



# CAPE COD COMMISSION

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DATE: January 19, 2000 #MOD-96012 (4) (Modification/Type 2)

TO: Laura M. Moynihan, Associate  
Ament and Ament  
39 Town Hall Square  
P.O. Box S  
Falmouth, MA 02541

FROM: Cape Cod Commission

RE: Modification of an Approved DRI Decision  
Section 9(n) of Enabling Regulations

APPLICANT: Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli  
(Burlington Self Storage of Cape Cod)

PROJECT: Burlington Self-Storage of Cape Cod  
Falmouth, MA

BOOK/PAGE: Book 8650, Page 100  
Book 6515, Page 171  
Book 3037, Page 285

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self Storage of Cape Cod) for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for the sole purpose of allowing a change to the site plan to provide for an interconnection between the project site and an adjacent parcel.

The application is hereby approved as a Minor Modification #2 under Section 7 of the Administrative Regulations (as revised). The Decision is rendered pursuant to a vote of the Commission's Regulatory Committee on January 18, 2000.

### PROCEDURAL HISTORY

On December 6, 1999, the Commission received a mandatory DRI referral from the Falmouth Town Planner for a proposal to construct a 23,100 square foot self-storage building on a parcel located off Route 28 in Falmouth. The applicants for the project, Burlington Self Storage of Cape Cod - Building E, received a prior DRI approval for a 89,216 square foot self storage facility in 1996. This prior review approved, with conditions, the construction of four self-storage buildings designated as Buildings A - D.



In a letter dated December 13, 1999, Attorney Laura Moynihan of Ament & Ament, representing Burlington Self Storage of Cape Cod, requested a further modification to the Commission's DRI decision issued on August 22, 1996 (as modified). The request (see attached letter and plan) is "to permit access to the proposed Building E through the existing [adjacent] site." Attorney Moynihan describes the proposed modification as a Minor Modification Type #2 because it involves only a minor change to the site plan and will not result in different or increased impacts to the resources protected by the Commission Act and/or Regional Policy Plan.

#### COMMENTS/DISCUSSION AT THE REGULATORY COMMITTEE MEETING

On January 18, 2000, the Commission's Regulatory Committee considered the Capozzolis' request to modify the August 22, 1996 DRI Decision. Staff explained the applicant's request and recommended that it be considered a Modification #2 under Section 7 of the Administrative Regulations (as revised). Attorney Laura Moynihan of Ament & Ament requested the site plan modification.

At this meeting, the Regulatory Committee voted unanimously to consider the request to allow a change to the site plan to provide for an interconnection between the project site and an adjacent parcel as a Type #2 Minor Modification.

#### MATERIALS SUBMITTED FOR THE RECORD

##### A. Materials submitted by the Applicant:

Letter, requesting modification 12/6/99

##### B. Materials submitted by Cape Cod Commission:

Memorandum, to Regulatory Committee 1/11/00

**Note:** No written materials or verbal comments were submitted on this modification request by the State, Town officials or the Public.

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-96012, MOD-TR96012 (2), MOD-TR96012 (3) and MOD-TR96012 (4) are incorporated into the record by reference.

#### JURISDICTION

The proposed changes to Burlington Self Storage project qualify as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations (as amended).

#### CONCLUSION

The Commission's Regulatory Committee has considered the application of Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self Storage of Cape Cod) for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations and found that the proposed change was a Type #2 Minor Modification.

SUMMARY

The Commission's Regulatory Committee hereby approves as a Minor Modification #2 under Section 7 of the Administrative Regulations (as revised) the application Mr. L. Ron Capozzoli and Mr. Christopher Capozzoli (Burlington Self Storage of Cape Cod) for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for the sole purpose of allowing a change to the site plan to provide for an interconnection between the project site and an adjacent parcel.

*Robert N. Deane*

Mr. Robert Deane, Chair  
Regulatory Committee

*2/18/00*

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 18<sup>th</sup> day of February 19 2000

*Katharine L. Peters*

Name, Notary Public

My Commission expires:

