



## CAPE COD COMMISSION

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May 10, 2001

Applicant: JAC Realty Trust c/o Attorney Robert W. Parady  
515 County Road PO Box 81  
Monument Beach, MA 02553-0081  
508-759-5806

Project #: EX20046

Project: JAC Self-Storage  
25 Howard Foster Road  
Bourne, MA 02533

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

Lot/Plan: Map 44, Parcel 20

Certif.#:

Owner: JAC Realty Trust

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### DECISION OF THE CAPE COD COMMISSION

#### SUMMARY:

The Cape Cod Commission (Commission) hereby grants the Development of Regional Impact (DRI) Exemption request of JAC Realty Trust for the proposed JAC self-storage facility 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



proposed JAC self-storage 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 10, 2001.

#### **PROJECT DESCRIPTION:**

The proposed project will consist of approximately 200 self-storage units ranging in size from 5x5 to 10x30 on 21,000 square feet of gross leasable self storage space contained in five (5) buildings at 25 Howard Foster Road in the Town of Bourne. Building heights are planned to be nine feet. An office building for on-site management will also be located on site. An on-site management facility with one bath will be located on site, and a septic system will be required. The proposed project is located in a Business Zone (B-2) as designated by the Town of Bourne.

The proposed project is to be located on Lot 1-A. This property is adjacent to two existing commercial activities which parallel Route 28. The site will have a total area of 98,959 s.f. (2.27 acres). No former businesses or structures have been located on this site.

#### **JURISDICTION:**

The proposed JAC self-storage 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 December 27, 2000 from Attorney Robert Parady. At that time, the application was deemed incomplete due to the lack of a landscape plan, lighting plan or elevation plan for the proposed buildings. Upon receipt of the lighting, landscape and elevation plans, the application was found to be complete on March 23, 2001. 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 30, 2001 at the Bourne High School library. The record was left open and the hearing was closed at the conclusion of the meeting.

Following discussion at the Subcommittee meeting, a vote was taken and approved to recommend to the full Commission granting the DRI Exemption. The full Commission voted to accept the DRI Exemption request by JAC Self-Storage on May 10, 2001.

### Materials Submitted for the Record:

#### *Application Materials:*

DRI Application

Exemption Application

Site Plan, December 27, 2000

Addendum A and B to DRI Exemption Application

Lighting, landscaping and elevation plans March 21, 2001

#### *Cape Cod Commission:*

Letter to Attorney Robert Parady from Greg Smith January 8, 2001

Letter to Attorney Robert Parady from Greg Smith March 23, 2001

Application for use of facilities, Bourne Public Schools

Staff Report, April 24, 2001

Public Hearing Attendance Sign-In Sheet, April 30, 2001

#### *Correspondence from Others:*

Letter from Coreen V. Moore, Bourne Town Planner, to CCC Subcommittee  
April 30, 2001

## TESTIMONY:

A Subcommittee of the Cape Cod Commission held a public hearing on Monday, April 30, 2001 at the Bourne High School library at 7:00 p.m. The following people testified on the proposed project.

Mr. Robert W. 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 regional groundwater and community character impacts associated with the development.

Greg Smith reported that the proposed development would result in additional nitrogen being added to the Red Brook/Pocasset Harbor marine embayment area. Also, the natural vegetated buffer as shown would only be 40 feet wide, not the required 100 foot natural vegetated buffer as called for by the Commission's Design Manual.

Scott Michaud, CCC Water Resources specialist, stated that the septic system and impervious surface would result in additional amounts of nitrogen being added to the marine embayment area. A denitrifying septic system would alleviate some of the nitrogen, however most of the nitrogen would be a result of the loss of forest cover and the increase in impervious surface.

Bourne Town Planner, Coreen Moore stated that there will be a special permit required and read a letter from the Bourne Planning Board stating that the stormwater discharge and screening issues will be addressed as part of site plan review. The Subcommittee agreed that the Town of Bourne has adequate regulations and review procedures to assure compliance.

Dorr Fox, CCC Chief Regulatory Officer, addressed Ms. Kadar's question about the Commission's ability to condition an exemption. Mr. Foxx stated that an Exemption could not be conditioned.

The Subcommittee continued the record until May 10, 2001, and the public hearing was closed. 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 significant 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 application of JAC Realty Trust for a Development of Regional Impact Exemption regarding the proposed JAC self-storage facility, which consists of the construction of approximately 200 self-storage units ranging in size from 5x5 to 10x30 on 21,000 square feet of gross leasable self storage space contained in five (5) buildings at 25 Howard Foster Road in the Town of Bourne. An on-site management facility with one bath will also be located on site. 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 involves the construction of approximately 200 self-storage units ranging in size from 5x5 to 10x30 on 21,000 square feet of gross leasable self storage space contained in five (5) buildings at 25 Howard Foster Road in the Town of Bourne. An on-site management facility with one bath will also be located on site.
2. 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.”*
3. 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.”*
4. The site is located in a designated business (B-2) zone in the Town of Bourne.

## **Water Resources**

5. The project is not located within a Zone 2 wellhead protection area. However, the project is located in a Water Quality Improvement Area (WQIA), as defined in MPS 2.1.1.2.E of the Regional Policy Plan (RPP). Improvement of water quality within WQIA's is stated in the RPP as a major goal.
6. The project is also located in a Marine Water Recharge (MWRA) as defined by MPS 2.1.1.2.C of the RPP. Ground water flowing beneath the MWRA discharges to Hen Cove, a subsystem of the greater Red Brook/Pocasset Harbor marine embayment system. The Buzzards Bay Project (BBP) has characterized water quality in Hen Cove as impaired, attributing this to development in its watershed and associated nitrogen loading. BBP recommends a reduction in nitrogen loading to the Hen Cove watershed as an appropriate management strategy for the subembayment. A preliminary assessment of Hen Cove's ability to handle additional nitrogen based upon its flushing characteristics and the existing nitrogen load is consistent with this finding.
7. The project will result in an increase in nitrogen loading to Hen Cove from a number of sources, including the creation of over 55,000 square feet of impervious surface, wastewater from a single bathroom, and fertilizer. The applicant has expressed a willingness to install a denitrifying septic system. This would reduce estimated nitrogen loading resulting from the project by an estimated 25 percent.
8. The Commission has identified groundwater impacts that are associated with the proposed project. However, these impacts would be resolved as part of the town's site plan review process.
9. The tenant lease agreement states that flammable, combustible, and fume-hazard materials are not permitted on the property. The monitoring of incoming storage materials for this project is planned personal observation by the on-site manager.

## **Natural Resources**

10. The site is not located in a Significant Natural Resource Area (SNRA), and based on Cape Cod Commission staff site visits, there are no wetlands or vernal pools on site. The site is not mapped for estimated rare species habitat, according to the Natural Heritage Atlas, 2000-2001 Edition. The site is presently wooded with a pitch pine/oak mix, with a uniform shrub understory. Neighboring properties to the north, south and west are presently developed. Based on the nature of resources present on the site and the project location, the impacts to existing wildlife habitat resources are not considered to be regionally important outside of the Town of Bourne.

## **Traffic**

11. The project is located on Howard Foster Road in Bourne, which is listed as a local roadway as defined in the Regional Policy Plan.
12. 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 60 daily vehicle trips; however, the Commission finds that traffic generation is not considered to be regionally important outside of the Town of Bourne.
13. Based upon the staff's field investigation of the stopping sight distance for the proposed driveways, the stopping sight distance appears to be adequate.

## **Site Lighting**

14. The DRI/ DRI Exemption application included a site plan (Site Electrical Plan, dated 2/05/01) with iso-foot-candle diagrams showing estimated maintained foot-candle levels as well as point-to-point diagrams showing the initial and maintained condition of fixtures. The Site Electrical Plan indicated that pole-mount lights will be 18 feet, 0 inches in height and wallpacks will be mounted at 9 feet. All fixtures will be metal halide, according to the Plan, and the wall-packs will be equipped with a 70 degree cutoff. According to a phone conversation with the site electrical engineer, Charles Cote on March 26, 2001 the two types of pole lights will be shoebox style. On April 2, 2001, the Commission received additional manufacturers' catalog information from Mr. Cote.
15. Based on the 2/05/01 Site Electrical Plan, the April 2, 2001 supplemental information, as well as the March 26, 2001 discussion with the site electrical engineer, the lighting design selected conforms to Standards 2.3, 2.4, 2.6 and 2.7 of Technical Bulletin 95-001.

## **Hazardous Waste**

16. The proposed project site is not located in either an existing or potential Wellhead Protection District/Zone II. Based on this, Minimum Performance Standard (MPS) 4.2.2.3 of the 1996 Regional Policy Plan (RPP) does not apply to this project.

## **Community Character**

17. The Commission finds that the Town of Bourne regulations and project site plan 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 JAC Self-Storage expansion as proposed and consistent with the above findings is not anticipated to have significant impacts outside of the Town of Bourne due to its location, character and environmental effects. The Commission, therefore, approves the request for a Development of Regional Impact Exemption for the proposed JAC self-storage facility pursuant to Section 12(k) of the Cape Cod Commission Act, as amended. This Exemption decision is valid for three years from the date of issuance.

Frank Shephard  
Frank Shephard, Chair, Cape Cod Commission

5-24-01  
Date

**Commonwealth of Massachusetts**

Barnstable, ss.

Subscribed and sworn to before me this 24<sup>th</sup> day of May, 2001

Katharine L. Peters  
Name, Notary Public

My commission expires:

