



CAPE COD COMMISSION

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Date: February 26, 1998

Applicant: J.P. Noonan Transportation, Inc.
c/o Philip E. Magnuson
255 Main Street
Hyannis, MA 20601

Project #: EX97032

Project: Septage Transfer Location
32 Giddiah Hill Road
Orleans, MA

RE: Development of Regional Impact Exemption
Section 12 (k) of the Cape Cod Commission Act, as amended.

Land Court Certificate of Title c.63416 plan 18010-11 Lot 157

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Commission hereby approves the requested Development of Regional Impact Exemption Application of J.P. Noonan Transportation for "Septage Transfer Location" as described in the DRI Exemption application, the site plan by Bennett O'Reilly, Inc., dated 10/9/97, and the supporting documentation in the letter by Bennett O'Reilly, Inc., dated 1/28/98, pursuant to Section 12 (k) and 13 of the Cape Cod Commission Act, as amended. This decision is rendered pursuant to a vote of the Commission on February 26, 1998.

PROJECT DESCRIPTION

The project consists of the creation of a facility for septage transfer on a site of about 1.68 acres located in an industrial area on Giddiah Hill Road in Orleans. The site will be used to transfer septage between 3,000 gallon pumper trucks and 9,000 gallon tractor trailers that will transport the septage out of Barnstable County. Trailers will also be stored on the site until they are ready to be transported. Construction on the site will consist of a 30 by 40 foot concrete slab, with a stormwater drain system with clarifier tank and leaching catch basin. This project also entails removal of an existing building and possible removal of some trees. Part of the site is currently used by an excavating company, and the buildings for that use will remain. The storage location is currently used for storage of gravel and loam, metal scrap and boat construction.

Traffic patterns to and from the project have been submitted as part of the project description. These patterns are as follows (see attached map): the tractor trailers leaving the site would be required to travel from Giddiah Hill Road, left on Finlay Road, right on Lots Hollow Road, left on Eldredge Parkway, left on 6A and onto Exit 12. Tractor trailers heading toward the site would be limited to the same route in reverse. The 3,000 gallon pumper trucks would follow the same route as much as possible and would limit their travel on local roads to that necessary in order to reach the locations where they will pump and to Giddiah Hill Road.

PROCEDURAL HISTORY

In a Jurisdictional Determination made on August 28, 1997, the Commission determined that this project required mandatory DRI review as a development providing facilities for transportation to or from Barnstable County under Section 3(h) of the Development of Regional Impact Enabling Regulations, Barnstable County Ordinance 90-12, as amended.

The Commission received an application for a DRI exemption on December 31, 1997. The Commission determined that the application was complete on January 13, 1998. A duly noticed public hearing pursuant to Section 5 of the Act to consider the request was held by an authorized subcommittee of the Commission on February 2, 1998 in the Orleans Town Hall, Orleans, MA. The public hearing and record were continued to February 26, 1998. The subcommittee voted on February 2, 1998 to recommend a DRI exemption to the full Commission. The full Commission voted in favor of the DRI exemption on February 26, 1998.

MATERIALS SUBMITTED FOR THE RECORD

From the Applicant

- Memorandum in support of DRI Exemption Request from Philip Magnuson, not dated.
- Letter from Bennett O'Reilly, Inc., on transportation issues dated January 28, 1998.
- DRI Exemption application dated December 31, 1997.
- Traffic impact assessment by Bennett O'Reilly, Inc., dated December 17, 1997
- Letter requesting partial fee waiver dated October 1, 1997
- Jurisdictional Determination application dated August 1, 1997.
- U.S.G.S. Quadrangle maps of relevant area sent dated August 6, 1997.

Cape Cod Commission

- Staff report on DRI Exemption dated January 27, 1998
- Letter stating that application is complete dated January 13, 1998.
- Staff report on Jurisdictional Determination dated August 22, 1997.
- Letter informing applicant that application is completed, dated August 8, 1997.

Additional Materials

- Letter in opposition to the project from Barbara Cazeault, February 2, 1998.
- Letter regarding factors to consider from the Orleans Board of Health, February 2, 1998.
- Title V Regulations, 310 CMR 15.503 (description of septage locations)
- Letter in support of DRI review of the project from Judy Wallace, South Orleans Rd., dated August 27, 1997.

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

TESTIMONY

A subcommittee hearing was held on the exemption request at the Orleans Town Hall at 7:30 pm. on February 2, 1998. At that hearing Philip Magnuson, attorney for the applicant, presented his view that the project, while categorically considered a Development of Regional Impact, did not have impacts outside the Town of Orleans and thus should receive an exemption. He also said that any attempt to review the project based on its impacts to the Tri-Town septage treatment facility would be unconstitutional. Jeff Levine, project planner for the Commission, presented the staff view that the project as proposed, including the traffic pattern agreed to by the applicant as part of his approval from the Board of Health, should receive an exemption due to the minimal size of its impacts. A number of members of the public presented their views that the project would have negative impacts on the area based on its traffic impacts, the odor it would give off, and the project's impacts on the tri-town septage facility. Subcommittee members said that, while they empathized with the public concerns, most of them were ones that had to be dealt with on the local level by the Board of Health, not by the Cape Cod Commission. Subcommittee members asked the applicant about the odor issue and were told that activated carbon filters would be used at all times and that supplementary activated carbon canisters would be available to mitigate any odors that could not be handled by the filters.

After the hearing was continued, the subcommittee discussed the project and voted unanimously to recommend that the Commission grant it an exemption from DRI review. The hearing was continued to the Commission meeting of February 26, 1998. At that meeting, the full Commission closed the public hearing and voted to grant the exemption.

FINDINGS

The Commission has considered the applicant's request for a DRI exemption for the proposed septage transfer location at 32 Giddiah Hill Road in Orleans, MA, and based upon consideration of such request, information presented at the public hearing and submitted for the record, makes the following findings under Sections 12 and 13 of the Act:

- 1). The project consists of the creation of a transfer facility for septage on a site of about 1.68 acres located in an industrial area on Giddiah Hill Road in Orleans. The site will be used to transfer septage between 3,000 gallon pumper trucks and 9,000 gallon tanker trailers that will transport the septage out of Barnstable County. Trailers will also be stored on the site until they are ready to be transported. Construction on the site will consist of a 30 by 40 foot concrete slab with a stormwater drain system with clarifier tank and leaching catch basin. This project also entails removal of an existing building and possible removal of some trees. Part of the site is currently used by an excavating company, and the buildings for that use will remain. The storage location is currently used for storage of gravel and loam, metal scrap and boat construction.
- 2). The project qualifies as a Development of Regional Impact under Section 3(h) of the DRI enabling regulations, which requires DRI review of "[a]ny development providing facilities for transportation to or from Barnstable County, including but not limited to ferry slips, bus, rail, trucking terminals, transfer stations, air transportation and/or auxiliary uses and accessory parking

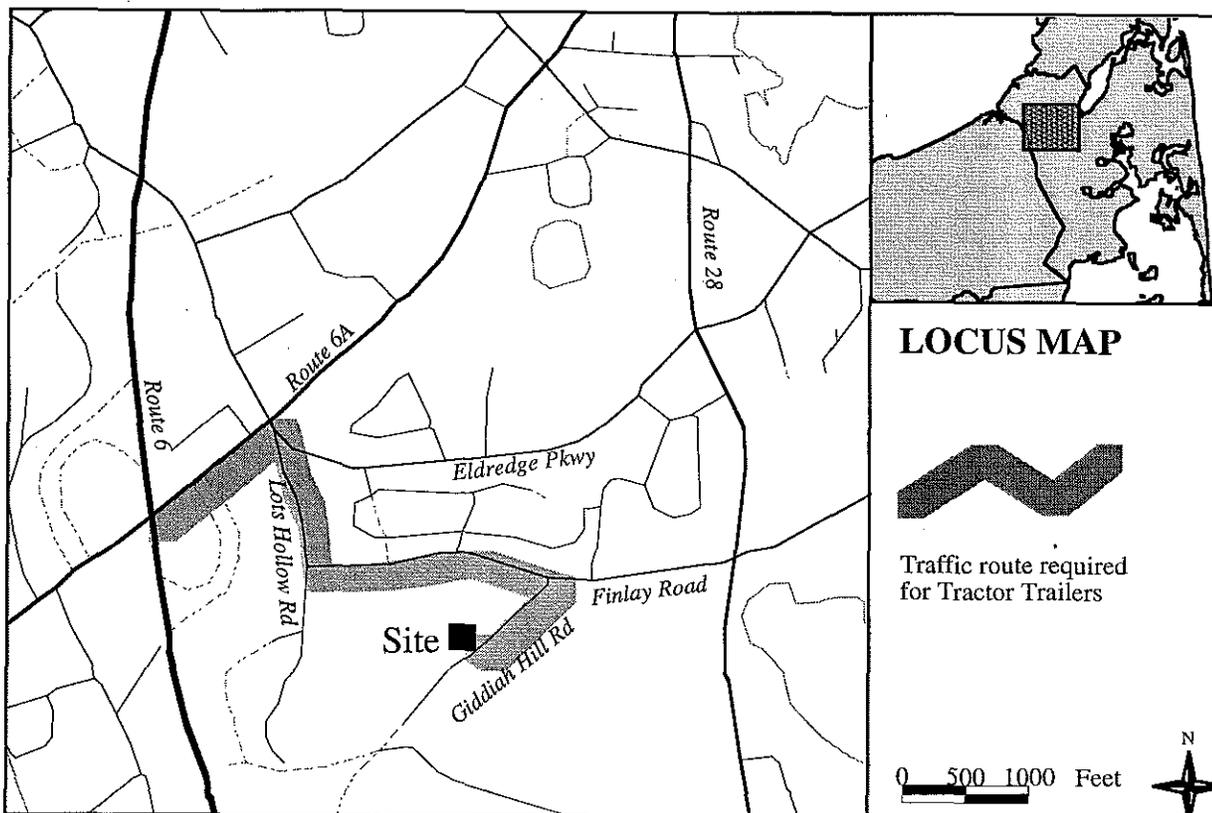
or storage facilities, so long as such auxiliary or accessory uses meet the criteria of Section (h)...” The project is a transfer station for septage that will then be transported from Barnstable County for disposal. For this reason, it qualifies as a DRI and requires Commission review.

3). The project will facilitate the daily delivery of septage off-Cape. The proponent estimates that two 9,000 gallon tractor trailers per day will collect septage from 3,000 gallon pumper trucks on-Cape to deliver it off-Cape, making this a transfer station.

4). The Orleans Board of Health approved the facility with conditions. These conditions include a limit on normal hours of operation, a limit on the number of tractor trailers and pumper trucks that may be stored on site, the creation of a set traffic pattern for the 9,000 gallon tractor trailers, and limitations on the use of the facility to the applicants only. Other conditions were also placed on the approval, which are outlined in a letter from the Board of Health to Philip Magnuson dated July 3, 1997.

5). The applicant has said as part of the project that he will use activated carbon filters with every transfer of septage to reduce the odor released during transfer. He has also said that he will use activated carbon canisters to further mitigate odor impacts when needed.

Traffic Pattern for Tractor Trailers



6). Traffic patterns to and from the project are as follows (see map above): the 9,000 gallon tractor trailers leaving the site would be required to travel from Giddiah Hill Road, left on Finlay Road, right on Lots Hollow Road, left on Eldredge Parkway, left on 6A and onto Exit 12. Tractor trailers heading toward the sight would be limited to the same route in reverse. The 3,000 gallon pumper trucks would follow the same route as much as possible and would limit their travel on local roads to that necessary in order to reach the locations where they will pump and to Giddiah Hill Road.

7). This traffic pattern would utilize the surrounding roadway system consistent with the functional intent of the regional roadway system by limiting commercial traffic to the arterial and collector roads as much as possible.

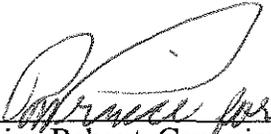
8). Based on the traffic data supplied by the applicant, and reviewed by Commission staff, this project is projected to produce a maximum of 20 truck trips per day. The regional transportation impacts of this level of traffic is not significant.

9). This project is not located in a District of Critical Planning Concern or an Area of Critical Environmental Concern.

CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes the location, character and environmental effects of the project are unlikely to result in impacts to regional resources and create impacts outside of the Town of Orleans.

The Commission hereby approves the requested Development of Regional Impact Exemption Application of J.P. Noonan Transportation for "Septage Transfer Location" as described in the DRI Exemption application, the site plan by Bennett O'Reilly, Inc., dated 10/9/97, and the supporting documentation in the letter by Bennett O'Reilly, Inc., dated 1/28/98, pursuant to Section 12 (k) and 13 of the Cape Cod Commission Act, as amended. This decision is rendered pursuant to a vote of the Commission on February 26, 1998.



Madeleine Bebout, Commission Chair

2/26/98

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 26th day of Feb 1998

Katharine L. Peters

Name, Notary Public

