



# CAPE COD COMMISSION

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P.O. BOX 226  
BARNSTABLE, MA 02630  
(508) 362-3828  
FAX (508) 362-3136

E-mail: [frontdesk@capecodcommission.org](mailto:frontdesk@capecodcommission.org)

DATE: April 13, 2000

TO: Attorney Patrick M. Butler  
1513 Iyannough Rd.  
PO Box 1630  
Hyannis, MA 02601

FROM: Cape Cod Commission

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

APPLICANT: Tony Shepley  
Shepley Wood Products  
216 Thornton Dr.  
Hyannis, MA 02601

PROJECT #: TR99034/EX99034

PROJECT: Shepley Wood Products  
216 Thornton Dr.  
Hyannis, MA 02601

BOOK/PAGE: 6206/084  
9494/088  
1180/174  
9849/203

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby grants the application of Shepley Wood Products for a Development of Regional Impact (DRI) Exemption pursuant to Section 12k of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the construction of a new 23,625 square foot wholesale lumber facility,

Shepley Wood Products, TR99034/EX99034  
DRI Exemption Decision  
April 13, 2000  
Page 1



with 6,300 square feet of outdoor storage space. This decision is rendered pursuant to a vote of the Commission on April 13, 2000.

### PROJECT DESCRIPTION

The applicant proposes construction of a wholesale lumber distribution facility off of Thornton Drive and Benjamin Franklin Way in Hyannis. The proposed building consists of 23,625 square feet, with additional outside storage overhanging roof eaves of 6,300 square feet.

Shepley Wood Products currently operates out of a 5,043 square foot existing office and 30,202 square foot warehouse located within the current site.

The site is located in the Town of Barnstable's Industrial Zoning District on a series of parcels of land, with a total lot area of 640,184 square feet. The project is also located within a Wellhead Protection Area. The eastern portion of the site is currently woodland, with steep grades along the southern and eastern edges of the site. A Commonwealth Electric utility line easement runs along the northern third of the property, which is bordered to the north by Route 6. No wetlands are on the site.

### PROCEDURAL HISTORY

The Town of Barnstable Building Commissioner referred the project to the Cape Cod Commission on October 15, 1999 as a mandatory DRI under Section 3(e) of the Cape Cod Commission Act DRI Enabling Regulations. A joint Site Plan Review with town officials and Commission staff was held on December 30, 1999. The applicant filed a DRI Exemption application as well as a DRI application on February 8, 2000. A duly noticed public hearing was conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on February 28, 2000 at the Barnstable Superior Courthouse. The hearing was continued to March 9, 2000. The public hearing was closed by a hearing officer on March 29, 2000 and the record was left open for submission of written materials until April 13, 2000.

At the March 9, 2000 subcommittee meeting, the subcommittee recommended that the project be granted a DRI Exemption. A final public hearing was held before the full Commission on April 13, 2000. At this hearing, the Commission voted unanimously to grant the DRI Exemption.

### Materials submitted for the record

#### From the applicant:

- Exemption application
- DRI application form
- List of record owners of property
- Copies of deeds
- Certified abutters list
- Copy of application for Site Plan Review
- USGS map indicating site location

#### Date Received by Commission:

February 7, 2000  
February 2, 2000

- Massachusetts Historical Commission Project Notification Form and accompanying correspondence February 7, 2000
- Full size plans showing site development plan, lighting, landscaping, and site plan details dated 12/14/99 February, 7, 2000
- Storm water runoff calculations dated 12/7/99 February 7, 2000
- 11" x 17" reduced copy of site plans February 7, 2000
- Narrative description of exemption February 7, 2000
- Application fee February 9, 2000
- Binder with copies of application materials February 16, 2000
- Draft manual of operation and maintenance of storm water facilities dated January 2000 February 28,2000
- Memo from Mike Cipro, Facilities Manager, to Tony Shepley regarding purchase and delivery records February 28, 2000
- Video of Shepley Wood Products facility operations February 28, 2000
- Updated manual for operation and maintenance of storm water facilities dated February 2000 February 28, 2000
- Revised site plans containing upgraded and modified storm water drainage plans March 9, 2000
- Correspondence from Rizzo Associates regarding daily vehicle trips March 9, 2000
- Letter to Glenn Cannon regarding trip generation March 13, 2000
- Draft proposed affidavit regarding future number of employees March 13, 2000
- Copy of DEP Generator Registration Form March 13, 2000
- 
- List of proposed conditions for Barnstable Site Plan Review March 21, 2000
- Signed affidavit regarding future number of employees April 4, 2000
- Reduced copies of final plans April 4, 2000

*From Cape Cod Commission staff:*

- Letter to applicant regarding DRI referral October 19, 1999
- Memo to subcommittee regarding notice to serve November 18,1999
- Letter to applicant regarding pre-application meeting November 30,1999
- Memo to subcommittee regarding Site Plan Review December 23, 1999
- Letter to applicant regarding close of hearing period February 4, 2000
- Memo to subcommittee regarding public hearing February 8, 2000
- Letter to applicant regarding receipt of exemption application February 14, 2000
- Staff report February 22, 2000
- Memo from Glenn Cannon to Martha Hevenor regarding trip generation March 10, 2000
- Subcommittee update/memo March 13, 2000
- Letter to applicant regarding subcommittee update March 14, 2000
- Memo from Glenn Cannon to Martha Hevenor regarding outstanding transportation issues March 16, 2000

*From/local officials:*

- Letter to Site Plan Review from William A. Jones, Fire Chief October 15, 1999
- DRI referral form from Ralph Crossen, Building Commissioner October 15, 1999

- Letter from Harold Siegel, Deputy Fire Chief regarding fire safety
- Copy of minutes from 3/23/00 Site Plan Review

October 15, 1999  
April 3, 2000

*From state officials:*

Massachusetts Historical Commission Project Notification Form March 16, 2000

*From the public:*

- letter from James Weaver, Senior Engineer Nstar Services Company regarding utility easement uses. February 28, 2000

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

TESTIMONY

*Public Hearing: February 28, 2000*

Attorney Patrick Butler, representing the applicant, described the project to the subcommittee and advocated that the project should be granted a DRI exemption. He discussed why he believed that the project would have no significant impacts outside the town of Barnstable.

Martha Hevenor, Planner, introduced Commission staff to the subcommittee and presented community character and natural resources/open space issues as discussed in the staff report. Traffic engineer Glenn Cannon presented the transportation issues, Andrea Adams, Hazardous Waste Specialist, presented the hazardous materials issues, and hydrologist Scott Michaud presented water resources issues. Staff recommended that the exemption request be denied due to the impacts to a regional resource, groundwater, and recommended it be approved as a DRI with conditions.

The subcommittee focused its questions on the operations at the facility. Ernest Virgilio asked where the trucks are fueled. Michael Cipro, facilities manager, replied that there is an above ground fuel tank in the northwest portion of the property.

Staff and the subcommittee raised additional questions about groundwater protection measures and trip generation. Mr. Butler felt that the applicant could address these issues by submitting additional material. Staff and the subcommittee agreed to consider additional information to gain a better understanding of the proposed projects impacts to water resources and traffic.

David Ansel made a motion to close the DRI hearing and continue the exemption hearing until 1:30 p.m. on Thursday, March 16, 2000 at the Commission offices.

*Subcommittee Hearing: March 16, 2000*

Commission staff presented its comments on material submitted since the March 9, 2000 hearing. Andrea Adams discussed her concerns about hazardous materials impacts following her recent site visit. She was particularly concerned about the 1000 gallon fuel tank in the northwest portion of the site and the impacts to groundwater from fuelling activities. She recommended denial of the exemption based on these concerns and explained that approving the project as a DRI with conditions would address these issues.

Scott Michaud discussed water resources concerns. He recommended providing a berm around the fuel tank to contain inadvertent spillage. In addition to the berm, he also recommended installation of catch basin covers. He said a properly permitted containment area for the tank would satisfy his concerns.

Martha Hevenor discussed staff's concerns about additional trip generation at the site from future increase in employees. Mr. Butler said he would place a condition at Site Plan Review that the applicant monitor traffic generation at the site and provide trip counts to the Commission. Mr. Tony Shepley stated that the expansion of the facility is to increase lumber storage space only. He said that he anticipated no net increase in employees.

The subcommittee questioned the applicant about the amount of hazardous waste on site and about future employment on site. They also asked staff about conducting a limited DRI review to address only the particular areas of concern. Chief Regulatory Officer Dorr Fox explained that there is no provision for limited DRI review. David Ansel also asked about the Commission's enforcement powers of conditions placed at Site Plan Review. Mr. Fox explained that once the exemption is granted it would be difficult to make the applicant come back after the project is built.

Ernest Virgilio said he did not see significant impacts resulting from the project, and the other subcommittee members agreed. Mr. Fox reminded the subcommittee that their review should include not only whether the project has regional impacts but also whether the project has an impact on what is considered a regional resource. He added that zones of contribution have been identified as regional resources.

The subcommittee directed staff to prepare a decision granting the exemption for the April 13 Commission meeting.

The exemption hearing was continued to March 29, where it was closed by a hearing officer, and reopened on April 13th at the full Commission meeting.

### JURISDICTION

The proposed Shepley Wood Products project qualifies as a Development of Regional Impact (DRI) under Section 3(e) of the DRI Enabling Regulations as "new construction with a gross floor area greater than 10,000 square feet."

## FINDINGS

The Commission has considered the application of Mr. Tony Shepley for the proposed Shepley Wood Products project and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Section 12(k) of the Act:

### **General**

G1. Shepley Wood Products located on Thornton Dr. in Hyannis proposes to construct a 23, 625 square foot wholesale lumber facility with 6,300 square feet of overhanging storage space. Shepley currently operates out of a 5,043 square foot existing office and 30,202 square foot warehouse located within the current site. The proposed building will be used to store lumber.

G2. The project is located in the Industrial Zone of the town of Barnstable and within a Growth Activity Center as outlined and defined in the town's Local Comprehensive Plan.

### **Transportation**

T1. The proposed storage building is to be built at the existing lumberyard located off Thornton Drive and Benjamin Franklin Way in Hyannis, MA. Both Thornton Drive and Benjamin Franklin Way are classified as local roads in the Regional Policy Plan.

T2. Based upon a signed affidavit submitted by the applicant, it is anticipated that there will be no net increase in employees as a result of the construction of the proposed warehouse and distribution facility.

T4. The trip generation for this project is based on a letter from the proponent's traffic engineer (Rizzo Associates) which states that new vehicle trips from Shepley delivery trucks, customer vehicles and vendor trucks will be 324 vehicle trips per day.

T5. Based on the Institute of Traffic Engineers (ITE) Trip Generation manual, the ratio of peak hour vehicle trips to daily vehicle trips for a lumberyard is twenty-one percent. Twenty-one percent of the average daily traffic is 68 peak hour vehicle trips. Distributing the 68 vehicle trips over the roadway network results in less than 50 vehicle trips per hour on regional roadways and regional intersections. Therefore, the vehicle trips generated by the development is below the threshold of 50 vehicle trips (in a Certified Activity Center) requiring analysis and mitigation under Minimum Performance Standard (MPS) 4.1.1.1 of the RPP.

T6. MPS 4.1.1.5 requires all Developments of Regional Impact (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.

T7. The proponent has stated that daily vehicle counts of Shepley trucks, customer vehicles and vendor trucks will be submitted to Commission transportation staff each quarter for the two years following the issuance of a certificate of occupancy for the project.

### **Natural Resources**

NR1. A portion of the project site is located within a public wellhead protection district and Significant Natural Resource Area (SNRA). Nearly all of the present project related development is located within this SNRA. While this area is of importance to the Town of Barnstable for wellhead protection purposes, this project does not have impacts on resources outside of the town.

NR2. A Natural Resources Inventory, required of projects located within undeveloped areas (MPS 2.4.1.1), was not required due to the limited impacts to natural resources expected from the project, as proposed.

### **Community Character**

CC1. The proposed project is located in an industrial area at the end of Thornton Dr. in Hyannis. A significant portion of the site is cleared and paved. The Commonwealth Electric power line easement runs through the northern portion of the site.

CC2. MPS 6.2.11 requires open storage areas and service yards to be visually screened from roads and neighboring residential areas. The existing woodland in the northern portion of the site provides adequate visual screening from Route 6, a regional roadway. The proposed parking area in the southern portion of the site is visible from Benjamin Franklin Dr. The landscaping plans indicate white oak trees will be planted along the southern edge of the parking lot, which may provide partial screening of the lot from the road.

CC3. The application materials include a site lighting/landscaping plan (SD - 2) that indicates the installation of 12 lights, 10 which are wall-mounted and 2 fixtures which may be pole-mounted (because they will light the new parking area). The plan legend notes they will be 320 watt fixtures. The application contains a statement that the project's exterior lighting will be kept to a minimum.

### **Hazardous Materials**

HM1. Based on maps produced for the 1996 Regional Policy Plan (RPP), the project site is located within several Wellhead Protection Districts/Zones of Contribution. The proposed lumber racking building will be located within the Zone of Contribution; however, the existing buildings on the project site are located outside of this area.

HM2. A 1,000 gallon aboveground diesel fuel storage tank is located on a parcel adjacent to the project site, outside of the Zone of Contribution. It is used to fuel company vehicles and to supply the heater in the shingle drying shed. Vehicle fueling is an activity which occurs on the project site, but in an area outside of the Zone of Contribution. The fuelling activity was on-going prior to Cape Cod Commission review.

HM3. Shepley Wood Products owns two businesses on Thornton Drive in Barnstable, located across the street from each other. One is the proposed project site and the other is a custom wood coating shop. According to a September 1997 registration form, the company is registered with the Department of Environmental Protection as a Very Small Quantity Generator of both hazardous waste and waste oil. The majority of the hazardous waste generated by the company is from the coating shop, which is not subject to Commission review. Hazardous waste generated on the project site includes sawdust contaminated with vehicle lubricants (from the clean-up of leakage from vehicles stored overnight inside the existing lumber building). The company accumulates this waste in a 55 gallon drum. The company has also been disposing of fluorescent light bulbs, which are classified as a Universal Waste, from the existing lumber building and offices since approximately March, 1999.

### **Water Resources**

WR1. The project is located in a Wellhead Protection Area (WHPA).

WR2. Commission staff received a signed affidavit from the applicant stating that the applicant does not anticipate a net increase in the number of employees at the site as a result of the proposed construction. An increase in the amount of wastewater relative to existing levels is not anticipated from this project.

WR3. At the request of Commission staff, the applicant incorporated modifications to the stormwater management plan originally proposed for the project. Revised plans provide an increase in the amount of stormwater treatment through the use of biofiltration swales for stormwater from all impervious surfaces except roof runoff. All stormwater will be treated in deep-sump catch basins with oil traps consistent with best management practices. As a result of the modifications, sufficient treatment of stormwater will be provided for this project.

WR4. Shepley Wood Products currently refuels its fleet of trucks and delivery vehicles onsite. Refueling is conducted from a 1,000 gallon above-ground diesel fuel storage tank (AST) located in the northwestern corner of the existing facility site. The AST is located outside of the Wellhead Protection Area and is contained in a secondary containment unit inspected by the Barnstable Fire Department.

WR5. The applicant has indicated that fuel is transferred from the AST to a drying shed via a double-hulled conveyance.

WR6. The existing grade slopes from the refueling area toward the WHPA boundary.

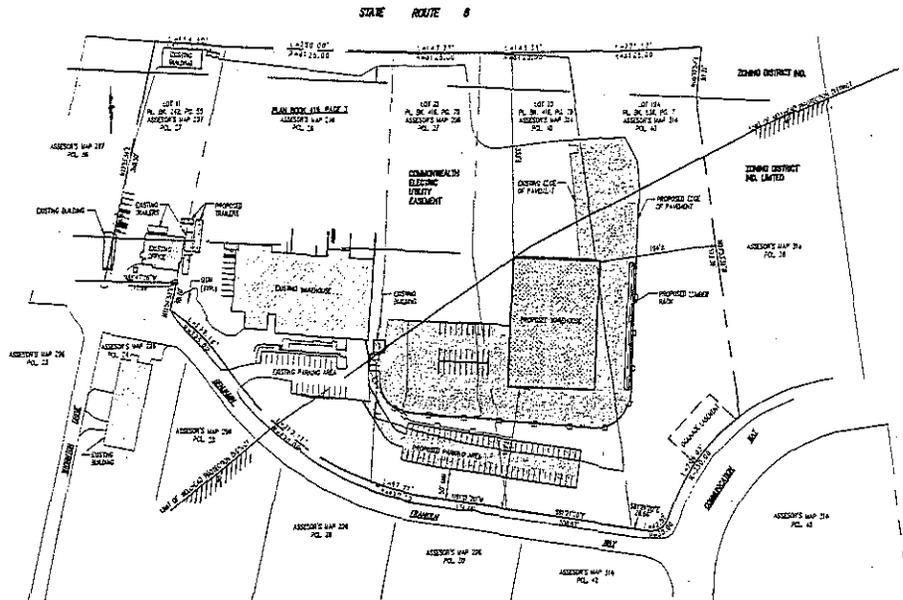
WR7. As a condition of Site Plan Review, the applicant has submitted plans to the Town of Barnstable for the construction a berm to safeguard against the possibility of a contamination event during refueling activities.

### CONCLUSION

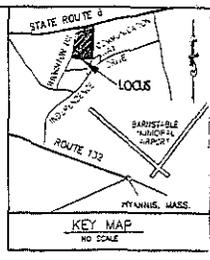
Based upon the findings above, the Cape Cod Commission hereby concludes:

As proposed, the location, character, and environmental effects of the proposed construction will prevent its having any significant impacts on the values and purposes protected by this act outside the municipality in which the development is located.





**GENERAL SITE PLAN**  
SCALE: 1" = 200'



**OWNERS:**  
**MARASPIN CREEK REALTY TRUST,**  
 HAMILTON N. SHEPLEY, TRUSTEE  
 216 THORNTON DRIVE  
 HYANNIS, MASSACHUSETTS 02601  
 (508) 862-6262

**DEVELOPER:**  
**TONY SHEPLEY**  
 SHEPLEY WOOD PRODUCTS  
 216 THORNTON DRIVE  
 HYANNIS, MASSACHUSETTS 02601  
 (508) 862-6262

**CIVIL ENGINEER:**  
**COASTAL ENGINEERING CO., INC.**  
 260 CRANBERRY HIGHWAY  
 ORLEANS, MASSACHUSETTS 02653  
 (508) 255-8511

SITE PLANS FOR THE EXPANSION OF AN EXISTING LUMBER YARD  
 AT  
 216 THORNTON DRIVE  
 FOR  
**SHEPLEY WOOD PRODUCTS, INC.**  
 HYANNIS, MASSACHUSETTS

- DRAWING INDEX**
- SD-1 SITE DEVELOPMENT PLAN
  - SD-2 LIGHTING & LANDSCAPING PLAN
  - SD-3 SITE DETAILS

**PLAN REFERENCE:**

ASSETS MAP 28, PARCELS 14, 17 AND 18  
 ASSETS MAP 14, PARCELS 18, 40

**NOTE:**

VEHICLE PROTECTION DISTRICT BOUNDARY  
 PROPOSED PROJECT SHALL BE IN CONFORMANCE  
 WITH THE CITY OF MEMPHIS ZONING ORDINANCE  
 AND THE CITY OF MEMPHIS FIRE DEPARTMENT  
 PROVISIONS.

1. FIELD SURVEY
2. BOUNDARY LINES
3. ALL UTILITIES SHOWN ARE AS RECORDED  
 FOR SHEPLEY WOOD PRODUCTS, INC.  
 AND/OR AS SHOWN ON RECORD PLANS  
 FOR SHEPLEY WOOD PRODUCTS, INC.  
 AND/OR AS SHOWN ON RECORD PLANS  
 FOR SHEPLEY WOOD PRODUCTS, INC.

**LEGEND:**

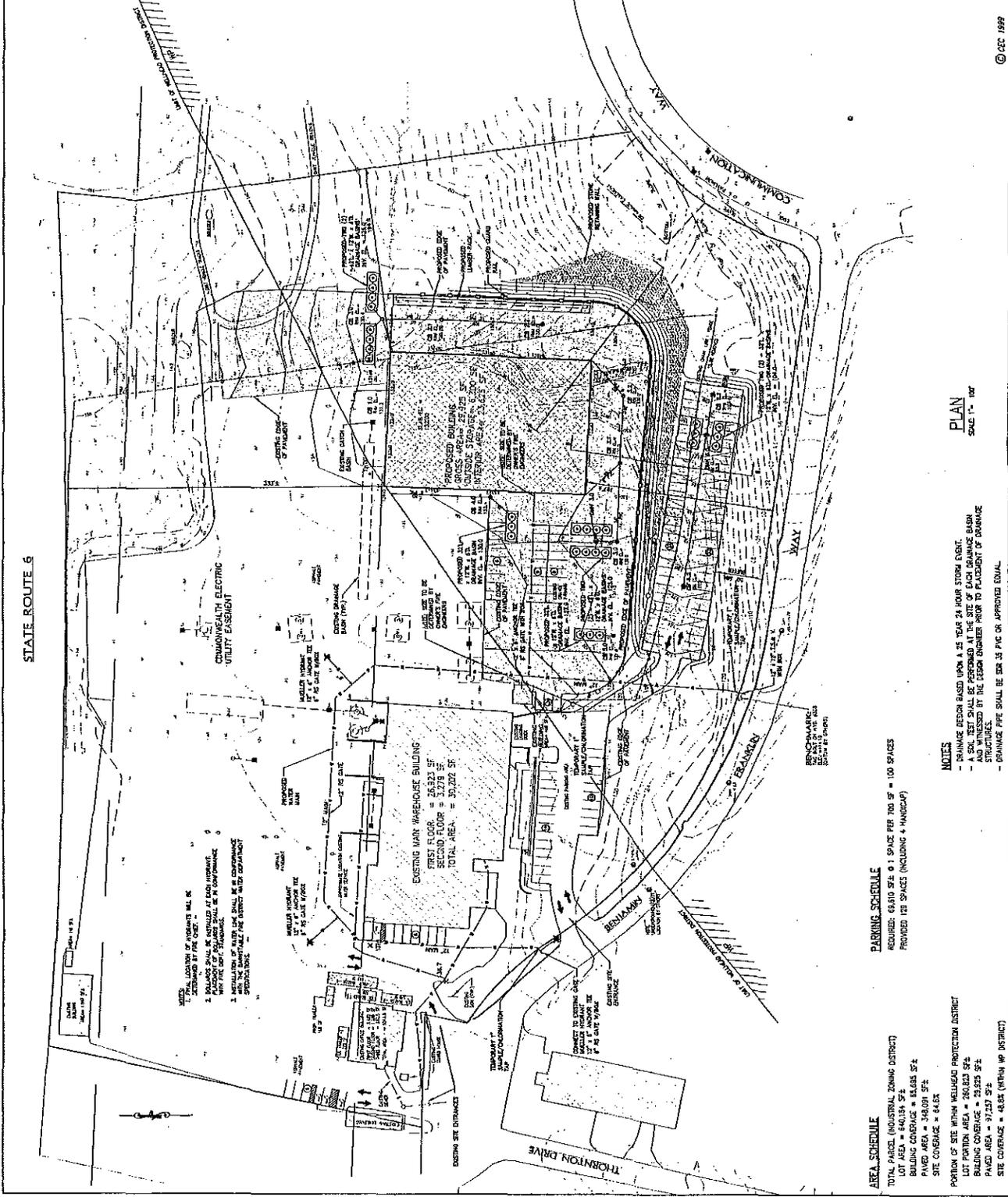
- DRAINAGE CHANNEL
- PROPOSED CHANNEL
- EXISTING SPOT GRADES
- PROPOSED SPOT GRADES
- EXISTING WATER SUPPLY LINE
- PROPOSED WATER SUPPLY LINE
- 60" SPOT GRADE
- ROOF DRAIN



**PROFILE A-A**  
 SCALE: 1" = 10'



**PROFILE B-B**  
 SCALE: 1" = 10'



STATE ROUTE 6

**PLAN**

SCALE: 1" = 100'

**PARKING SCHEDULE**  
 REQUIRED: 68,810 SF @ 1 SPACE PER 700 SF = 100 SPACES  
 PROVIDED: 128 SPACES (INCLUDING 4 HANDICAP)

**AREA SCHEDULE**  
 TOTAL PARCEL (INDUSTRIAL ZONING DISTRICT)  
 LOT AREA = 840,154 SF  
 BUILDING COVERAGE = 81,638 SF  
 PAVED AREA = 348,091 SF  
 SITE COVERAGE = 84.6%

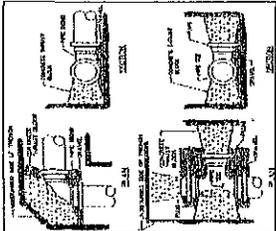
PORTION OF SITE WITHIN WELLSHEAD PROTECTION DISTRICT  
 LOT PORTION AREA = 260,833 SF  
 BUILDING COVERAGE = 23,825 SF  
 PAVED AREA = 97,237 SF  
 SITE COVERAGE = 48.8% (WITHIN WP DISTRICT)

**NOTES:**

- DRAINAGE DESIGN BASED UPON A 25 YEAR 24 HOUR STORM EVENT.
- A SOIL TEST SHALL BE PERFORMED AT THE SITE TO DETERMINE SOIL TYPE AND PERCENTAGE OF SAND AND SILT.
- DRAINAGE PIPE SHALL BE 36" PVC OR APPROVED EQUAL.

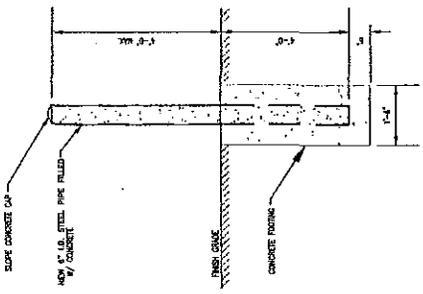
<p><b>SITE PLAN</b>                  FOR EXPANSION OF AN EXISTING LUMBER YARD</p>	
<p><b>SHEPLEY WOOD PRODUCTS</b>                  PROJECT NO. 14-03-001</p>	<p><b>COASTAL ENGINEERING COMPANY, INC.</b>                  PROFESSIONAL ENGINEERS &amp; LAND SURVEYORS                  280 CRANBERRY HIGHWAY                  ORLEANS, MASS. 02551                  (508) 255-0511</p>
<p>DATE: 12-14-11                  DRAWN BY: [Name]                  CHECKED BY: [Name]</p>	<p>SCALE: 1" = 100'                  SHEET NO. 1 OF 1</p>



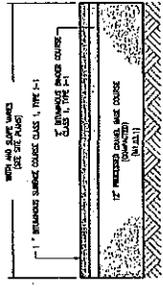


PIPE DIAMETER (INS)	MANHOLE FRAME (INS)	MANHOLE COVER (INS)	1 1/2" DIA. (INS)
4	2.0	2.0	2.0
6	2.5	2.5	2.5
8	3.0	3.0	3.0
10	3.5	3.5	3.5
12	4.0	4.0	4.0
14	4.5	4.5	4.5
16	5.0	5.0	5.0
18	5.5	5.5	5.5
20	6.0	6.0	6.0

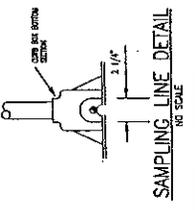
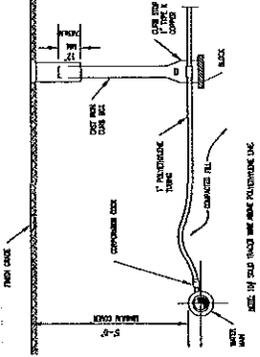
- NOTES:**
1. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.
  2. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.
  3. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.
  4. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.
  5. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.
  6. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.
  7. ALL FITTINGS SHALL BE SET ON A COMPACTED BASE OF UNGRAVELLED SAND, IN AREA OF PROPOSED FILL.



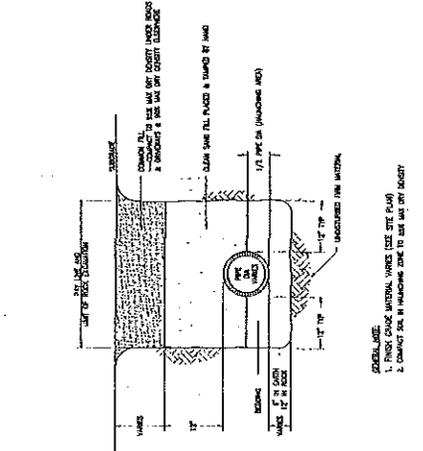
**CONCRETE FILLED BOLLARD DETAIL**  
NO SCALE



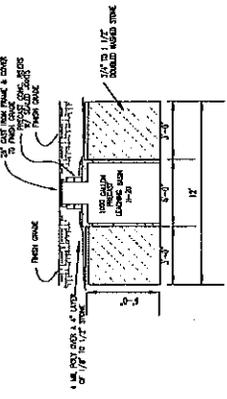
**BITUMINOUS CONCRETE PAVEMENT DETAIL**  
NO SCALE



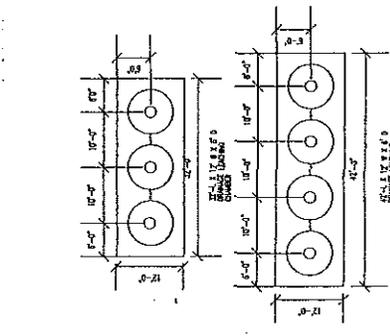
**TYPICAL END VIEW OF LEACHING CHAMBER**  
NO SCALE



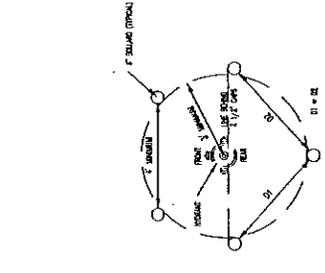
**DRAINAGE AND WATER TRENCH DETAIL**  
NO SCALE



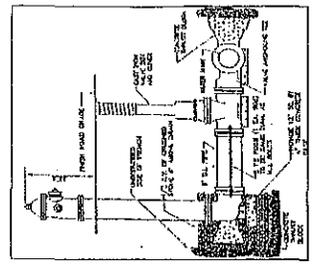
**TYPICAL DETAIL OF LEACHING CHAMBERS**  
NO SCALE



**TYPICAL DETAIL OF LEACHING CHAMBERS**  
NO SCALE



**BOLLARD PLACEMENT DETAIL**  
NO SCALE



**HYDRANT INSTALLATION DETAIL**  
NO SCALE

**SCHEDULE OF DRAINAGE SYSTEM ELEVATIONS**

STRUCTURE	FIN. IN.	INT. IN.	INT. OUT. ELEVATION
CR 1.0	131.2	131.2	131.2
CR 2.0	130.4	130.4	130.4
CR 2.1	130.3	130.3	130.3
CR 2.2	130.0	130.0	130.0
CR 3.0	130.0	130.0	130.0
CR 3.1	130.0	130.0	130.0
CR 3.2	130.0	130.0	130.0
CR 4.0	130.4	130.4	130.4
CR 5.0	131.0	131.0	131.0
CR 6.0	131.0	131.0	131.0
CR 6.1	130.8	130.8	130.8
CR 6.2	131.5	131.5	131.5

**SITE DETAILS**

**SHEPLEY WOOD PRODUCTS**

**COASTAL ENGINEERING**

250 CRANBERRY HIGHWAY  
ORLEANS, MASS. 02653  
(508) 255-2511

**SD-3**