



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

Date: June 18, 2001

Re: Development of Regional Impact Change of Use Determination
Cape Cod Commission Act, Section 23

Applicant: J.J. Reardon, Inc.
123 East Street / P.O. Box 838
Attleboro, MA 02703

Project: Supply New England

Project #: CU20058

Book/Page: Book 13272 / Page 055

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby determines that the Development of Regional Impact (DRI) Change of Use Application for the project known as Supply New England, qualifies for the Section 3 (f) threshold of the Development of Regional Impact (DRI) Enabling Regulations, Barnstable County Ordinance 90-12, as amended, under the criteria established under Section 4(b) and may proceed without Development of Regional Impact review. The decision is rendered pursuant to the vote of the Regulatory Committee of the Commission on June 18, 2001.

PROJECT DESCRIPTION

The applicant proposes to convert an existing storage and garage building into a retail and storage operation at 26 Bay Ridge Lane in Orleans. The site is a parcel of 2.7 acres, on which there are two buildings, the storage/garage building of 11,900 square feet, and an office building of 5,590 square feet. The buildings were used by Commonwealth Electric Company ("ComElectric") until late in 1997 as a vehicle parking and maintenance facility, then sold to the applicant in September 2000. The applicant operates the R.B. Corcoran plumbing and heating supply stores, including one on Rt. 6A in Orleans, which they plan to relocate to the former

Supply New England
Change of Use Decision (CU20058)
June 18, 2001
Page 1 of 6



ComElectric building. The applicant proposes to convert a portion of the storage building into a retail sales area (1,700 square feet), with the rest remaining as storage for their goods (10,200 square feet). The office building would not be altered in use or dimensions. Alterations would be made to the parking area, in which they will remove an above-ground diesel fuel tank and increase the landscaped portion of the lot.

JURISDICTION

The proposed project involves a change of use of more than 10,000 square feet of commercial to office space and therefore requires Cape Cod Commission review. The project qualifies for the Change of Use review under Section 3(f) by the Regulatory Committee since it is less than 40,000 total square feet in size.

Section 4(b)(2) authorizes the Cape Cod Commission Regulatory Committee to review proposed change of use projects under this threshold to determine if the overall impacts of the proposed use are more or less detrimental than those of the immediately prior use and determine whether DRI review should be required.

PROCEDURAL HISTORY

An application was submitted to the Cape Cod Commission on May 23, 2001, from Coastal Engineering, Inc., on behalf of J.J. Reardon, Inc. A duly noticed public hearing was held at the Commission's Regulatory Committee meeting of June 18, 2001 to collect testimony on the project. The Regulatory Committee voted unanimously that the project may proceed without DRI review.

MATERIALS SUBMITTED FOR THE RECORD

From the applicant:

- Change of Use application, with site plans and stormwater calculations, received May 23, 2001
- Memorandum from Bradford Malo of Coastal Engineering, Inc., received by fax, June 15, 2001
- Copy of "Phase II Environmental Site Assessment...for New England Supply", report, received June 18, 2001

From Commission staff:

- Letter to Bradford Malo of Coastal Engineering, Inc., confirming receipt of change of use application, dated June 1, 2001
- Staff report, dated June 14, 2001

TESTIMONY

A public hearing for the application was held at the Regulatory Committee meeting of June 18, 2001. Brad Malo of Coastal Engineering, Inc. presented the applicant's project. He reviewed the characteristics of the parcel and the alterations that would be made for Supply New England – use of the larger building for retail display and sales of plumbing supplies. He also noted the changes proposed for the parking lot and area surrounding the buildings. Susan Kadar inquired about the customer access into the retail building; Mr. Malo showed where it would be. Bob Deane asked if there's a tenant for the office building; Mr. Malo said that there is not, at present. Mr. Deane then asked if there was sufficient parking for the office building after it becomes occupied. Mr. Malo indicated that there would be enough parking.

Van Morrill explained the options that the Regulatory Committee has in hearing the change of use project, and the criteria for their decision. He reviewed the staff report comments on the project for the issues of water resources, wetlands, traffic, and hazardous materials. He stated that on June 15, the applicant had provided information on the extent of hazardous materials that would be used; the letter had stated that small quantities of potentially hazardous chemicals and materials were stored and sold to its customers, in volumes not higher than household quantities. He noted that an Environmental Site Assessment had been done for the site, the report of which indicates full containment and removal of hazardous wastes from the previous occupant. Andrea Adams explained her criteria for reviewing the hazardous material impacts of the project, and stated that the proposed change of use would generate an equal or lesser volume of hazardous materials than the ComElectric garage.

Tom Broidrick asked whether the Commission could separate the two buildings and review the office building separately. Dorr Fox noted that the office building is less than 10,000 square feet in area, and would therefore not have mandatory DRI review. Will Joy, also of Coastal Engineering, Inc., noted that the project would have to go through site plan review with Orleans officials if the office building is used for a different purpose. No public officials or general public were present to make comments.

FINDINGS

The Regulatory Committee has considered the application for the J.J. Reardon, Inc. for a Change of Use Determination under Section 3(f) and Section 4 of the DRI enabling regulations for the purpose of making a determination about whether the project requires DRI review. The Committee makes the following findings:

GENERAL

G1. The proposed renovations to the buildings on 26 Bay Ridge Lane in Orleans for a plumbing supply retail operation and product storage will have equal or lesser impact to the resources protected by the Regional Policy Plan than the most recent use, which was a vehicle garage and maintenance area for Commonwealth Electric Company.

WATER RESOURCES

WR1. The proposed site is not located in a Wellhead Protection Area (zone of contribution), but is within an area identified as a Marine Water Recharge Area (Namskaket Creek), as well as an Impaired Area and thus also a Water Quality Improvement Area.

WR2. The proposed redevelopment will have a lower wastewater flow. The previous use had a Title 5 design flow of 660 gallons-per-day (gpd), while the design wastewater flow of the proposed use is 624 gpd.

WR3. The proposed redevelopment project will significantly improve the stormwater disposal system. Stormwater runoff will be managed through the installation of catch basins and leaching basins, equipped with deep sumps, rather than direct discharge into the surrounding wetland as occurred in the previous use.

WR4. The proposed project would result in improvements to water quality compared to the most recent use, through the reduction in nitrogen loading to groundwater and improved management of stormwater runoff.

HAZARDOUS MATERIALS

HM1. The project qualifies as a Change of Use requiring no further Commission review for the area of hazardous materials and waste management. This finding is based on the fact that neither the company's existing site nor the project site are in a Wellhead Protection District or Potential Public Water Supply Area, the fact that the applicant will remove a 4,000 gallon above-ground diesel fuel tank and hydraulic lift equipment from the site, and because the applicant has removed an oil/antifreeze mixture discovered in an oil/water separator during a Site Assessment. It is also based on applicant testimony that steps will be taken to properly close existing floor drains in the garage building. Finally, the Site Assessment concluded that "there is no oil or hazardous waste at the site which will deny any intended use of the site."

NATURAL RESOURCES

NR1. The project site is located adjacent to the Inner Cape Cod Bay ACEC, and adjacent to estimated rare species habitat as mapped by the Natural Heritage Atlas, 2000 – 2001 Edition and the Cape Cod Regional Policy Plan maps. These mapped resource areas are associated with the wetland located on the northern portion of the site, and which extends into Cape Cod Bay.

NR2. Existing development, including the existing structure and the paved parking area, is presently located within 100 ft of this wetland resource. According to the project discussion provided by the applicant, development will not extend any further into the wetland buffer area. The discussion states that the existing stormwater system presently drains directly into the wetland resource, and that as part of project development, the stormwater system will be upgraded to intercept the present stormwater discharge. The proposed stormwater system will use catch basins and subsurface recharge basins to collect and infiltrate stormwater. This will be an improvement over the present system, where untreated stormwater is discharged directly to

wetlands. The proposed change of use, therefore, is not expected to pose impacts to natural resources greater than the impacts posed by the immediately prior use.

TRAFFIC

T1. Supply New England (the Applicant) proposes to re-use an existing Commonwealth Electric Company (CEC) facility as a retail plumbing supply house / warehouse and office site on Bay Ridge Lane and Bog Hollow Road in Orleans. According to information provided by the Applicant, Bog Hollow Road is a private road. Bay Ridge Lane is classified as a local road as defined in the Regional Policy Plan. It connects to Route 6A, a regional road link, at a traffic signal.

T2. The CEC facility consisted of 11,900 square feet (SF) of garage / storage / warehouse space and 5,590 SF of general office space. The proposed Supply New England facility will consist of 1,700 SF of customer retail area and 10,200 SF of storage / warehouse space for a total of 11,900 SF. The existing 5,590 SF office building will remain as an office building.

T3. For the purposes of regulatory review, the office building is considered a re-use of an existing facility. Thus, it is assumed traffic generated by the re-use of the office building as an office building will not change and therefore will not have any additional impacts on the regional transportation system. The garage / warehouse use will be changed and is thus considered a change of use which may be subject to DRI transportation review.

T4. Trip generation for the plumbing supply house / warehouse can be estimated based on the following assumptions: 1,700 SF of customer retail space; 10,200 SF of warehouse space.

T5. Based on the assumptions in T4, the Institute of Transportation Engineers (ITE) trip generation estimate is 20 afternoon peak hour trips and 15 Saturday midday peak hour trips for the proposed change of use. Even without subtracting the prior use peak hour traffic generation, the number of peak hour vehicle trips falls under the 25-trip threshold of MPS 4.1.1.1 and thus no regional transportation impacts are expected.

SOLID WASTE

SW1. The proposed project will not generate substantial amounts of additional solid waste when compared to the existing use. Thus, there are no solid waste issues associated with the proposed project.

CONCLUSION

Based on the above findings, the Regulatory Committee determines that the overall impacts of the proposed use will not be more detrimental than those of the immediately prior use. Therefore, the proposed development may proceed without Cape Cod Commission Development of Regional Impact Review.

David Ansel
David Ansel, Chair

6-29-01
Date

Commonwealth of Massachusetts
County of Barnstable

On this 29th of June, 2001, before me personally appeared David Ansel, Chair, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Kerian Ann Cahoon
Notary Signature
Commonwealth of Massachusetts



My commission expires: _____