



CAPE COD COMMISSION

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Date: August 13, 1998

Applicant: The Cape Cod Five Cents Savings Bank
P.O. Box 10
Orleans, MA 02653

Project #: TR98019
Project Name: The Cape Cod Five Cents Savings Bank -
Operations Center

Re: Development of Regional Impact
Cape Cod Commission Act, Section 12

Book/Page #s: C.T. #147139
B-11156, P-187

Owner: The Cape Cod Five Cents Savings Bank
P.O. Box 86
Orleans, MA 02655

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of The Cape Cod Five Cents Savings Bank for a Development of Regional Impact (DRI) permit under Section 12 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for an addition to the Operations Center Office Building on 19 West Road in Orleans, MA. This decision is rendered pursuant to a vote of the Commission on August 13, 1998.

PROJECT DESCRIPTION

The purpose of the expansion of the Operations Center is to allow The Cape Cod Five Cents Savings Bank to consolidate administrative functions currently spread through

The Cape Cod Five Cents Savings Bank - Operations Center
Orleans, MA

August 13, 1998 Decision - #TR98019



Orleans, Harwich and Yarmouth. The proposed project consists of the addition of approximately 21,741 square feet to an existing 17,100 square foot office building on West Road in Orleans, MA. The site is located on 3.483 acres of land between Route 6 and Route 6A . The existing and proposed building are to have a basement and two stories. The site is located in an area zoned General Business. It is adjacent to residential uses to the north, commercial uses to the south, Route 6 to the west, and West Road to the east. The site is not located in a Significant Natural Resource Area and there are no wetlands located on or within 100 feet of the locus.

PROCEDURAL HISTORY

This project was referred as a DRI under Section 3(e) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12 by the Orleans Building Commissioner to the Cape Cod Commission on May 11, 1998. A duly noticed public hearing was held on June 30, 1998 at the Orleans Town Hall for the purpose of taking testimony on the proposed project. The hearing was continued to the August 7, 1998 Subcommittee meeting held at the Cape Cod Commission library. The Subcommittee reviewed the draft decision and voted on their recommendation to the Commission.

Materials submitted for the Record

Town Submittals:

- Memo to Jon Eitelbach, Orleans Building Commissioner, from Bob Bersin, Orleans Highway Department Manager, dated June 16, 1998
- DRI referral form and attachments, submitted by the Orleans Building Commissioner, received May 11, 1998
- Memo to Jon Eitelbach, Orleans Building Commissioner, from Bob Bersin, Orleans Highway Department Manager, dated May 5, 1998

Staff Reports and Correspondence:

- Letter from Paul Sutton to Myer Singer regarding application materials and Subcommittee meeting, dated July 21
- Letter from Paul Sutton to Myer Singer regarding staff report, dated June 25, 1998
- Staff report, dated June 24, 1998
- Letter from Paul Sutton to Myer Singer regarding application materials, dated June 15, 1998.

- Development of Regional Impact Notification Form, dated May 13, 1998

Submittals from the Applicant:

- faxed stormwater maintenance schedule from Chet Lay to Paul Sutton, dated August 12, 1998
- faxed deed restriction from Elliott Carr to Paul Sutton, dated August 11, 1998
- revised lighting plan from Donald Lonergan to Paul Sutton, dated August 10, 1998
- faxed response to draft decision from Myer Singer to Paul Sutton dated August 7, 1998
- Landscape Analysis Report from Evergreen Landscape received August 7, 1998
- Site plans dated April 20, 1998, revised May 4, 1998, May 28, 1998, June 4, 1998, June 29, 1998, August 6, 1998
- lighting plan from Michael A. Zax to Don Lonergan, dated August 3, 1998
- stormwater drainage calculations from Chet Lay to Paul Sutton, received August 3, 1998
- letter from Ronald E. Reed, Executive Vice President & Treasurer of Cape Cod Five Cents Savings Bank to Subcommittee, received July 28, 1998
- letter from Ronald E. Reed to Subcommittee, received July 15, 1998
- Approved MHC Notification Form, received July 14, 1998
- Proposed deed restriction on open space, received July 14, 1998
- Letter from Myer Singer regarding transportation contribution, received July 14, 1998
- Lighting plan, received June 30, 1998
- Letter from Chet Lay to Paul Sutton, dated June 30, 1998
- Draft Nitrogen Loading analysis from William N. Rogers to Tom. C. Cambareri, dated June 13, 1998
- DRI Application, dated June 4, 1998
- Architectural drawings, dated April 28, revised June 1, 1998
- Aerial map, dated April 1, 1984

Submittals from Government Agencies:

- Massachusetts Historical Commission Project Notification Form, reviewed and stamped by Paul A. Holtz, Historical Architect, dated June 23, 1998

Submittals from the Public:

- None

The application and notice of the public hearing relative thereto, the Commission's staff reports, correspondence, notes and exhibits, minutes of hearing and all written submissions received in the course of the proceedings, including materials submitted on file TR 98019, are incorporated into the record by reference.

TESTIMONY

At the June 30, 1998 public hearing, Myer Singer, attorney for the applicant, noted potential locations of the septic system, the proposed location of the parking lot, the proposed use of catch basins and the proposed construction of a West Road sidewalk to mitigate traffic impacts. The Subcommittee raised issues relative to the on-site circulation, the proposed sidewalk, perk test scheduling, and plans for removal of the on-site underground fuel tank. Paul Sutton, Commission staff planner, indicated that the proposed project is largely consistent with the applicable minimum performance standards of the RPP, while noting that issues relating the landscaping plan, lighting, and employee data still needed to be resolved. Bob Bersin, Orleans Highway Department Manager, expressed concern over traffic impacts to Skaket Corner and the Town's preference for allocating traffic mitigation money for roadway improvement design, not construction. Todd Holland, Manager of the Landing's Edge Condominium, said the condominium association did not want a pedestrian path through condominium property which could encourage pedestrian traffic. Ronald Reed, Executive Vice President of The Cape Cod Five Cents Savings Bank, clarified for Mr. William Joy that the proposed project would add 36 additional people to the existing 74 employees.

At the August 7, 1998 Subcommittee meeting, Mr. Singer reviewed revised plans for the project, noting new percolation and soil tests had been conducted and that test pits had been dug for the septic system in the same location as before. He stated that the applicant had submitted new landscaping plans which addressed staff's comments. Commission Transportation Program Director Bob Mumford noted that the applicant had agreed to make a contribution of \$50,000 to meet the transportation requirements of the RPP. Mr. Mumford said that the staff had determined that based on a \$30 per linear foot unit cost, approximately \$37,900 would be enough to complete the proposed sidewalk. As such, Mr. Mumford suggested the remainder of the applicant's proposed contribution, \$12,100, could be

used for approximately 25% of the intersection design costs. Mr. Olsen and Mr. Kaufman suggested that TR Finding #15 be changed to emphasize the Commission's preference for a sidewalk. Mr. Mumford, the Subcommittee and Attorney Singer discussed changes to the Transportation Conditions. Mr. Cambareri noted staff had received new stormwater calculations and suggested the stormwater design plans submitted at the beginning of this meeting appeared to be in order based on a comparison to the original plans. He said that while the Commission's policy is to encourage applicants to utilize vegetated swales, he suggested that given the site, the Town's preference, and the density of the on-site soils, a drainage basin with an oil/grit chamber seemed appropriate for this project. He suggested that the other water resources issues had been substantially addressed by the applicant. Mr. Randolph suggested the Community Character Findings and Conditions be consolidated. Mr. Sutton noted that some additional information was needed relative to the landscaping plan and the lighting plan, both of which could be tied to a Certificate of Compliance. The applicant's lighting consultant noted that wallpacks would be installed at the site and that a point-to-point printout could be submitted. Attorney Singer noted the applicant had submitted a letter about waivers the applicant was seeking from local site plan review requirements and variances concerning installation of a fence and the location of the dumpster. Mr. Kaufman recommended that the waivers and variances descriptions be included in the Findings. Mr. Fox recommended that the Conditions reference and be linked to two partial Certificates of Compliance. Attorney Singer suggested wording changes to Conditions based on phased Certificates of Compliance. The Subcommittee voted to close the meeting and keep the record open.

JURISDICTION

The proposed project qualifies as a Development of Regional Impact (DRI) under the Code of Cape Cod Commission Regulations of General Application, Chapter A, Section 3(e), Barnstable County Ordinance 94-10, as a proposed addition with a gross floor area greater than 10,000 square feet.

FINDINGS

Based on the testimony received at the public hearing, application materials submitted by the project proponent, written material submitted by all interested parties and supporting technical information provided by staff, the Commission makes the following findings relative to the proposed Cape Cod Five Cents Savings Bank Operation Center:

General:

G1. The proposed plan is consistent with local zoning regulations with the following exceptions. The project requires waivers from provisions under Orleans zoning by-laws relative to non-applicable site plan review requirements (wetlands and erosion control delineation), and variances from parking lot planting requirements (which would reduce contiguous open space in the landscaped buffer on the north and east side of the property) and setback requirements for the proposed seven foot high fence on the Landing Edge Condominium property and a dumpster on the bank's property. We expect that the applicant will apply for relief from these Town standards.

G2. The proposed project consists of the addition of approximately 21,741 square feet of office space to an existing 17,100 square foot office building. The existing building and proposed addition are to have a basement and two stories.

G3. The project is not located in a Significant Natural Resource Area or a Wellhead Protection Area. However, it is located within a Marine Water Recharge Area and a Water Quality Improvement Area to Namskaket Creek.

Transportation:

TR1. Existing traffic was counted by Vanasse & Associates at the site drive. Using a proportional increase based on the expected increase in employees with the proposed office expansion, the increase in site traffic was estimated to be 190 daily trips (95 entering/95 exiting). Peak hour site traffic was estimated at 25 trips in the morning and 26 trips in the afternoon. These estimates are higher than the Institute of Transportation Engineers (ITE) Trip Generation for office buildings. Therefore, the estimates provided by Vanasse & Associates are more conservative than ITE.

TR2. The Regional Policy Plan (RPP) Minimum Performance Standard (MPS) 4.1.2.1 requires a 20% reduction in site traffic resulting from the new development. Based on an increase of 190 trips per day, the required reduction is 38 trips per day. MPS 4.1.2.2 allows Developments of Regional Impact to make a monetary commitment to alternatives to automobile transportation and/or public transportation to partially satisfy MPS 4.1.2.1.

TR3. The project is accessed from an existing site drive on West Road. West Road is classified as a Rural Major Collector under the Functional Classification of Cape Cod

Highways. This access/egress meets the requirements of MPS 4.1.1.6.

TR4. The project site is within 200 feet of an existing transit route and within 1,000 feet of the Cape Cod Rail Trail bicycle path. Therefore, the project is well situated to provide employees and visitors with alternatives to automobile travel, partially satisfying MPS 4.1.2.1.

TR5. Pursuant to MPS 4.1.1.3, upon compliance with trip reduction requirements, the expected peak hour trip generation will be 21 trips. This trip generation is below the thresholds stated in MPS 4.1.1.1 to require analysis and mitigation at off-site locations.

TR6. The applicant has voluntarily offered \$50,000 for the design and construction of a sidewalk along a section of West Road in the vicinity of the site.

TR7. Based on field observations at the site drive, the requirements of MPS 4.1.1.5 (sight distance) are satisfied.

TR8. Based on the accident analysis prepared by Vanasse & Associates, no degradation in public safety is expected as a result of this DRI and the requirement of MPS 4.1.1.7 is satisfied.

TR9. There is an existing sidewalk on the east side of West Road between Route 6A and the Skaket Corners Plaza driveway. Construction of a sidewalk between the Plaza and Old Colony Way, a distance of approximately 1,260 feet, would promote walking between the project site and adjacent properties and satisfy the requirements of MPS 4.1.2.1. Based on an estimated construction cost of \$30 per linear foot for a sidewalk with granite curbing (source: Mashpee Local Comprehensive Plan Derivation of Cost Estimates, September 1997), the estimated construction cost of the sidewalk is \$37,900.

TR10. The Town of Orleans has prepared a "Traffic Improvement Feasibility Study" (January 1998) to identify ways to improve traffic flow at the Route 6A/West Road/Eldredge Park Way intersection.

TR11. The Town of Orleans, through their Highway Superintendent Robert Bersin, has requested that the \$50,000 be used to advance the design of traffic flow improvements at the Route 6A/West Road/ Eldredge Park Way intersection.

TR12. At a minimum, \$37,900 must be committed to the design and construction of sidewalk improvements, in order to meet MPS 4.1.2.1. Any unused funds remaining after the completion of the sidewalk, may be used for the design and/or construction of improvements at Route 6A/West Road/Eldredge Park Way intersection while still complying with MPS 4.1.2.1.

Water Resources

WR1. The project is located within a Marine Water Recharge Area (MWRA) and a Water Quality Improvement Area to Namskaket Creek. Section 2.1.1.2 C.3 of the RPP requires that any use in a MWRA shall use Massachusetts Department of Environmental Protection (DEP) approved alternative septic systems with enhanced nitrogen removal, unless a Commission approved cumulative nitrogen loading assessment of the embayment and recharge area indicates that nitrogen loading from a Standard Title 5 system is acceptable. A nitrogen loading assessment has not been conducted for this specific water resource.

WR2. The applicant has agreed to upgrade the septic system and install a denitrifying system.

WR3. The Title 5 design flow for the project is 2,913 gallons per day.

WR4. Section 2.1.1.1 W.1 of the RPP states that development shall not exceed a nitrogen loading standard of 5 parts per million (ppm) and that redevelopment shall improve levels of nitrate-nitrogen loading.

WR5. Based on the projected total of 110 employees, the actual water use (based upon 9 years of water use records) is estimated to be 1,436 gallons per day. The actual nitrogen loading, using the actual water use and a DEP approved septic system with a denitrifying system is 4.98 parts per million. The project under these conditions meets the wastewater requirements of the RPP.

WR6. Section 2.1.1.6 states that stormwater shall be disposed of on site and that redevelopment shall use best management practices such as vegetative swales to minimize runoff and maximize water quality treatment. Further, it stipulates that a maintenance schedule shall be developed for all drainage structures.

WR7. The Town of Orleans has requested that a closed drainage system consisting of catch basins with 18-24" sumps, a drain pipe and a separation chamber for grit be installed, and a stormwater management plan outlining long-term maintenance of the

system be prepared.

WR8. The applicant has submitted stormwater design and management plans which comply with the MPS in Section 2.1.1.6 of the RPP.

Natural Resources/Open Space

NR1. The proposed development does not occur on or within 100 feet of wetlands, and, thereby, complies with MPS 2.3.1.1- 2.3.1.4.

NR2. The proposed expansion is located neither in a Certified Growth Center nor a Significant Natural Resource Area as identified in the RPP, and, consistent with MPS 2.5.1.3, is required to maintain 50%, or 1.75 acres, of the upland area as open space.

NR3. The applicant has proposed to comply with MPS 2.5.1.3 by providing a 1.83 acre voluntary set-aside on 52% of the property as open space of which 1.75 acres will be permanently restricted, primarily on the northeastern section of the site.

Community Character

CC1. The proposed open space area has minimal plant and wildlife habitat value, historical resource value or public recreation value. Further, it does not contain lands that would likely be considered by the Secretary of Environmental Affairs as constituting a public benefit, and eligible for approval as a conservation restriction.

CC2. The proposed open space does provide an important visual buffer to West Road and properties to the northeast of the Operations Center.

CC3. MPS 6.2.3 of the RPP requires that all new development provide adequate landscaped buffers in order to limit adverse visual impacts on the surrounding community. The applicant has proposed additional landscaping and tree plantings to serve as a buffer between its property and the adjacent Landings Edge Condominiums as part of its proposed open space.

CC4. The applicant did not submit a landscape plan fully in conformance with the informational requirements outlined in the June 24th staff report and the staff letter dated July 21, 1998.

CC5. The applicant did not submit information fully in conformance with the submittal

requirements described in Section 3.0 of the Exterior Lighting Design Technical Bulletin, 95-0001, specifically submittal requirements 3.3 and 3.4.

CC6. Consistent with MPS 6.2.10, the proposed parking is located to the rear of the building and West Road.

CC7. Consistent with MPS 6.2.1, the height and scale of the newly expanded structure is compatible with the site and the existing surrounding buildings.

CONCLUSION

Based on the findings above, the Commission hereby concludes that the benefits of the proposed project outweigh the detriments. The Commission has reviewed the project against the Minimum Performance Standards in the Regional Policy Plan and has determined that the project, as conditioned, complies with all RPP Minimum Performance Standards. Provided the applicant obtains the necessary waivers and variances from the Town of Orleans, the project will be consistent with local zoning.

The Commission hereby approves the proposed Cape Cod Five Cents Savings Bank Operations Center expansion, subject to the following conditions:

CONDITIONS

General:

G1. The site shall be developed consistent with the site plan dated April 20, 1998, with the latest revision date of August 6, 1998. All plans submitted shall become a part of the written decision and any changes to these plans shall be approved by the Cape Cod Commission.

G2. Prior to applying for a building permit from the Orleans Building Inspector for the expanded portion of the Operations Center, the applicant shall obtain a partial Certificate of Compliance from the Cape Cod Commission. Prior to applying for a Certificate of Occupancy from the Orleans Building Inspector, the applicant shall obtain a final Certificate of Compliance from the Cape Cod Commission.

G3. In order to allow adequate time for scheduling and Commission staff review, the applicant shall provide staff at least 30 days notice prior to the request for issuance of a full Certificate of Compliance.

G4. The applicant shall apply for relief from the Town of Orleans site plan review, parking lot planting requirements, and setback requirements referenced in Finding G1. Should said relief be denied, the applicant shall apply for a modification to this decision.

Transportation:

TR1. Prior to receiving a final Certificate of Compliance, the Cape Cod Five Cents Savings Bank shall provide \$50,000 to the Cape Cod Commission/County of Barnstable in an escrow account with an agreement satisfactory to the Cape Cod Commission's counsel. These funds shall be committed to the design and/or construction of a sidewalk on West Road between Old Colony Way and Route 6A. Funds shall be released from the escrow fund upon the agreement of the Cape Cod Five Cents Bank, the Town of Orleans and the Executive Director of the Cape Cod Commission. Upon completion of the sidewalk, any unused funds may be used for the design and/or construction of improvements at the Route 6A/West Road/Eldredge Park Way intersection. Any funds not expended within ten (10) years from the date of this decision, however, shall revert to the Cape Cod Regional Transit Authority or a similar agency then in existence to support non-automobile travel in the Town of Orleans.

Water Resources:

WR1. Prior to issuance of a final Certificate of Compliance, the applicant shall upgrade the existing septic system and install a DEP- approved denitrifying system in order to meet the 5 ppm nitrogen loading standard addressed in Section 2.1.1.1 of the RPP.

WR2. Stormwater shall be managed and disposed of on site, using pre-treatment modules to complement the proposed closed drainage system consistent with the site plan dated April 20, 1998, with the latest revision date of August 6, 1998.

Natural Resources/Open Space:

NR1. The applicant shall submit a site plan depicting the 1.83 acre voluntary set-aside of which 1.75 acres will be permanently restricted as open space in compliance with the RPP prior to issuance of a partial Certificate of Compliance. Future activities within this area shall be governed by the terms of the deed restriction required by condition NR2.

NR2. The applicant shall provide the Commission with a deed restriction to be approved by Commission counsel and recorded at the Barnstable District of the Land Court/Registry of Deeds which provides that all of the open space areas shown on the site plan noted in Condition NR1 shall remain as permanent open space. The restriction and site plan shall be recorded prior to the issuance of a final Certificate of Compliance from the Commission, and rerecorded at the Barnstable District of the Land Court/Registry of Deeds every thirty years thereafter. The restriction and site plan must be approved by Commission Counsel prior to issuance of a partial Certificate of Compliance.

NR3. The land proposed for permanent restriction as open space is intended to serve as a landscaped buffer. No development as specified in the definition of development in Section 2(e) of the Act may occur on any lands restricted as permanent open space except as otherwise specified in the deed restriction referenced in Condition NR2 above.

Community Character:

CC1. Prior to issuance of a partial Certificate of Compliance, the applicant shall submit to Commission staff for review and approval a revised landscape plan which meets the informational requirements outlined in the June 24, 1998 staff report and staff letter dated July 21, 1998. The revised landscape plan shall include a limit of work line. Prior to issuance of a final Certificate of Compliance, the applicant shall install the landscaping as agreed to on the Cape Cod Commission-approved revised landscape plan.

CC2. Prior to the commencement of site work, the applicant shall install for Commission staff review and approval a visible construction fence or its equivalent which shall delineate the limit of work for the proposed project. This fencing shall be placed along the westerly perimeter of the parking lot proposed in the southwest corner of the property, along the southerly edge of the proposed fire lane, and along the southerly perimeter of the leaching bed and adjacent proposed parking.

CC3. Wallpacks utilized for this project shall conform to the requirements of Technical Bulletin 95-001, specifically Section 2. Prior to issuance of a final Certificate of Compliance, Commission staff shall inspect wall packs for conformance with Technical Bulletin 95-001 and monitor actual lighting levels at the Operations Center for consistency with the revised lighting plan and conformance with MPS 6.2.7 and MPS

6.2.8.

CC4. Prior to issuance of a partial Certificate of Compliance, the applicant shall provide information in conformance with the submittal requirements described in Section 3.0 of Technical Bulletin 95-001, specifically Standard 3.3 (requiring a computer-generated point-to-point printout showing footcandle levels at the property line and 25 feet beyond the property line) or Standard 3.4 (requiring point-to-point printouts of initial and maintained footcandle levels).

The Commission hereby grants The Cape Cod Five Cents Savings Bank Operations Center a DRI approval with Conditions.

Herb Olsen
Herb Olsen, Chair

8/27/98
Date

Commonwealth of Massachusetts
Barnstable, ss.

Subscribed and sworn to before me this 27th day of August 1998.

Katharine L. Peters
Name, Notary Public

My commission expires:

