



CAPE COD COMMISSION

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DATE: August 21, 1997 #TR-97009
#EX-97009

TO: F.W. Webb and Company C/o John D. Pope
C/o Patrick M. Butler, Esquire
Nutter, McClennen & Fish, LLP
1513 Iyanough Road
P.O. Box 1630
Hyannis, MA 02601

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: F.W. Webb and Company C/o John D. Pope

PROJECT: 15,258 square foot addition to an existing 11,730 square foot F.W.
Webb building at 172 Attucks Lane, Hyannis, MA

BOOK/PAGE: Book 3267, Page 15
Map 312, Parcel 31

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of the F.W. Webb Company care of Mr. John D. Pope 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) as the construction of a new 15,258 square foot addition to an existing 11,730 square foot F.W. Webb building at 172 Attucks Lane. The applicant also filed for a Development of Regional Impact Exemption pursuant to Section 12(k) of the Cape

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Cod Commission Act, as amended. This Decision is rendered pursuant to the vote of the Commission on August 21, 1997.

PROJECT DESCRIPTION

The project consists of the construction of a 15,258 square foot addition (6,893 sq. ft. of mezzanine plus 8,365 sq. ft. of main structure) to an existing 11,730 square foot building located at 172 Attucks Lane in Hyannis (Barnstable). The company wholesales plumbing supplies (pipe, pipe joints, caulking) for contract work and sprinkler system installation. No retail sales are conducted on site. Sewer is available to the site, but has not been connected to date. The application materials note that the proposed purpose of the expansion is to provide greater selection and customer service, as well as to allow better organization of inventory and reduce outside storage. No additional employees are proposed. The site is zoned industrial (IND) according to the Barnstable Zoning By-law and is also located in a Zone II area.

PROCEDURAL HISTORY

The project was referred as a Development of Regional Impact by Mr. Ralph Crossen, the Barnstable Building Commissioner, on May 29, 1997. The referral was received by the Cape Cod Commission on May 30, 1997. On May 28, 1997, the Commission received a combined Development of Regional Impact (DRI) and DRI Exemption application. On June 19, 1997, a combined Joint Scoping Session/Site Plan Review was held with Barnstable local officials subject to a Memorandum of Understanding (MOU) with the Town of Barnstable in July 1996 concerning joint review of DRI projects. A public hearing was scheduled and noticed for July 14, 1997. A letter dated June 11, 1997 to the Applicant indicated that the combined DRI/DRI Exemption application was incomplete and advised that the remaining materials be submitted by June 30, 1997. On July 14, 1997, a fax was received from the Applicant's representatives confirming that the hearing would be changed to a hearing officer. On July 14, 1997, a Commission staff member acting as a hearing officer opened and continued a hearing on the project to August 11, 1997. A letter dated July 16, 1997 to the Applicant indicated that the combined DRI/DRI Exemption application was still incomplete and advised that the remaining materials be submitted by July 28, 1997 or it might be necessary to procedurally deny the project. On July 29, 1997, additional application materials were submitted. A letter dated August 5, 1997 to the Applicant indicated that the application was deemed sufficiently complete to hold a hearing. On August 11, 1997, a public hearing was held on the DRI and DRI Exemption applications. This hearing and the public record were continued to the full Commission meeting scheduled for August 21, 1997. On August 11, 1997, the Subcommittee voted to recommend to the full

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Commission that the project be granted a DRI Exemption. A draft decision on the DRI Exemption was presented to the full Commission on August 21, 1997. At this meeting, the Commission voted to approve the DRI Exemption application.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

DRI/DRI Exemption Application	5/28/97
-cover letter	
-abutters list	
-DRI form	-aerial photo
-DRI Exemption form	-deed
-narrative regarding Exemption	-existing site layout plan
-locus map	-new site layout plan
Table showing site conditions and 2 site photos	6/19/97
Fax, from Butler, confirms hearing will be hearing officer	7/14/97
Letter, from Butler, additional Application submittals	7/29/97
-11 x 17 site plans (2 copies)	
-landscape plan (full size, one copy)	
-Registration Form for Barnstable Health Department for hazardous materials	
-Fax, to Butler, from Sam Parks Associates, Inc. about transportation issues	
-site plans, drainage conditions (2 copies)	
Letter, from Butler, additional Application materials	8/11/97
-narrative on open space, wastewater, lighting and building height	
-site plans, shows site improvements (2 copies)	
Letter, from Butler, additional Application materials	8/21/97
-letter confirming Airport had no concerns related to lighting or building height	
-letter confirming that hookup to public sewer will be condition of local approvals	
Partial site plan	Undated

B. Materials submitted by the State:

No comments were received from the State.

C. Materials submitted by the Town:

Letter, from Building Commissioner, DRI referral form	5/30/97
Memo, from Building Commissioner, Site Plan Review	6/11/97
Minutes, Site Plan Review Meeting of 6/19/97	6/26/97

D. Materials submitted by the Public:

Letter, Bay State Piping Company, Inc. in support of project	7/14/97
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E. Materials submitted by Cape Cod Commission:

Staff Form Q and Memo to staff	5/30/97
Letter, to Butler, notice of project is DRI, hearing date	6/3/97
Fax cover sheets to Town officials and Butler	6/4/97

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

Memo, to Subcommittee, Joint Site Plan Review and hearing	6/5/97
-DRI referral form	-locus map
-DRI/DRI Exemption application forms	
Memo, to Subcommittee Chair, about Joint Site Plan Review	6/6/97
Letter, to Butler, Application is incomplete	6/11/97
Memo, to Subcommittee, change in Subcommittee	6/18/97
Minutes, hearing officer	7/14/97
Memo, to Subcommittee, change in Subcommittee, new hearing date, copies of submittals to date	7/16/97
Letter, to Butler, Application is incomplete	7/16/97
Staff Form Q and preliminary comments	7/29/97
Staff Report	8/5/97
Memo, to Subcommittee, hearing packet	8/5/97
-Staff Report and site plans	
-Additional submittals from Applicant	
-Table showing square footages of site	
-Joint Site Plan Review notes	
-Letter from Bay State Piping Company, Inc.	
Fax cover sheets, to Butler and Town Officials, Staff Report	8/5/97
Letter, to Butler, Application deemed complete	8/5/97
Minutes, public hearing	8/11/97
Hearing Notice (for 7/14/97)	Undated
Contacts Sheet	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-97009 and #EX-97009 are incorporated into the record by reference.

TESTIMONY

The Commission's Subcommittee received testimony at the August 11, 1997 public hearing on this project at the Assembly of Delegates Chambers, First District Courthouse, Barnstable, MA.

Attorney Pat Butler, representing the Applicant, explained that the proposal is the expansion of an existing plumbing supply business consisting of approximately 15,000 square feet with an 8,365 square foot building footprint.

Mr. Dick Prince inquired about the retention of storm water on the site. Attorney Butler noted that the retention is required by the town.

Ms. Vicky Bebout inquired about the timing of the connection to municipal sewer.

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Attorney Butler responded that the connection will occur during the construction of the addition. There will be no problem obtaining the connection.

Mr. Prince inquired about the eighteen peak hour trips. Attorney Butler responded that these trips are associated with the addition.

Mr. Riley suggested that the number of proposed parking spaces is excessive. He questioned whether this number was a town requirement. Attorney Butler responded that it was a town requirement that there be one space for every 700 square feet of building space.

Mr. Prince inquired about outdoor storage. Mr. Dan Foley, representing the Applicant, responded that some pipes will be stored outside.

Mr. Tom Broidrick inquired what the antifreeze stored on site was used for. Mr. Foley stated that it is sold to winterize plumbing systems. He also noted that it is propylene glycol which is less toxic than ethylene glycol antifreeze.

Ms. Andrea Adams presented the Staff Report. She suggested the applicant provide a letter from the Barnstable airport manager that the lighting from the project does not create a problem for the airport. She also suggested that a letter be provided from the Town of Barnstable that there will be no problem hooking up to sewer. Attorney Butler stated that he would provide these letters.

Ms. Sue Pommrehn stated that the project will not create a significant increase to traffic. She stated the it is an improvement that the Applicant is willing to remove a bush to increase site distances from the driveway to improve safety. She also stated that it is a safety improvement that the Applicant is narrowing the site access driveway by fifty feet.

Ms. Bebout inquired whether the building will have a sprinkler system. Attorney Butler responded that it would.

Mr. Olsen moved to continue the hearing and leave the public record open until the regular Commission meeting scheduled for August 21, 1997. Mr. Prince seconded the motion and it was unanimously approved.

Mr. Riley opened a public meeting to discuss the project.

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It was the consensus of the Subcommittee that the project did not present regional impacts. Mr. Olsen moved to recommend to the full Commission that the project should be granted a DRI Exemption based on the submissions for the record, the public testimony and the draft Findings above and that there are no impacts outside of the Town of Barnstable. Ms. Bebout seconded the motion and it was unanimously approved.

Additional testimony was received on this project at the August 21, 1997 Cape Cod Commission meeting.

JURISDICTION

The proposed project qualifies as a DRI under Chapter A, Section 3(e), Barnstable County Ordinance 94-10: new construction, addition or auxiliary buildings 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 Mr. John D. Pope for F.W. Webb for the construction of a new 15,258 square foot addition to an existing 11,730 square foot F.W. Webb building at 172 Attucks Lane. 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. This project was reviewed under the 1996 Regional Policy Plan.
2. The Applicant provided information on the traffic characteristics of the existing business and estimate of additional traffic expected with the addition. A traffic count conducted on 7/10/97 indicates that there were 14 trips (5 into the site and 9 out) during the PM peak hour of 4:15 PM to 5:15 PM. The Applicant also estimated an increase of 18 vehicle trips (using Institute of Transportation Engineers trip generation data) through the site drive during the PM peak hour as a result of the proposed addition. A total of 32 peak hour trips (14 existing plus 18 new) is expected at the site drive with the proposed project. This amount of increase in traffic is not expected to significantly impact the regional roadway system.
3. The current site access is excessively wide (150 feet) and lacks definition from Attucks Lane. The current design does not conform to general guidelines for site design and access for this type of business. A revised site plan submitted by the Applicant on 8/11/97 shows a narrowing of the site access drive by approximately 50

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feet. Safety will be enhanced as a result of this improved driveway design.

4. Vegetation along Attucks Lane limits the visibility of drivers at the site drive as they look left toward Airport Road when exiting the site. In particular, a single bush restricts the visibility of drivers. The Applicant's representatives testified at the 8/11/97 hearing that as part of this project, the vegetation which obstructs visibility will be removed and the area will be relandscaped with low growing vegetation. With this vegetation removed, adequate sight distances will then be available at the site drive, improving safety.

5. The Applicant's representatives testified at the 8/11/97 hearing that improvements to on-site circulation of trucks would be discussed at upcoming Site Plan Review meetings.

6. The application information indicates that public sewer was made available to the site in 1993, but that it has not been connected up. At the 6/19/97 Joint Review/Scoping Session with Barnstable officials, Mr. McKean, Director of the Barnstable Health Department, indicated that F.W. Webb should connect to the available sewer. The Applicant's representatives testified at the 8/11/97 hearing that as part of this project the company will connect to sewer. He stated it would be a requirement of local approvals and the Certificate of Occupancy for the project.

7. The Toxic and Hazardous Materials Registration Form (dated 4/7/97) submitted by the Applicant indicates that F.W. Webb had on site approximately 213.50 gallons and 700 pounds of hazardous materials. These figures include 600 pounds of Freon and 100 pounds of salts used as water additives. A May, 1997 Registration Form on file with the Barnstable Health Department indicates that the company had on site an additional 414 gallons of hazardous materials along with 12 cases of caulking/adhesives.

8. The Applicant testified at the 8/11/97 hearing that the inventory of hazardous materials stored on site can fluctuate based on customer demand and the season (particularly for the antifreeze used to winterize plumbing systems).

9. In a letter dated August 18, 1997 which was submitted for the record, it was noted that the company has 250 gallons and 750 pounds of hazardous materials on site at any time.

10. The application states that it is not anticipated that there will be any change,

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either qualitatively or quantitatively, in the amount of hazardous materials used or stored on the property as a result of the addition.

11. The project site is within a Significant Natural Resources Area as mapped by the Cape Cod Commission due to its location within a Wellhead Protection Area. The site is not located within estimated rare species habitat identified by the Massachusetts Natural Heritage and Endangered Species Program. Given the condition of the site, no Natural Resource Inventory was required for this site.

12. The Applicant's representatives testified at the 8/11/97 hearing that the Barnstable Airport took approximately 12,522 square feet of lot area in 1988 for a runway expansion. The Applicant's representatives also testified that with the proposed addition, approximately 28% of the site would be landscaped area. The project is not expected to have an impact on regionally significant natural resources.

13. In a letter dated 8/11/97 submitted by the Applicant's representatives, it was noted that Mr. Ben Jones, the Barnstable Airport Manager, had confirmed that the proposed addition would not have any adverse impact to the adjacent runway with regard to lighting or impacts to existing airplane navigation easements.

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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 environmental effects of the proposed addition to the F.W. Webb building at 172 Attucks Lane, Hyannis (Barnstable), MA prevent its having any significant impacts on the values and purposes protected by the Cape Cod Commission Act, as amended, outside of the municipality in which the proposed project is to be located.

The Cape Cod Commission hereby grants a Development of Regional Impact Exemption for the proposed 15,258 square foot addition to the F.W. Webb building at 172 Attucks Lane, Hyannis (Barnstable), MA pursuant to Section 12(k) of the Cape Cod Commission Act, as amended.

This Exemption Decision is valid for three (3) years from the date of issuance.

Vicky Bebout
Vicky Bebout, Chair

8-21-97
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 21st day of August, 1997.

Katharine L Peters
NAME, Notary

My Commission expires: ~~My Commission Expires December 5, 1997~~