



CAPE COD COMMISSION

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Date: March 4, 1999

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

Applicant: Convention Data Services, Inc.
P.O. Box 1837
Hyannis, MA 02601

Project #: TR98048

Project Name: Convention Data Services
107 Waterhouse Road
Bourne, MA

Book/Page #s: Book #9759
Page #336

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Convention Data Services, Inc. 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 the construction of a new building for office and warehouse use on a four acre undeveloped lot on 107 Waterhouse Road in Bourne, MA. This decision is rendered pursuant to a vote of the Commission on March 4, 1999.

PROJECT DESCRIPTION

The proposed project is intended to allow Convention Data Services, Inc. (CDS) to consolidate its office and warehouse uses into one location in Bourne. CDS has already outgrown its current facilities in Hyannis and Yarmouth. The proposed project consists of the construction of a 20,000 square foot office/warehouse building on Waterhouse Road in Bourne, MA. The proposed two story structure will provide 16,250 square feet of office space and 3,750 feet of warehouse space within a

Convention Data Services
Bourne, MA
March 4, 1999 Decision - #TR98048



footprint of 10,000 square feet.

The project site is a four acre parcel on the north side of Waterhouse Road approximately one quarter of a mile northwest of the junction of Route 28 and Waterhouse Road in Bourne Village. The site is located in an area zoned for business uses. It is adjacent to residential uses to the northwest, commercial uses to the north, a golf course and residential uses southwest of Waterhouse Road, and vacant land to the east.

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 Bourne Planning Board on Thursday, December 10, 1998. The hearing was opened by a hearing officer for the Commission on January 14, 1999. A duly noticed public hearing was subsequently held on January 26, 1999 at the Jonathan Bourne Public Library for the purpose of taking testimony on the proposed project. A subcommittee meeting was scheduled for February 16, 1999 at the Commission offices, and a Public Hearing before the full Commission was scheduled for March 4, 1999. At the February 16, 1999 meeting, the Subcommittee scheduled an additional meeting on February 23, 1999 to provide the applicant with additional time to resolve plans relative to the septic system. At the February 23, 1999 meeting, the Subcommittee reviewed the draft decision and voted to recommend to the full Commission that the proposed project be approved, as amended.

MATERIALS SUBMITTED FOR THE RECORD

Town Submittals:

- DRI referral form submitted by the Bourne Planning Board on December 10, 1998

Staff Reports and Correspondence:

- DRI notification letter from Paul Sutton to Attorney Eugene Curry, dated December 15, 1998
- Staff report, dated January 21, 1999
- Traffic memorandum from Glenn Cannon to Paul Sutton, dated January 22, 1999
- Letter from Paul Sutton to Douglas Fletcher, CDS President, dated February 5, 1999
- Staff update, dated February 5, 1999

- Cape Cod Times editorial, "Preserve the bays," dated February 18, 1999

Submittals from the Applicant:

- Letter, DRI application & attachments (including certified abutters list, development plans dated September 1, 1998, certified check, purchase and sale agreement, copy of Town of Bourne Building Permit application dated November 13, 1998, Massachusetts Historical Commission Project Notification Form, traffic analysis, nitrogen loading analysis, natural resources analysis, landscape plan dated November 8, 1998, electrical site plan dated November 11, 1998, and building photograph) from Eugene Curry to Paul Sutton, dated and received December 23, 1998
- Property map from the proponent received January 5, 1999
- Elevation drawings from the proponent received January 5, 1999
- Letter from Donald Schall, ENSR wetlands biologist, to Paul Sutton, dated January 15, 1999
- Faxed letter from Eugene Curry to Paul Sutton regarding findings from the Massachusetts Historical Commission, dated January 20, 1999
- Revised site plan from Gary Labrie to Paul Sutton, dated January 25, 1999
- Lighting information from Charles Cote of Charron, Inc. to the Cape Cod Commission dated February 2, 1999
- Revised 8 1/2 x 11" site plan faxed from Gary Labrie to Paul Sutton delineating open space proposal received February 5, 1999
- Revised site plan from Gary Labrie to Paul Sutton received February 12, 1999
- Revised site plan and line of sight plan from Gary Labrie to Paul Sutton received February 19, 1999
- Revised site plan from Gary Labrie to Paul Sutton received February 23, 1999
- Revised site plan from Gary Labrie to Paul Sutton dated March 3, 1999.

Submittals from Government Agencies:

- None

Submittals from the Public:

- Letter from Mary Makela, Cape Cod Technology Council to Cape Cod Commission dated January 26, 1999
- Staff report request from Walter Drolette, abutter, received January 26, 1999

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 98048, are incorporated into the record by reference.

TESTIMONY

Public hearing: January 26, 1999 (See minutes, in file)

Attorney Eugene Curry, representative for CDS, gave a presentation of the proposed project, indicating that he believed the project is consistent with the Regional Policy Plan. Gary Labrie, site engineer, explained the proposed stormwater drainage system and indicated that the site plan had been revised to reflect MA Highway's preference for a single curbcut entrance way.

Walter Drolette, abutter, inquired about the visibility of the proposed building from Colony Circle. Mr. Curry said that the second floor would be visible from Colony Circle. Mr. Labrie added that the building would be more visible in the winter.

Paul Sutton, staff planner, presented the staff report, commenting on the project relative to economic development, transportation, water resources, natural resources, open space, community character/historic preservation, hazardous materials, and site lighting.

The Subcommittee focused its comments on open space, parking, vehicular traffic, and the proposed septic system relative to the MPS's of the RPP. Mr. Deane requested that staff re-examine the advanced nitrogen loading requirement associated with Marine Recharge Areas.

Ms. Taylor noted that the site plan specified more parking spaces than required,

asking if some spaces could be surfaced with gravel. Mr. Labrie noted that gravel spaces would require a Special Permit.

Ms. Taylor asked if the applicant had plans for future expansion on the site. Attorney Curry indicated that expansion was possible, but it was too early to consider or characterize. Mr. Deane noted that the Commission must focus its review on the company's present plans.

Roland Dupont, Bourne Assembly of Delegates representative, expressed concern and opposition to the Commission's advanced nitrogen loading septic system requirement in Marine Recharge Areas. Mr. Hayden Coggeshall, Bourne Selectman, also commented that this requirement is excessive.

Tom Donovan, abutter, said he supported the project, but was concerned about the following issues: on-site drainage, building visibility, facade design consistent with traditional Cape Cod architecture, buffers to adjacent lots, site topography, water sprinklers, and building height. He also expressed concern about off-site lighting impacts, and requested that applicant provide a representation of the building at night which showed the effect of exterior lighting.

Meredith Pickering, Bourne Town Planner, said the project plan was well developed and that she believed that the building would meet the Town's maximum height standard of 35 feet.

Douglas Fletcher, President of CDS, Inc., commented briefly, noting that the proposed project would benefit the present CDS employees and the Town of Bourne.

Stanley Marko, project contractor, commented on the lighting, noting that interior lighting would be primarily fluorescent bulbs, and that the windows would be tinted.

Ms. Mary E. Makela, Chair of the Cape Cod Technology Council, expressed support for the project.

Mr. Dupont expressed general support for the project, noting that the issues raised in the hearing need to be addressed.

The Subcommittee voted to continue the hearing to March 4, 1999 at the Cape Cod Commission Meeting in the Assembly of Delegates Chamber.

Subcommittee meeting: February 16, 1999 (See minutes, in file)

Attorney Eugene Curry, representative for CDS, discussed his proposal for resolving certain outstanding issues. He noted that 50% of the site will be maintained as open space as required by the Regional Policy Plan. Mr. Curry said he is in negotiation with the Bourne Conservation Commission regarding a potential conservation restriction. He noted that the Bourne Land Trust is not interested in administering a conservation restriction on the site. Relative to the parking issue, Mr. Curry indicated that the site plan had been amended to show only 56 parking spaces, with certain additional areas left unpaved for reserve parking. He said that CDS is not interested in installing a denitrifying septic system, noting that the proposed septic system has been designed to accommodate more wastewater than necessary, and that no further mitigation should be needed.

Ms. Belfit noted that the minimum performance standard requiring denitrifying systems in nitrogen sensitive embayments has never been waived. She discussed options for addressing the denitrifying system requirement.

Mr. Curry said that it may be possible to document lower than expected water use at the proposed facility by documenting actual water use at the CDS facility in Hyannis.

Douglas Fletcher, CDS President, noted that the nitrogen loading associated with the proposed facility is below the 5 parts per million standard.

Ms. Belfit explained the Minimum Performance Standard pertaining to Marine Recharge Areas. In these nitrogen sensitive embayments, she said that additional treatment beyond the 5 parts per million standard is required to provide additional wastewater treatment. She added that the Regional Policy Plan is more protective of water resources than local regulations. She explained that data from the Buzzards Bay Citizen Water Quality Monitoring Program indicate groundwater impairment in the Eel Pond/Back River embayment; specifically, she noted that the data show periodic low oxygen levels, elevated nitrogen levels, and microalgae blooms in the Eel Pond/Back River embayment.

Mr. Sutton raised the issue of potential visual impacts, noting concerns expressed by abutters. He said that point-to-point computer lighting printouts are needed to verify that the project will not result in lighting spill-over, particularly on Waterhouse Road. Relative to project landscaping, he said that the existing buffer may only partially conceal the building, noting that new plantings or regrading may be needed to more fully shield the proposed facility from Waterhouse Road.

Mr. Schlaikjer requested a cross section analysis to determine the visual impacts of the proposed facility.

Mr. Curry said the vegetation in front of the site will remain, but that CDS would still like to maintain a view. Mr. Labrie said that topography makes it difficult to lower the building. He said that landscaping could instead be used to fill in gaps in the understory.

The Subcommittee discussed conservation restrictions versus deed restrictions in the treatment of open space.

The Subcommittee scheduled an additional meeting on either Thursday, February 18, 1999 or Tuesday 23, 1999 to provide the applicant with additional time to resolve plans for the septic system.

Subcommittee meeting: February 23, 1999 (See minutes, in file)

The Subcommittee approved minutes from the February 16, 1999 Subcommittee meeting.

Attorney Eugene Curry, representative for CDS, indicated that the applicant had agreed to install a denitrifying septic system and described how the system would work. Site engineer, Gary Labrie, indicated that the proposed denitrifying system would result in a nitrogen loading level of 2.43 parts per million.

Mr. Sutton submitted for the record a February 18, 1999 article from the Cape Cod Times which references the Back River Area of Critical Environmental Concern. Relative to the issue of open space, he said that Nina Coleman, Conservation Commission Agent for the Town of Bourne, is looking into the option of the Town administering a conservation restriction on the property. Mr. Sutton noted that the decision is drafted to include both a deed and conservation restriction option.

Mr. Labrie showed the Subcommittee the line of sight plan he prepared to evaluate the visual impacts. He noted that little of the building will be seen from Waterhouse Road due to the existing vegetative cover.

The Subcommittee discussed the proposed parking plan relative to MPS 4.1.1.15. Mr. Sutton reviewed the relevant findings and conditions, as drafted. Glenn Cannon, Commission transportation staff member, indicated that an abbreviated supplement to the traffic study would be needed to justify the additional parking anticipated by the applicant. Mr. Curry indicated that CDS has no economic incentive to pave more than would be needed, and does not feel that they should be required to return to the Commission for further approval.

Ms. Laffin suggested that the Subcommittee consider invoking the flexibility clause to address MPS 4.1.1.15. The other Subcommittee members agreed to the appropriateness of the invoking the flexibility clause to address this issue. The Subcommittee agreed to amend Condition TR4 to allow a maximum of 67 parking spaces. The Subcommittee discussed wording of the flexibility clause in Finding TR14, agreeing that it should reference parking requirements under Bourne's zoning bylaws, the absence of on-street parking, and the anticipated increase in CDS staff without the proportionate increase in the facility floor area.

Mr. Sutton reviewed minor changes to the draft decision. The Subcommittee voted all in favor to recommend transmittal of the revised decision, as approved by Ms. Laffin or Mr. Randolph, to the full Commission on March 4, 1999.

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 amended, 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 Convention Data Services Project.

General Findings:

G1. The proposed plan is consistent with the Town of Bourne B-4 zoning regulations.

G2. The proposed project consists of the construction of a 20,000 square foot office/warehouse building on Waterhouse Road in Bourne, MA. The proposed two story structure will provide 16,250 square feet of office space and 3,750 feet of warehouse space within a footprint of 10,000 square feet.

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 for Eel Pond and the Back River. Back River has also been designated by the Executive Office of Environmental Affairs as an Area of Critical Environmental Concern.

Transportation Findings:

TR1. The trip generation for this project is based on 20,000 square feet of general light industrial space. A single driveway located on the east side of Waterhouse Road opposite the existing Brookside Road will provide automobile access for the building.

TR2. The Federal-Aid Highway Systems Functional Classification Map lists Waterhouse Road as a rural major collector and Brookside Road is not listed.

TR3. The 20,000 square foot building will generate 20 vehicle trips during the highest peak hour (the PM peak hour) and 139 daily vehicle trips. The 20 vehicle trips is below the threshold of 25 vehicle trips requiring analysis and mitigation under MPS 4.1.1.1 of the RPP.

TR4. 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. The Commission conducted field inspection at the proposed location of the building driveway and Waterhouse Road. Based on field observations, the driveway access with Waterhouse Road meets or exceeds safe stopping distances based on AASHTO standards.

TR5. 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 Commission concludes that the proposed new Driveway/Waterhouse Road/Brookside Road intersection will operate at better than LOS C.

TR6. MPS 4.1.1.7 states that there shall be no degradation in public safety because of a DRI. The proponent has agreed to prohibit large trucks generated by the project from traveling through the residential area of Waterhouse Road located north of the site. Based on the available sight distance at the new driveway entrance, the truck prohibition and the relatively low traffic generation, it is not anticipated that this project will cause degradation in public safety.

TR7. The Commission encourages the proponent to pursue the driveway interconnection between the site and the adjacent vacant land in the future as a trip reduction and safety measure.

TR8. Regardless of project size, all DRIs are required to meet MPS 4.1.2.1 (trip reduction). The total vehicle trips for the development is 139 daily vehicle trips. The proponent must reduce the average daily automobile trips by 20%, (28 trips)

based on the Institute of Traffic Engineers average traffic generation for general light industrial use.

TR9. The applicant has proposed a trip reduction plan to meet MPS 4.1.2.1 that includes a ridesharing program consisting of the following:

- Designating an employee to promote and coordinate the ridesharing program;
- Maintaining a database of employees interested in ridesharing;
- Designated preferential parking for ridesharing employees;
- Flexible work hours;
- Increased vacation time;
- Offer discounting coupons from area business as a financial incentive for rideshares;
- Encouraging pedestrian travel through the construction of a sidewalk from the site to Waterhouse Road and a crosswalk on Waterhouse Road;
- Offering Cape Cod Regional Transit Authority bus rider passes to employees;
- Providing a guaranteed ride between CDS, Inc. and the Bonanza bus stop located near the Bourne rotary; and,
- Providing a guaranteed ride between CDS, Inc. and the P&B bus stop near the Sagamore Bridge.

TR10. Literature available from the United States Department of Transportation on Travel Demand Management (TDM) indicates trip reduction from 8 to 18 percent can be achieved through aggressive employer-based ridesharing programs. Typical TDM alternatives to achieve the 18% trip reduction include carpools/vanpools, public transit, and non-motorized travel, including bicycling and walking. The TDM proposal offered by the proponent includes carpool/vanpool initiatives, public transportation incentives, and walking amenities. Although, the TDM proposal, as outlined above, does not include provisions for bicycles, it includes other elements to reduce automobile use. These include pedestrian enhancements (sidewalk & crosswalk) on Waterhouse Road and distribution of informational materials to reduce traffic.

TR11. In a TDM technical report by McDonough and Scully, Inc., prepared as part of the Barnstable Yarmouth Transportation Study (June 1995), a guaranteed ride home was determined to be a major factor in encouraging people to carpool. The TDM program outlined above does not include a guaranteed ride home program for ridesharers.

TR12. The proponent will implement the following trip reduction measures to enhance the proposed trip reduction plan satisfying the requirements of MPS 4.1.2.1:

- Close regular business operations of CDS, Inc. no later than 1 PM on Fridays between Memorial Day and Labor Day;
- Encourage "telecommuting" by employees;
- Distribute at trade shows in Providence and Boston, participated in by CDS, Inc., a Cape Cod travel information brochure that will encourage alternative modes of transportation to and from Cape Cod; and,
- Provide the Cape Cod Commission with employee ridesharing participation data for the first two years after occupancy.

TR13. MPS 4.1.1.15 states, "To support successful travel demand strategies and to reduce the environmental and aesthetic impacts of large paved areas, parking facilities created for Developments of Regional Impact shall be limited to the needs identified in a Commission approved traffic study or the requirements of local communities, whichever is greater." The local community requires a minimum of 56 parking spaces to be provided on site.

TR14. The Commission finds that application of the flexibility clause is appropriate for this project for Minimum Performance Standard 4.1.1.15. Parking requirements under the Town of Bourne zoning bylaw are based predominantly on the building floor area, not on the number of employees. The applicant anticipates increasing the number of employees by 18 in the near future without a proportional increase in the floor area of its building. Further, the applicant has no ability to park offsite in this area, and street parking on Waterhouse Road poses a safety concern. Based on these factors, the Commission would allow up to 11 additional parking spaces to be provided on site, if necessary to accommodate additional employees, and as shown on the site plan dated September 1, 1998, with the latest revision date of March 3, 1999.

Water Resources Findings:

WR1. The proposed project, Convention Data Services is located in an identified nitrogen sensitive Marine Recharge Area (MRA) for Eel Pond and the Back River. Back River has also been designated by EOEA as an Area of Critical Environmental Concern.

WR2. The Report of the Buzzards Bay Citizens' Water Quality Monitoring Program 1992-1995 states that the restricted inlet between the inner (Back River/Eel Pond) and outer Phinney's Harbor and the relatively small volume of the Back River/Eel Pond system make this estuary susceptible to nitrogen inputs. The four-year water quality results indicate periodic low oxygen levels and microalgae blooms. The report states that a nitrogen management action will likely be required to improve the health of the Back River and Eel Pond. The strategy is particularly important for

this area because there remains considerable growth potential in this watershed.

WR3. The project as designed will generate 780 gallons per day (gpd) of wastewater effluent on a 4-acre site. The design flow includes 675 gpd from office use and 105 gpd from factory use. A Standard Title 5 septic system has been proposed for wastewater disposal. Nitrogen loading from the project as designed will meet the general RPP MPS 2.1.1.1 nitrogen-loading standard of 5 ppm.

WR4. The project must comply with MPS 2.1.1.2.C.3 requiring that all DRI's in a MRA shall use a DEP approved alternative system with enhanced nitrogen removal unless a Commission-approved cumulative nitrogen loading assessment of the embayment and recharge area indicates that the nitrogen loading from a standard Title 5 system is acceptable. There is no cumulative assessment for the Back Bay MRA; therefore the project must upgrade the septic system to include nitrogen removal.

WR5. Based on the findings of the Buzzards Bay water quality monitoring programs, the requirement for additional wastewater treatment is consistent with the intent of the MPS for protecting marine recharge areas. The applicant has the alternative option of preparing a cumulative nitrogen loading assessment to document that nitrogen loading from a standard Tile 5 system is acceptable.

WR6. The project will also be required to make a monetary contribution towards the development of a study to determine to flushing rate of the embayment and the critical nitrogen-loading rate. The one time monetary contribution is based on 15 cents per gallon and will be \$117.

WR7. The project is not within a wellhead protection area therefore the review of hazardous materials is not subject to any MPS, however the use of potentially hazardous materials should be addressed in relationship to the stormwater design.

Natural Resources/Open Space Findings:

OS1. The proposed development does not occur on or within 350' feet of vernal pool habitat or naturally occurring wetland resource areas, and, thereby, complies with MPS 2.3.1.2 and 2.4.1.5.

OS2. 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 2.00 acres, of the site as permanently-restricted open space, either on- or off-site, or through a cash contribution.

OS3. The applicant has proposed to comply with MPS 2.5.1.3 through a combination of on-site open space provision and a cash contribution. The applicant has chosen to provide 1.91 acres (or 47.73%) of upland area on-site as permanently-restricted open space. A cash contribution at a rate of \$63,750 per acre, or \$1.46 per square foot, may be provided by the applicant for the remaining .09 acres needed to meet the 50% open space requirement. This cash contribution may be used solely for the purposes of open space acquisition within the Town of Bourne.

OS4. The proposed open space area has minimal plant and wildlife habitat value, historical resource value or public recreation value. The proposed open space does provide an important buffer to Waterhouse Road and adjacent properties.

Community Character Findings:

CC1. The proposed project is not located within a designated historic district or adjacent to historic structures.

CC2. Consistent with MPS 6.2.1, the height and scale of the proposed building is compatible and harmonious with its site and existing surrounding commercial buildings.

CC3. The proposed project will not be visible from Route 28. It will be visible from Waterhouse Road.

CC4. MPS 6.2.3 requires that all new development provide adequate buffers to limit adverse visual impacts to the surrounding community. Residential units are located adjacent to the western property line; commercial businesses are located adjacent to the northern property line; and, undeveloped commercial property is located adjacent to the eastern property line.

CC5. MPS 6.2.6 requires all development to implement a landscape plan addressing issues that include buffering and screening, public views. Landscaping which provides a year-round buffer from Waterhouse Road and adjacent developed properties shall be required for this project.

CC6. A preliminary landscape plan, dated November 8, 1998, has been submitted, and staff comments on this plan have been provided in a staff report dated January 21, 1999. Refinement of this plan will be needed to adequately address buffering issues raised in the staff report and at the January 26, 1999 hearing.

CC7. The draft landscape plan includes some native and sustainable plants, which is consistent with ODRP 6.2.16, which states that landscape materials should be

suitable to the climate and location of the site. Plants that are non-invasive, native or sustainable, and that require reduced amounts of pesticides, water and maintenance are most appropriate for the project. Regular watering and maintenance is required during the first two growing seasons in order to help ensure successful establishment of the plantings.

CC8. Three types of metal halide pole-mounted lighting fixtures are proposed on 20-foot poles. Fixtures selected are in conformance with Technical Bulletin 95-001 standards 2.3, 2.4 and 2.6.

CC9. Two wall-pack high-pressure sodium fixtures are proposed. The fixtures selected are in conformance with Technical Bulletin 95-001 standards 2.3 and 2.7.

CC10. Lighting diagrams submitted as part of this DRI application show only the estimated maintained footcandle levels of light fixtures. These diagrams indicate a maintained level of 5.0 footcandles, which is in conformance with Technical Bulletin standard 2.8(b). However, no information was submitted relative to standard 2.8(a). Point-to-point printouts will be needed to adequately assess the off-site light impacts, particularly along the entrance drive.

CC11. MPS 6.2.8 states that the installation of billboards, offsite advertizing (excepting approved directional signs) and internally lit or flashing signs shall not be permitted. According to a discussion with the applicant's lighting consultant on January 19, 1999, no internally-illuminated signs are proposed as part of the project.

Hazardous Waste Findings:

HZ1. According to information from the Commission's Water Resources Office, the proposed project site is not located in either an existing or potential Wellhead Protection District/Zone II. Based on this, MPS 4.2.2.3 of the 1996 RPP does not apply to this project.

HZ2. According to applicant's testimony taken at the January 26, 1999 public hearing, the applicant is committed to using natural gas for building heating and to supply emergency power.

HZ3. MPS 4.2.2.2 requires that development and redevelopment shall be in conformance with the Massachusetts Hazardous Waste Regulations, 310 CMR 30.00. According to testimony taken at the January 26, 1999 public hearing, and based on a site visit conducted by Commission staff on February 4, 1999 of the company's existing business in Hyannis, CDS has agreements with vendors to take back broken or otherwise unusable computer equipment. CDS does not perform on-site

soldering operations or equipment repairs.

HZ4. MPS 4.2.2.1 requires development and redevelopment shall make reasonable efforts to minimize their hazardous waste generation through source reduction, reuse, material substitution, employee education and recycling. The proposed project involves the consolidation/transference of an existing Hyannis facility. As such, it will provide the company with the opportunity to take steps to further minimize the amount of hazardous materials used for building cleaning. The company can also update its emergency plans.

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 determined that the project, as conditioned, is consistent with the Regional Policy Plan.

The Commission hereby approves the proposed Convention Data Services project, subject to the following conditions:

CONDITIONS

General Conditions:

G1. The site shall be developed consistent with the site plan dated September 1, 1998, with the latest revision date of March 3, 1999. All plans submitted shall become a part of the written decision. Any changes or additions to the project as approved on these plans shall be approved by the Cape Cod Commission consistent with the Commission's policy on Modifications to Approved DRI's.

G2. Prior to issuance of a building permit from the Bourne Building Inspector for the proposed project, the applicant shall obtain a Partial Certificate of Compliance from the Cape Cod Commission. Prior to applying for a Certificate of Occupancy from the Bourne 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 Final Certificate of Compliance.

G4. Prior to receiving a Partial Certificate of Compliance, the applicant shall submit

for Commission review and approval a revised site plan and revised landscape plan.

Transportation Conditions:

TR1. The proponent shall institute a trip reduction plan as outlined in Finding # 9 and Finding # 12, as stated above.

TR2. Secure bicycle storage (a bicycle rack) for up to ten (10) bicycles shall be provided on site to enhance the trip reduction measures outlined by the proponent.

TR3. A guaranteed ride home program for ridesharers shall be provided to enhance the trip reduction measures outlined by the proponent.

TR4. The proposed facility shall be limited to a maximum of 67 parking spaces, not including handicap spaces, as required by law.

Water Resources Conditions:

WR1. The project shall utilize a wastewater system with enhanced nitrogen removal to comply with the RPP MPS 2.1.1.2.C.3.

WR2. The project shall contribute \$117 towards a flushing study of the Back River and Phinney's Harbor.

WR3. As proposed, all stormwater on site will be discharged to catchbasin and leaching basins equipped with absorbent pillows. To safeguard against the potential for groundwater contamination from any spills associated with loading operations or in the parking areas, each catchbasin should be equipped with a manual shutoff valve. This would isolate the catchbasin from the subsurface leaching facility in the event of a spill.

Natural Resources/Open Space Conditions:

OS1. Open Space Areas "A" and "B," and "Open Space Easement," totaling 1.91 acres, as delineated on the revised site plan, dated March 3, 1999, shall be subject to a deed restriction. These areas are primarily intended to serve as landscaped buffers to Waterhouse Road and adjacent properties.

OS2. Prior to receipt of a Partial Certificate of Compliance, the applicant shall provide the Commission with proof of payment of the cash contribution in accordance with Open Space Finding #3, and a Deed Restriction to be approved by

Commission counsel which shall provide that the open space areas specifically noted in Condition OS1 and shown on the revised site plan shall be revegetated (consistent with a Commission-approved landscape plan) upon the completion of project construction, and maintained, thereafter, as permanent open space. The approved restriction and revised 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 cash contribution shall be made to the Bourne Conservation Trust or another land conservation entity approved by Commission staff.

OS3. No development as specified in the definition of development in Section 2(e) of the Cape Cod Commission Act may occur on any lands restricted as permanent open space except as otherwise specified in the Deed Restriction referenced in Condition OS2 above.

Community Character Conditions:

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. 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. Plants indicated on the plans shall be native or sustainable and require reduced amounts of water, pesticides and maintenance.

CC2. Prior to the commencement of site work, the applicant shall install for Commission staff review and approval a visible temporary construction fence or its equivalent which shall delineate the limit of work for the proposed project. This fencing shall be placed along the open space boundary referenced in OS5 in any areas adjacent to construction activity.

CC3. Prior to the issuance of a Final Certificate of Compliance, the applicant shall provide written documentation addressing how the plantings shall be maintained for the first two growing seasons for staff approval. This shall include the person/persons responsible and their qualifications, what the maintenance will consist of, and the maintenance schedule, as well as a signed affidavit from the person(s) responsible for such maintenance verifying receipt of the document outlining the landscape maintenance plans.

CC4. Pole-mounted, wallpack and other exterior lighting fixtures for this project shall conform to the requirements of Technical Bulletin 95-001 and MPS 6.2.7 and MPS 6.2.8.

CC5. Prior to issuance of a building/foundation permit from the Town of Bourne, the applicant shall submit additional information, such as point-to-point printouts in conformance with Technical Bulletin 95-001 to verify site lighting levels with respect to standard 2.5.

CC6. Prior to issuance of a Final Certificate of Compliance, in-the-field verification of light levels shall be conducted by Commission staff to verify conformance with the requirements of Technical Bulletin 95-001 and MPS 6.2.7. This review shall be based on the exterior lighting design plan, dated 11/11/98, submitted with the DRI application, as well as the revised exterior lighting design plan dated 1/22/99 and the information submitted in conformance with Condition CC4.

The Commission hereby grants Convention Data Services a DRI approval with Conditions.

Herbert Olsen
Herbert Olsen, Chair

3/4/99
Date

Commonwealth of Massachusetts
Barnstable, ss.

Subscribed and sworn to before me this 4th day of March 1999.

Katharine L. Peters
Name, Notary Public

My commission expires:

