

CAPE COD COMMISSION

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DATE: November 14, 1996 TRMOD-95023(2)
(Changes to Modification
rendered in Nov., 1995)

TO: Robert L. Whritenour
Executive Secretary
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

FROM: Cape Cod Commission

RE: Modification of Approved Development
of Regional Impact Decision
Section 9(n) of DRI Enabling Regulations

APPLICANT: Robert L. Whritenour, Executive Secretary

PROJECT: Mashpee High School (Modification - 2)
Route 151/Old Barnstable Road
Mashpee, MA

PROJECT #: TRMOD-95023 (2)

BOOK/PAGE: Book 9520 Pages 80, 86, 92, 98, 99

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the Application of Mr. Robert L. Whritenour, Jr., Executive Secretary for Mashpee, for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for modifications to Conditions #8, #9, #10 and #11 of the Mashpee High School Modification Decision to require compliance with these Conditions if and when the fuel oil tank is actually installed at the Mashpee High School.

PROJECT DESCRIPTION

The High School project consisted of the construction of a 183,000 square foot senior high school building for a total of 1,180 students on a 135-acre site. The project is substantially complete and included construction of several playing fields and parking for about 300 vehicles. The Quashnet River forms the eastern boundary of the site. Land proposed for a national wildlife refuge is located directly south of the high school site. It is also located in a Zone of Contribution as well as the Waquoit Bay watershed.

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PROCEDURAL HISTORY

On May 11, 1995, the Cape Cod Commission approved, with Conditions, the application of the Mashpee High School Building Committee for a DRI Hardship Exemption.

In late 1995, the High School Building Committee requested modifications to the Hardship Exemption Decision to allow installation of a 15,000 gallon fuel oil tank for dual-fuel heating (natural gas or oil) of the school building. The Commission granted the requested modifications, with Conditions, allowing the High School to construct a 15,000 gallon tank. (DRI Decision # TRMOD-95023)

As of November 8, 1996, the High School Building Committee had decided not to construct the proposed 15,000 gallon fuel oil tank. Town officials, however, did indicate a desire to retain the option of installing a fuel oil tank at a later date.

At the same time, the Conditions of the November 30, 1995 Modification Decision relating to the fuel oil tank had to be met prior to issuance of a Certificate of Compliance by the Cape Cod Commission.

Based on this, staff indicated to Mr. Whritenour, the Executive Secretary of Mashpee, that the Town could request changes to the November 30, 1995 Modification Decision's Conditions which related to the fuel oil tank.

On November 12, 1996, Commission staff received a formal modification request from Mr. Whritenour.

On November 12, 1996, the Commission's Regulatory Committee considered Mr. Whritenour's request to modify Conditions #8, #9, #10 and #11 of the Mashpee High School Modification Decision. At this meeting, the Regulatory Committee voted unanimously to approve the modification to Conditions #8, #9, #10 and #11 of the Mashpee High School Modification Decision to require compliance with these Conditions if and when the fuel oil tank is actually installed. The Regulatory Committee also voted to consider the request a Minor Modification #2 under the Commission's 10/17/96 policy without a public hearing, a project review fee, or further action by the Commission.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter, requesting modification

11/12/96

B. Materials submitted by the State:

None

C. Materials submitted by the Town:

None

D. Materials submitted by the Public:

None

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Materials Submitted for the Record (Continued):**E. Materials submitted by Cape Cod Commission:**

Memo, to Regulatory Committee

11/8/96

All submissions received in the course of the proceedings on this Modification, including materials submitted on file HDEX-95002, TRMOD-95023 and TRMOD-95023(2) are incorporated into the record by reference.

REGULATORY COMMITTEE DISCUSSION

No testimony was received at the November 12, 1996 Regulatory Committee meeting on this project.

JURISDICTION

The proposed project qualifies as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations.

FINDINGS

The Commission's Regulatory Committee has considered the application of Mr. Whritenour to modify Conditions #8, #9, #10 and #11 of the Mashpee High School Modification Decision. The purposes of these Conditions as written in the original Modification Decision rendered on November 30, 1995 were in part to help prevent fuel oil releases and promote spill-response planning.

The modification of Conditions #8, #9, #10 and #11 sought under this Decision would allow a Certificate of Compliance to be issued for the High School and still address issues pertaining to the fuel oil tank when it is actually installed. Such modification of the Mashpee High School project would not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and/or the Regional Policy Plan. No other changes to the original DRI Decision or first Modification Decision were requested or approved. The Regulatory Committee also voted on November 12, 1996 to deem the request a Minor Modification #2 under the 10/17/96 policy which does not require a public hearing, a project fee or other action by the full Cape Cod Commission.

CONDITIONS

The Cape Cod Commission hereby modifies Conditions #8, #9, #10 and #11 of the November 30, 1995 Modification Decision to the following:

8. At the time it is installed and prior to issuance of a permit from the Mashpee Fire Department, the proposed fuel oil storage tank shall not exceed a capacity of 15,000 gallons and be constructed of double-walled, epoxy-coated steel. The tank shall be located adjacent to the wastewater treatment plant outside of the Zone of Contribution and placed in a steel containment enclosure of sufficient size to contain one hundred and ten (110) percent of the volume of the tank.

9. Prior to the fuel oil tank becoming operational and prior to issuance of a permit from the Mashpee Fire Department, a 24-hour electronic leak detection systems for the above-ground fuel storage tank and oil transfer piping shall be installed. The school shall also submit documentation to the Commission of the leak detection system connection to a location which is manned twenty-four hours a day and year-round.

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10. Prior to the fuel oil tank becoming operational and prior to issuance of a permit from the Mashpee Fire Department, the high school shall prepare and maintain an emergency response plan on the premises specific to the fuel oil tank. This plan shall identify a qualified emergency spill response firm to be retained in the event of a spill. A copy of this plan shall be provided to the Mashpee Fire Department.

11. Any change in the school's heating system which would result in the following shall be reviewed by the Commission as a Development of Regional Impact:

- a) abandonment or replacement of any above-ground fuel oil tank.
- b) the addition of one or more additional fuel oil tanks regardless of size.



 Greg Silverman, Chairman
 Cape Cod Commission

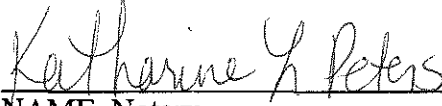
11/13/96

 Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 13th day of Nov 1996.



 NAME, Notary

My Commission expires:

