be significant.

Ken Brock questioned the amount of parking provided in the proposed plans. Herb Olsen and Paul Wightman questioned the number of users of the facility. Susan Hughes, owner, stated that there are approximately 875 year-round members and 150 summer members.

Sarah Korjeff, Commission staff, stated that the project may impact the regional roadway system because of its location and the number of trips it generates. She noted that the applicant has provided information supporting their ability to tie into the town wastewater treatment plant. She suggested that the hearing be continued to allow for evaluation of transportation information. Sue Pommrehn, Commission staff, recommended a limited traffic study in order to address transportation impacts to Route 132, a major regional roadway. She also noted that Independence Drive and Airport Road, which would provide access to the site via Route 132, currently operate at Level of Service E. Ms. Pommrehn stated that the Level of Service at these two intersections could be degraded by the proposed facility.

Several individuals spoke in favor of the project, including Jim Prescaligus, Barnstable Economic Development Commission, and Roy Richardson, speaking as a resident, and Alison McCay. Ralph Crossen, Barnstable Building Commissioner, stated his belief that it would be beneficial to locate this facility in the industrial area because of water resource issues.

Mr. Butler stated his belief that a DRI Exemption should be granted because the project impacts are within the town of Barnstable and because the town can address

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any issues related to the project. Ms. Pommrehn stated that additional information was needed to justify the applicant's assumptions regarding traffic generation.

Bill Riley stated that he did not see a regional impact with this project. Mr. Olsen and Mr. Wightman stated that additional information was needed to resolve traffic impacts on Route 132. The Subcommittee voted 3 to 1 in favor of continuing the subcommittee hearing. Mr. Riley stated that the applicant should justify their transportation analysis and provide additional membership data. Mr. Wightman noted that the impact of retail space should be included. Mr. Olsen stated that the potential increase in membership from the addition of a pool should also be addressed.

At the hearing of July 24, 1995:

Patrick Butler, attorney for the applicant, presented additional information regarding membership at the existing facility, usage data covering a ten-month period, existing access to a pool at the adjacent Holiday Inn, Hyannis, and use of the rental space in the proposed facility. The new information shows fewer members than previously assumed, that at least 8% of the members work within the industrial park, and that 32% of the members reside to the north of the facility.

Sue Pommrehn, Commission staff, stated that based on the new information, the proposed project would increase traffic 0.5% to 0.8% daily on Route 132. It would increase traffic during the PM peak hour by 1.2% at the intersection of Airport Road and Route 132 if all the traffic went through this intersection, and by 1.1% at the intersection of Independence Drive and Route 132 if all the traffic went through this intersection. Ken Brock stated his belief that this addressed the remaining issue regarding regional impact. The subcommittee voted unanimously to recommend to the full Commission that a DRI Exemption be granted.

#### JURISDICTION

The proposed project qualifies as a Development of Regional Impact (DRI) under the Code of Cape Cod Commission Regulations of General Application, Chapter A, Section 3(6), Barnstable County Ordinance 94-10 as commercial development, "new construction with a gross floor area greater than 10,000 square feet."

#### FINDINGS

The Commission has considered the application of Susan and Chester Hughes for the Women's Body Shopp in Barnstable, 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 Section 12(k) of the Act:

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- 1.) The project will generate from 371 to 236 new daily trips and from 46 to 44 new PM peak hour trips. Traffic estimates are based upon Land Use Code 492 (Racquet Club) and Land Use Code 630 (Clinic) statistics published by the Institute of Transportation Engineers (ITE) and are based upon actual membership utilization of the existing facility. The existing facility experiences an average daily usage of 126 members and PM peak hour usage of 48 members. The new facility will be 600 square feet larger than the existing facility. Higher membership will result from the larger facility which accounts for 10 daily and 1 PM peak hour estimated trips generated.
- 2.) The proposed project will generate an additional 30 to 32 trips during the PM peak hour. This amount of traffic represents an expected increase of less than 1.0% at either the intersection of Airport Road and Route 132 or the intersection of Independence Drive and Route 132.
- 3.) The proposed project will generate between 163 and 256 additional daily trips on Route 132, a major regional roadway. The magnitude of traffic generated by the proposed project represents a 0.5% to 0.8% increase in summer daily trips from existing traffic levels on Route 132. This information is based on data in the 1992 Barnstable/Yarmouth Transportation Study.
- 4.) The proposed project does not have direct access onto the regional road system. The site traffic will be distributed among local and private roadways.
- 5.) The applicant has identified approximately 8% of its membership as existing industrial park employees who can access the site without increasing the number of trips on the regional roadway system.
- 6.) The applicant has provided monthly records of membership utilization for the ten-month period of August 1994 to May 1995 which indicate that the highest utilization of the facility is during January and March when traffic levels are lower, and the least is during August and September when traffic levels are higher.
- 7.) The applicant has identified the location of its members' residences, indicating that 69% of the members would travel Route 132 via Airport Road or Independence Drive between home and the club and that 31% would travel Hyannis-Barnstable Road or Mary Dunn Road between home and the club.
- 8.) The applicant has indicated that the 990 square feet of rental space will be a physical/rehabilitation therapy office primarily serving the club members. One therapist would be utilized. The traffic generated by this use is likely to be from members and thus is already accounted for in the facility's trip generation.

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9.) The nature of the facility is such that during the PM peak hour, site trips will be made between home and the club, will be made within the Industrial Park, or will already be on the roadway system traveling between work and home and divert from their primary trip route to the club.

10.) A portion of the proposed site was previously used as a staging area for the municipal sewer system and is partially cleared of vegetation. No critical plant and wildlife habitat was identified on the site.

11.) The applicant does not propose to expand the use of the facility and does not anticipate substantial increase in membership or utilization of the facility.

12.) The proposed project is designed primarily within the existing disturbed area and maintains 54% open space on the site. Current zoning in the industrial park prevents over 50% impervious coverage of the lot.

13.) The proposed project maintains a 100 foot buffer from the edge of wetland surrounding Fresh Holes Pond.

14.) The proposed site is located within a Wellhead Protection Area but will not generate hazardous waste above household quantities and will be tied into the town's wastewater treatment plant.

15.) The proposed site is within an industrial park and is within a designated Economic Opportunity Area for the Town of Barnstable.

#### CONCLUSION

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

The location, character and environmental effects of the proposed construction of a recreational fitness center will prevent its having any significant impacts on the values and purposes protected by the Act outside of the community of Barnstable. This conclusion is supported by the findings regarding the amount of traffic that will be generated by the project and the amount of increase in traffic on the regional road system and the other findings.

The Commission hereby grants Susan and Chester Hughes a DRI Exemption from the terms and provisions of the Act, pursuant to Section 12(k) of the Act, for the construction of a recreational fitness center on Lot B, Attucks Way, Independence Park, Barnstable, consistent with this decision.

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Sumner Kaufman  
Sumner Kaufman, Chair

7/27/95  
Date

Commonwealth of Massachusetts

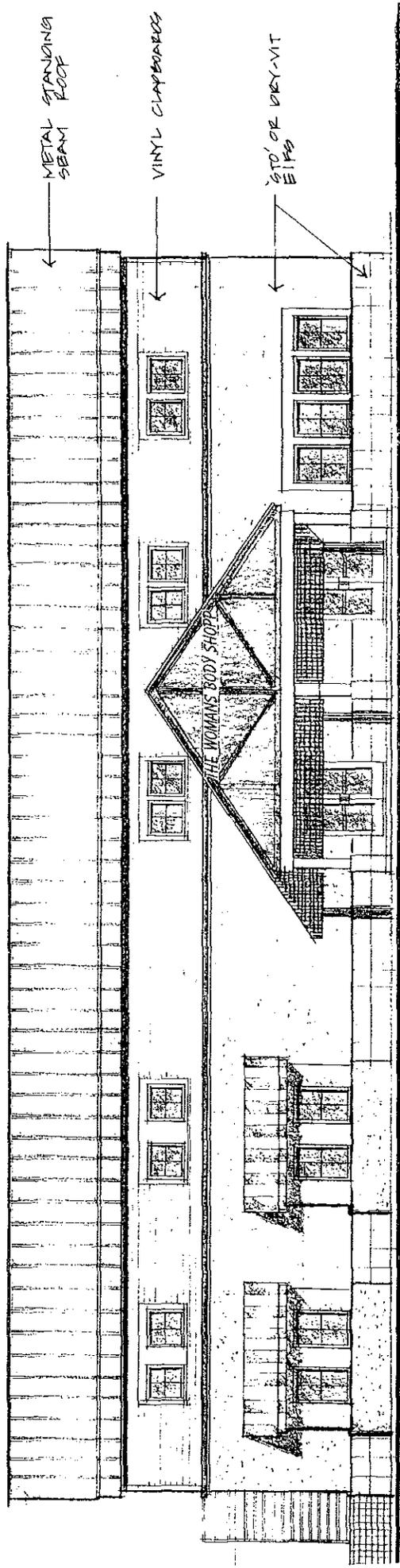
Barnstable, ss.

Subscribed and sworn to before me this 27 day of July, 1995

Katharine L Peters  
Name, Notary Public

My commission expires:

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