



# CAPE COD COMMISSION

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DATE: June 18, 1998 TR# 98005

TO: Excel Switching Corporation  
Hyannis, MA

FROM: Cape Cod Commission

RE: Development of Regional Impact  
Chapter A, Section 3 (e), Barnstable County Ordinance 94-10.

PROJECT: The "Excel Switching Corporation, Corporate Facilities Master Plan"  
in Barnstable, Massachusetts, dated May 18, 1998.  
Project address: Perseverance Way, Barnstable

MAP/PARCEL: Map 295; Parcels 8, 9, 10, 11, 12.

## DECISION OF THE CAPE COD COMMISSION

### **SUMMARY:**

The Cape Cod Commission (the Commission) hereby approves with conditions the application of Excel Switching Corporation for a Development of Regional Impact qualifying under Chapter A, Section 3(e) of the Regulations of General Application, Barnstable County Ordinance 94-10, for the "Excel Switching Corporation Corporate Facilities Master Plan" in Barnstable, Massachusetts, as shown on plans dated May 18, 1998, as modified on May 21, 1998. The decision is rendered pursuant to the vote of the Commission on June 18, 1998.

### **JURISDICTION:**

This project qualifies as a Development of Regional Impact under Sections 3(e) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10, as industrial buildings containing a gross floor area greater than 10,000 square feet. This project is being reviewed pursuant to a referral by the Town of Barnstable dated March 26, 1998 following a joint Site Plan Review meeting with Commission staff.

### **DESCRIPTION:**

This project entails expansion on their current site consisting of a total of 99,000 square feet of floor area in two new buildings. The corporate campus is proposed to be expanded by two lots, from the Cape Cod Aggregates DRI, to allow for extra parking and open space on the site. The two new buildings are each proposed to be constructed between two existing structures, connecting these existing buildings. The result of this proposed expansion would be the creation of two large structures, on either side of Perseverance Drive. The total square footage for the campus as a whole if this project is constructed will be approximately 250,000 square feet of floor area on a lot area of approximately 800,000 square feet.



Staff Report on Excel Master Plan	5/14/98
DRI Approval with Conditions, Cape Cod Aggregates DRI	5/21/98
Memo from Lev Malakhoff on AASHTO standards	6/9/98
Massachusetts DEP Ridesharing Regulations	6/11/98

**APPLICANT**

DRI Approval Application	3/12/98
Traffic Study, by Rizzo Associates	2/98
Stormwater Study, by Rizzo Associates	2/98
Easement of land for Attucks Lane Extension	4/29/98
Notice of corporate name change	5/11/98
Modification of traffic study	5/13/98
Site plan changes	5/13/98
Excel 1997 Annual Report	submitted 5/21/98
Site plan changes	5/21/98
Letter on hazardous materials generation, from Daniel Mendoza	6/9/98
Letter on staff report from Rick Bryant, Rizzo Associates	6/9/98
Calculations of fair share costs from Rick Bryant, Rizzo Associates	6/10/98

**TOWN**

Certified abutters list	1/12/98
Site Plan Review notes	3/26/98
DRI Referral Form	3/28/98
Memo in support, from Planning Department and Barnstable EDC	5/21/98

**OTHER GROUPS/PUBLIC COMMENTS**

Mr. Eugene R. Curry, Cape Cod Technology Council, in support	5/21/98
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The application and notice of the public hearing relative thereto, the Commission's staff reports, and exhibits, minutes of the hearing and all submissions received in the course of the proceedings, including materials submitted on files TR # 97029 (Excel Switching Corporation) and TR # 98005 (Excel Switching Corporation Corporate Facilities Master Plan) are incorporated into the record by reference.

**TESTIMONY**

On May 21, 1998, at 7 pm., a Commission subcommittee opened the public hearing and record on the project at the Assembly of Delegates Chamber in Barnstable Village. At that hearing, Pat Butler, attorney for the applicant, introduced the representatives from Excel. He said that the main issues he wanted to address were access, parking, and open space, as well as some issues in the staff report.

Rick Bryant, from Rizzo Associates, went through the current site plan. He said they went through a number of alternatives before coming up with the current arrangement. He said they desired a right in/right out on Attucks Lane Extension, which he said meets the spacing standards for driveways. He said the proposed closed drainage system was an upgrade of the current system, but that the concern listed in the staff report about stormwater separation could possibly be addressed.

Doug Sanford, architect for Excel, went over the floor plan of the proposed expansions. He said the goal is to have the buildings all fit together, rather than be piecemeal. He noted that one building is closer to final design than the other, since plans involve building it first. Mr. Butler said that the open space plan involves purchasing two lots from Cape Cod Aggregates in the vicinity. With those lots, they will have over 50 percent open space, enough to meet town requirements and Commission

requirements. He then described some of the economic issues associate with the project. He said that Excel had received several industry awards. He said that the expanded space will allow Excel to grow from 300 employees currently to up to 740 employees maximum. These jobs' salaries range from \$25,000 to 35,000 a year for clerical positions to \$60,000 to 90,000 for research and development engineers. He said that they like to recruit Cape Cod residents but that they find that difficult.

Bob Randolph said that the company maybe being too narrow-minded in looking only at their direct impacts on the economy. He said that the economy involves more than jobs, and that the capital investment they are making on the Cape also has impacts. In addition, tax revenues from the project are an economic benefit and should be on the record. Mr. Stavros said that they have other indirect benefits as well, such as using local cleaning services. He said the company's founder plans to grow on Cape Cod as long as possible, and that he has deep-rooted commitments to the Cape.

Pat Butler noted that, in terms of hazardous materials, this project is similar to the Auburn Wire project. He said that, in terms of transportation, there will be a cafeteria located on site to reduce trips. Rick Bryant said they plan to implement a travel demand management strategy and that their fair share contribution will be the land for the Attucks Lane Extension. Pat Butler said that the transportation mitigation credits will be applied from Lots 2 and 3 of Cape Cod Aggregates. He said that he proposed, rather than having a formal list of TDM projects, that the project be allowed to have a performance-based system by which they monitor their trip generation and demonstrate that it is 20 percent less than what ITE would expect from this development.

Vicky Bebout said she had some concerns about the proposed curb cut on Attucks Lane.

Jeff Levine, staff planner for the Commission, presented the staff position on the project. He said that he would skip the issues already addressed by the applicant. He reiterated that this was a project that fit in with the economic strategy for the Cape articulated in the Regional Policy Plan. He said the main issues remaining for staff, other than those discussed by the applicant, were the Certificate of Compliance for the Auburn Wire Building, the need for a conservation restriction on all open space used to satisfy the minimum performance standards of the Regional Policy Plan, and some traffic issues. He said that the applicant still needed to get a Certificate of Compliance for the Auburn Wire project and that the staff did not recommend approving this project until that Certificate was obtained. He also said that the open space used to meet the RPP had to have a permanent conservation restriction, which the applicant has not proposed as yet. Paul Tilton, traffic engineer for the Commission, said that he felt that the curb cut on Attucks Lane Extension was counter to the goal for the road of being "limited access." Mr. Riley asked if the location of the curb cut met standards under AASHTO. Mr. Tilton said he was not sure but that he thought it did. Mr. Levine said it did. Mr. Deane suggested closing the Independence Park Drive curb cut. Mr. Butler said that they wanted to keep that one open because of the possibility of an Exit 6 1/2 in the future. He said they wanted the curb cut on Attucks Lane because it would be the main entrance to the campus for visitors.

Ralph Crossen, building inspector for the Town of Barnstable, said he was excited about this project. He said the applicant has always worked with the town and that the project would bring in \$50 million a year in direct salaries, as well as other benefits to the town. He said the impacts were minor. Kristin Smith, from the Barnstable Economic Development Council, said that the applicant has worked with them on this project. She said Excel is a good corporate citizen, and that the tax revenue would help the town. She said the applicant has received \$300,000 in tax incentives from the town council. She added that the project met and exceed the Regional Policy Plan and that the campus itself will help recruit employees. She said that Cape Cod had to be aggressive in attracting these sorts of industries because towns off-Cape were willing to attract them as well. She applauded the Commission for its earlier approval of the Auburn Wire building project.

Mr. Riley asked the subcommittee how it felt about the curb cut on Attucks Lane. Messrs. O'Leary, Riley and Randolph said they thought it was acceptable. Mr. Riley instructed the staff to meet with the town and applicant and resolve this issue, keeping in mind that the subcommittee had these opinions.

The subcommittee met on June 10th at the Commission offices to discuss a draft decision. Staff recommended that the curb cut on Attucks Lane not be allowed due to the planned limited access nature of the road. Staff also recommended that Excel be required to implement a TDM program and survey employees on the effectiveness of the program. Subcommittee members decided to permit the curb cut as a temporary curb cut as per the Town of Barnstable, and to require a basic survey of employees. Vicky Bebout did not agree that the curb cut should be allowed. The subcommittee then referred the decision to the full Commission for approval with conditions.

## **FINDINGS**

The Commission makes the following finding subject to Section 12 and 13 of the Cape Cod Commission Act:

- 1). This project consists of two buildings, one of 57,000 square feet and one of 42,000 square feet, one for research and development and one for administrative purposes. These buildings will be built in a fashion to connect existing buildings on the corporate campus into two large buildings on either side of Perseverance Drive.
- 2). Excel Switching Company received a DRI approval with conditions for an earlier 46,000 square foot building, known as the Auburn Wire Building, in December 1997. That building currently is occupied but has not received a permanent Certificate of Occupancy or a Certificate of Compliance. The applicant has not yet met all of the conditions listed in that DRI approval.
- 3). The applicant and the Commission agree that the credit value of donations of land for the extension of Attucks Lane in the vicinity of this project is \$65,340 per acre, or \$1.50 per square foot.
- 4). The project is consistent with the Barnstable Local Comprehensive Plan.

### Economic Development

- 1). This project will involve enabling the retention and expansion of an existing telecommunication network switch development company on Cape Cod. This company is one of the Targeted Industries listed in Section 3 of the Regional Policy Plan that should be encouraged on Cape Cod.
- 2). This project is estimated to allow the creation of over 400 year-round jobs. These jobs are likely to pay above the median income for Barnstable County. For this reason this project helps meet RPP Goal 3.3 and should be encouraged under Development Review Policies 3.1.2 and 3.3.2.
- 3). This project involves the use of existing industrial zoned land.

### Water Resources

- 1). This project will be connected to town sewer. For this reason, there are no nitrogen loading issues to study with respect to on-site wastewater disposal.
- 2). This project is located in the recharge area to Lewis Bay, a nitrogen sensitive marine embayment. The wastewater treatment facility for town sewer is located partially within this same coastal embayment.
- 3). The flushing rate for the Lewis Bay coastal embayment is not currently known. Under Minimum Performance Standard 2.1.1.2, Section C.1., any project located in a watershed for which the flushing

rate is not known is required to make a monetary contribution towards a study to determine that flushing rate.

#### Hazardous Materials

- 1). According to maps produced by the Cape Cod Commission's Water Resources office, the project site is located in a Wellhead Protection District / Zone II area. Minimum Performance Standard 4.2.2.3 of the Regional Policy Plan states that "commercial and industrial development and redevelopment that involves the use, treatment, generation, storage, or disposal of hazardous wastes or hazardous materials, with the exception of household quantities, shall not be allowed within Wellhead Protection Districts."
- 2). According to the DRI application, Excel Switching Corporation designs and develops programmable telecommunications switching systems. The system consists of a metal chassis containing electronic printed circuit board assemblies. The company performs stress tests on assembled chassis using a large industrial heat chamber and a smaller unit which can create a heating and cooling cycle. It also does limited soldering and repair of circuit boards.
- 3). Excel Switching Corporation is registered with the Massachusetts Department of Environmental Protection as a Very Small Quantity Generator of Hazardous Waste. The company also utilizes a licensed hazardous waste hauler to dispose of scrapped printed circuit boards. According to discussions with staff at the Department of Environmental Protection, printed circuit boards may test as hazardous waste when subjected to the toxicity characteristic leaching procedure (TCLP).
- 4). A hazard communications program for Excel Switching Corporation was developed by a private consulting firm which also conducted employee training sessions.
- 5). Excel Switching Corporation utilizes an outside cleaning service for general building maintenance. The cleaning service provides their own cleaning chemicals which are not stored on site.

#### Transportation

- 1). It is estimated the project will generate an additional 848 trips daily, 118 trips during the AM peak hour, and 125 trips during the PM peak hour to and from the site. This estimate reflects a reduction in site trips of 20 percent from meeting the trip reduction requirements of the RPP.
- 2). The applicant has donated 18,319 square feet of land for the construction of Attucks Lane Extension. At a land value of \$1.50 per square foot, this results in a credit of \$27,000 to be used for traffic mitigation.
- 3). The applicant is entitled to a credit as granted in the decision for the Cape Cod Aggregates DRI (TR #96020) to offset traffic impacts of this project. To calculate the required credit, a determination of usage of Attucks Lane Extension is required. The peak usage of Attucks Lane Extension by this project is 39 trips per hour. For the purposes of calculating required mitigation and credits, the amount of capacity used on Attucks Lane Extension by this project is  $39/2000=1.9\%$ . The Project Obligation is  $1.9\% \times \$2,113,000=\$41,000$ . The credit used is the difference between the Project Obligation of \$41,000 and the Excel Land donation credit of \$27,000:  $\$41,000 - \$27,000 = \$14,000$ . This leaves a balance of \$757,000 for future DRI's.
- 4). The applicant has provided documentation indicating that the site drives will operate better than Level of Service C with this project and has indicated that adequate sight distances are available.
- 5). To satisfy the trip reduction requirements of the RPP, the applicant has developed a Transportation Demand Management (TDM) Plan for this project that includes ridesharing, shuttle van service, bicycle facilities, and telecommuting. This plan will include the Excel Switching Company employees located in

Independence Park. The applicant has agreed to provide incentives to employees to encourage participation in the TDM Plan. The applicant has agreed to set a goal for the TDM Plan of reducing site traffic by a minimum of 232 trips each weekday to satisfy the trip reduction requirements of the RPP.

6). The applicant has agreed to monitor employee participation in the TDM Plan and to provide the Cape Cod Commission with annual results of how effective each strategy is in reducing automobile travel consistent with DEP requirements. The applicant has agreed to provide the total number of employees participating in the TDM Plan, the total number of employees working at the site, the type of incentives offered for participation and their cost, and the reduction in traffic on an average weekday for the various strategies of the TDM Plan.

7). The applicant has agreed to create a formal rideshare program as part of the TDM Plan. The applicant has agreed to develop an electronic bulletin board to aid in matching employees to carpools and vanpools, designate an employee to serve as the Transportation Coordinator who will be responsible for promoting the rideshare program, and designate a minimum of five parking spaces conveniently located to Excel Switching Corporation building entrances for carpool or vanpool vehicles.

8). The applicant has agreed to make available Excel Switching Corporation owned and operated shuttle van service to employees as part of the TDM Plan. This service will be available during the weekday to serve the travel needs of employees who leave their cars at home because they chose to rideshare, bike or walk to work. A guaranteed ride home program will be implemented using the shuttle van. The applicant has agreed to reimburse employees for taxi fare should the van not be available and under certain conditions. The applicant has also agreed to make van service available at least to all employees who rideshare, bike or walk to work to conduct errands locally at designated times during each weekday. The applicant has agreed to commit to a shuttle van service indefinitely.

9). The applicant has agreed to provide bicycle facilities as part of the TDM Plan. The applicant has agreed to install secure bicycle parking facilities (bicycle racks and/or bicycle lockers) at several Excel Switching Corporation buildings within Independence Park with a capacity for no less than 80 bicycles. To support bicycle use, the applicant has agreed to provide shower facilities at this site.

10). The applicant has agreed to allow Excel Switching Corporation employees located within Independence Park to telecommute as part of the TDM Plan. The applicant has agreed to develop a formal policy on telecommuting and to consider supporting telecommuting employees with computer and software facilities, a second telephone line, fax machine or printer capabilities, and with high-speed Internet connections.

11). The applicant has proposed to donate a linear portion of the site along the westerly boundary to the Town of Barnstable to extend Attucks Lane. The applicant has proposed a cost credit toward a future expansion of Excel Switching Corporation toward mitigation of roadway impacts. The applicant has agreed to establish the credit consistent with the methodology used in other recent area DRI projects, and to apply the credit toward this project. The applicant has agreed to only apply the proposed credit toward mitigation of the cumulative off-site traffic impacts of the expansions and not toward meeting the trip reduction requirements of the RPP.

12). The Massachusetts Department of Environmental Protection requires all employers of 250 employees or more to reduce their employees work vehicle trips by 25 percent. As part of this requirement, these employers must survey their workers annually and submit the results to the DEP.

13). The applicant has indicated that they have received permission from the Town of Barnstable for a "temporary" driveway along Attucks Lane Extension. The Town has said that if the Cape Cod Aggregates

road is built ("Road A") and Excel seeks a curb cut off of that road, the town will reconsider the temporary curb cut and possibly require its removal.

14). Attucks Lane Extension was intended to be a limited access roadway. It was listed in the Regional Transportation Plan endorsed by the Commission as a limited access road. The intention is that no curb cuts should be permitted along the road other than those in the initial plans. AASHTO reports that curb cuts significantly limit capacity of roadways and also decrease driver safety by introducing conflict points.

15). This project is a reuse of existing buildings and lots and therefore has some unique characteristics that will not be replicated on most other lots along Attucks Lane Extension. Allowing a curb cut on Attucks Lane may therefore be considered appropriate in this case, but would still be considered inappropriate for any future development site along this road.

#### Natural Resources and Open Space

1). The site is within a Significant Natural Resources Area, due to its location within a Wellhead Protection Area.

2). Based on the open space requirement of the Regional Policy Plan, this project must provide 7.4 acres, or 40% of the site, as permanently restricted open space, either on- or off-site, or through a cash contribution.

3). The applicant has expressed a preference for providing the permanent open space on-site, on lots 2 and 3 from the Cape Cod Aggregates project.

4). In order to comply with the Regional Policy Plan, the applicant shall be required to provide and have accepted, a permanent conservation restriction on any on- or off-site open space associated with this project. The open space may also be provided through a cash contribution at a rate of \$65,340 per acre, or \$1.50 per square foot.

#### **CONDITIONS**

Based on the need to address the impacts noted in the findings above, the Commission hereby attaches the following conditions. Prior to the issuance of a Building Permit or temporary Building Permit by the town for this project, the applicant shall obtain a Certificate of Compliance from the Commission that verifies that these conditions have been met.

#### General

1). Prior to issuance of any Certificate of Compliance for this project, the applicant shall be required to meet the conditions attached to the Auburn Wire building project (TR #97029) and receive the needed Certificate of Compliance for that project.

#### Water Resources

1). This project will be required to make a donation toward a flushing study for the Lewis Bay coastal embayment. The size of this contribution is based on the estimated wastewater flow of the building, and is \$1,500. This contribution shall be made, payable to the County of Barnstable, prior to the issuance of the Certificate of Compliance.

2). All stormwater runoff facilities associated with this project shall conform to Minimum Performance Standard 2.1.1.6, which states that stormwater runoff shall be managed and disposed of on-site through the use of best management practices and a maintenance schedule for drainage structures. All on-site facilities shall be designed at a minimum to handle stormwater drainage based on a 25 year, 24-hour storm. The design shall be approved by Commission staff prior to the issuance of a Certificate of Compliance.

3). The applicant agrees that its stormwater drainage meets state stormwater standards and agrees to allow Commission staff to make inspections at times that are convenient to both parties to ensure that the stormwater drainage system is adequately constructed and maintained.

#### Hazardous Materials

1). The total amount of additional hazardous materials and/or wastes used, stored, generated, treated and disposed of by the company as a result of this project shall not exceed 25 liquid gallons or its dry weight equivalent at any given time.

2). The applicant shall handle, store and manage hazardous waste generated by the company in a manner consistent with the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00.

3). The applicant will retain a qualified, licensed hazardous waste hauler to remove accumulated hazardous waste, including scrapped printed circuit boards, according to guidelines established by 310 CMR 30.00.

#### Transportation

1). The applicant shall implement the TDM Plan developed for this project and shall implement all the details of the Plan described and agreed to in the Findings of this Decision. The applicant shall develop strategies to reduce site traffic by 232 trips each weekday to satisfy the trip reduction requirements of the RPP.

2). The applicant agrees to abide by the DEP requirement to reduce employee vehicle trips by 25 percent.

3). The applicant agrees to conduct the annual surveys required by the DEP of employee travel modes and to submit the results to the DEP with copies to the Commission.

4). The Commission agrees to allow a "temporary" curb cut on Attucks Lane Extension. If the Town of Barnstable chooses to allow the curb cut on Attucks Lane to change in status from "temporary" to "permanent," the applicant must come to the Regulatory Committee for a modification of this decision, at which time the Commission may require removal of that curb cut. In any case, if the curb cut is still considered "temporary" after 5 years, the Commission shall evaluate the impact of this curb cut on public safety and traffic circulation and may require removal of the temporary curb cut.

#### Natural Resources and Open Space

1). Prior to the issuance of a Certificate of Compliance the applicant shall provide proof of recording of a Commission-approved conservation restriction or deed restriction of 7.4 acres or the payment of cash contributions in accordance with Natural Resource/ Open Space Finding #4. All conservation restrictions shall be consistent with the provisions of M.G.L. c. 184, 31-33 inclusive.

2). Prior to the issuance of a Building Permit or temporary building permit the applicant shall submit a plan for review and approval by the Commission staff which depicts the location of the open space to be provided to meet the requirements of the RPP. This open space may be off-site or on-site or a combination of both. At least 50 percent of the required open space shall be land in a naturally vegetated condition. Any

open space that is not in a naturally vegetated condition shall be restored in accordance with either a Restoration Plan and/or a Landscaping Plan which plan shall be submitted to and approved by Commission staff.

**CONCLUSION**

Based on the finding and conditions above, the Cape Cod Commission hereby concludes:

The benefits of the proposed development as conditioned outweigh the detriments. This conclusion is supported by the findings and conditions above. The proposed development as conditioned is consistent with the Minimum Performance Standards of the Regional Policy Plan. The proposed development as conditioned is consistent with the Barnstable Zoning Bylaw and Regulations and the Barnstable Local Comprehensive Plan.

The Commission hereby approves with conditions the Development of Regional Impact Application of Excel Switching Corporation, for the "Excel Switching Corporation Corporate Facilities Master Plan" in Barnstable, Massachusetts, dated May 18, 1998, and modified on May 21, 1998, pursuant to Chapter A, Sections 3(c) and 3(d) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10 and Sections 12 and 13 of the Cape Cod Commission Act, as amended, provided the conditions noted above are met.

Madeleine Bebout  
Madeleine Bebout, Chair

June 20, 1998  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.  
Subscribed and sworn to before me this 20 day of June 1998

Katharine L. Peters  
NAME, Notary

My Commission expires:

