

# CAPE COD COMMISSION

3225 MAIN STREET  
P.O. Box 226  
BARNSTABLE, MA 02630  
508-362-3828  
FAX: 508-362-3136

DATE: August 22, 1996 #TR-96012

TO: Robert Ament, Attorney  
Ament and Ament  
39 Town Hall Square  
P.O. Box S  
Falmouth, MA 02541

FROM: Cape Cod Commission

RE: Development of Regional Impact  
Section 3(e) of the Enabling Regulations Governing Review of  
Developments of Regional Impact

APPLICANT: Mr.L. Ron Capozzoli and Mr. Christopher Capozzoli  
(Burlington Self Storage of Cape Cod)

PROJECT: Burlington Self-Storage of Cape Cod  
Falmouth, MA

BOOK/PAGE: Book 8650, Page 100  
Book 6515, Page 171  
Book 3037, Page 285

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (the Commission) hereby approves with Conditions the application of Mr.L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self Storage of Cape Cod) for a Development of Regional Impact pursuant to Section 3(e) of the Enabling Regulations Governing Review of Developments of Regional Impact for construction of a self-storage facility comprised of four buildings consisting of 89,216 square feet of gross leasable space to be used for storage as well as an office and an apartment of 2,640 square feet (2 stories) on a parcel of 4.19 acres at Village Common Drive in Falmouth, MA.

### PROJECT DESCRIPTION

The project consists of the construction of a self-storage facility comprised of four buildings consisting of 89,216 square feet of gross leasable space to be used for storage on a parcel of 4.19 acres at Village Common Drive in Falmouth, MA. The project will also involve the removal of a 5,000 square foot building which currently exists on the site and its replacement with a 17,032 square foot storage building. There is also an existing 7,200 square foot foundation on the site which will be removed.

Decision

Burlington Self-Storage Project

August 22, 1996

The proposed project will consist of approximately 750 self storage units in a variety of sizes ranging from 25 square feet (closet) to 200 square feet (garage) and larger. The facility will offer climate-controlled storage areas. An office will be located on site in one of the four buildings and a one-bedroom apartment is proposed to be constructed above the office for a facility manager or security employee. Internal freight lifts will be provided in all buildings to move items between the first and second floors. Building D is proposed to contain a passenger elevator as well. The facility will be equipped with "dry" sprinkler systems, smoke and heat detectors and security gates. Entry to the facility will be permitted through a computer-controlled system operated through a key-code system.

The site is zoned Light Industrial A and will result in the combination of three existing lots into one new lot. At the local level, this project will require Planning Board review (site plan, modification of the subdivision), Conservation Commission review (wetlands), review by the Board of Health (sewage), Building Commissioner (signage, building permit) and Board of Appeals (Special Permit/Variance). The applicant filed for the Special Permit/Variance and Site Plan review on April 19, 1996 and modification of the subdivision on February 29, 1996. The subdivision modification was approved on April 9, 1996.

#### **PROCEDURAL HISTORY**

The project was referred as a Development of Regional Impact by Mr. Brian Currie, the Falmouth Planner on April 23, 1996. The referral was received by the Cape Cod Commission on April 24, 1996. The applicant and Town officials were informed that the project had been referred to the Commission in a letter dated May 1, 1996. The letter also informed the applicant of the need to complete the DRI application and that a public hearing had tentatively been scheduled for June 13, 1996. On May 17, 1996, the applicant, Town officials and Subcommittee were informed in a memorandum from staff that the public hearing had been rescheduled for July 11, 1996 and that a Hearing Officer would open and continue the public hearing on June 17, 1996. On June 5, 1996, the applicant and Town Officials were sent a letter indicating that additional information was needed to deem the DRI application complete. On June 17, 1996, a Hearing Officer opened and continued a public hearing on this project to July 11, 1996. In a letter dated June 21, 1996, the applicant and Town officials were informed that all application submittals required at that time by the Commission had been received. A site visit for Subcommittee members and Town officials was held on July 1, 1996. A duly-notice public hearing on this project was held on July 11, 1996 at the Falmouth Town Hall. At this public hearing, the Subcommittee voted to continue the hearing and the record to the August 22, 1996 full Cape Cod Commission meeting. On August 5, 1996, the Subcommittee held a public meeting on the project. At this meeting, the Subcommittee voted all in favor of recommending approval with Conditions of the project to the full Commission. The Subcommittee also voted that Mr. Olsen be given authority to review and approve the final draft Decision on behalf of the Subcommittee. A draft Decision on this project was presented to the full Cape Cod Commission on August 22, 1996. Mr. Olsen moved to close the hearing and the record. Ms. Ritchie seconded the motion. The Commission voted all in favor of closing the hearing and the record. Mr. Olsen moved that the Commission approve, with Conditions, the Development of Regional Impact application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli regarding file number TR-96012 subject to the draft Decision as amended. Mr. Benway seconded the motion. The Commission voted all in favor of the motion.

## MATERIALS SUBMITTED FOR THE RECORD

### A. Materials submitted by the Applicant:

Ament & Ament, Order of Conditions	1/12/96
Costa, nitrogen loading calculations	3/28/96
Costa, map, areas of runoff contribution	3/28/96
Costa, storm drainage calculations (4 data sheets and 4 graphs)	3/28/96
Ament & Ament, letter, sight distances (incl. Costa letter on sight distances)	4/18/96
Ament & Ament, letter, lighting information	5/8/96
Ament & Ament, DRI application	5/24/96
-Abutters list	
-Color drawings (Annino Associates) (two)	-Assessor's map
-Deeds	-Market study for Falmouth facility
-Board of Appeals Petition for Variance/Special Permit	-Buffer design notes
-Planning Board Site Plan application	-Purchase and Sale agreement
-Addendum to Variance/Special Permit application	-Authorization letters
-Application for modification of a Definitive Plan	-Business certificate
-Letter to Massachusetts Historical Commission	-Building renderings (2)
-Text--Discussion of RPP consistency and project description	-Building D renderings
-Access control systems, lifts, elevators, sample lease	-Large sized site plans (two sets; 5 plans each)
-Color photos of Burlington, MA facility and brochure	-Large sized landscape plans (2 copies)
-Large sized drawings of sign and Building A elevations	
-Large sized lighting plan (2 copies)	
-Reduced size site maps (11 x 17) (5 plans)	
Ament & Ament, letter, fee payment and check	5/24/96
Ament & Ament, letter, acknowledgement from MHC	5/31/96
Ament & Ament, letter, acknowledgement from local boards	6/3/96
Ament & Ament, letter, lighting info. and plan	6/20/96
Ament & Ament, letter, notes received letter from MHC	6/26/96
Ament & Ament, letter, comments on Staff Report	7/9/96
Ament & Ament, letter, Phase I assessment	7/10/96
Ament & Ament, letter, further site investigations	7/11/96
Ament & Ament, color photos of site (5)	7/11/96
Ament & Ament, comments on draft Findings and Conditions	8/2/96
-copy of Commission decision, Falmouth Assisted Living Center	
Ament & Ament, revised lighting plan (Annino Associates)	8/2/96
Ament & Ament, letter, comments on draft Findings/Conditions	8/20/96
Ament & Ament, letter, comments on draft Conditions	8/21/96
Costa, draft plan for open space	8/22/96
Costa, revised Landscape Plan	8/22/96
Standards for Self-Service Storage Facilities, from APA	Undated

### B. Materials submitted by the State:

Letter, Massachusetts Historical Commission 6/24/96

### C. Materials submitted by the Town:

DRI Referral Form 4/24/96

-Zoning Board of Appeals Special Permit/Variance Petition

-Addendum to the Special Permit/Variance Petition (copy)

Fax, Letter, Falmouth Conservation Commission 8/2/96

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C. Materials submitted by the Town (Continued):

Letter, Falmouth Conservation Commission, (original--8/2/96 letter)	8/5/96
Letter, Planning Board, addressing Subcommittee's questions	8/16/96
Letter, Planning Board, Site Plan Review Decision concerning Hatt Lot 3A	8/20/96

D. Materials submitted by the Public:

Letter, Falmouth Associations Concerned with Estuaries and Saltponds (FACES)	7/8/96
Petition, from abutters	7/10/96
Letter, Teaticket Civic Association	7/10/96
Allan Fleeer, information on water resources issues and covenants	7/11/96
Chester Krajewski, Teaticket Civic Assoc. (incl. 2 color photos), comments	7/11/96
Letter, Brian Reyenger	8/1/96
Letter, Teaticket Civic Association, additional comments	8/2/96
Letter, Teaticket Civic Association, comments on draft Findings/Conds.	8/16/96

E. Materials submitted by the Cape Cod Commission:

Meeting notes	11/30/95
Meeting notes	1/17/96
Meeting notes	3/14/96
Notes, transportation resources	3/15/96
Notes, water resources	3/19/96
Meeting notes	4/5/96
Letter, DRI referral, to applicant	5/1/96
Memo, to Subcommittee, selection and locus map	5/1/96
Memo, to Town, Subcommittee, applicant, change in hearing date	5/17/96
Form Q, to Staff	5/28/96
Letter, to Twomey, info. on DRI process	5/30/96
Fax cover, to Ament & Ament	6/5/96
Letter, to Ament & Ament, additional info. and lighting Technical Bulletin	6/5/96
Minutes, hearing officer	6/17/96
Memo, to Subcommittee, site visit	6/20/96
Letter, to Ament & Ament, application complete	6/21/96
Photos, polaroid, site visit (ten photos, labeled A-J)	7/1/96
Site visit notes	7/1/96
Staff Report	7/2/96
Fax cover sheets (Currie, Ament & Ament)	7/2/96
Copy, AASHTO guidelines for sight distances (1990)	7/11/96
Minutes, public hearing	7/11/96
Fax, to Ament & Ament, letters received to date	7/11/96
Fax cover, <u>Falmouth Enterprize</u> , copy of Staff Report	7/18/96
Memo, to Subcommittee, subcommittee membership	7/18/96
Memo, to Town, Subcommittee, Ament & Ament, draft Findings/Conditions	7/30/96
Fax cover sheets (Town, Ament & Ament, Olsen)	7/30/96
Minutes, Subcommittee meeting	8/5/96
Fax cover sheet (Town), submission regarding covenants	8/13/96
Memo, to Subcommittee, draft decision & Minutes	8/16/96
Memo, to Town, Ament & Ament, draft decision (Fax cover sheets incl.)	8/16/96
Copies of covenants	8/20/96

E. Materials submitted by the Cape Cod Commission (Continued):

Memo, to Town, Subcommittee, Ament & Ament, changes to draft Decision and letters received for the record as of that date	8/20/96
Memo, driveway access	8/20/96
Copy of site map as it relates to the covenants (Book 424, pg. 24)	8/22/96
Hearing notice	Undated
Hearing notice (corrected)	Undated

The DRI application, plans, photos and notice of public hearings relative thereto, the Commission's Staff Reports, exhibits, minutes of all hearings, and all submissions received in the course of the proceedings, including all materials submitted on file #TR-96012 are incorporated into the record by reference.

**TESTIMONY**

On July 11, 1996, the Commission's Subcommittee held a public hearing at the Falmouth Town offices on Main Street in Falmouth, MA to take testimony on the project. Mr. Herb Olsen opened the hearing at 7:15 pm. Mr. Kaufman read the hearing notice. Mr. Olsen introduced the Subcommittee members and Commission staff. He asked the applicant to describe the project. Mr. Bob Ament, representing the applicant, presented the project.

Mr. Sumner Kaufman inquired whether the project was consistent with local zoning. Mr. Ament read a list of permitted uses, noting that self storage buildings are not explicitly permitted. He noted that it still could be considered a permitted use, with approval by the Zoning Board of Appeals.

Mr. Kaufman inquired about fencing. Mr. Ament explained that there would be a decorative iron fence along Village Common Drive. The remainder of the site would be enclosed by a chain link fence with security wire.

Mr. Tom Broidrick inquired about the runoff from the adjoining concrete plant into the wetland. Mr. Ament stated that the runoff does not come onto the applicant's property. Mr. Turkington confirmed that nothing had been done in the past.

Ms. Andrea Adams, a planner with the Cape Cod Commission, presented the Staff Report. Ms. Adams noted that Building D has a 71-foot setback from the wetland and Building B has a 57-foot setback from the wetland. She noted the setback for Building D requires invoking the Flexibility Clause in the RPP if the Subcommittee decided to approve it.

Mr. Kaufman inquired about lighting. Mr. Chris Capozzoli, the applicant, stated that there will be security lighting on the site that will be on all evening.

Elizabeth Cant expressed concern that there are possible environmental problems with the project due to its location in a water recharge district.

Elizabeth Marley stated concern about the discharge into the wetlands and believes that Perch Pond needs protection. She is also concerned about the aesthetics of the project.

Chester Krajewski stated concerns about traffic noting that access to Route 28 does not meet AASHTO standards for site distance. He also noted that the adjoining stream needs to be cleaned.

Mary Little, representing the Teaticket Civic Association, stated opposition to the project.

Elaine Twomey expressed concern about the noise the project could generate. She inquired about outside audio devices and outside condensing units for temperature control. She also inquired about landscaped buffers. The applicant stated that no audio devices or condensing units would be used. He also noted there will be substantial landscaped buffers.

Bruce Canadine stated concerns over noise and the hours of operation. The applicant stated that the facility would be open from 7 a.m. to 7 p.m. There will be no 24 hour access to the site.

A. John Alves stated that he is in favor of the project.

Robert Bidwell, representing FACES, stated concerns over water quality for Perch Pond, which has some of the worst water quality in the town of Falmouth. He suggested the installation of a denitrification system.

Mr. Figuerido stated that he does not authorize any landscaping on his lot, which abuts the applicant's property.

Janet Hand noted that she does not consider the project as a redevelopment project.

