



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

Date: July 30, 1998

Re: Development of Regional Impact Exemption request
Cape Cod Commission Act, Cape Cod Commission
Regulations of General Application

Applicant: Infinium Software, Inc.
25 Communications Way
Hyannis, MA 02601

Project #: EX98021

Project: Infinium Software, Inc.
25 Communications Way
Hyannis, MA 02601

Owner: Independence Park
Associates Realty Trust

Lot/Plan: Book 7445/Page 338

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby finds that under Section 12(k) of the Cape Cod Commission Act, the proposed project known as Infinium Software, Inc. qualifies as a Development of Regional Impact (DRI) Exemption. The decision is rendered pursuant to the vote of the Cape Cod Commission on July 30, 1998.

PROJECT DESCRIPTION

The proposal consists of the construction of a two-story addition to an existing 50,000 square foot building. The addition would consist of 9,600 square feet of office space, plus 3,600 square feet of basement storage space. With the proposed addition, the above-ground portion of the building would total 59,600 square feet; the building total including the basement would be 63,200 square feet. The project is located on

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approximately 6.2 acres at 25 Communications Way in Independence Park in Hyannis, Massachusetts.

JURISDICTION

The project known as Infinium Software, Inc. is reviewed by the Cape Cod Commission as a Development of Regional Impact (DRI) Exemption under the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended (ACT). The proposed project qualifies for a DRI review under Section 3(e) of the Enabling Regulations Governing Review of Developments of Regional Impact (Barnstable County Ordinance 90-12), as amended, as an office expansion exceeding 10,000 square feet.

PROCEDURAL HISTORY

June 1, 1998	The Cape Cod Commission received applications and supporting materials for both a DRI Exemption review and a DRI review.
July 1, 1998	The application was deemed complete.
July 9, 1998	A public hearing was held in Barnstable Town Hall to determine whether the project qualified for a DRI Exemption. A site visit was held prior to the public hearing.
July 28, 1998	A hearing officer closed the public hearing.
July 30, 1998	The Cape Cod Commission voted to grant a Development of Regional Impact Exemption to the project.

MATERIALS SUBMITTED FOR THE RECORD

- DRI Exemption Application received June 1, 1998
- DRI Application received June 1, 1998
- USGS site locus map received June 1, 1998
- Abutters list received June 1, 1998
- Copy of Boston Globe Business Section article entitled "Silicon Sandbar - Cape Cod Challenge"
- Letter dated June 11, 1998, received June 11, 1998, from Atty. Patrick Butler to Tana Watt, Planner
- Groundwater Protection Overlay of the Barnstable Zoning Ordinance received July 1, 1998
- General Ordinance No XXXIX of the Barnstable Zoning Ordinance received July 1, 1998
- Infinium Software specifications (received July 1, 1998) for site preparation, construction dewatering and drainage, braced excavation and sheeting, site earthwork, paving, pavement marking, site utilities, relocation of utilities, precast

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concrete catch basins and leaching pits, reinforced concrete pipe, corrugated polyethylene pipe, infiltrator chamber drainage systems, underdrains, polyvinyl chloride pipe, hydroseeding/seedling, temporary stabilization

- Grading and Drainage Plan dated January 29, 1998, received July 1, 1998
- Utilities and Construction Notes Plan dated January 29, 1998, received July 1, 1998
- Landscape and Lighting Plan dated January 29, 1998, received July 1, 1998
- Existing Conditions Plan dated January 29, 1998, received July 1, 1998
- Addition Layout and Materials Plan dated January 29, 1998, received July 1, 1998
- Letter dated July 3, 1998, received July 7, 1998, from Eugene R. Curry Cape Cod Technology Council to Armando J. Carbonell, Executive Director, CCC
- Copy of Letter dated May 27, 1998, received July 8, 1998, from Atty. Patrick Butler to Massachusetts Historical Commission with determination from MHC dated June 19, 1998
- Letter dated July 9, 1998 from Atty. Patrick Butler to Tana Watt, planner
- Copy of a letter dated July 10, 1998 from Richard Pool, Director of Corporate Services, to Atty. Patrick Butler

The application and notice of the public hearing relative thereto, the Commission's staff report, and exhibits, minutes of all hearings and all written submissions received in the course of the proceedings, including materials on file for EX98021 are incorporated into the record by reference.

TESTIMONY

Subcommittee members present: Kenneth Brock, Chairman, Herbert Olsen, Gwen Bloomingdale, Robert Randolph. Staff present: Tana Watt, Project Planner

Mr. Brock, Chairman, opened the July 9, 1998 public hearing at 7:08 PM. Mr. Olsen read the hearing notice.

Attorney Patrick Butler stated that the Hyannis office is the global headquarters for Infinium Software, Inc., that the business is unique on Cape Cod, that the Town strongly supports the project and that it is the type of business the RPP encourages. He noted that the Site Plan Review Committee had reviewed the floor plan and location of the addition. He said that the company is located in an economic opportunity area, a growth/activity center and consists of clean, light industry. Mr. Butler stated that the project does not show significant regional impacts on resources that are outside the town of Barnstable and that it had only beneficial impacts.

Ms. Bloomingdale asked about the route the subcommittee followed during the site visit and examined the floor plans showing the loading dock location and location of the new proposed deck.

Ms. Watt gave the staff report, noting that there were no expected regional impacts resulting from traffic, hazardous waste/hazardous materials, historic preservation,

and exterior lighting. Ms. Watt noted that the applicant had said at the site visit earlier in the day that the expected salary range for the additional 25 to 30 employees was between \$30,000 and \$60,000. She stated that economic development impacts were expected to be beneficial. She said that the company currently has a good hazardous materials/waste program and suggested that the company investigate additional recycling opportunities. She noted that the company indicated in a July 9, 1998 letter that they had contacted the Hyannis Fire Department to review their emergency response plan. Ms. Watt said that drainage plans indicate that the proposed catch basins contain oil/water separators, but do not have a mechanism to isolate them from the groundwater until a possible spill can be cleaned up. She noted that the applicant had indicated in a July 9, 1998 letter that they would investigate the possibility of purchasing covers for the catch basins and training personnel in their use. She stated that the potential for contamination of the groundwater through accidental spillage is significant enough to ask the company for a commitment to either revise plans to include catch basins with a turn-off valve, or purchase covers to put over the openings. She asked that prior to signing a DRI Exemption Decision, if that was the subcommittee's vote, documentation of the company's commitment to take appropriate measures to isolate the catch basins be provided to the Commission. With this finding in the decision, she recommended that the proposal be granted a DRI Exemption.

Ms. Bloomingdale noted that she expected that for liability reasons, the company would like to have catch basin covers.

Mr. Butler noted that the town had a groundwater protection overlay district and Board of Health Regulations that strictly prohibited the use of hazardous materials and waste. He indicated that the company agrees that covers are a good idea and they will address it, along with personnel training. Ms. Watt replied that with an isolation mechanism, groundwater could be protected from accidental spillage regardless of the overlay district.

Mr. Randolph noted that the project would have a tremendous impact on the economy that goes beyond the actual employees hired, such as massive taxes and purchase of local goods.

Mr. Brock noted that the first time this project could go to the full Commission was July 30, 1998.

Mr. Olsen made a motion to continue the public hearing and leave the record open to July 28, 1998 at 10:00 AM at the Cape Cod Commission offices when a hearing officer will close the public hearing. Mr. Randolph seconded the motion and it was unanimously approved.

Mr. Olsen made a motion to recommend to the full Commission that the project be granted a DRI Exemption. Mr. Randolph seconded the motion and it was unanimously approved.

Mr. Butler stated that within ten days written verification about a drainage basin isolation mechanism will be presented.

Mr. Olsen made a motion to adjourn the meeting. Mr. Randolph seconded the motion and it was unanimously approved. The meeting was adjourned at 7:43 PM.

FINDINGS

The subcommittee has considered the applicant's request for a Development of Regional Impact Exemption for the proposed Infinium Software Inc. expansion. Based upon consideration of such request, upon information presented at the public hearing, site visit and submitted for the record, the subcommittee makes the following findings:

- 1) The applicant expects to add 25 to 30 new employees over the next two years as a result of the proposed project.
- 2) The proposed project is expected to benefit Cape Cod's economy through the creation of construction jobs for local workers and contractors, as well as new employees.
- 3) The applicant has provided a copy of a letter dated July 10, 1998 from Mr. Richard Pool, Director of Corporate Services, to Atty. Patrick Butler indicating that the project architect has been instructed to specify the correct storm drain covers to contain a possible hazardous materials/waste spill in the loading dock area, as well as appropriate personnel training in the use of the covers.
- 4) The proposed project is not expected to have significant regional impacts to the resources protected by the Cape Cod Commission Act, including transportation, hazardous materials/hazardous waste, community character, historic preservation and water resources, based on the applicant's commitment in Finding #3 above.

CONCLUSION

The Cape Cod Commission concludes that based on Finding #4 above and on information submitted in the DRI Exemption Application and at the public hearing, the project is exempt from Cape Cod Commission Development of Regional Impact Review under Section 12(k) of the Act because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is located.

Herbert Olsen
Herbert Olsen, Chairman

7/30/98
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 30th day of July 1998

Katharine L. Peters
Name, Notary Public

My commission expires:

