



CAPE COD COMMISSION

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Date November 18, 1999
To Silvia & Silvia Associates
619 Main Street
Centerville, MA 02632
From Cape Cod Commission
Re Development of Regional Impact Exemption
Section 12 (k) Cape Cod Commission Act
Project Renaissance Place
Attucks Lane, Independence Park, Hyannis, MA
EX#99005, TR#99005
Applicant Silvia & Silvia Associates
Book/Page 7973/168
3984/72

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of Silvia & Silvia Associates for an Exemption as a Development of Regional Impact. The project qualifies as a Development of Regional Impact under Barnstable County Ordinance 94-10, Chapter A, Section 3(e) as the construction of a new 14,828 sf professional office building on Attucks Lane in Hyannis, MA. The applicant also filed for a Development of Regional Impact Exemption application pursuant to Section 12(k) of the Cape Cod Commission Act, as amended. This Decision is rendered pursuant to the vote of the Commission on November 18, 1999.

PROJECT DESCRIPTION

The project involves the construction of a 14,828 sf professional office building and associated parking on a 2.07 acre lot on Attucks Lane in Independence Park, Hyannis, MA. The project is located within the Industrial Zoning District and the Groundwater Protection District of the Town of Barnstable.

PROCEDURAL HISTORY

A hearing officer opened a pro forma hearing for the project on May 27, 1999 at the Cape Cod Commission office. A hearing officer then closed a pro forma hearing on August 20, 1999 at the Cape Cod Commission office. On September 7, 1999 the Regulatory Committee of the Commission heard a

Renaissance Place, DRI Exemption Decision #EX99005
November 18, 1999

request from the applicant to extend the decision period for the project, which was then granted, to April 21, 2000. The application for the exemption was deemed complete on October 5, 1999. A subcommittee of the Commission held a public hearing on the exemption request on November 3, 1999. The subcommittee held a meeting on November 8, 1999 at which they voted to recommend the exemption to the full Commission. The full Commission voted to approve the exemption on November 18, 1999.

MATERIALS SUBMITTED TO THE RECORD

Materials submitted by the Applicant:

- Application for DRI Exemption, dated 3/4/99
- Letter from Nutter, McClennen & Fish, LLP to the Commission dated 3/24/99
- Letter from Nutter, McClennen & Fish, LLP to the Commission dated 4/1/99
- Letter from Nutter, McClennen & Fish, LLP to the Commission dated 4/5/99
- Letter from Rizzo Associates, Inc. to the Commission dated 7/7/99
- Letter from Nutter, McClennen & Fish, LLP to the Commission dated 8/27/99
- Letter from Nutter, McClennen & Fish, LLP to the Commission dated 9/24/99
- Town of Barnstable Specifications for Building Sewer Connections, submitted 9/27/99
- Letter from Rizzo Associates, Inc. to the Commission dated 10/18/99
- Letter from AM Wilson Associates, Inc. to the Commission dated 10/18/99
- Letter from AM Wilson Associates, Inc. to the Commission dated 11/1/99
- Letter from AM Wilson Associates, Inc. to the Commission dated 11/8/99

Materials submitted by the Commission:

- Letter from the Commission to Silvia & Silvia Associates, dated 4/6/99
- Letter from the Commission to Silvia & Silvia Associates, dated 8/4/99
- Memo to the Regulatory Committee from Heather McElroy, dated 8/17/99
- Extension agreement between the Commission and Silvia & Silvia Associates, dated 9/8/99
- Letter from the Commission to Silvia & Silvia Associates, dated 9/10/99
- Letter from the Commission to Nutter, McClennen & Fish, LLP, dated 9/16/99
- Letter from the Commission to Silvia & Silvia Associates, dated 10/5/99
- Commission staff report dated 10/27/99
- Summary of DRI Exemption Decisions submitted dated 11/5/99

Materials submitted by the Town

- Referral of the Development of Regional Impact from the Barnstable Building Commissioner, dated 3/29/99, with accompanying Site Plan Review comments
- Letter from the Barnstable Building Commissioner, Ralph Crossen, to the Commission dated 11/12/99

TESTIMONY

November 3, 1999 Public Hearing

Patrick Butler and Arlene Wilson, representing the applicants, described the project and presented the request for a DRI exemption. Dorr Fox and Eduard Eichner presented the staff report. There was no public testimony.

November 8, 1999 Public Meeting

Dorr Fox, Heather McElroy, and Sharon Rooney provided a project update. The subcommittee voted to recommend granting the DRI exemption.

JURISDICTION

The proposed project qualifies as a DRI under Chapter A, Section 3(e), Barnstable County Ordinance 94-10: new construction, addition or auxiliary buildings with a gross floor area greater than 10,000 square feet. This DRI Exemption is granted subject to Section 12(k) of the Cape Cod Commission Act, as amended.

FINDINGS

1. The project involves the construction of a 14,828 sf professional office building and associated parking on a 2.07 acre lot on Attucks Lane in Independence Park, Hyannis, MA. The project is located within the Industrial Zoning District and the Groundwater Protection District of the Town of Barnstable. The project is also located within an Industrial Activity Center as defined in the Barnstable Local Comprehensive Plan.
2. Barnstable Site Plan Review will place conditions on the project during local review. The Commission received a letter from the Barnstable Building Commissioner dated November 12, 1999 indicating that Barnstable Site Plan Review will require the following conditions, as detailed in a letter from the applicant's representative dated November 8, 1999: drainage design consistent with plans dated 4/18/99, maintenance of catch basin sumps, a hazardous materials spill contingency plan, a limit to no more than four individual tenants in the building, signage in conformance with the Barnstable Zoning Ordinance, provision of a bike rack on site, reserved parking for carpoolers, and provisions within individual tenant leases for TDM. Upon completion of the project the applicant will have: constructed a stormwater system consistent with the plans dated 4/18/99, implemented a maintenance plan for catch basin sumps, implemented a hazardous materials spill contingency plan, leased space to no more than four tenants, constructed signage consistent with the Barnstable Zoning Ordinance, provided bike racks onsite, reserved parking for carpoolers, and established provisions in individual tenant leases for TDM.

Natural Resources

3. The project is located within a public water supply wellhead protection area, and as such is designated a Significant Natural Resource Area (SNRA) by the RPP. The Natural Heritage Atlas does not indicate the presence of potential rare species habitat in this area. A natural resources inventory for the site was not required for the consideration of this exemption.
4. The site plan submitted for the project shows 1.12 acres of pervious area. The applicant has submitted a letter stating that the Barnstable Fire Department does not require the paved fire lane proposed around the back of the building, thereby enabling the applicant to increase pervious area on the lot to 1.25 acres. On completion the project site will contain 1.25 acres of pervious area.

Water Resources

5. The Renaissance Place parcel is located within both a Wellhead Protection Area to Hyannis water supply wells and the Marine Water Recharge Area to Lewis Bay. Wastewater on the site will be treated at the municipal wastewater treatment facility, which is also located within the watershed to Lewis Bay. The applicant provided a monetary contribution of \$167 toward a flushing study of Lewis Bay, and is therefore in compliance with MPS 2.1.1.2 C.1.
6. Nitrogen loading at the site is calculated to be less than the 5 ppm standard for Wellhead Protection Areas, since wastewater, the major source of nitrogen, is transferred to the town treatment facility, where it will receive better treatment than a conventional Title 5 system.
7. The proposed use of the site as office space will utilize and/or store no greater than household quantities of hazardous materials, and the applicant has proposed spill preparedness provisions for potential accidents in the parking lot. The applicant has submitted a satisfactory stormwater design, including catch basins with 4 ft sumps, and a management plan, which requires the biannual cleaning of the sumps.

Transportation

8. The trip generation for this project is based on a 14,828 sf commercial building. Based on professional office space, the 14,828 sf office building is estimated to generate:
 - AM Peak Hour - 41 trips (36 In, 5 Out)
 - PM Peak Hour - 22 trips (4 In, 18 Out)
 - Average daily traffic - 306 trips (153 In, 153 Out)
9. MPS 4.1.1.1 threshold for traffic impacts is 50 vehicles per peak hour on a regional roadway or regional intersection generated by the development in a certified growth area. The 41 vehicle trips is below the threshold of 50 vehicle trips (in a certified Activity Center) requiring analysis and mitigation under MPS 4.1.1.1 of the RPP.
10. MPS 4.1.1.5 requires all DRIs access/egress locations with public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. Based on field observations the stopping sight distances are adequate based on AASHTO and MHD standards.
11. MPS 4.1.1.6 requires all new driveways on regional roads to operate at Level of Service (LOS) D or better in a certified activity center. Based on traffic analysis submitted by the proponent, staff concludes that the driveway will operate at better than LOS D during the morning and afternoon commuter hours.
12. MPS 4.1.1.7 states that there shall be no degradation in public safety because of a DRI. Based on the available stopping sight distance, a review of the accident data in the vicinity of the proposed site driveway (no accidents were reported in the last three years) and the fact that the projected vehicle traffic is below review thresholds, it is determined that a degradation in public safety is not likely.
13. The applicant will institute a trip reduction plan that includes the following components:
 - Provide a bicycle rack on-site,
 - Designate at least one parking space per tenant to serve carpool vehicles,
 - Monitor participation in the Travel Demand Management (TDM) Plan and provide to the Cape Cod Commission a written report each year for three years with results of how effective each strategy is in

reducing automobile travel. The applicant shall provide information on 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 costs, and the reduction in traffic on an average weekday for the various strategies of the TDM Plan.

- Require in each lease that the tenant provide the following:
 - participation in the TDM monitoring program,
 - designating an employee as the transportation coordinator,
 - post carpooling requests on a designated bulletin board to match carpooling participants,
 - promote walking to various amenities (shopping mall, health clubs and auto repair centers) in the vicinity of the site,
 - allow some employees to telecommute,
 - allow flexible work hours for employees who participate in the car-pooling program.

The applicant has provided a monetary transit service contribution of \$1,000, consistent with the requirements of MPS 4.1.2.1.

14. The proposed project, as referenced in the findings above, is not expected to have regional transportation impacts.

Community Character

15. The Renaissance Place building height is dictated by an avigation easement for the Town of Barnstable Airport Commission. The scale and style as proposed are generally compatible with the existing surrounding buildings in the industrial park; the brick façade is consistent with existing buildings in the area. The design of the building is also somewhat constrained by the avigation easement, limiting the building to one floor with a flat roof.

16. Based on landscaping plans submitted, the project appears to adequately buffer the proposed building and parking areas from Attucks Lane. The project will be constructed consistent with the plan titled "Landscape Plan for Silvia & Silvia Associates, Inc.," and dated 4/18/99, as amended to delete the fire lane depicted thereon.

17. The Massachusetts Historical Commission has indicated that the project is unlikely to affect significant historic or archaeological resources.

18. Based on comments submitted for the record from Barnstable Site Plan Review, the project complies both with the requirements of the Barnstable Zoning Ordinance, and with the objectives of the Local Comprehensive Plan.

CONCLUSION

Based on the above findings, the Cape Cod Commission hereby concludes:

So long as the project is constructed, and tenants conducting business from the structure operate such businesses consistent with the findings set forth above, the location, character and environmental effects of the proposed professional office building prevent its having any significant impacts on the values and purposes protected by the Cape Cod Commission Act, as amended, outside of the municipality in which the proposed project is to be located.

The Cape Cod Commission hereby grants a Development of Regional Impact Exemption for the

Renaissance Place, DRI Exemption Decision #EX99005

November 18, 1999

proposed 14,828 sf professional office building on Attucks Lane, Hyannis, MA pursuant to Section 12(k) of the Cape Cod Commission Act, as amended.

This Exemption Decision is valid for three (3) years from the date of issuance.

Thomas Broidrick
Thomas Broidrick, Chair

12/2/99
Date

Commonwealth of Massachusetts
Barnstable, ss.

Subscribed and sworn to before me this 2nd day of Dec 1999

Katharine L Peters
Name, Notary Public

My commission expires:

