



CAPE COD COMMISSION

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DATE: December 5, 1995 #TR-95019
#EX-95019

TO: Cape Cod Academy
C/o Thomas Evans, Headmaster
P.O. Box 469
Osterville, MA 02655

FROM: Cape Cod Commission

RE: Development of Regional Impact Application
Barnstable County Ordinance 94-10, Chapter A, Section 3(e)

Development of Regional Impact Exemption
Section 12(k) of the Cape Cod Commission Act

APPLICANT: Cape Cod Academy

PROJECT: Cape Cod Academy Gymnasium/Student Activity Center
50 Osterville-West Barnstable Road
Osterville, MA 02655

BOOK/PAGE: Book 4065, Page 25
Book 5109, Page 327

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of the Cape Cod Academy for an Exemption as a Development of Regional Impact. The project qualifies as a Development of Regional Impact under Barnstable County Ordinance 94-10, Chapter A, Section 3(e), for the construction of a new 20,602 square foot two-story gymnasium and student activity center. The applicant has filed for a Development of Regional Impact Exemption pursuant to Section 12(k) of the Cape Cod Commission Act, as amended or, in the alternative, a DRI approval. This decision is rendered pursuant to the vote of the Commission on November 30, 1995.

#TR 95019/#EX 95019 Cape Cod Academy Gymnasium DRI Decision November 30, 1995

PROJECT DESCRIPTION

The project consists of a proposed 20,602 square foot, two-story building on the 24.07-acre campus of Cape Cod Academy in Osterville. The property is located within a Zone of Contribution/WP District in Barnstable. The 15,850 square foot first floor will include a gym area, locker rooms, shower and toilet facilities, a wash room for school uniforms as well as storage and lobby areas. The 4,752 square foot second floor will include a lobby area and four modular classrooms. The facility will be on a septic system and will provide a total of 41 new parking spaces.

PROCEDURAL HISTORY

The project was referred as a Development of Regional Impact by Mr. Ralph Crossen, the Barnstable Building Commissioner, on September 8, 1995. The referral was received by the Cape Cod Commission on September 12, 1995. On the same date, the applicant filed a Development of Regional Impact Exemption application. A site visit was conducted by the Subcommittee on October 26, 1995. A duly noticed public hearing was held on the DRI and DRI Exemption applications on November 8, 1995 and was continued (hearing and record) to November 30, 1995. On November 8, 1995, the Subcommittee voted to recommend to the full Commission that the project be granted a DRI Exemption subject to resolution of issues related to open space, lighting and submission of final plans showing a partial redesign of the septic system to allow for the addition of denitrifying technology in the future. A draft decision on the DRI Exemption was presented to the full Commission on November 30, 1995. At this meeting the Commission voted unanimously to approve the Decision as presented on November 30, 1995 granting a DRI Exemption to the proposed Cape Cod Academy gynasium/student activity center. The hearing and public record on the project were closed on November 30, 1995.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter, DRI application, Exemption fee, DRI Exemption forms, information on chemistry program, full-size plans	10/2/95
Letter, Deeds	10/3/95
Fax, from Headmaster concerning application	10/16/95
Plant and Wildlife Habitat Assessment	10/16/95
Letter, Additional information from applicant to complete submittal	10/17/95
Reduced set of plans, Town confirmation of receipt of submittal	10/17/95
Traffic impact study	10/26/95
Open space plans	11/3/95
Letter, from Headmaster, about issues raised in staff report	11/7/95
Memo, additional information on lighting plan	11/8/95
Memo, additional information to address remaining issues	11/17/95
Revised lighting photometrics and info. on wallpack fixtures	11/17/95
Letter, architects, floor drains	11/17/95
Map showing relative position of public wells and Academy	Undated
Copies, partial main level plumbing plan	Undated

A. Materials submitted by the Applicant (Continued):

Fax, Comments on draft Decision	11/28/95
Letter, revised septic system designs with sketch plan	11/29/95

B. Materials submitted by the State:

Letter from MHC concerning a determination of no significant impact submitted by the applicant on 11/7/95. No other comments received from the State.

C. Materials submitted by the Town:

DRI Referral Form and cover letter	9/12/95
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D. Materials submitted by the Public:

Osterville Village Association	11/17/95
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E. Materials submitted by Cape Cod Commission:

Notes of preapplication meeting	9/6/95
Letter, Town Referral Form	9/12/95
Letter, Notice of Intent to Review	9/15/95
Notes of preapplication meeting	9/22/95
Memo, to Town, Notice of Hearing	9/28/95
DRI Referral Form	10/3/95
Letter, application missing information	10/4/95
Memo, to staff on combined application	10/10/95
Letter, application missing information	10/13/95
Staff notes, open space	10/18/95
Site visit notes	10/26/95
Letter, application complete	10/27/95
Letter, on lighting	10/31/95
Staff Report	11/2/95
Hearing Notice for November 8th	Undated
Memo to Subcommittee on site visit	Undated

The Application and notice of the public hearing relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and all submissions received in the course of the proceedings, including materials submitted on file #TR-95019 and #EX-95019 are incorporated into the record by reference.

TESTIMONY

The Commission's Subcommittee received testimony at the November 8, 1995 public hearing on this project at the Assembly of Delegates Chambers, First District Courthouse, Barnstable, MA. Lance Lambros opened the hearing at 7:00 p.m. Andrea Adams presented the staff report.

Gabrielle Belfit and the Subcommittee further discussed the water resource issue noting that other residential development in the vicinity would also contribute nitrogen to the well. Ms. Belfit explained that it is less expensive to treat the source of the contamination than to install denitrifying technology the wellhead.

Michael Ford of Stinson and Ford gave the applicant's presentation. He proposed that the Subcommittee recommend granting a DRI Exemption due to lack of concern over the majority of issues. He stated that the project as proposed met the relevant RPP minimum performance standards and the Town of Barnstable's water quality standard. Peter Sullivan, the applicant's engineer, explained that the applicant would redesign the new septic system for the gymnasium to accommodate a denitrifying system at a later date when the cost of such system is less.

Tom Evans, Cape Cod Academy Headmaster, discussed the issue of lighting. He noted that the project is set back on the property and is well buffered from surrounding development. He suggested that the Subcommittee consider the school's need for adequate illumination.

Lance Lambros asked for comments on the project from the audience.

Elizabeth Dunning, President of the Parents Association for the Cape Cod Academy, spoke in favor of the new facility.

Joanne Corsiglia, Chair of the Board of Trustees of Cape Cod Academy, spoke in favor of the new facility.

Bob Smith, member of the Osterville Village Association, spoke in favor of the DRI Exemption.

Sarah Fulham, President of the Cape Cod Academy Student Council, spoke in favor of the project.

Kathy Fulham spoke in favor of the project.

Ed Pesce, the nearest residential abutter to the project, spoke in favor of the project.

Marianne Mirascone, an abutting property owner, spoke in favor of the project.

Don LeBlanc moved to continue the hearing until November 30, 1995 at the Commission meeting. Vicky Bebout seconded the motion and it was unanimously approved.

Mr. Riley moved to recommend approval of the DRI Exemption pending resolution of the outstanding issues: open space, lighting and confirmation of the septic system redesign.

The written decision will be reviewed by Mr. Lambros prior to distribution to the full Commission. George Benway seconded the motion and it was unanimously approved.

On November 30, 1995, the Commission opened the continued hearing on the DRI/DRI Exemption for the purpose of taking additional testimony. At the hearing, Mr. Riley made a motion to approve the Minutes from the November 8th public hearing. Ms. Bebout seconded the motion and the Subcommittee unanimously voted to approve the Minutes of the November 8, 1995 public hearing. Ms. Andrea Adams, the project planner, described the project and discussed the draft Decision. No comments were received from the public. Mr. LeBlanc moved to close the record and the hearing on the project. Mr. Broidrick seconded the motion. The Commission voted all in favor of the motion.

Mr. Lambros moved that the Commission approve the draft Decision, dated November 30, 1995, as amended, to grant a DRI Exemption to the proposed Cape Cod Academy gymnasium/student activity center.

JURISDICTION

The proposed project qualifies as a DRI under Chapter A, Section 3(e), Barnstable County Ordinance 94-10: new construction with a gross floor area greater than 10,000 square feet. This DRI Exemption is granted subject to Section 12(k) of the Cape Cod Commission Act, as amended.

FINDINGS

The Commission has considered the combined DRI/DRI Exemption application of Cape Cod Academy for a new 20,602 square foot building to serve as a gymnasium and student activity center. Based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following findings:

1. Student enrollment at the Academy will remain unchanged with the addition of the new gymnasium/student activity center.
2. The facility will be in use only during the 165 days of the school year in which occur in the fall, winter and spring months. Use of the gymnasium/student center during the summer months will be limited to events already occurring at the Academy. As a result, use of the gymnasium facility will not have a significant traffic impact during the summer months, when traffic is highest on Cape Cod.
3. The Academy's sports program will remain substantially unchanged with the addition of the new gymnasium with the exception that some basketball games and related practice sessions will be held at the Academy rather than at off-site locations.
4. Typical trip arrival and departure patterns of the school are expected to remain unchanged once the new gymnasium is built with the exception of days when basketball practices occur on campus and on all days (approximately 20) when "home" basketball games will be played at the Academy.
5. When basketball practice will be held on campus, there will be no need to transport students to other off-campus locations thereby reducing the number of van trips made in the afternoon to and from the school. Students will be

picked-up by parents at Cape Cod Academy when practice is held on-campus that now may be picked-up at off-campus locations. This amount of new traffic would not be considered significant.

6. All 'home' basketball games (approximately 20) will be held on-campus with the new facility. There will be no need to transport students to other off-campus locations but there will be a need to transport other school students to the Cape Cod Academy for games, thereby maintaining the current number of van trips made in the afternoon to and from the school. Though not considered significant, it is expected that new traffic will be generated with the proposed facility when some students from the 'away' team are picked-up by parents at Cape Cod Academy and when visitors arrive and leave the 'home' games.

7. The existing site circulation pattern will remain unchanged with the new gymnasium as vehicles continue to enter and exit the site via Osterville-West Barnstable Road. This roadway is a local road of regional significance under the RPP. The Academy site drive intersection currently operates at a Level of Service A/B during the AM peak hour, PM peak hour for the Academy and during the PM peak hour of the adjacent street traffic. The traffic study conducted for the project indicates that traffic conditions would remain at an acceptable LOS with the new gymnasium.

8. The Academy currently disposes of 3,180 gallons per day of wastewater from its existing campus buildings and the proposed new gymnasium/student activity center will add 1,508 gallons per day of wastewater flow. The existing septic system has the capacity to handle the additional flow which exempts the project from the Massachusetts Department of Environmental Protection's requirement for additional treatment. Although the two existing septic systems have the capacity to handle the new flow from the gymnasium, the Academy will construct a new septic system for the addition which meet the requirements of Title V at the request of the Barnstable Health Department.

9. The proposed gymnasium project meets the 330 gallons per day per acre wastewater discharge standard required by the Barnstable Board of Health.

10. The project site is located within a Wellhead Protection Area/Zone II for the Centerville/Osterville/Marstons Mills Arena wellfield. Nitrogen loading calculations predict nitrogen concentrations to be at 3.1 parts per million. The 1986 SEA report on cumulative nitrogen loading within the Arena wells Zone II concluded that 5 parts per million nitrogen would be exceeded at buildout conditions.

11. Final design plans for the gymnasium's new septic system submitted for the record by the applicant indicate the new septic system will include the construction of piping from the two existing septic systems and an oversized dousing tank to allow for future installation of denitrifying technology.

12. The Academy presently uses, generates, treats, stores or disposes of approximately 318 gallons of hazardous material and waste, combined, as part of its chemistry program, biology curriculum, art department and building maintenance. The school curriculum accounts for about eleven percent (11%) of this amount (34 gallons) whereas building maintenance accounts for approximately eighty-nine percent (89%) of the Academy's total hazardous materials and waste.
13. Over fifty percent (50%) of the total hazardous materials and waste on site is an ice melting product where the amount actually used varies with the severity of the winter.
14. The Academy currently uses a micro-scaling science curriculum and has a detailed hazardous materials inventory control, handling and storage plan.
15. The Academy is in the process of contracting for disposal of approximately four (4) gallons of accumulated hazardous waste. The majority of this waste is accumulated science chemicals which the school no longer uses in its curriculum. The Academy requires disposal of hazardous waste from its science program on an infrequent basis, at most annually, because of the micro-scaling program and is not required to register as a hazardous waste generator with the Department of Environmental Protection.
16. The proposed project site is not located within the designated Capewide Open Space/Greenbelt area. After construction of the gymnasium, less than fifteen percent (15%) of the site will be covered by impervious surfaces.
17. There are no wetlands on or within one hundred (100) feet of the site. A wildlife and plant habitat assessment for the site concluded that construction of the gymnasium, parking area and access road will not result in long-term wildlife habitat impacts.
18. The present Academy campus is a relatively new complex of buildings (approximately 10 years old) and the Massachusetts Historical Commission has indicated the proposed gymnasium project should proceed without further review.
19. The proposed gymnasium will be located well onto the site. Natural topography will be used to minimize the impact of the height and size of the building. The exterior building materials to be used are compatible with traditional Cape styles and there are no publicly-accessed views onto the project site.
20. The proposed lighting for the gymnasium project - shoebox-style fixtures on twenty (20) foot poles - will not result in regional impacts.

CONCLUSION

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

1. So long as the project is constructed consistent with the Findings set forth above, the location, character and

