



CAPE COD COMMISSION

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DATE: July 24, 1997

TO: Onset Computer Corporation

FROM: Cape Cod Commission

RE: DRI Hardship Exemption
Cape Cod Commission Act, Section 23

APPLICANT: Onset Computer Corporation
536 MacArthur Blvd., Box 3450
Pocasset, MA 02559

PROJECT: Onset Computer Corporation
470 MacArthur Blvd.
Pocasset, MA

PROJECT #: HDEX97012

BOOK/PAGE: 9318/239

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission hereby approves with conditions the Development of Regional Impact (DRI) Hardship Exemption application of the Onset Computer

Onset Computer Corporation- #HDEX97012
July 24, 1997 Decision

Corporation pursuant to Section 23 of the Cape Cod Commission Act, c. 716 of the Acts of 1989, as amended, for the proposed conversion of a retail center (the Bourne Outlet Center) into the Onset Computer Corporation, an industrial/office use, while maintaining a portion of the site in retail use in Bourne, MA. The decision is rendered pursuant to a vote of the Commission on July 24, 1997.

PROJECT DESCRIPTION

The project consists of the reuse of two buildings built to be the Bourne Outlet Center, a retail strip mall, on MacArthur Boulevard. One building, containing 21,000 square feet of floor area, will be converted to the facility for Onset Computer Corporation, a firm which designs and manufactures low power data loggers. The firm is currently located on a site less than a mile south of the proposed site on MacArthur Boulevard. The use of the other building, which contains 19,500 square feet, has not yet been determined. It is possible that it will be rented for retail use or a complementary clean light industry. The applicant expects to eventually expand Onset Computer Corporation operations into this building. The site has a large parking lot which is currently used as overflow parking for the Steamship Authority. The site is located in a zone of contribution to a public supply well.

PROCEDURAL HISTORY

The applicant submitted an application for a hardship exemption on June 19, 1997. A site visit was held on July 11, 1997. A public hearing was held by a duly appointed subcommittee on July 11, 1997 at the Bourne Community Center in Buzzards Bay, MA. The hearing was continued until July 24, 1997 at the First District Courthouse in Barnstable, MA for the purpose of reviewing and accepting testimony on the subcommittee's recommended decision before the full Commission.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials Submitted by the Applicant

DRI Application Form	6/19/97
Fee Check	6/19/97

Onset Computer Corporation- #HDEX97012
July 24, 1997 Decision

DRI Hardship Exemption Application Form	6/19/97
DRI Exemption Application Form	6/19/97
DRI Application Narrative	6/19/97
-Purchase and Sales Agreement	
-USGS Quadrangle Map and Site Photos	
-Letter to BFI concerning waste removal (6/2/97)	
-Copy of test results of carbon resin filter materials (4/29/97)	
-Bourne Board of Selectmen, letter in support (6/19/97)	
-Town of Bourne Inspectors Department Building Permit Application (6/18/97)	
-Site Plan and Building Elevations (Undated)	
-Technical Information and pricing on data loggers (Undated)	

B. Materials Submitted by the Cape Cod Commission

Letter, to Attorney Turkington, hearing date	6/23/97
Memorandum, to Subcommittee, plans, site visit	6/30/97
Memorandum, to Subcommittee, selection of hearing date	no date
Staff Report	7/7/97

C. Materials Submitted by Federal, State or Regional Officials

Representative Provost, letter in support	7/10/97
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D. Materials Submitted by Local Officials

Bourne Economic Development Task Force, letter in support	7/11/97
Bourne Board of Selectmen, letter in support	7/11/97

E. Materials Submitted by the Public

Michael Cappiello, letter in support	6/30/97
Cape Cod Technology Council, letter in support	7/11/97

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of the hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

Eric Turkington, representing the applicant, described the company and the proposed site for their operations. He explained that the proposed project will have fewer impacts than the original retail use of the site.

Dorr Fox, Sue Pommrehn and Ken Livingston presented the Commission staff report, noting that the project provides economic development benefits and has limited impacts in the issue areas of water resources, transportation and hazardous materials. Mr. Fox also noted that the new thresholds pertaining to the reuse of existing buildings were written with the intent of not asserting jurisdiction over this type of project.

State Representative Thomas Cahir, Haydon Coggeshall, Bourne Selectman, Roger Laporte, Bourne Building Inspector and Chris Corley from the Canal Area Chamber of Commerce spoke in favor of the project.

The subcommittee discussed the project and voted to recommend approval of the hardship exemption.

JURISDICTION

The Onset Computer Corporation project qualifies as a DRI under Section 3(e) of the Enabling Regulations Governing Review of Developments of Regional Impact which states that the Cape Cod Commission has jurisdiction over "any of the following proposed commercial, service, retail or wholesale business, office or industrial development, as well as any private health, recreational or educational development: ... *use changes which have a gross floor area greater than 10,000 sq. ft., except as provided in Section (f) below".

FINDINGS

The Commission has considered the application of the Onset Computer Corporation for the proposed industrial/office/retail project, and based on consideration of such application, the information presented at the public hearings and submitted for the

record, the Commission makes the following findings subject to Section 23 of the Act:

General

1. The Commission and the Assembly of Delegates approved a revised DRI threshold for use changes to encourage the re-use of existing buildings rather than the development of new sites. The threshold was intended to encourage redevelopment for new commercial projects up to 40,000 square feet and new industrial projects up to 50,000 square feet. Projects which did not have increased impacts would be eligible to apply to the Regulatory Committee to make a determination whether the project required DRI review. This process was designed to allow for an expedited review which would encourage projects such as the Onset Computer Corporation redevelopment of the Bourne Outlet Center site.

2. Although the threshold was intended to apply to this type of project, as written, it does not allow Onset Computer Corporation to invoke the expedited review described above. The Commission finds that the project would have likely qualified to be released from DRI review if it had been reviewed under the expedited process.

3. Although the Cape Cod Commission and the Assembly of Delegates are currently working to clarify the threshold, the applicant will be unable to proceed through this corrected, expedited review process prior to their required real estate closing date, thereby creating a procedural hardship.

Economic Development

1. The proposal by Onset Computer Corporation to move into the vacant Bourne Outlet Center could provide clear economic benefits. Onset Computer Corporation, operating on Cape Cod since 1981, employs more than fifty full time workers. It represents the kind of light industry and technology business that the Regional Policy Plan seeks to encourage. The business could move from Barnstable County if a suitable site was not available on a timely basis.

2. The Onset Computer Corporation project is sited in the industrially zoned area of

Bourne that the Commission has pre-screened for light industrial development.

Water Resources

1. The Project is located in a Wellhead Protection area to Bourne District Water Supply Wells but is not in a Marine Water Recharge Area.
2. Total nitrogen loading for the site is less than 5 ppm.

Natural Resources

1. The site was previously cleared for the construction of the buildings. The proposed reuse of the site does not increase the amount of development on the site.

Hazardous Materials/Waste

1. According to conversations on July 8, 1997 with Jennifer Ticknell, Director of Operations for Onset Computer, the production/manufacturing side of the business stores or uses approximately 29 gallons and 132.2 pounds of hazardous materials at any given time.
2. The primary manufacturing material of concern appears to be the solder, all of which (whether paste or spool) is lead-based.
3. Circuit boards are given a final wash using a closed system which recirculates wash water. The water is also passed through carbon resin filters to remove traces of lead. Make-up water is periodically added to replace water lost to evaporation, but the system does not use solvents and is not connected to a drain.
4. Onset Computer Corporation does not utilize volatile compounds or solvents in circuit board manufacture, hand-soldering operations, or to clean boards.
5. According to the DRI Hardship Exemption Application, the only production waste generated by Onset Computer is the used carbon resin filters from the wash unit. Tests

conducted on samples of the used resin show that levels of lead remaining in the used filter material are considerably below the threshold at which the filters would be considered to be hazardous waste using the Toxicity Characteristic Leaching Procedure (TCLP). The TCLP test is a test recognized by both the federal EPA and Massachusetts DEP as a method of determining whether a particular waste must be disposed of as a hazardous waste or not.

6. The carbon resin filter material is disposed of as part of Onset Computer Corporation's general waste which is handled by BFI, Inc. and which is sent to SEMASS for incineration.

7. According to representatives of Onset Computer, the amount of hazardous materials used for manufacturing would not increase even if Onset Computer significantly increased production. This is because Onset Computer practices "just in time" ordering, where very little manufacturing materials are held on-site as inventory. Also, there are no plans to change the production methods and the circuit board washing system is capable of handling increased throughput using current manufacturing methods.

8. According to representatives of Onset Computer, the company utilizes an outside cleaning company to provide janitorial services. The janitorial service supplies its own cleaning materials and does not leave any on site. There is also approximately 4 gallons of various other cleaners (such as Windex, Fantastic and Chlorox bleach) kept on site for occasional building maintenance.

9. An environmental site evaluation was conducted on the Bourne Outlet Center site in 1994 which indicated the site was not the subject of an oil or hazardous materials release under the state 21-E program.

10. The Town of Bourne's zoning allows a mix of manufacturing, general business and retail. The Outlet Center is located within a Zone II area, so any future development should be in conformance with Regional Policy Plan standards that limit the use, treatment, generation, storage or disposal of hazardous materials or waste to household quantities.

Transportation

1. Two scenarios for redevelopment of this property are proposed; all manufacturing or a mix of manufacturing and "any other use." Redevelopment with either of these scenarios will result in less traffic than was expected from the previous retail use of the site.
2. Although this site has been unoccupied for several years, traffic conditions on MacArthur Boulevard have not increased as expected from when the previous retail use was evaluated.
3. Based upon discussions with the Massachusetts Highway Department (MHD), businesses unoccupied for greater than two years may require a new access permit and additional off-site mitigation. Thus, the applicant should consult the MHD regarding this project.
4. The turn movement from the U-turn located just north of the site to the site access is hazardous for both site-bound and MacArthur Boulevard travelers. The Commission staff will inform the MHD of this condition and work with the MHD to resolve this issue. Relocation, redesign or closure of the U-turn is recommended.
5. The applicant should review the current amount of parking on the site. The site is permitted for 225 parking spaces, which will likely be more than either scenario will require. The applicant is encouraged to eliminate any excess parking and replace it with additional landscaping.

CONCLUSION

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

A literal enforcement of the provisions of the Act would involve substantial hardship, financial or otherwise, to the Applicant. This conclusion is supported by the general findings #1-3. The Commission concludes that the project will not result in a substantial detriment to the public good or derogate from the intent and purposes of the

Act provided the following conditions are met:

General

1. The applicant shall obtain a Certificate of Compliance from the Cape Cod Commission or its designee before the local official responsible for issuing Certificates of Occupancy may issue a permanent or temporary Certificate of Occupancy for any portion of the proposed project. All conditions attached to this decision, unless otherwise indicated, must be met prior to the issuance of a Certificate of Compliance from the Cape Cod Commission.

Hazardous Materials/Waste

1. The Applicant shall notify the Bourne Health Department, Fire Department, Cape Cod Commission and Massachusetts Department of Environmental Protection if the used carbon resin canisters from the circuit board washing process are deemed to be or are disposed of as a hazardous waste. The Applicant shall also notify the above entities should it begin generating, storing or handling any other hazardous waste. The Applicant shall also notify the above entities should it begin generating, storing or handling any new hazardous materials.

2. The amount of additional hazardous materials or wastes used, treated, generated or stored at the Bourne Outlet Center site (exclusive of what Onset Computer Corporation utilizes at its current site, as discussed above in the Findings) shall be limited to no more than the following:

- 275 gallons or less of oil at any time to be used for heating of a structure or to supply an emergency generator,
- 25 gallons (or the dry weight equivalent) or less of other hazardous materials including oil not used for heating or a structure or to supply an emergency generator,
- a quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353.

3. The limits on additional hazardous materials and wastes, as described in Condition #2, above, shall be stipulated in lease arrangements with the tenants of the Bourne Outlet Center.

2. The Applicant shall update and/or re-confirm the findings of an environmental assessment done on the property in 1994 and shall provide a copy of any subsequent report to the Bourne Health Department and Fire Department.

Transportation

1. The applicant should review the condition of signs serving patrons entering and exiting the site drive and repair or replace signs in disrepair.
2. A vegetation maintenance plan shall be created by the applicant to maintain the vegetation along the site frontage with MacArthur Boulevard to provide adequate sight distance for MacArthur Boulevard traffic, employees and patrons of the site.

The Commission hereby grants the Onset Computer Corporation an approval with conditions as a Development of Regional Impact Hardship Exemption pursuant to Section 23 of the Act for the proposed industrial/office/retail reuse project in Bourne, MA.

Vicky Bebout

Vicky Bebout, Chair

7/24/97
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 24th day of July 1997.

Kerian Ann Cahoon
Name, Notary Public
My commission expires:



Onset Computer Corporation- #HDEX97012
July 24, 1997 Decision