



# CAPE COD COMMISSION

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DATE: April 14, 1997<sup>17</sup> #TR-96012 (Modification)

TO: Laura M. Moynihan, Associate  
Ament and Ament  
39 Town Hall Square  
P.O. Box S  
Falmouth, MA 02541

RE: Modification of an Approved DRI Decision  
Section 9(n) of Enabling Regulations

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 (Commission) hereby approves the application of Mr.L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self Storage of Cape Cod) for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for the sole purpose of minor changes to the water main system to service the development. The application is hereby approved as a Minor Modification #1 under Section 7 of the Administrative Regulations (revised 3/6/97). The Decision is rendered pursuant to a vote of the Commission's Regulatory Committee on April 14, 1997.

### ORIGINAL PROJECT DESCRIPTION and MODIFICATION REQUEST

On August 22, 1996, the Cape Cod Commission approved, 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 for a self-storage facility in Falmouth. The original project consisted 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.

Several Findings of the August 22, 1996 Decision dealt with water resources concerns including nitrogen loading, stormwater management and septic flows. The Water Resources Conditions of the Decision addressed the number of on-site toilet facilities and set basic parameters for design of the stormwater management system. None of the Findings or Conditions addressed the on-site water main system.

### PROCEDURAL HISTORY

On April 2, 1997, staff received a letter from Ms. Laura Moynihan of Ament & Ament, on behalf of the Applicants, requesting a minor modification of the DRI Decision. The letter noted that "...the Town of Falmouth requested the changes to the water main scheme..." and requested that these changes be deemed a Minor Modification #1 subject to the Commission's Section 7 of the Administrative Regulations entitled "Revisions to Approved DRIs, DRI Exemptions and Hardship Exemptions" (revised 3/6/97).

### COMMENTS/DISCUSSION AT THE REGULATORY COMMITTEE MEETING

No comments from the public were received at the April 14, 1997 Regulatory Committee meeting on this project. Staff noted that a letter had been received from Ms. Laura Moynihan of Ament & Ament on behalf of the Applicants requesting a minor modification to the DRI Decision, and that the changes were as a result of comments the Applicants had received from Mr. Raymond Jack, the Town of Falmouth Utilities Manager. Staff also recommended that the request be seen as a Minor Modification #1 under Section 7 of the Administrative Regulations (revised 3/6/97).

On April 14, 1997, the Commission's Regulatory Committee considered the Capozzolis' request to modify the August 22, 1996 DRI Decision with respect to the water main system. At this meeting, the Regulatory Committee voted unanimously to consider the modification a Minor Modification #1 under Section 7 of the Administrative Regulations (revised 3/6/97).

### MATERIALS SUBMITTED FOR THE RECORD

#### A. Materials submitted by the Applicant:

Letter, requesting modification 4/2/97

#### B. Materials submitted by Cape Cod Commission:

Memo, to Regulatory Committee, discussing modification request 4/8/97

**Note:** No written materials or verbal comments were submitted on this modification request by the State, Town officials or the Public.

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-96012 and MOD-TR96012 are incorporated into the record by reference.

### JURISDICTION

The proposed changes to Burlington Self Storage project qualify as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations.

### FINDINGS

The Commission's Regulatory Committee has considered the application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self Storage of Cape Cod) for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for the sole purpose of minor changes to the water main system to service the development.

The requested modifications result from comments the Applicants received from Mr. Raymond Jack, the Town of Falmouth Utilities Manager. No other changes to the Decision were requested or approved.

On April 14, 1997, the Commission's Regulatory Committee voted unanimously to consider the Capozzolis' request to modify the August 22, 1996 DRI Decision with respect to the water main system as a Minor Modification #1 under Section 7 of the Administrative Regulations (revised 3/6/97).

Section 7 of the Administrative Regulations (revised 3/6/97) describes a Minor Modification #1 as "...revisions which are a result of more restrictive conditions imposed by a local board." The Section also notes that such revisions "may be approved by the Regulatory Committee and do not require further review by the Commission." Also, according to Section 9(a)(i)(vii) of the Administrative Regulations (revised 3/6/97) there is no review fee for this category of modification.

The Administrative Regulations require that revised plans shall be filed with the Clerk of the Commission for recording at the Barnstable County Registry of Deeds. The applicant is also responsible for all filing fees at the Registry of Deeds, according to Section 7 of the Administrative Regulations. Finally, the Administrative Regulations state that the Regulatory Committee's determination shall be effective for one (1) year from the date of its determination and the approval of a Modification shall not extend the seven year time period of validity of the originally issued DRI Approval.

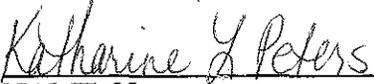
  
Greg Silverman, Chairman  
Cape Cod Commission

4/17/97  
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

Subscribed and sworn to before me this 17<sup>th</sup> day of April 1997.

  
NAME, Notary

My Commission expires: \_\_\_\_\_