Alan Fleeer stated that the coastal pond overlay district will apply to the project. He is concerned about the water quality in Perch Pond. He presented information on the septic system and requested compliance with previous requirements for a denitrification system which was part of an agreement between the property owner and the Planning Board. He also expressed concern over future use changes on the site.

Stanley Santos expressed concern that Perch Pond would become contaminated from the project. Mr. Ament stated that there will be two public toilets and one toilet in the apartment. There will be less sewage from the project than from a four bedroom house. He noted that the septic system is located far away from the wetland and the nitrogen loading is 1.6 ppm.

Mr. Ament continued with his concluding remarks.

Ms. Little expressed concerns over the sight distance onto Route 28. Mr. Costa, the applicant's engineer, explained that the project meets the required distance. Ms. Sue Pommrehn, of the Commission Transportation staff, concurred. Mr. Ament addressed issues raised in the letter submitted by the Teaticket Civic Association.

Ms. Adams inquired about the possibility of storing heavy equipment at the facility. Mr. Capozzoli, the applicant, stated that cars are often stored on site.

Mr. Tom Broidrick inquired about the installment of a sprinkler system. Mr. Capozzoli stated that there will be heat detectors for fire emergencies.

Mr. Greg Guimond, a planner with the Cape Cod Commission, stated that the proposed lighting meets the requirements of the Commission's technical bulletin. However, the floodlights do not meet these requirements. Downward shields would be an improvement.

Ms. Kathy Sferra, a planner with the Cape Cod Commission, stated siltation needs to be removed

from the wetland. This action in association with restoration is an approach to meeting the requirements of the RPP. Mr. Costa stated that the catch basins will be improved when the road is repaved. Runoff will be drained to catch basins to trap the siltation and oil.

Mr. Krajewski inquired about who will clean the stream. Mr. Ament stated that they will agree to conditions regarding this subject.

Ms. Murley inquired about how often the catch basins are cleaned. Mr. Costa responded that they are cleaned in two to three year intervals.

Mr. Broidrick moved to continue the hearing until August 22, 1996 at the Commission meeting at the First District Courthouse in Barnstable at 3:00 p.m. He moved there be a Subcommittee meeting to discuss draft findings and conditions on August 5, 1996 at 10:00 am at the Cape Cod Commission office. Mr. Kaufman seconded the motions and they were unanimously approved.

On August 5, 1996 at 10:23 am, Mr. Herb Olsen opened the Subcommittee meeting. Mr. Olsen opened the Subcommittee meeting at 10:23 am.

Ms. Andrea Adams, a planner with the Commission, noted Attorney Ament had submitted a letter on August 2, 1996 commenting on the revised Findings and Conditions. Ms. Adams stated that staff agreed with Attorney Ament's suggestions to clarify the Natural Resources Conditions by including the Assessor's map number for the Reserve Area. Ms. Adams said that staff recommends that Condition OPS-1 be modified as suggested by Attorney Ament's letter. She recommended that Condition OPS-3 be revised.

Mr. Broidrick suggested that all Findings and Conditions be revised as need to reflect this correction.

Ms. Adams said that she had discussed the issue of a 21-E Phase I Site Assessment on the property with representatives of the Massachusetts Department of Environmental Protection (DEP). She said that the project manager for a 21-E site at the nearby Jeep/Eagle dealership clarified that the constituent of concern at that site was tetrachloroethylene. Ms. Adams noted that tetrachloroethylene was a typical automotive degreaser so it was likely that the Jeep/Eagle dealership could be the source of the groundwater contamination as noted the Crandlemere assessment and previous reports. Ms. Adams also noted the Burlington Self-Storage site was at a cross-gradient to the groundwater flow pattern. She also noted that the contamination levels detected were at or below the 21-E reportable concentration levels for the most restrictive groundwater category.

Mr. Kaufman questioned whether there was a problem relating to the Burlington Self-Storage site.

Ms. Adams stated staff felt that groundwater monitoring on the site would put the issue to bed. She noted that based on discussions with the DEP and the information provided, particularly that the site was at cross-gradient to the groundwater, staff felt there was evidence to show what the situation was around the site. She also noted that the applicant had already expressed a willingness to address contamination discovered as a result of construction.

The Subcommittee recommended that based on this, Condition Haz-1 should be stricken.

Ms. Olsen asked for staff recommendations on the outstanding Community Character issues.

Ms. Tana Watt, a planner with the Commission, noted she had taken some photographs of the site to illustrate staff's concerns. She used a large poster board with photos, a landscape plan of the site and drawings to illustrate her points. She suggested that per Minimum Performance Standard (MPS) 7.2.3., that the applicant could add evergreens in front of the building along Route 28. She suggested that plantings along the facades would assist in breaking up the building's massing.

Ms. Watt said that staff would recommend leaving the existing buffer adjacent to the Redi-Mix plant intact and use plantings scheduled for that area in other ways to break up the buildings. Ms. Watt said staff also recommended the applicant could provide trees or other plantings on the north side of the "Existing Paved Entrance" as shown on the Landscape Plan dated 1/24/96 to further break up the scale and massing of Building A and provide a vegetative buffer.

Mr. Olsen suggested staff recommendations on the plantings and additional trees seemed warranted.

Ms. Moynihan suggested that the reference to Village Common Drive in draft Condition CC-3 be removed.

Mr. Kaufman suggested that the size of the street trees referenced in draft Condition CC-3 be made a minimum.

Ms. Watt suggested that staff could assist the applicant or their landscaper as needed in selecting trees. She noted that staff had also discussed the bonding issue. She noted staff felt that a maintenance contract for two years could provide the same assurances as a bond that plantings would survive long enough to get established.

Mr. Kaufman suggested an automatic sprinkler system as suggested by the applicant was a good idea. Ms. Watt concurred, but noted that trees needed more water than could be supplied by a sprinkler system.

Ms. Adams noted that staff was concerned that maintenance of plantings to the west of Building D, adjacent to the wetland, be restricted to watering needed to keep plants alive.

Mr. Broidrick suggested that the maintenance contract be clearly referenced in lieu of a bond.

Mr. Olsen asked the applicant if he would be willing to provide a maintenance contract. Mr. Capozzoli responded that he did not have a problem with this so long as it was done when the plantings were installed.

Ms. Watt noted staff had discussed providing more plantings in the Love Grass field behind Building D adjacent to the abutters to increase its wildlife habitat value. She suggested that a Condition could require plantings on the berm to total twenty.

Mr. Olsen asked for staff comments related to the conservation restriction proposed in Condition OPS-2.

Ms. Adams responded that Attorney Ament's letter suggested revised language for Condition OPS-

2 taken from the Commission's 1994 Decision on the Falmouth Hospital Assisted Life Center. She noted that staff felt that a conservation restriction was appropriate in the case of Burlington Self-Storage. She said the Open Space Technical Bulletin, published after the Falmouth Hospital Decision, set out a conservation restriction as the most appropriate tool for provision of open space. Ms. Adams also said the Commission had received a letter from the Falmouth Conservation Commission which noted the importance of the area. She said public comments at the July 11, 1996 hearing also noted how the site and the adjacent Reserved Areas related to Perch Pond. Ms. Adams noted that Falmouth Conservation Commission had dealt with conservation restrictions of a similar nature in the past.

Mr. Olsen noted the Commission's normal practice was to require conservation restrictions for open space protection.

Mr. Kaufman said he agreed with the requirement for a conservation restriction.

Mr. Costa suggested that if the restriction could be worded to allow for maintenance of landscape plantings, the applicant would not be opposed to a conservation restriction.

Ms. Adams noted that the Falmouth Conservation Commission's letter included a concern that the limit of work, particularly adjacent to the wetland, be clearly delineated. Ms. Adams also noted the Falmouth Conservation Commission's letter expressed concern that the on-site storm water management system not be connected to the Town or state drainage easement.

Mr. Costa noted the project would include a totally new septic and storm water management system. Ms. Adams suggested this could be clarified in the decision's Water Resources Findings and Conditions.

Ms. Adams also noted there had been discussions between staff and the applicant on lighting. She noted a revised Lighting Plan had been submitted by the applicant on August 2, 1996 which showed thirty-two (32) wall-pack fixtures. She suggested a Condition be drafted such that there be no off-site spillage of light and that footcandle measurements of fixtures be kept to 8.0. Ms. Adams noted that staff recommended verification prior to a Certificate of Compliance that the number of fixtures, their mounting heights and footcandle measurements conform to the August 2, 1996 Lighting Plan.

Ms. Adams noted comments had been received from the Falmouth Town Planner, Brian Currie, which staff felt could be incorporated into the Findings and/or Conditions.

Ms. Adams noted a second letter from the Teaticket Association had been submitted on July 31, 1996. She noted that Sue Pommrehn, a transportation planner with the Commission, had not provided comments regarding the issue of the curbcut raised by the Teaticket Association. She said she felt the issues in the letter concerning the catch basins and wetland debris removal had been addressed.

Ms. Adams said that Mr. Fox had spoken with Mr. Currie related to existing covenants on the parcels.

Mr. Dorr Fox, the Commission's Chief Regulatory Officer, said Mr. Currie indicated the covenants would not pertain to the type development proposed.

Ms. Moynihan noted the issue had been addressed by Attorney Ament at the July 11, 1996 public hearing.

Mr. Fox suggested staff could request a letter clarifying the matter from Mr. Currie.

Mr. Broidrick suggested there should be comments in the record from Mr. Currie.

Ms. Adams said she would confer with Ms. Pommrehn concerning the curb cut issue raised by the Teaticket Association.

Mr. Broidrick moved that the Subcommittee recommend approval with Conditions of the project to the full Commission. He also moved that the Subcommittee direct staff to revise the draft Findings and Conditions as discussed in today's Subcommittee meeting and prepare a draft Decision. Mr. Kaufman seconded the motions. The Subcommittee voted all in favor of the motions.

Mr. Broidrick moved that Mr. Olsen be given authority to review and approve the final draft Decision on behalf of the Subcommittee. Mr. Kaufman seconded the motion. The Subcommittee voted all in favor of the motion.

Mr. Broidrick moved the meeting be adjourned. Mr. Kaufman seconded the motion. The Subcommittee voted all in favor of the motion.

At the August 22, 1996 full Commission meeting. Mr. Olsen noted the hearing on the project had been continued to the August 22, 1996 Commission meeting. Staff distributed copies of revised Findings and Conditions. Mr. Kaufman moved approval of the August 5, 1996 meeting Minutes noting in paragraph 2 on the first page the public hearing date should read "July 11, 1996." Mr. Olsen seconded Mr. Kaufman's motion and the Subcommittee members voted to approve the Minutes as corrected. Mr. Olsen then described the changes and additions in the revised Findings and Conditions to the full Commission. Andrea Adams, the project planner, noted that three letters had been received for the record since the Commission mailing: two letters from Ament and Ament commenting on the draft Decision dated August 19, 1996 and August 21, 1996 as well as a copy of a letter to Mr. Hatt concerning covenants on Lot 3A from the Falmouth Planning Board. She suggested additional changes to the draft Decision. Regarding Condition WR-1, she noted the staff had received the runoff catch basin design as part of the DRI application and recommended the Condition be revised to "The applicant shall design and construct the storm water runoff catch basin system to handle at least a 25-year storm as described in Development Review Policy 2.1.1.8 in accordance with the Plan for this work submitted on 5/24/96 and the DRI application. In addition, this work shall include closing off any existing on-site connections to the Town or State drainage systems." Ms. Adams noted the applicant had submitted a draft Plan showing the area to be restricted as permanent open space in connection with Condition OPS-1. She said that based on this, staff recommended that the language of Condition OPS-1 be revised to: "The applicant shall submit a final plan depicting 40% of the site to be permanently restricted as open space in compliance with the Regional Policy Plan Minimum Performance Standard 6.1.4. prior to issuance of a Certificate of Compliance. This area shall include the area as generally shown on the Conservation Easement Plan dated 8/20/96. Future activities within this area shall be governed by the terms of the conservation restriction required by Condition OPS-2, below." Ms. Adams also noted that Condition OPS-3 would be revised to reflect the berm as shown on a revised Site Plan which staff expected the applicant to be submitting today. Mr. Silverman thanked the Subcommittee and staff for their presentation and asked the applicant to make a presentation on the

project. Mr. Robert Ament, Attorney, of Ament and Ament, representing the applicant, said he concurred with the recommendations of the staff concerning changes to the draft Decision. He suggested that Condition G-3 be modified to: "The applicant shall obtain all applicable local permits for this project, including modifications to existing approvals and covenants as referenced in Finding G-2, G-3 and G-4 if applicable." He noted this would make clear that the applicant may not need to seek modifications to any of the existing covenants. Mr. Silverman asked for public comments on the project. Elizabeth Marley noted the bird population of Perch Pond had diminished and suggested approval of this project be delayed until the reason for this fact was known. She questioned whether the project had benefits. Mr. Silverman asked Mr. Ament to respond. Mr. Ament showed the Commission photos of the site. He noted the site included an existing building and foundation which would be removed as part of the proposed project. He noted the sewage flow was very low and the project had minimal traffic impacts. Mr. Ament also commented the project would not be used at night. Mr. Kaufman noted the draft Decision specifically recognized the project's benefits outweighed its detriments. Ms. Brundage suggested that Ms. Marley continue to work on addressing concerns about Perch Pond. Mr. Chester Krajewski of the Teaticket Civic Association noted the stream was once a herring run. He said the Reserve Area near the site needed to be cleaned up. He said he opposed the use of the Flexibility Clause in connection with the project. He said the Association was concerned there was excess usable square feet of storage space similar to what was proposed already available within a short distance of the site. He suggested the applicant should perform a dye test to prove whether or not the street drains were connected to the drainage easement. Mr. Silverman asked Mr. Ament if he had any final comments. Mr. Ament noted the adjacent Reserve Area was not under the applicant's control but that the draft Decision reflects a willingness by the applicant to remove debris from the wetland and adjacent Reserve Area. He also noted the use of the Flexibility Clause was limited to the buffers to the wetland. Mr. Silverman noted the Flexibility Clause of the RPP allowed the Commission to apply an alternative approach so long as a Finding was made that what was allowed would not be more detrimental to the protected resource than would be allowable under the applicable Minimum Performance Standard. Mr. Silverman asked if there were further comments. Hearing none, he asked for a motion to close the hearing and the record on this project. Mr. Olsen moved to close the hearing and the record. Ms. Ritchie seconded the motion. The Commission voted all in favor of closing the hearing and the record. Mr. Olsen moved that the Commission approve, with Conditions, the Development of Regional Impact application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli regarding file number TR-96012 subject to the draft Decision as amended. Mr. Benway seconded the motion. The Commission voted all in favor of the motion.

### **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.

### **FINDINGS**

The Commission has considered the DRI application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self-Storage of Cape Cod) for construction of a self-storage facility comprised of four buildings consisting of 89,216 square feet of gross leasable space to be used for storage as well as an office and an apartment of 2,640 square feet (2 stories) on a parcel of 4.19 acres at Village Common Drive in Falmouth, MA. Based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following Findings:

### GENERAL

G-1. The site is located at Lots 4, 5 and 16 (to be known as Lot 5A), Village Common Drive in Falmouth, MA. The site is zoned Light Industrial A.

G-2. The proposed use will require Special Permit approval from the Falmouth Zoning Board of Appeals prior to obtaining construction permits pursuant to Sections 240-57.M, 240-18 and/or 240-57.L of the Falmouth Zoning ordinance.

G-3. According to the DRI application, the proposed project will also require Site Plan Review by the Falmouth Planning Board, a Sewage Disposal Permit from the Falmouth Board of Health, review by the Falmouth Conservation Commission, a Building Permit from the Falmouth Building Department and a Sign Permit from the Building Commissioner/Board of Selectmen.

G-4. There are existing covenants applied by the Town of Falmouth Planning Board to the subdivision which affect the amount of office and retail space which may be developed and which limit the amount of sewage flow. Developers or current occupants of parcels in the subdivision may seek to have these covenants modified by making an application to the Falmouth Planning Board.

G-5. On February 29, 1996, the applicant filed with the Falmouth Planning Board for a modification of the subdivision. This was approved by the Board on April 9, 1996.

G-6. The DRI application states the proposed project will include 750 self-storage units in sizes ranging from 25 square feet to 200 square feet and larger.

### ECONOMIC DEVELOPMENT

ED-1. The DRI application states that there is a market demand for the proposed self-storage units within a five-mile radius of this site based on information that Falmouth can support 143,070 square feet of storage space and that the existing supply is only about 68,800 square feet.

ED-2. Information in the DRI application states that customers at the proposed facility are expected to be 35% business and 65% consumer. Businesses are expected to use the storage from between six months and several years as a means of off-site storage of inventory, supplies, and business records. Consumers will be made up of homeowners and renters who require permanent and temporary storage space.

ED-3. According to the DRI application, there will be two full-time employees and one part-time employee at the storage facility. Testimony from the applicant's representatives at the July 11, 1996 public hearing indicates that the proposed development will employ a site manager with an anticipated salary of \$35,000 annually and that part-time employees are expected to be paid approximately \$10/hour. Based on this, the project is consistent with Development Review Policy 3.1.2 of the RPP.

ED-4. The DRI application states that at least one employee is expected to live on-site above the office. This is consistent with RPP Development Review Policy 3.3.1.

### TRANSPORTATION

TRANS-1. No traffic projections were provided for the current uses on the project site by the applicant. Commission staff estimated existing trip generation for the site using Institute of

Transportation Engineers (ITE) data for General Merchandise (Land Use Code 810), Specialty Retail (Code 814), and Hardware Store (Code 816). Existing trip generation was estimated to be between 200 and 260 daily trips and 25 PM peak hour trips for the 5,000 square foot Taylor Rental business.

TRANS-2. Commission staff estimated trip generation for the proposed development using an average of gate counts from a self-storage facility in Burlington, MA., ITE data for Mini-Warehouse (Land Use Code 151) and a publication on standards for self-storage facilities published by the American Planning Association. Estimates made using these sources indicated the traffic generated by the proposed new self-storage facility would be comparable to the existing use.

TRANS-3. The DRI application indicates that Village Common Drive and the internal site roads will be adequate for truck traffic and will accommodate truck turning movements. Staff concurred with the applicant's assessment.

TRANS-4. The DRI application indicates that Village Common Drive is of sufficient width and that the vertical and horizontal alignments of the road are sufficient to provide sight distances for the expected speed of interior site traffic. Staff concurred with the applicant's assessment.

TRANS-5. Information provided by the applicant indicates that sight distances for the intersections with Route 28 are in excess of AASHTO stopping sight-distances for 45 mile-per-hour roadways. Staff noted they concurred with this assessment at the July 11, 1996 hearing.

TRANS-6. Based on information in the DRI application, no increase in site traffic is expected with the proposed self-storage facility. Because of this, MPS 4.1.2.1 of the RPP, requiring 20% of additional traffic to be off-set by alternate modes, is not applicable to this project.

#### WATER RESOURCES

WR-1. The proposed self-storage project is located within the Marine Water Recharge Area to Great Pond/Perch Pond.

WR-2. Data from the Falmouth Pond Watcher program for Great Pond (including Perch Pond) indicates that it is a system overloaded with nitrogen. In the section of Great Pond directly down-gradient of the project site, nitrogen concentrations are greater than 0.75 ppm, the highest Critical Eutrophic Levels category in the Falmouth Coastal Pond Overlay Bylaw.

WR-3. RPP MPS 2.1.1.2.E designates impaired Marine Water Recharge Areas as Water Quality Improvement Areas and sets out improvement of water quality in such areas as a major goal. Based on information in the DRI application, the applicant proposes to reduce the amount of wastewater generated on the site, and will reduce the overall nitrogen load, thereby meeting RPP improvement requirement within a Water Quality Improvement Area.

WR-4. According to the DRI application, storm water runoff on the site is proposed to be discharged into catch basins designed to handle a 25-year storm, which meets the requirements of Development Review Policy 2.1.1.8.

WR-5. The applicant indicated at the public hearing on July 11, 1996 that all existing floor drains and storm drains on Lot 5, excluding any facilities within the State drainage easement, will

be removed. In addition, a new storm water drainage system will be constructed. Discussions with the applicant on August 5, 1996 indicated this work would also include closing off any existing on-site connections into the Town or State drainage system.

WR-6. The estimated septic flow for the proposed project, according to the DRI application, is 210 gallons per day which is below the 1,272.50 limit as referenced in the Covenant dated April 11, 1995.

#### HAZARDOUS MATERIALS/WASTE

HAZ-1. The DRI application indicates that storage of hazardous materials on site will be prohibited by conditions in the lease agreement. This includes but is not limited to volatile substances, materials which produce toxic fumes, acetylene, oxygen, gasoline, alcohol, kerosene, ammonia, flammable paints and chlorine.

HAZ-2. The lease agreement provided as part of the DRI application also indicates that items may not be stored at the facility which may be in violation of local Board of Health requirements or which may cause a nuisance.

HAZ-3. The Town of Falmouth Health Code also contains regulations which control the storage and handling of hazardous materials.

HAZ-4. A site visit conducted on July 1, 1996 revealed that the site contains scrap tires, several junked cars and other debris which indicate the site may have been used as a disposal site for hazardous waste.

HAZ-5. On July 11, 1996, the applicant submitted for the record a copy of a ASTM Phase I Site Assessment prepared by R. W. Crandlemere and Associates, Inc. The Site Assessment included two site visits (December 12 and 15th, 1995), a reconnaissance of adjacent properties, a background records search and a review of available local, state and federal regulatory records regarding the presence of petroleum products or hazardous materials at or in the vicinity of the site. The Phase I also included a limited visual inspection for asbestos-containing material. No subsurface investigations was performed on the property as part of the Site Assessment.

HAZ-6. The Site Assessment conducted by Crandlemere and Associates, Inc. indicates the property was a prior location for a cement block factory. It noted buried concrete on site resulting from the cement block manufacturing and Redi-Mix concrete operations.

HAZ-7. The Crandlemere Site Assessment noted a 275-gallon oil tank was located in the garage space. The tank was characterized as "apparently empty" and was reported to have been used to fuel equipment stored there. Three 55-gallon drums were also noted. One contained trash, one was marked "waste coolant" and the third was marked "SAE 30 Motor Oil." No visible releases were associated with the drums. A container of waste oil from small engine repair was also observed in one garage area used by the Taylor Rental business. Cans of paint and gasoline as well as a 5-gallon pail of hydraulic oil were stored in the Taylor Rental garage. No wells, ponds, pits, sumps or lagoons were observed on the site. Catch basins were observed in the parking areas and a floor drain was noted in the area used for washing table cloths and dishes associated with the Taylor Rental business. No floor drains were observed in the garage areas of the building. All catch basins and floor drains observed in the existing 5,000 square foot building were reported to be connected to the existing storm drainage system. No large quantities of

suspect asbestos-containing material were observed in the on-site buildings.

HAZ-8. The Crandlemere Site Assessment indicates that the Taylor Rental building is currently heated with natural gas. The Assessment also states there was no evidence of an underground storage tank on the property either in the past or at the present time.

HAZ-9. The Crandlemere Site Assessment also noted there are five tenant spaces in the one existing on-site structure. The spaces were noted as occupied by Dave's Autobody, Taylor Rental, a vacant space previously used by Vehicle Vibes, a garage space used by the owner's son to store a truck and small bulldozer, and a small office space.

HAZ-10. The Crandlemere Site Assessment noted that Vehicle Vibes was an automobile radio and audio equipment installer and that Dave's Autobody is "a small volume operation" which stored paint products in containers up to one gallon. It noted the garage was well-kept with no evidence of improper disposal.

HAZ-11. The Crandlemere Site Assessment included a reference to a "Site Assessment Update Report Relative to Hazardous Material for the Property Located at 10, 20 and 28 Village Common Drive" prepared by K-V Associates, Inc. dated August 5, 1994. In relation to the self-storage facility site, 20 Village Common Drive is Ideal Floor Covering and 28 Village Common Drive is the Woodsmiths building. The self-storage facility is proposed to be located on lots 4, 5 and 16, replacing the businesses in the one existing on-site building. The Crandlemere Assessment reported results of groundwater testing contained in the K-V Associates report, noting "those tests show low levels, ~2-3 ppb of chlorinated solvents." The Crandlemere Site Assessment states "[a]ll levels detected are below the limits the DEP set at reportable concentrations in the groundwater under the site (GW-1).'"...

HAZ-12. The Site Assessment performed by Crandlemere and Associates, Inc. included a search of the Massachusetts Non-Priority and Spills List for locations within a 1/2-mile of the site. The search indicated that the Jeep Eagle Dealership at 735 Teaticket Highway (Route 28) is a Location to Be Investigated related to releases of chlorinated solvents and petroleum. Discussions with DEP staff on July 30, 1996 indicate that 1-5 ppb of tetrachloroethylene were detected in groundwater at the Jeep Eagle Dealership site. DEP staff indicated that 1-5 ppb of tetrachloroethylene is within the DEP's reportable concentration in groundwater (GW-1). The Crandlemere Assessment also concluded that "this site does not constitute a threat to public health and safety or to the environment."

HAZ-13. Records at the Falmouth Fire Department, reviewed as part of the Crandlemere Site Assessment, indicate the Taylor Rental Center to have a storage permit for 21 gallons of gasoline (outside), 275 gallons of kerosene (outside), 50 gallons of motor oil (outside), and 150 pounds of propane.

HAZ-14. The Crandlemere Site Assessment concluded that "none of the other identified potential sources of contamination should have a significant impact on the soil and/or groundwater quality on-site." Because of this, no further soil or water-quality assessment of the proposed Burlington self-storage facility site was recommended.

HAZ-15. The Crandlemere Site Assessment did recommend that a thorough inspection be done of the existing 5,000 square foot building for asbestos-containing material, including non-

accessible or readily visible material, prior to its planned demolition.

HAZ-16. On July 9, 1996, the applicant undertook further site investigation using a backhoe to determine if items had been buried on the site. The backhoe was used to dig twelve (12) "inspection holes" around upland areas of the site, to a depth of 8-12 feet. Only sand, concrete materials and a few scraps of metal were discovered.

### COMMUNITY CHARACTER

CC-1. On June 26, 1996, Commission staff received confirmation from the Massachusetts Historical Commission that the project is unlikely to affect significant historic or archeological resources. As such, RPP Goal 7.1 does not apply to this project.

CC-2. At the July 11, 1996 public hearing the applicant clarified that signage will not be internally lighted, in conformance with RPP MPS 7.2.6.

CC-3. At the July 11, 1996 public hearing, the applicant clarified that all utilities shall be placed underground, in conformance with RPP MPS 7.2.7.

CC-4. As a project that proposes to redevelop the site, the proposed project should strive to improve the visual character of the area for those who live, shop, work and drive in the vicinity of the site.

CC-5. In a letter dated July 8, 1996, the applicant states that a sprinkler system will be installed to maintain ornamental landscape plantings and lawn areas adjacent to the buildings.

CC-6. In a letter dated July 8, 1996, the applicant proposes to plant Love Grass in the wetland buffer for rapid erosion control.

CC-7. The lighting plan proposed by the applicant is based on the use of wall-pack fixtures. Wall-packs are light fixtures which are attached to the side of a building, versus a pole-mounted fixture. The Revised Lighting Plan submitted by the applicant on August 2, 1996 shows thirty-two (32) wall-pack lighting fixtures to be mounted ten (10) feet above the ground. The applicant agreed at an August 5, 1996 Subcommittee meeting that the wattage, mounting height and the use of interior lighting shields on the fixture would meet the standards of Technical Bulletin 95-001 (Exterior Lighting Design Standards and Submittal Requirements).

CC-8. Based on the DRI application and renderings provided by the applicant on July 30, 1996, Building A is proposed to be constructed of metal with brick towers with green metal roofs. No windows or other openings are proposed along the 155-foot length or 70-foot width that is visible from Route 28. Landscaping including tall-growing plants would improve the integration of this building on the site as per MPS 7.2.3.

CC-9. The Regional Policy Plan designates Route 28 as a regional roadway. Views onto the site from Route 28 are an important part of this area's community character. In addition, landscaping to enhance the view and building facades along Route 28 are required by MPS 7.2.3.

### NATURAL RESOURCES

NR-1. According to the DRI application, plans submitted and testimony at the July 11, 1996 public hearing, the proposed project is located on a site that was altered by a sand and gravel

removal operation prior to the Cape Cod Commission Act. The majority of vegetation has been stripped from the site, with the exception of the areas immediately surrounding the wooded wetland bordering a stream leading to Perch Pond on the west side of the site. A building foundation is currently located within the 100' buffer to the wetland. A small portion of the site is "developed" within the meaning of the exception in Regional Policy Plan Minimum Performance Standard 2.3.1.2.

NR-2. According to the DRI application, plans submitted and testimony at the July 11, 1996 public hearing, no existing vegetation in the wetland buffer will be removed by the project. The applicant is proposing to revegetate and restore portions of the wetland buffer that are currently stripped of vegetation and topsoil. This area will be densely planted with native vegetation and allowed to return to a natural state. The applicant is also proposing to remove trash, debris and siltation from the wetland on and immediately adjacent to the site. The existing foundation on the site will also be removed.

NR-3. Regional Policy Plan Minimum Performance Standard 2.3.1.2. requires the provision of a minimum 100' undisturbed wetland buffer. Building B as described in the DRI application and as shown on the Site Plan dated 1/18/96 (received 5/24/96) is located within the 100' buffer in an area of the site that is currently developed. The Commission finds that construction of this building will not increase adverse impacts to the wetland or its buffer.

NR-4. Building D as described in the DRI application and as shown on the Site Plan dated 1/18/96 (received 5/24/96) is located 71' from the edge of the wetland with a driveway located alongside this building. Building D has been moved back as far from the wetland as possible, within the constraints created by setbacks and the Massachusetts Highway Department drainage easement.

NR-5. Based on the DRI application, plans submitted and testimony at the July 11, 1996 public hearing, the Commission finds that modification of the 100' buffer requirement is appropriate in the case of Building D and its driveway as shown on the above-referenced Site Plan because the landscaping and wetland/buffer restoration measures proposed by the applicant will better serve the interest of protecting the wetland than if this portion of the site remained in its current unvegetated state and the existing erosion problem was allowed to continue.

#### OPEN SPACE

OPS-1. According to the DRI application, plans submitted and testimony at the July 11, 1996 public hearing, the applicant is providing 49.6% of the site as open space in compliance with the Regional Policy Plan's 40% open space requirement.

OPS-2. The applicant proposes to landscape the southern side of the property behind the berm to the south of Building D with love grass. The berm is being relocated to the south side of the existing berm and is proposed to be planted with white pines. While this is an improvement over existing conditions, this area would benefit by additional landscaping with native species that will provide improved wildlife habitat.

#### **CONCLUSION**

Based on the public hearings, the materials submitted for the record and the above Findings and Conditions below, the Commission hereby concludes:

1. The benefits of the proposed development outweigh the detriments. This conclusion is supported by Findings ED-3, ED-4, Trans-6 and WR-4, above and Condition Trans-1, below.
2. Provided that the project obtains all permits required by the Town of Falmouth, as noted in Findings G-2 and G-3, the project will be in compliance with local zoning requirements.
3. The project is consistent with the Regional Policy Plan. The only exception to this conclusion is where indicated in Findings NR-4 and NR-5. In this case, the Commission hereby invokes the Flexibility Clause of the Regional Policy Plan to allow this development, noting that the wetland/buffer restoration measures proposed by the applicant in connection with Building D will better serve the interest of protecting the wetland than if this portion of the site remained in its current unvegetated state and the existing erosion problem was allowed to continue.

The Commission hereby approves, with Conditions, the Development of Regional Impact application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self-Storage of Cape Cod) for this project located in Falmouth, Massachusetts, pursuant to the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10 and Sections 12 and 13 of the Cape Cod Commission Act, as amended, provided that the Findings above and the following Conditions are met:

## CONDITIONS

### GENERAL

- G-1. All requirements of all Conditions of this Decision, except for TRANS-1, related to Transportation monitoring, below, or as otherwise noted in each Condition, shall be complied with prior to receipt of a Certificate of Compliance from the Cape Cod Commission.
- G-2. The applicant shall remove the existing 5,000 square foot building and 7,200 square foot foundation on site and appropriately dispose of all construction and demolition debris.
- G-3. The applicant shall obtain all applicable local permits for this project, including modifications to existing approvals and covenants as referenced in Findings G-2, G-3 and G-4 if applicable.
- G-4. The facility shall be used solely for storage. No retail or other commercial or industrial use shall be permitted on the site.

### TRANSPORTATION

TRANS-1. The applicant shall provide the Cape Cod Commission Transportation staff with actual hourly traffic counts over a 24-hour period for the facility on three weekdays and three Saturdays during the month of July during the first three years of facility operation. Traffic counting protocols shall be developed in consultation with Commission staff prior to commencement of the actual counts. Data from this field work shall be provided to the Cape Cod Commission Transportation staff no later than September 1 of each year monitoring is done.

### WATER RESOURCES

WR-1. The applicant shall design and construct the storm water runoff catch basin system to handle at least a 25-year storm as described in Development Review Policy 2.1.1.8 in accordance with the Plan for this work submitted on 5/24/96 and the DRI application. In addition, this work shall include closing off any existing on-site connections to the Town or State drainage systems.

WR-2. The applicant shall provide no more than four (4) toilet facilities in the proposed project as described in the DRI application and/or Plans.

WR-3: The applicant shall, as a minimum, provide for at least annual regular maintenance and cleaning of the on-site stormwater drainage system. This Condition is not intended to prohibit more frequent cleaning and/or maintenance.

#### HAZARDOUS MATERIALS/WASTE

HAZ-1. The applicant shall dispose of any accumulated hazardous materials or hazardous waste on site as a result of the current or previous tenants or discovered during any phase of site work or building construction. Such disposal shall be via a hazardous waste hauler licensed by the DEP and shall also be in compliance with the Massachusetts Hazardous Waste regulations, 310 CMR 30.00.

HAZ-2. All liquid collected in the existing on-site catch basins shall be tested to determine whether or not it is hazardous waste in accordance with the requirements of 310 CMR 30.00. Copies of test results shall be provided to the Falmouth Health Department. Disposal of any catch basin liquid determined to be hazardous waste shall be via a hazardous waste hauler licensed by the DEP and shall also be in compliance with 310 CMR 30.00.

HAZ-3. No floor drains shall be allowed in the self-storage facilities and office space.

HAZ-4. The facility owners shall retain the services of a Massachusetts-licensed hazardous waste disposal firm to assist should hazardous materials or waste be found to be stored at the facility.

HAZ-5. Any vehicles, boats, airplanes or equipment proposed to be stored at the facility shall be stored in accordance with local Health Department and/or Fire Department regulations. No vehicle, boat, airplane or equipment maintenance or repair shall be allowed on-site. The only limited equipment maintenance allowed on site is what is normally required for proper functioning of the passenger and freight elevators and other fixtures such as the security gates. The owners of the facility shall make these restrictions clear to prospective leasees at the time a lease agreement is proposed.

HAZ-6. All on-site manufacturing activities shall be prohibited.

#### NATURAL RESOURCES

NR-1. The applicant shall clearly designate the limit of work on the wetland side of the site using orange construction fencing (or equivalent). This limit of work shall be placed at the edge of clearing and grading. No removal of vegetation within the existing treeline along the wetland and no excavation or filling of land within the tree canopy shall be permitted.

NR-2. The applicant shall submit to the Cape Cod Commission and Falmouth Conservation Commission a narrative (and any necessary plans) describing the proposed removal of siltation in the vicinity of the Massachusetts Highway storm water discharge pipe in the vicinity of Lot 4 as shown on the Town of Falmouth Assessor's Map No. 34-06-024-000, as well as trash and debris within the wetland on the site and within the Reserve Area immediately west the site as shown on the Town of Falmouth Assessor's Map No. 34-06-024-000, being 20,700 square feet, submitted in the DRI application. The applicant shall submit this application to the Falmouth Conservation

Commission for this work prior to or at the same time as application is made for construction of the self-storage facility. In addition, the applicant shall complete the work required by this Condition prior to receipt of a Certificate of Compliance.

NR-3. The applicant shall loam and revegetate all areas between the proposed Building D roadway and the wetland with a mix of native herbaceous and shrub vegetation as depicted in the Site Plan dated 1/18/96 (received 5/24/96). As an exception, the applicant shall plant huckleberry in place of winterberry. The buffer area shall also be densely planted with Love Grass to stabilize the slope and eliminate existing erosion and sedimentation. The restriction required by Condition OPS-2, below, shall specify that no future disturbance or development of land within the wetland buffer area shall be permitted. Watering to insure survival of plant materials shall be allowed.

#### COMMUNITY CHARACTER

CC-1. The applicant shall submit a revised Landscape Plan showing areas in the wetland buffer to be planted with Love Grass for erosion control as well as information required by Conditions NR-3, above and CC-2, CC-3 and OPS-3, below, for Cape Cod Commission staff review and approval prior to issuance of a building permit. Work done in connection with this Condition or Conditions cited herein shall be completed prior to the issuance of a Certificate of Compliance.

CC-2. The existing vegetation along Route 28 between the "Existing Paved Entrance" as shown on the Landscape Plan dated 1/24/96 (received 5/24/96) and the property line to the west bordering Lot 1A shall be retained. Removal of vegetation in this area shall be limited to pruning of deadwood and weeding. Requirements described in this Condition shall be shown on the revised Landscape Plan referenced in Condition CC-1, above.

CC-3. Street trees (3" caliper diameter at breast height, minimum) shall be planted along both sides of the "Existing Paved Entrance" as shown on the Landscape Plan dated 1/24/96 (received 5/24/96) according to the optimum spacing requirements for the species but not to exceed a spacing of 25 feet on center. In addition, the applicant shall provide no fewer than ten Leyland Cypress 6 to 7 feet in height or similar evergreen plantings along the facade of Building A between the building and the "Existing Paved Drive" as noted on the Landscape Plan dated 1/24/96 (received 5/24/96). Requirements described in this Condition shall be shown on the revised Landscape Plan referenced in Condition CC-1, above.

CC-4. Prior to the Certificate of Compliance, the applicant shall provide to the Commission evidence of a maintenance contract for all plantings on the site for a period of two (2) years from the date of planting. The maintenance contract shall indicate the method and schedule of watering as well as other maintenance proposed for these areas of landscaping. As part of the maintenance contract referred to by this Condition, or as part of the revised Landscape Plan noted in Condition CC-1, above, the applicant shall provide for adequate watering of all landscape plantings, including trees. However, maintenance provided in the area of the wetland buffer to the west of Building D as shown on the Site Plan dated 1/18/96 (received 5/24/96) shall be limited to watering to insure survival of plant materials.

CC-5. Lighting for the proposed project shall be of the type, wattage and number as shown on the Revised Lighting Plan dated 8/1/96 (received 8/2/96). The level of light in footcandles provided on the site shall not exceed eight (8.0). Shielding of fixtures shall provide for total cutoff of all light at the property lines.

OPEN SPACE

OPS-1. The applicant shall submit a final plan depicting 40% of the site to be permanently restricted as open space in compliance with the Regional Policy Plan Minimum Performance Standard 6.1.4. prior to issuance of a Certificate of Compliance. This area shall include the area as generally shown on the Conservation Easement Plan dated 8/20/96. Future activities within this area shall be governed by the terms of the conservation restriction required by Condition OPS-2, below.

OPS-2. Prior to any development on the site, the applicant shall provide the Cape Cod Commission with a conservation restriction to be approved by Commission counsel and recorded at the Registry of Deeds or Land Court which provides that the 40% open space areas shown on the Plan noted in Condition OPS-1, above, shall remain as permanent open space. The restriction and site plan shall be recorded at the Land Court/Registry of Deeds prior to issuance of a Certificate of Compliance from the Commission.

OPS-3. The proposed berm to be located to the south of Building D as noted on the Site Plan dated 1/18/96 (received 5/24/96) shall be lengthened as described on the Landscape Plan dated 1/24/96 (revision date 8/15/96). In addition, the applicant shall augment the berm and/or the southwest corner of the wetland buffer area adjacent to Building D with a total of twenty (20) additional native plants (combined trees and shrubs), including those noted on the (date) Revised Site Plan, of the types already indicated on the Landscape Plan dated 1/24/96 (received 5/24/96) to improve wildlife habitat.

**SUMMARY**

The Commission hereby approves, with Conditions, the Development of Regional Impact application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self-Storage of Cape Cod) for this project located in Falmouth, Massachusetts, pursuant to the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10 and Sections 12 and 13 of the Cape Cod Commission Act, as amended.

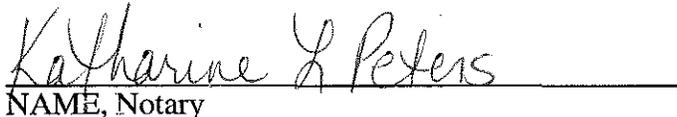
  
Greg Silverman, Chairman

9/5/96  
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

Subscribed and sworn to before me this 5<sup>th</sup> day of September, 1996.

  
NAME, Notary

My Commission expires: