



CAPE COD COMMISSION

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May 11, 2000

Applicant: Guardian Self-Storage
323 West Central Street
Franklin, MA 02038
508-528-5222
Edward J. Yadisernia

Project #: EX20009
Project: Guardian Self-Storage Expansion
630 MacArthur Boulevard
Pocasset, MA 02559

RE: Development of Regional Impact Exemption Request
Cape Cod Commission, Section 12(k)

Lot/Plan: 124 & 125, #89125, Book 7688, Page 287
Plan 34973k, Book 474, page 85

Certif.#:
Owner: Edward J. Yadisernia and Janice M. Yadisernia
(former owner, Paul J. Medeiros)

DECISION OF THE CAPE COD COMMISSION

SUMMARY:

The Cape Cod Commission (Commission) hereby grants the Exemption request of Guardian Self-Storage for the expansion of their business located in Pocasset in the Town of Bourne pursuant to Section 12(k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended. The Commission finds that the project will not have significant regional impacts outside of the Town of Bourne and, therefore, does not require Development of Regional Impact (DRI) review of this project.

This Decision is rendered pursuant to the vote of the Commission on May 11, 2000.



PROJECT DESCRIPTION:

The proposed project will serve as an annex to an existing self-storage facility located at 630 MacArthur Boulevard in Pocasset, in the Town of Bourne. The existing facility consists of 27,150 square feet of gross leasable floor space within five buildings on a 2.1-acre site. The proposed project is located in a Business Highway Zone (B-4) as designated by the Town of Bourne. The applicant has stated that summer occupancy rates at the existing facility average 95% or more.

The proposed annex is to be located on Lots 124 and 125 (to be combined to a single lot, Lot 128). This property is not adjacent to the existing facility, but is located nearby. The site will have a total area of 98,956 s.f. (2.27 acres). No former businesses or structures have been on this site and the site is in its natural condition. The site abuts an Industrial Park on Jonathan Bourne Road.

The annex will consist of approximately 150 self-storage units ranging in size from 5'x10' (50 s.f.) to 10'x30' (300 s.f.). The proposed project will have 24,750 square feet of gross leasable space over five single-story buildings. Building heights are planned to be nine feet. As this site will be managed from the existing facility on MacArthur Boulevard, there will be no office or bathroom at this location; therefore, no septic system is proposed for the annex.

JURISDICTION:

The project qualifies as a Development of Regional Impact under Section 3(e) of the DRI Enabling Regulations, *as new construction with a gross floor area greater than 10,000 square feet*. The applicant applied to the Commission for a DRI Exemption under Section 12(k) of the Cape Cod Commission Act, which states, *"[a]ny applicant may apply to the commission for an exemption from commission review because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside of the municipality in which the development is to be located."*

PROCEDURAL HISTORY:

The Commission received a Development of Regional Impact Exemption application on March 8, 2000 from Edward J. Yadisernia. A duly noticed Public Hearing pursuant to Section 5 of the Cape Cod Commission Act was held by an authorized Subcommittee of the Commission on the DRI Exemption request on Tuesday, April 25, 2000 at the Bourne High School. At this hearing the record and the hearing were left open and

continued to a hearing officer on May 4, 2000 at 10:00 a.m. at the Commission offices for the purpose of procedurally closing the hearing. A reopened Public Hearing before the full Cape Cod Commission will take place on Thursday, May 11, 2000.

A Subcommittee meeting was held following the public hearing on April 25, 2000 at the Bourne High School. Following discussion at the Subcommittee meeting, a vote was taken and approved to recommend to the full Commission granting the DRI Exemption. A Public Hearing was held on May 11, 2000 and the full Commission voted to grant the DRI Exemption request by Guardian Self-Storage.

Materials Submitted for the Record:

Application Materials:

DRI Application
Copy of the Lease Agreement
Site Plan, January 24, 2000
Fax from Mark Yadisernia to the CCC, March 30, 2000

Cape Cod Commission:

Letter to Mark Yadisernia from Gay Wells, AICP, March 20, 2000
Application for use of facilities, Bourne Public Schools
Memorandum to CCC staff from Gay Wells, AICP, March 23, 2000
Memorandum to CCC Subcommittee from Gay Wells, AICP, April 12, 2000
Staff Report, April 12, 2000
Decision of CCC on Burlington Self-Storage, April 22, 1996
Fax to Mark Yadisernia from Gay Wells, AICP, March 24, 2000
Agenda, Public Hearing, April 25, 2000
Public Hearing Attendance Sign-In Sheet, April 25, 2000

Correspondence from Others:

Memorandum from Coreen V. Moore, Bourne Town Planner, to Gay Wells, April 25, 2000

TESTIMONY:

A Subcommittee of the Cape Cod Commission held a public hearing on Tuesday, April 25, 2000 at the Bourne High School at 7:00 p.m. The following people testified on the proposed project.

Mr. Robert Parady, Esq. representing the applicant presented the project and stated that the applicant is requesting a DRI Exemption based on the lack of regional impacts. He stated that there would be no septic system and no one living on the premises. He added that the project is located within an Industrial Park in the Town of Bourne and that the project will require a Special Permit from the Town.

There was a discussion of what would be stored in the units and concerns were expressed about the storage of automobiles, boats, and motorcycles.

Scott Michaud, CCC Water Resources specialist, described the project as being located within a Marine Recharge Area, a Wellhead Protection Area, and a Water Quality Improvement Area as defined in Section 2.1.1.2E of the Regional Policy Plan. Mr. Michaud discussed impervious surfaces and the need for increased stormwater treatment. Mr. Michaud spoke of concerns regarding the storage of hazardous materials on site and the need for protection of sensitive environmental water areas.

Heather McElroy stated that natural resources impacts would not be regional. Gay Wells, AICP, gave the Transportation and Community Character reports. Ms. Wells concluded by stating that because the project is located within a Marine Water Recharge Area, a public water supply Wellhead Protection Area, and a Water Quality Improvement Area, that the staff has concerns about the adequate protection of these environmentally sensitive areas.

Bourne Town Planner, Coreen Moore, stated that all hazardous wastes would be prohibited. A memorandum from Ms. Moore was submitted for the record. She added that there would be no floor drains allowed. Ms. Moore stated that there will be a special permit required and also answered questions regarding Town review and fire procedures and landscaping requirements. The Subcommittee agreed that the Town of Bourne has adequate regulations and review procedures to assure compliance.

Dorr Fox, CCC Chief Regulatory Officer, addressed Mr. Schlaikjer's question about the Commission's ability to police projects by stating that the Commission does not have policing authority and that the Commission's authority ends when a municipality issues a Certificate of Occupancy.

The Subcommittee left the hearing and the record open, continued the hearing to a hearing officer on May 4, 2000 at 10:00 a.m. at the Commission offices. A Subcommittee meeting immediately followed at which the Subcommittee voted a recommendation to the Commission that the project be granted a DRI Exemption because the project is not anticipated to have regional impacts and the Town of Bourne requires a Special Permit review and is able to place Conditions on the project.

FINDINGS:

The Commission has considered the proponent's application for a Development of Regional Impact Exemption regarding the expansion of their current facilities. Based upon consideration of such request, and information presented at the public hearings and submitted for the record, the Commission makes the following findings:

General

1. The proposed project qualifies as a Development of Regional Impact under Section 3(e) of the DRI Enabling Regulations, as "*new construction with a gross floor area greater than 10,000 square feet.*"
2. The applicant has applied to the Commission for a DRI Exemption under Section 12(k) of the Cape Cod Commission Act, which states, "*[a]ny applicant may apply to the commission for an exemption from commission review because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside of the municipality in which the development is to be located.*"
3. The site is located in a designated Industrial Park in the Town of Bourne.

Water Resources

4. An increase in the existing level of wastewater discharge to the Pocasset River watershed will not result from this project.
5. The project is expected to meet the 5 ppm nitrogen standard required by Regional Policy Plan Section 2.1.1.1.
6. The project is located in a Marine Water Recharge Area, a Wellhead Protection Area, and a Water Quality Improvement Area due to the project's location in an Impaired Area. Improvement of water quality is a major goal in Water Quality Improvement Area.
7. The tenant lease agreement states that flammable, combustible, and fume-hazard materials are not permitted on the property. Section 2.1.1.2.A.2 of the Regional Policy Plan states that '*development...that involves the use, treatment, generation, storage or disposal of hazardous wastes or hazardous materials, with the exception of household quantities, shall not be permitted*' in Wellhead Protection Areas. The monitoring of incoming storage materials for this project is planned via television monitors and personal observation by the on-site manager. Storage facility customers will have access to the facility through an electronic security gate operated with a personal pass code.
8. Most of the project site will consist of impervious surface, resulting in an exposure of stormwater to motor-vehicle fluids and increasing the amount of nitrogen input to the watershed above natural levels. Because of the *potential* for impacts to the Pocasset River watershed from additional development within the watershed, the Cape Cod Commission recommends that the Town consider requiring increased stormwater treatment in the form of biofiltration and oil traps in the stormwater management design.

Natural Resources

9. The site is presently wooded with a pitch pine/oak mix, with a uniform shrub understory. Neighboring properties to the east, west, and south are presently developed. While the project proposes to clear and grade nearly the entire site, the impacts to existing wildlife habitat resources on site are not considered to be regionally important outside of the Town of Bourne.

Transportation

10. The project is located on Jonathan Bourne Road in Bourne, which is listed as a local roadway as defined in the Regional Policy Plan.
11. Traffic generation for the project of seven vehicle trips is below the threshold of 25 peak hour vehicle trips requiring analysis and mitigation under Minimum Performance Standard 4.1.1.1 of the Regional Policy Plan. Based on Institute of Transportation Engineers Trip Generation manual land use code 151 (mini-warehouse), the project was determined to have 62 daily vehicle trips; however, actual log data from the existing development shows fewer daily trips and the Commission finds that traffic generation is not considered to be regionally important outside of the Town of Bourne.
12. Based upon the staff's field investigation of the stopping sight distance for the proposed driveways, the stopping sight distance appears to be adequate.

Hazardous Materials/Wastes

13. According to Addendum A attached to the DRI Exemption application, the project site is located within a Public Water Supply Wellhead Protection Area as shown on maps created for the 1996 RPP.
14. According to the application, storage or disposal of hazardous materials is prohibited by the tenant lease agreement and the manager inspects the tenant's goods during the move-in process. The Commission found that the nature of the business (self-storage), the lease restrictions and move-in inspection together prevent the proposed project from having any regional impact on the values and purposes protected by the Commission Act with respect to hazardous materials and wastes and water resources.
15. According to comments from the Town of Bourne, the proposed storage/garage units shall be subject to the Zoning Bylaw Water Resource District, Section 4700. In no case shall any use stated in Section 4700 be permitted to be stored in any unit within this district.

16. Neither the subject property nor any locations on Portside Drive or Jonathan Bourne Road appeared on the Department of Environmental Protection's Bureau of Waste Site Cleanup March 20, 2000 list of current hazardous materials or waste release cleanup sites.

Community Character

17. The Commission finds that the Town of Bourne regulations and project review will adequately address community character, design, and lighting issues.

CONCLUSION

Based upon the materials submitted for the record and the Findings above, the Commission finds that the proposed expansion of Guardian Self-Storage is not anticipated to have regional impacts outside of the Town of Bourne. The Commission, therefore, approves the request for a Development of Regional Impact Exemption.

Thomas Broidrick
Thomas Broidrick, Chair, Cape Cod Commission

5/11/00
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 11th day of May, 2000

Katharine L. Peters
Name, Notary Public

My commission expires:

