



CAPE COD COMMISSION

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DATE: November 18, 1999 #TR-990030/#EX-99030

TO: Mr. Thomas Evans, Headmaster
Cape Cod Academy
P.O. Box 469
Osterville, MA 02655

FROM: Cape Cod Commission

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

Development of Regional Impact Exemption
Section 12(k) of the Cape Cod Commission Act

APPLICANT: Mr. Thomas Evans, Headmaster

PROJECT: Cape Cod Academy New Lower School
50 Osterville-West Barnstable Road
Osterville, MA 02655

BOOK/PAGE: Book 4065, Page 25
Book 5109, Page 327

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves, with conditions, the application of Mr. Thomas Evans, Headmaster of the Cape Cod Academy, 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), for the construction of a new 33,000 square foot Lower School. The applicant has filed for a Development of Regional Impact Exemption pursuant to Section 12(k) of the Cape Cod Commission Act, as amended or, in the alternative, a DRI approval. This decision is rendered pursuant to the vote of the Commission on November 18, 1999.

PROJECT DESCRIPTION

The project consists of a proposed 33,000 square foot, mostly one-story building on the existing campus of Cape Cod Academy in Osterville. The property is located within a Zone of Contribution/WP District in Barnstable. The first floor includes a gym area with stage, storage areas, classrooms for kindergarten through 5th grade, an art room, science classroom, library, a reading room, a music room and faculty offices. According to the Site Improvements Plan,



there will be a first-floor "north connector" to the existing Davis Commons building. Floor Plan A-2 shows a second-floor "south connector" between the proposed building and the existing buildings. The facility is proposed to be on a septic system, heated by gas and is to provide 30 new parking spaces.

PROCEDURAL HISTORY

The project was referred as a Development of Regional Impact by the Barnstable Building Department on August 23, 1999. The referral was received by the Cape Cod Commission on August 25, 1999. On September 23, 1999, the applicant filed a Development of Regional Impact Exemption application. The DRI/DRI Exemption application was deemed complete on September 27, 1999. A Joint Scoping Session was held on October 7, 1999 under the Memorandum of Understanding with the Town of Barnstable. A site visit was conducted by the Subcommittee on October 14, 1999. A duly noticed public hearing was held on the DRI and DRI Exemption applications on October 14, 1999. On October 14, 1999, the Subcommittee voted to recommend to the full Commission a denial of the DRI Exemption. The Subcommittee also voted to recommend to the full Commission approval of a DRI with conditions. The Subcommittee voted to continue the hearing and record on the DRI to November 18, 1999. On November 8, 1999, the applicant submitted a letter withdrawing the DRI Exemption request. On November 10, 1999, a staff hearing officer closed the hearing on the DRI Exemption. A draft decision on the DRI was presented to the full Commission on November 18, 1999. At this meeting the Commission voted unanimously to approve the project with conditions.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

DRI/DRI Exemption Application w/attachments (2 copies)	9/23/99
Project description	
Letter to MHC	
Regional Policy Plan Issue Area Narrative	
Certificates of Facility Inspection	
Drainage and Nitrogen Loading Calculations	
Letter, from Attorney Ford, MHC Filing	9/30/99
Revised Nitrogen Loading Calculations	10/7/99
Lighting Information – catalog pages describing fixtures	9/22/99
Project Plans	
Master Facilities Plan (5/19/98, revised 6/11/99)	
Existing and Proposed Conditions Plans (2 sets - full size)	6/23/99
Existing and Proposed Conditions (reduced size)	9/22/99
Locus Plan (reduced size)	9/22/99
Site Plan w/Landscaping and Lighting	9/23/99
Floor Plans and Elevation Drawings	9/23/99
Memo, from Academy, Additional Hazardous Materials Info.	10/19/99
Letter, from Attorney Ford, info. related to subdivision which is now part of the Academy's site (with attachments)	11/1/99
Letter, from Headmaster, concerning recycling of photo waste	11/3/99
Fax, from KBF/American Metals Recovery Corp., concerning recycling of photo Wastes	11/3/99

A. Materials submitted by the Applicant (continued):

Letter, from Headmaster, concerning fee payment and Exemption	11/5/99
Letter, from Attorney Ford, withdrawing DRI Exemption	11/8/99

B. Materials submitted by the State:

Letter, from MHC	11/5/99
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C. Materials submitted by the Town:

DRI Referral Form w/ attachments	8/25/99
Fax, from Centerville-Osterville-Marstons Mills Water District	11/17/99

D. Materials submitted by the Public:

None, other than oral testimony at public hearings

E. Materials submitted by Cape Cod Commission:

Letter, Intent to Review as DRI	8/30/99
Memorandum, to Subcommittee	9/13/99
Memorandum, to Town	9/20/99
DRI Staff Review Form Q	9/27/99
Letter, DRI/DRI Application Complete	9/28/99
Memorandum, Transportation Comments	10/7/99
Staff Report	10/8/99
Fax Cover Sheets for Staff Report	10/8/99
Minutes, Public Hearing	10/14/99
Staff Update with draft findings and conditions	11/4/99
Minutes, Meeting	11/10/99
Hearing Notice	Undated
Hearing Notice	Undated

The Application and notice of the public hearing relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and all submissions received in the course of the proceedings, including materials submitted on file #TR-99030 and #EX-99030 are incorporated into the record by reference.

TESTIMONYOctober 14, 1999 Public Hearing

Attorney Michael Ford of Stinson & Ford, representing the Academy, presented the project as an addition to the existing facility on the site. He noted the new Lower School building was proposed to be located on a basketball court near the entrance to the main building. He said the entire campus was 43 now acres. He noted the Academy's campus was 27 acres but that it had recently acquired a 14 lot subdivision off of Bumps River Road which will not be built and which will be incorporated into the school's campus. Attorney Ford said the Academy would rescind the subdivision if necessary. He said the school's occupancy permit is for 400 students. He said there were no plans to exceed this number. He noted the septic system is sized for this number. Mr. Peter Sullivan, the applicant's site engineer, discussed water resources issues.

Ms. Adams introduced the Staff Report. She noted the Subcommittee had conducted a site visit. She described the project and noted that if the Subcommittee believed it was appropriate to

place conditions on the project, they could only do so through a DRI decision, not a DRI Exemption.

Mr. Glenn Cannon, a Transportation Engineer with the Commission, presented the transportation section of the Staff Report. Mr. Cannon said the staff had looked at the project as having a "threshold not to be exceeded" of 400 students. Based on this enrollment, there would be no net increase in traffic generation.

Mr. Eichner, Water Resources Scientist with the Commission, presented this section of the Staff Report. He noted the site was in a sensitive area. Mr. Eichner said there was some confusion based on the information presented by the applicant. He recommended the DRI Exemption not granted based on water resources issues. Mr. Eichner said he did not think the DRI conditions should be difficult to meet. He said it was important to get a good clarification of what the project's nitrogen loading impacts were. Mr. Eichner noted that there had been discussion by the Academy of using part of the additional area acquired by the school as playing fields. He said fertilizing these playing fields would add more nitrogen to the water supply.

Mr. Fox, Chief Regulatory Officer with the Commission, explained the time lines for each. He noted that if the Subcommittee believed that conditions were warranted, they could only be placed on a DRI approval.

Ms. Taylor said more information was needed from the applicant to resolve water resources issues. She said the Subcommittee should consider a DRI with conditions to insure these issues were resolved.

Mr. Ansel said he had been struggling with the Water Resources section of the Staff Report. He noted the applicant had said at the site visit that the Academy currently has 61 staff and faculty and the new Lower School would probably result in 10 new staff. He said it was difficult to make a judgement on the water resources issues and asked for clarification from the staff.

Mr. Eichner said the staff shared Mr. Ansel's confusion. He said the issues had not been completely worked out. He noted the information presented as of October 8th indicated there could be 71 additional students. He said the increase was projected now for added staff. Mr. Eichner said what was needed was a clear understanding of the nitrogen loading in the existing conditions versus the future proposed conditions. He noted it was important to consider future development such as the possibility of new athletic fields. Mr. Eichner said what was needed was a meeting with the applicant to resolve these issues.

Mr. Carl Ridel of the Centerville-Osterville-Marstons Mills Water District said the District had no objection to the proposed project so long as they adhere to the RPP's nitrogen loading requirements. He said the school has been a good neighbor to the District.

Ms. Lynn Richards, Chair of the Cape Cod Academy Trustees, said that during the recent long-range planning meeting for the Academy, it was decided to cap enrollment at 400 students. She said the new Lower School would provide vital added space for the K-5 grades and allow teachers to have their own, much-needed "homeroom" workspace.

Ms. Nicole Heussler of the Cape Cod Academy Parents' Association, noted she was also a neighbor to the school. She stressed the need for a new facility.

Mr. Ted Turner said he supported the project.

Mr. Jonathan Rust, a senior at Cape Cod Academy and president of the Student Council, said that from a student's perspective, the Academy is currently over-crowded and squeezed for space. He said the new facility would allow the K-5 students to have their own space.

Mr. Robert Smith, Osterville Village Association and Osterville Business Association said Osterville was pleased the school had chosen to locate in the village. He enumerated the school's accomplishments and public service programs. He urged the Subcommittee to support the DRI Exemption.

Mr. Evans, Headmaster, said the school was aware of the water resources concerns. He noted the Academy currently had more debt than endowment. He said the school was not well off financially and had expended a significant portion of its capital to acquire the adjacent subdivision. He said the project was well conceived and urged the Subcommittee to grant the DRI Exemption.

Mr. Broidrick moved that the Subcommittee recommend to the full Commission that the DRI Exemption be denied. He also moved to recommend to the full Commission approval of a DRI with conditions. Ms. Frazer seconded the motions. The Subcommittee voted all in favor of the motions.

November 10, 1999 Subcommittee Meeting

The Subcommittee approved the minutes of the October 14th public with minor corrections to spelling and grammar. Changes were made to the draft decision re-locating the conclusion section of the decision to the end, along with the benefits/detriments discussion.

Attorney Ford noted that the Academy was now proposing to put the heating, air-cooling machinery in a 5,000 square foot basement space. He said the space would also be used for dry storage of school supplies. Mr. Fox said an additional \$500 fee payment was needed because of the addition of the 5,000 square feet basement space making the entire new building 33,000 square feet.

The Subcommittee discussed the Water Resources findings and decided that a chart explaining the nitrogen loading and credit calculations should be added to the decision to help the Commission understand these findings and conditions.

Minor corrections were made to finding Haz2, T2 and T3.

Mr. Ansel asked for comments on the community character findings. Attorney Ford noted that along the property line to the west, not the east, were several businesses which are screened by existing vegetation. Finding CC4 was modified to reflect that the applicant was now proposing walkway light poles which would not exceed 12 feet and that the new parking area would be lit with fixtures on 20 foot poles.

Mr. Ansel asked for changes to the proposed conditions. It was noted that the numbers in the Water Resources conditions would be revised to reflect the changes made in the findings.

Attorney Ford said the applicant wanted the flexibility to meet the nitrogen loading standards by a mix of number of students, parking spaces and playing fields. He suggested the Commission staff be allowed to review changes subject to condition WR2. The Subcommittee supported Attorney Ford's proposed change.

Attorney Ford said the applicant was concerned about the requirement in draft condition WR4 that a conservation restriction would have to be placed on part of the campus. He noted the Academy was not subject to the RPP's open space requirements. Attorney Ford said the applicant was willing to rescind the existing paper subdivision and to agree to a condition of the project that any additional development on the site other than what was allowed in the decision on the proposed new Lower School (this project) be reviewed as a Development of Regional Impact.

The Subcommittee supported Attorney Ford's proposed change. The Subcommittee also instructed staff to provide Mr. Ansel, as chair, with draft language for his approval for a new general condition to require the applicant to rescind the subdivision and that any other development on the site be reviewed as a DRI.

Minor corrections were made to condition T1 to reflect language in finding T3. Mr. Broidrick suggested that condition T1 be changed to reflect not just the student enrollment, but the number of staff as well. Mr. Cannon responded that the number of Academy staff was a function of its enrollment.

Attorney Ford said the applicant was concerned that the last bullet of condition T1 as written, stating that no increase in enrollment could be requested would not allow the Academy ever to seek an increase in enrollment. He said the last bullet should be re-written to "There shall be no increase in existing permitted enrollment of 400 students (K-12)." If written this way, Attorney Ford suggested that if the Academy wanted to increase enrollment, it would need to return to the Commission either for a modification or a new DRI filing. The Subcommittee agreed with Attorney Ford's proposed change.

Mr. Broidrick moved that the draft decision, as amended, be sent to the full Commission for its consideration at the November 18, 1999 Commission meeting. Mr. Randolph seconded the motion. The Subcommittee voted all in favor of the motion.

JURISDICTION

The proposed project qualifies as a DRI under Chapter A, Section 3(e), Barnstable County Ordinance 94-10: new construction with a gross floor area greater than 10,000 square feet.

The Commission has considered the combined DRI/DRI Exemption application of Mr. Thomas Evans, Headmaster of Cape Cod Academy, for a new 33,000 square foot building to serve as a new Lower School for students K-5. Based on consideration of such application, the information presented at the public hearing and submitted for the record, the Commission makes the following findings:

FINDINGS

GENERAL

G1. Cape Cod Academy proposes to construct a new Lower School (K-5) building to serve existing Lower School students and faculty attending its existing campus at 50 Osterville-West

Barnstable Road in Osterville. The campus currently consists of 4 buildings totaling 53,000 square feet (SF). The proposed additional building will be 33,000 SF for a total of 5 buildings and a total square footage of 86,000 SF.

G2. On November 8, 1999, the applicant's Attorney submitted a letter withdrawing the DRI Exemption request.

G3. The project is consistent with the Barnstable Local Comprehensive Plan.

WATER RESOURCES

WR1. Cape Cod Academy is located within the watersheds to two regional water resources: 1) North Bay, which is part of the 3-Bay embayment system and 2) a wellhead protection area to Centerville-Osterville-Marstons Mills (COMM) public drinking water supply wells.

WR2. The current proposal is to add an additional 33,000 ft² of building to the Academy campus. In addition, projected additions of 319,200 ft² of playing fields and 79,800 ft² of paved areas are proposed. A previous Commission review of a previous Academy expansion did not consider staff in the nitrogen loading calculations; 71 staff members are being considered in the nitrogen loading calculations for this project. All wastewater is proposed to be treated with a standard Title 5 septic system.

WR3. Nitrogen loading analysis has also been completed for the 3-Bay system (Cape Cod Coastal Embayment Report, 1998) and the 3-Bay Preservation, Inc. has been collecting water quality data in the 3-Bay system, including North Bay. The 3 Bay nitrogen loading analysis indicates that existing nitrogen loading within the North Bay watershed exceeds the ORW-N (2.6 kg/ac) and BBP ORW (5.8 kg/ac) critical nitrogen loads, but does not exceed the SA critical loads. Under current state surface water classification system, the 3-Bay system is classified as SA; the SA-N critical load is 7.9 kg/ac and the BBP SA critical load is 11.63 kg/ac. Although the 3-Bay monitoring data is not yet available, data from other systems has indicated that water quality problems are generally found in systems in which nitrogen loading exceeds ORW standards.

WR4. The applicant has agreed to meet the no net nitrogen increase provision in Minimum Performance Standard 2.1.1.2.C.2. of the Regional Policy Plan.

WR5. The existing annual nitrogen loading on the Academy site is 164 kg, while the existing nitrogen loading concentration is 3.1 ppm. The proposed project will result in an annual nitrogen load of 305 kg and a nitrogen loading concentration of 3.18 ppm. The projected increase without mitigating factors would be 141 kg/yr.

WR6. In order to address the projected increase of 141 kg in annual nitrogen load, the applicant has agreed to rescind the potential development of 15 adjacent residential parcels, which have prior planning board and board of health approvals. Based on local bylaws, each of these parcels can be developed with 3 bedrooms per acre. Using this assumption and the standard assumptions in the Commission's nitrogen loading technical bulletin, these parcels would have added 234 kg/yr of nitrogen load to the North Bay watershed. The applicant will instead use this nitrogen load as offset against the proposed project, which includes the development of these parcels as future athletic fields. The combined total area of these parcels and the Academy parcel is 43.71 acres.

WR7. The combined nitrogen load from the residential parcels and existing Academy development is 398 kg/yr. Since the proposed Academy development will increase the nitrogen load to 305 kg/yr, a net nitrogen credit of 93 kg/yr is available to the Academy for future use. The following table summarizes the nitrogen loading results:

Scenario	Total land area (acres)	Students & Staff	Wastewater flow (gpd)*	Buildings (ft ²)	Lawn/Playing Fields (ft ²)	Nitrogen Load (kg/yr)
Existing Academy	24.06	400	2,119	32,082	143,472	164
Proposed Subdivision	19.65		3,933	30,000	108,750	234
Proposed Academy	24.06	471	2,496	69,200	462,672	305
Nitrogen Load: Proposed Academy - Existing Academy						141
Nitrogen Load: Existing Academy + Proposed Subdivision						398
Nitrogen Load: Existing Academy + Proposed Subdivision - Proposed Academy						93
* wastewater flows based on corrections for projected occupancy and, for the Academy calculations, days per year of operation						

HAZARDOUS MATERIALS/WASTES

HAZ1. According to information submitted as part of the project review, the Academy generates photochemicals from on-site darkrooms. According to the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00, spent photography solution is a silver-bearing hazardous waste. The Academy uses a licensed hauler to recycle its photochemicals. Based on the DRI/DRI Exemption application, the facility is still a Very Small Quantity Generator (VSQG) of hazardous waste.

HAZ2. Minimum Performance Standard (MPS) 4.2.2.3 of the Regional Policy Plan (RPP) states "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 retail sales and household quantities, shall not be allowed within Wellhead Protection Districts." In 1995, the Academy used 318 gallons of hazardous materials for teaching (34 gallons) and building maintenance (284 gallons). Using an October 19, 1999 letter from the Headmaster as a comparison, the portion attributable now to just building maintenance for an entire year (June 30, 1998 to July 1, 1999) is approximately 155 gallons. The monthly supply order fluctuates, but divided over a year, it amounts to about 13 gallons.

TRANSPORTATION

T1. Based on the DRI/DRI Exemption application, the existing traffic at the Cape Cod Academy is estimated to be:

- AM Peak Hour - .96 trips/student x 400 students = 384 trips
- PM Peak Hour - .58 trips/student x 400 students = 232 trips
- Average daily traffic - 2.67 trips/student x 400 students = 1068 trips

T2. The **potential** additional traffic based on the Square Footage of the new building or the **potential** increase in student population is listed below.

Trip Generation Comparison

<u>Time Period</u>	<u>33,000 SF</u>	<u>249 Students*</u>
AM Peak	117 trips	239 trips
PM Peak	81 trips	144 trips
Daily	394 trips	665 trips

*(Potential student increase based on the existing student-to-building size ratio as reported in the Traffic Impact Study by Fay, Spofford and Thordike, Inc. dated October 5, 1995. Existing and potential facility vehicle trips are included as a function of the trips/student ratio.)

T3. The **expected** trip generation for the proposed project is based on the following findings:

- The existing Lower School classrooms are inadequate in size and function.
- The new Lower School classrooms and the existing classrooms will be used for institutional, educational purposes.
- The existing Lower School classrooms will be used to provide additional space for the existing Middle and Upper Schools, which are also operating in minimal space.
- No increase in existing permitted enrollment of 400 students (K-12) is requested.

T4. MPS 4.1.1.1 threshold for traffic impacts is 25 vehicles per peak hour on a regional roadway or regional intersection generated by the development. As stated above, it is anticipated that this project will not result in any new vehicle trips. Therefore, the project vehicle trips are below Regional Policy Plan review thresholds and no analysis or mitigation is required for this project under MPS 4.1.1.1 of the RPP.

T5. 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.

T6. MPS 4.1.1.6 requires all new driveways on regional roads to operate at Level of Service (LOS) C or better as defined in the Highway Capacity Manual. The Cape Cod Academy new Lower School will access an existing driveway and therefore this MPS does not apply. The Commission also concludes that the existing driveway on Osterville/West Barnstable Road will operate at better than LOS C.

T7. 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 at the site driveway (no accidents were reported in the last three years) and the fact that no new vehicle traffic is estimated from this project, it is determined that a degradation in public safety is not likely.

T8. Regardless of project size, all Developments of Regional Impact (DRIs) are required to reduce site generated traffic by 20 percent (MPS 4.1.2.1). The net increase of new vehicle traffic is zero thus 20% trip reduction is not required for the New Lower School.

COMMUNITY CHARACTER

CC1. On November 5, 1999, the Commission received written confirmation from the Massachusetts Historical Commission (MHC) indicating the agency did not have concerns relating to the archaeological significance of the site. As such, the Minimum Performance Standards of the Regional Policy Plan that relate to the archaeological significance of the site do not apply to this project.

CC2. According to the site plan, the proposed addition is located well onto the site. The building addition is well buffered by distance and vegetation from regional roadways and most residences. Located along the property line to the west of the proposed addition are several businesses that are buffered from the project by existing vegetation located on their own properties. Views of the project from these businesses would be limited to second floor windows that face the site. Located to the south is property belonging to the Marstons Mills Fire District on which a wellhead/pumping station is located and from which there is no public visibility onto the site.

CC3. The proposed plan utilizes exterior building materials that are compatible with traditional Cape styles, and the addition will be constructed in an architectural style similar to the existing campus buildings. Because public visibility of the proposed building will be minimal, and the design and building materials are compatible with the existing buildings and traditional Cape Cod styles, the visual impact of the building on community character will be minimal as well. The proposed project complies with MPSs 6.2.1 to 6.2.6.

CC4. According to Plan L-1 submitted with the DRI application, a planting bed (#2) in front of the new North entrance will be illuminated with three shoebox fixtures. Additional information submitted by the applicant indicates walkway light poles will not exceed 12'-0". Light fixtures for the proposed new parking area will be on 20' poles. These heights are in conformance with Standard 2.6 of Technical Bulletin 95-001.

CONDITIONS

GENERAL

G1. All plans submitted for the project review and listed in this decision shall become part of the written decision and the project shall be constructed consistent with these plans.

G2. Prior to issuance of a temporary or permanent Certificate of Occupancy from the Town of Barnstable, the Academy shall obtain a Certificate of Compliance from the Cape Cod Commission. The Academy shall provide the Cape Cod Commission with at least 30 days notice prior to application for the Certificate of Compliance. The applicant shall satisfy conditions G3 and CC2 of this decision prior to issuance of a Certificate of Compliance. Where this not specified, the condition shall be an on-going requirement.

G3. Prior to issuance of a Certificate of Compliance from the Cape Cod Commission, the applicant shall rescind the existing subdivision covering a portion of the campus as identified in a letter from Attorney Ford (received on 11/1/99). No development, as defined in Section 2(e) of the Cape Cod Commission Act, shall occur in the area of the site of the rescinded subdivision

in order to maintain the viability of the water resources nitrogen loading credit granted to the project unless otherwise approved by the Cape Cod Commission.

WATER RESOURCES

WR1. In order to maintain the nitrogen loading credit of 93 kg/yr, the following use and area limitations shall be maintained for the entire Cape Cod Academy site:

- a. No more than 471 staff and students for no more than 165 days per year,
- b. No more than 462,672 ft² of lawn/playing fields,
- c. No more than 155,650 ft² of paved surface, and
- d. No more than 69,200 ft² of building footprint.

WR2. Since the use of the 93 kg/yr of credit will likely involve more than one of the factors listed in condition WR1, the Commission staff shall approve any changes that increase any of the factors above those listed in condition WR1.

WR3. In no case shall the total nitrogen load for the site exceed 398 kg/yr.

HAZARDOUS MATERIALS/WASTES

HAZ1. The Academy shall conform to the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00.

HAZ2. The Academy shall use, treat, generate, store or dispose of not more than:

- i.) 275 gallons or less of oil on site at any time to be used for heating of a structure or to supply an emergency generator, and
- ii.) 25 gallons (or the dry weight equivalent) or less of other hazardous materials on site at any time, including oil not used for heating or to supply an emergency generator, and
- iii.) a quantity of hazardous waste at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353.

TRANSPORTATION

T1. To ensure that the project will not generate any additional new traffic, the Academy shall commit to the following restrictions:

- The new Lower School classrooms and the existing classrooms shall be used for institutional, educational purposes.
- The existing Lower School classrooms shall be used to provide additional space for the existing Middle and Upper Schools.
- There shall be no increase in existing permitted enrollment of 400 students (K-12).

COMMUNITY CHARACTER

CC1. Exterior lighting for the project shall be in conformance with MPS 6.2.7 and 6.2.8 and the requirements of Technical Bulletin 95-001.

CC2. Prior to issuance of a Certificate of Compliance, the Academy shall submit an exterior lighting design plan and technical information describing the fixtures to be utilized on the new addition. Also prior to issuance of a Certificate of Compliance, in-the-field verifications of the light levels shall be conducted by Commission staff to verify conformance with the requirements of the Technical Bulletin 95-001 and MPS 6.2.7.

CONCLUSION

Based on the public hearings, the materials submitted for the record and the above findings and conditions below, the Commission hereby concludes:

1. The benefits of the proposed development outweigh the detriments. This conclusion is supported by findings T3, T4, T5, T6, T7, T8, WR5, WR6, WR7, CC1, CC2 and CC3 and conditions WR1, WR2, WR3, HAZ1, HAZ2 and T1.
2. Provided that the project obtains all permits required by the Town of Barnstable, and remains in compliance with the conditions noted below, the project will be in compliance with local zoning requirements.

The Commission hereby approves, with conditions, the Development of Regional Impact application of Mr. Thomas Evans, Headmaster of the Cape Cod Academy for the construction of a new 33,000 square foot Lower School pursuant to Chapter A, Section 3(e) of the Cape Cod Commission Regulations of General Application, Barnstable County Ordinance 94-10 and Sections 12 and 13 of the Cape Cod Commission Act, as amended, provided the findings are complied with and the conditions noted above are met.

Thomas Broidrick
Thomas Broidrick, Chairman

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

My Commission expires:

