



CAPE COD COMMISSION

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DATE: December 6, 2001

TO: Patrick M. Butler
Nutter McClennen & Fish, LLP
1513 Iyanough Road / P.O. Box 1630
Hyannis, MA 02601-1630

FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Stephen V. Raleigh, S.V. Raleigh Corp.
5 Mark Lane
Hyannis, MA 02601

PROJECT #: TR20062

PROJECT: Flagship Storage Facility
Forestdale Road (Route 130)
Mashpee, Massachusetts

CERTIFICATE #: Barnstable Land Court Registry 159526

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Stephen V. Raleigh as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act, c.716 of the Acts of 1989, as amended, for the proposed Flagship Storage Facility in Mashpee, Massachusetts. The decision is rendered pursuant to a vote of the Commission on December 6, 2001.

PROJECT DESCRIPTION

The Flagship Storage Facility is a proposal for a new building that would be used as a self-storage commercial operation for personal possessions and business records. Located along Route 130 (Forestdale Road) in Mashpee on a parcel of 3.86 acres, the proposed building has a footprint of 33,600 square feet, with two floors and a basement level, for a total area of 100,800 square feet. It will be climate-controlled for humidity and temperature to protect the physical state of the stored



items. The project is within a commercial/business zone (C2) of Mashpee, adjacent to other commercial properties along the west side of Forestdale Road. The site is approximately one mile north and west of Mashpee Town Hall.

PROCEDURAL HISTORY

A DRI application and supporting material were submitted on July 12, 2001. The project was referred to the Commission by the Mashpee Planning Board on September 6, 2001; the Commission received the referral on September 10, 2001. 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 October 18, 2001 at Mashpee Town Hall. The hearing was continued to the Commission meeting of December 6, 2001. Meetings of the subcommittee were held on November 13 and November 27, 2001. At the meeting of November 27, the subcommittee voted unanimously to recommend to the full Commission that the project be approved as a DRI, subject to conditions. A final public hearing was held before the full Commission on December 6, 2001. At this hearing, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

Materials submitted for the record

From the applicant:

- DRI application and supporting material; received July 12, 2001
- Copies of special permit application to Town of Mashpee and copy of letter from Mr. Raleigh to Mashpee town planner; dated August 16, 2001
- Revised site plans from Down Cape Engineering, showing advanced septic system, elimination of earthen berm, addition of loading docks, and addition of bike path easement; received October 9, 2001
- Map of private well locations within 400 feet of project sit, prepared by Horsley & Witten, Inc.; received October 18, 2001
- Trip generation spreadsheets, prepared by Susan Pommrehn, traffic engineer.; received October 18, 2001
- Memorandum on proposed methods for hazardous waste control; received October 18, 2001
- Assessor's maps and aerial photo of proposed off-site open space parcel; received October 18, 2001
- Letter from Susan Pommrehn on trip generation assumptions; received October 29, 2001
- Plant list of proposed trees, shrubs, and grasses for project; received November 1, 2001
- Revised site plan and cover letter from Down Cape Engineering, received November 1, 2001
- Draft of proposed Space and Occupancy Agreement; received November 1, 2001
- Building elevation drawings and sample exterior materials from D.M. Davenport, Architects; received November 1, 2001
- Revised site plan from Down Cape Engineering; received November 5, 2001
- Memorandum on status of project issues, with enclosure of reports from storage consultant and traffic consultant; received November 6, 2001
- Planting Plan map and list prepared by Horsley & Witten Inc. Environmental Services; received November 7, 2001
- Picture of proposed signage for facility; received November 13, 2001

- Revised draft of Space and Occupancy Agreement; received November 13, 2001
- Interior floor plans and area calculations; received November 13, 2001
- Proposed protocol for traffic trip monitoring program, from Susan Pommrehn; received November 14, 2001
- Specification sheets for exterior lighting fixtures, by fax, November 19, 2001
- Preliminary draft of conservation restriction plan for on-site open space, by fax, November 19, 2001
- Revised landscaping and planting plan, prepared by Horsley & Witten, received November 20, 2001
- Copy of letter from Nutter, McClennen & Fish to Bob Sherman, director of Mashpee Conservation Commission; received November 23, 2001
- Landscape Installation and Maintenance contract; received November 27, 2001
- Letter about Open Space provision, received by fax, November 30, 2001
- Exterior lighting "To Be Built" site plan, prepared by Ruud Lighting, received December 3, 2001

From Commission staff:

- Letter confirming DRI referral and application completeness, sent to Patrick Butler by certified mail, September 13, 2001
- Staff Report, dated October 11, 2001
- Supplemental staff report, dated November 8, 2001
- Review and summary of proposed traffic monitoring study, dated November 19, 2001

From Local and State officials:

- DRI referral from Mashpee Planning Board, received September 10, 2001
- Copy of letter from Brona Simon of the Massachusetts Historical Commission, recommending an intensive archeological study for project site; received November 24, 2000
- Copy of letter from Brona Simon of the Massachusetts Historical Commission, concurring that no significant archeological or historic properties were on the project site; received August 10, 2001

From the public:

No comments received

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

TESTIMONY

At the public hearing of October 18, 2001, Patrick Butler spoke for the applicant. Mr. Butler explained the project's features, and discussed how the applicant would meet RPP requirements. He stated that the estimated daily trips for the project were considered excessive, and proposed a traffic-monitoring program to determine a more accurate trip volume. He noted also that the calculated mitigation for water resources nitrogen loading also appeared overstated. He distributed

copies of maps for the proposed off-site open space. He mentioned that storage clients would be required to sign a space-occupancy agreement. This agreement will declare the prohibition on storing any type of hazardous materials, allow the owner rights of inspection at any time without notice, and declare that there are no tenancy rights in storage.

Van Morrill presented the comments of the Staff Report. Tim Boesch explained the use of ITE estimates of trip generation. He discussed the general trip-length distance and how it was determined for this project, taking into account similar storage operations in adjacent towns. Gabrielle Belfit stated that the project's nitrogen impact had been recently recalculated for new values of lawn coverage and wastewater design flow, which substantially reduced the mitigation contribution that would be needed. Subcommittee members discussed the proposed traffic-monitoring plan, as a way to provide valuable data and get a better sense of the trip volumes that self-storage businesses create. There were no comments or testimony given by the general public.

JURISDICTION

The proposed Flagship Storage Facility qualifies as a Development of Regional Impact (DRI) under Section 3(e) of the DRI Enabling Regulations governing review of Developments of Regional Impact, which requires review of "any of the following proposed commercial, service, retail, or wholesale business, office or industrial development, as well as any private health, recreational or educational development: new construction with a gross floor area greater than 10,000 sq.ft."

FINDINGS

The Commission has considered the application of Stephen V. Raleigh for the proposed Flagship Storage Facility, and based upon consideration of such application and upon the information presented at the public hearings, subcommittee meetings and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

General

G1. The project consists of a building with a 33,600 square feet footprint, having three levels (two floors and a basement), for a total floor area of 100,800 square feet, to be located on Forestdale Road (Rt.130) in Mashpee, as shown on the site plans prepared by Down Cape Engineering, as revised November 5, 2001. The project will be used as a commercial storage operation for personal possessions and business records, in a climate-controlled facility. The project is located on a 3.86-acre parcel of presently undeveloped land that lies between two existing commercially developed parcels.

G2. The project conforms with local development bylaws and is located in the C2 commercial/business zoning district of Mashpee. Self-storage facilities are an allowed use by special permit in this district. The project meets all dimensional and bulk elements of the town's zoning by-laws, but the applicant will seek a variance for reduction in parking spaces from the Mashpee Zoning Board of Appeals, from 119 spaces based on the project's gross floor area, to 42 spaces, which is consistent with goals of the Regional Policy Plan.

G3. The project is consistent with the Mashpee Local Comprehensive Plan, as a commercial project of low traffic generation along Route 130.

G4. The project's benefits outweigh its detriments. The probable benefits include providing a service for storage of personal and business possessions, providing jobs and income during the construction and operation of the business, providing tax revenue to the town greater than the cost of municipal services, and reducing the land cleared for parking spaces.

G5. The proposed project meets the Minimum Performance Standards of the Regional Policy Plan based on the following findings.

Water Resources

WR1. The project is located within a nitrogen sensitive Marine Recharge Area to the Mashpee River. This nitrogen sensitive Marine Embayment has identified water quality problems, and a cumulative nitrogen assessment has determined the watershed is overloaded with nitrogen from existing use. The town of Mashpee is in the process of developing a Watershed Nitrogen Management Planning Study to address nitrogen overloading of its embayments.

WR2. While the project is not located within a public water supply area, there may be several private wells downgradient. A map prepared by Horsley & Witten Inc., dated October 18, 2001, indicated that there are no private wells downgradient of the parcel within 400 feet.

WR3. Wastewater from the project would be generated only by an on-site management office in the building. The Title-V wastewater flow is the minimum rate, 200 gallons per day (gpd), of effluent, for a 5-acre site. However, the actual design flow for wastewater from the office is 120 gpd, based on the office area (1,600 square feet). Watershed loading from the total project will produce approximately 9.45 kg/year of nitrogen and on-site loading of 0.87 ppm. The project therefore meets the nitrogen-loading standard of 5 ppm (MPS 2.1.1.1).

WR4. Due to the project's location in a Marine Water Recharge Area (MWRA), the project must comply with MPS 2.1.1.2.C.1. and C.2 and C.3. The RPP requires that where existing watershed development exceeds identified critical loading standards for a MWRA or where there are documented marine water quality problems in the associated embayment, development and redevelopment shall maintain or improve existing levels of nitrogen loading. In order to achieve the no-net additional nitrogen load, the applicant has agreed to provide a monetary contribution toward the development or implementation of appropriate nitrogen management strategies. The applicant proposes to meet MPS 2.1.1.2.C.3. by installing a DEP approved innovative/alternative septic system incorporating nitrogen removal.

WR5. The monetary contribution for nitrogen mitigation to achieve the no-net loading is based on a cost of the number of denitrification facilities it would take to eliminate the additional wastewater proposed by the project. The equivalent of 1.8 denitrifying systems would need to be constructed to eliminate the additional 9.45 kg/year nitrogen added by the project. This translates into \$14,600 (\$8,000 for each system), which the applicant has agreed to pay to Barnstable County / Cape Cod Commission, to be used for remediation in the town of Mashpee.

WR6. As proposed, all on-site stormwater will be discharged to catchbasins equipped with deep sumps, and discharge to two separate vegetated detention basins located to the rear the property, with overflow to underground leaching chambers. Additional safeguards, including signage, client information and shut-off valves will be employed to prevent the potential for groundwater contamination from any spills in the parking areas.

Natural Resources

NR1. The project is located in a Significant Natural Resource Area as mapped by the Regional Policy Plan, and is located within the boundaries of the federally designated Mashpee National Wildlife Refuge. According to the Natural Heritage Atlas, 2000 – 2001 Edition, the site is not mapped for rare species, though a certified vernal pool appears to be located across Rt. 130 from the project site. According to the natural resources inventory provided, the site does not contain wetlands or vernal pools.

NR2. The applicant provided a natural resources inventory (NRI), as required by MPS 2.4.1.1 of the Regional Policy Plan. According to the NRI, the site is characterized as a mixed oak/pine forest upland, with a typical understory of huckleberry and sheep laurel. The site is located between existing developments, including the Woman's Workout Company to the northwest, "Landscape X" to the southwest, a condominium complex to the south, and residences located across Rt. 130 to the east. While the site is presently supporting a typical assortment of birds and small mammals (including fox), these species will likely relocate to nearby forested areas if and when the project is constructed.

NR3. The plan titled "Site Plan of Land in Mashpee, Mass. Prepared for Flagship Self-Storage" and dated November 5, 2001, retains a wide vegetated buffer at the front of the site. An existing kettle hole on the north corner of the site will require some fill in order to support the construction of the building and access drive. This area of fill has been minimized, consistent with the requirements of MPS 2.4.1.2. The proponent proposes restoring the disturbed areas with native trees, shrubs and groundcovers, consistent with MPS 2.4.1.2.

NR4. Due to the project's location within a Significant Natural Resource Area, MPS 2.5.1.3 requires the applicant to provide 65% of the parcel area as open space. Since the project parcel area is 3.86 acres, the required open space area is 2.51 acres. The proponent proposes to meet some of this requirement on-site through the permanent protection of the vegetated buffer areas remaining on-site (see NR5), and through the protection of an off-site parcel (see NR6). While the project is located within the Mashpee National Wildlife Refuge, the siting of the project between existing development (see finding NR2) and the lack of unusual habitat on-site supports meeting some of the open space requirement off-site.

NR5. The plan titled "Conservation Restriction Plan prepared for Flagship Self-Storage" and dated November 29, 2001, shows the location of the proposed 0.906 acres of on-site open space. According to the Mashpee Conservation administrator, the Mashpee Conservation Commission has conditionally agreed to hold a permanent conservation restriction on this portion of the property.

NR6. According to the Mashpee Conservation administrator, the Mashpee Conservation Commission has conditionally agreed to hold the deed, for permanent conservation purposes, of the

1.1-acre parcel identified as Map 28/Parcel 12 on Town of Mashpee Assessor's Maps. This off-site parcel is located in Significant Natural Resources Area and is adjacent to land held by the Massachusetts Department of Fisheries and Wildlife.

NR7. The applicant has proposed to meet the remaining 0.504 acres of required open space through a monetary contribution to Account #556, Mashpee Conservation Trust Fund, Town of Mashpee, for open space acquisition purposes in the amount of \$7,970.00; as calculated by Method B, "Comparable Conservation Sales", of Technical Bulletin 94-001.

Transportation

T1. The applicant proposes to build a self-storage facility of 100,800 square feet in one three-level building as noted in finding G1. The project will be located in Mashpee on Route 130, a regional roadway as defined by the Regional Policy Plan (RPP.)

T2. The applicant has provided alternative traffic generation studies that are consistent with the Institute of Transportation Engineers (ITE) *Trip Generation* manual. Trip generation using the ITE methods estimate the following trips for the facility, based on gross floor area:

- 39 Saturday Peak Hour Trips
- 238 Weekday Trips

T3. Based on the weekday peak hour directional traffic flow information from Commission counts in the area (and supported by applicant data), the maximum directional split on Route 130 is 53% southbound. Assuming the development's trips will split to this same distribution, 21 maximum peak hour trips from the development are expected on any regional roadway link. Therefore, the project meets MPS 4.1.1.1, which does not require peak hour review and analysis if the regional roadway trips are less than 25 peak hour trips.

T4. Minimum Performance Standard (MPS) 4.1.2.1 requires all DRIs to reduce or offset weekday trips by 20%. Based on the 238 weekday trips, this reduction amounts to 48 trips. The transit equivalency equation method of the Commission guidelines using 48 trips to be reduced or offset and a 3.7-mile analysis trip length results in a trip reduction payment of \$70,900.

T5. Due to the internal corridor nature of this facility, which results in lower rentable square footage than gross square footage, the ITE trip generation rates may be higher than actual trip generation. The applicant has proposed to hire an independent consultant to conduct a traffic monitoring program to determine actual trip generation and corresponding trip reduction payment. The traffic monitoring study is acceptable in this case due to the project's unique nature as noted above, peak hour trip generation being below regional thresholds, and its compliance with MPS 4.1.1.1, 4.1.1.5, and 4.1.1.6.

T6. MPS 4.1.1.6 requires all new site driveways of DRIs to operate at Level of Service (LOS) 'C' or better during the project's peak hour. The applicant has submitted analysis showing a LOS of C or better during the project's peak hour.

T7. MPS 4.1.1.5 requires all DRIs to have sufficient sight distance at the site driveway. Preliminary measurements show a sight distance of 700 feet or more is available in the area of the

site driveway from the north. This measurement is sufficient for speeds to 60+ mph. To the south, approximately 470 feet of sight distance may exist and this is sufficient for speeds to 50 mph. Route 130 is signed at 40 mph in the development area. Therefore, sufficient sight distances are possible.

T8. The applicant has indicated it will be applying for a variance from local zoning requirements for parking spaces, reducing the spaces to 42 from the standard zoning calculation of 119 spaces based on gross floor area.

T9. The intersection of Route 130 and Great Neck Road North, approximately one mile from the project site, is known as a high accident location in the study area. In light of the low traffic generation of the project and the modifications to improve safety at the intersection including signalization currently being undertaken by the town, no further safety mitigation is required at this location.

Hazardous Materials

HM1. According to the site maps, the project site is not located within either a Wellhead Protection District/Zone II or a Potential Public Water Supply Area (PPWSA) as shown on maps created for the 1996 Regional Policy Plan (RPP). As such, Minimum Performance Standard (MPS) 4.2.2.3, concerning limitations on hazardous materials quantity, does not apply to this project.

HM2. Even though the site is not located in a Wellhead Protection District or a PPWSA, the proposed Space and Occupancy agreement prohibits storage of "hazardous or pollutant" materials in the facility. Section 5 of the agreement allows for the operator to "unilaterally enter the space without prior notice to the occupant" to check for the presence of hazardous materials.

HM3. MPS 4.2.2.1 requires that development and redevelopment shall make reasonable efforts to minimize their hazardous waste generation through source reduction, reuse, material substitution, employee education and recycling. To address this standard, the applicant submitted sample materials to educate prospective occupants about the facility's prohibitions on hazardous materials storage, including a acknowledgement that they understand that the operator can inspect units, that hazardous materials cannot be stored in the facility and including a list of examples of common hazardous materials. Signs will be posted throughout the facility reiterating the prohibition on storage of hazardous materials. Other educational information to be provided to occupants includes information about on-going collections at Mashpee's transfer station and the household hazardous waste events.

HM4. MPS 4.2.2.2 requires that development and redevelopment shall be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. Information submitted as part of the DRI process indicates the company has a plan in place to address hazardous waste generated during construction. The company president also indicated that employees have advanced training in hazardous waste handling. It is anticipated that the facility will generate used fluorescent bulbs, which are considered a Universal Waste in Massachusetts. The applicant submitted an outline of a program to store and properly dispose of these regulated wastes.

Community Character / Historic Preservation

CC1. The proposed project is not located within the proposed Main Street historic district and is not adjacent to individual historic structures. The Massachusetts Historical Commission reviewed the project proposal and determined that the project was located in an archaeologically sensitive area. As such, an intensive (locational) archaeological survey was conducted by Timelines Inc., under permit from the State Archaeologist. No archaeological resources were found during the survey work. The Commission received a letter from MHC on August 7, 2001, concurring that no archaeological or historic properties are located on this site, and there is no need for further survey.

CC2. Goal 6.2 of the RPP requires that future development respect the traditions and character of historic village centers and outlying rural areas so as to protect and improve, where necessary, the visual character of Cape Cod consistent with the Commission's design manual, Technical Bulletin 96-001. The project is proposed on undeveloped land outside of a certified growth center. The project's location in an outlying area requires that the facility be designed such that it retains the wooded character of the roadway.

CC3. Because the project is located on Route 130, a regional road, the development will have regional visual impacts. The applicant discussed several site configurations with staff in an effort to identify the one with the least visual impact and the most functional site design. This was accomplished by incorporating a generous wooded buffer along Route 130 and offsetting the site drive to reduce visibility of the building from the regional road.

CC4. MPS 6.2.1 requires that the height and scale of a new building shall be compatible and harmonious with its site and existing surrounding buildings. Due to the nature of the proposed use, the building is designed as a single mass of approximately 33,600 square feet ground area. The height of the building ranges from 23 to 25 feet. The area surrounding the site includes light industrial uses of a similar size and scale. The height of the building is consistent with the height of other surrounding buildings.

CC5. MPS 6.2.2 requires that the mass and scale of the building, roof shape, roof pitch and proportions and relationships between doors and windows shall be harmonious among themselves and consistent with traditional Cape Cod architectural styles. The office portion of the project has been located in the portion of the building closest to the site access to provide more detailed architectural features at the most visible location. The remainder of the structure is only visible behind the vegetated buffer. Proposed colors were revised to limit visibility and blend with surrounding existing vegetation. These measures are consistent with Technical Bulletin 96-001 and MPS 6.2.2.

CC6. MPS 6.2.3 requires all new development to provide adequate landscaped buffers in order to limit adverse visual impacts on the surrounding community. Preservation of existing natural vegetation in these buffer areas is preferred. The applicant proposed to retain an approximately 130-foot undisturbed wooded buffer along Rt. 130 in order to limit the project's visibility from this regional road, consistent with MPS 6.2.3.

CC7. MPS 6.2.5 and MPS 6.2.6 require all development to provide landscaping that integrates buildings with their environment and addresses the functional aspects of landscaping, such as drainage, screening and buffering. Supplemental plantings are proposed within the front buffer and

other project buffers to screen the project from regional views. Plant materials are suitable to the climate and location of the site, with a variety of trees and shrubs in proposed buffers and within stormwater detention basins.

CC8. The applicant has agreed to execute a landscape maintenance contract for three full growing seasons to ensure the viability of proposed plantings.

CC9. The applicant submitted a sketch plan on November 13, 2001 for a proposed freestanding sign that indicates carved letters and external illumination. The overall height and materials of the sign were not provided. The applicant did not indicate if signs on the building are proposed. Any signage on the site will be subject to Commission staff review and approval.

CC10. MPS 6.2.10 requires that parking shall be located to the rear or side of a building in order to promote traditional village design in commercial areas unless such location would have an adverse or detrimental impact on environmental or visual features on the site, or is completely infeasible. Proposed parking is adjacent to storage bay doors dispersed around all four sides of the building and is primarily located to the side and rear of the site. A small amount of parking in front of the building is adequately screened by an undisturbed wooded buffer and supplemental plantings between the parking and Route 130.

CC11. MPS 6.2.7 requires that development or redevelopment comply with the standards in Technical Bulletin 95-001. Information submitted as part of the DRI application indicates the proposed site lights will comply with Technical Bulletin standards 2.3, 2.4, 2.6 and part of 2.7 (as it relates to mounting height). The applicant also stated at a meeting on November 1, 2001 that there will be no on-building signs, and that freestanding signs will be externally illuminated from above.

CC12. Standard 2.7 applies to wall-pack lights, and requires in part that such lighting should be designed to a maximum cutoff of seventy (70) degrees from vertical. In a November 1, 2001 meeting with staff, the applicant was advised that these lights had an 80-degree cutoff, and should be replaced with ones that meet the cutoff requirement, or be equipped with additional shields to adjust the cutoff angle.

CC13. Technical Bulletin Standard 2.5 requires in part that reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed. Based on the lighting plans included with the DRI application, and if wall-pack lights were adjusted to the required 70 degree cutoff, the design will conform to this standard.

CC14. Standard 2.8 of the Technical Bulletin stipulates that the maximum initial horizontal foot-candle level as measured directly below the luminaires at grade will be 8.0. The Commission expressed the concern throughout the DRI review that proposed security cameras might require foot-candle levels well in excess of 8.0 to function properly. The applicant has stated that the security camera will operate effectively at light levels at or below 8.0 foot-candles.

CONCLUSION

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

- The benefits of the proposed project outweigh the detriments resulting from the development, as noted in Finding G4.
- The project is consistent with the Mashpee Local Comprehensive Plan. It is consistent with most applicable zoning by-laws, except where noted in Finding G3.
- The project is consistent with the Commission's Regional Policy Plan and applicable Minimum Performance Standards, as described above.

The Commission hereby approves with conditions the application of Stephen V. Raleigh for the proposed Flagship Storage Facility as a Development of Regional Impact, provided the following conditions are met:

CONDITIONS

General

G1. The project shall be constructed in accordance with the general site plan and stormwater drainage plans titled "Site Plan of Land in Mashpee, Mass. prepared for Flagship Self-Storage" prepared by Down Cape Engineering, as revised November 5, 2001, with the building elevations prepared by D.M. Davenport Architects dated October 29, 2001, and with the landscaping/planting schedule and plan prepared by Horsley & Witten as revised November 20, 2001.

G2. Prior to issuance of a Building Permit from the Town of Mashpee, the applicant shall obtain a preliminary Certificate of Compliance from the Commission which states that all conditions in this decision pertaining to issuance of a building permit have been met. The applicant shall notify the Commission staff of the intent to seek a Certificate of Compliance at least 30 (thirty) days prior to the anticipated commencement of construction. Such notification shall include a list of key contact(s) for questions that might arise during the Commission's compliance review. Commission staff shall complete an inspection under this condition within 7 (seven) business days of such notification and inform the applicant in writing of any deficiencies and corrections needed. The applicant understands that the Commission has no obligation to issue a Certificate of Compliance unless all conditions are complied with or secured, consistent with this decision. The applicant agrees to allow Commission staff to enter onto the property that is the subject of this decision for the purpose of determining whether the conditions of the decision have been met.

G3. The applicant shall obtain a final Certificate of Compliance prior to the issuance of a Certificate of Occupancy from the Town of Mashpee. Except as specified in the other conditions below, all conditions of this decision shall be completed prior to the issuance of a final Certificate of Compliance.

G4. Failure to comply with all conditions stated herein and with all related statutes and other regulatory measures shall be deemed cause to revoke or modify this decision.

G5. The applicant shall obtain all applicable local and state permits for the proposed project.

G6. No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed.

G7. This DRI decision is valid for 7 years; local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision.

Water Resources

WR1. Prior to the issuance of a final Certificate of Compliance, the applicant shall install a Massachusetts DEP-approved innovative/alternative denitrifying septic system for the building.

WR2. Prior to the issuance of a preliminary Certificate of Compliance, the applicant shall provide a \$14,600 monetary contribution to Barnstable County / Cape Cod Commission for nitrogen mitigation based upon the equivalent of 1.8 denitrifying systems @ \$8,000 per system. These funds shall be expended upon the authorization of the Commission's Executive Director to support projects or strategies that encourage the reduction of nitrogen loading in Mashpee.

WR3. The design plan for the proposed storm-water system shall include two manual shut off valves for isolation of the storm-water in the event of an emergency. Signage shall be installed that reads, "Dump no waste, it drains to groundwater."

WR4. Prior to the issuance of a final Certificate of Compliance, signs shall be posted outside and inside storage areas clearly stating that no hazardous materials are allow to be stored or discharged on the property.

WR5. Prior to the issuance of a final Certificate of Compliance, the applicant shall submit a plan for operation and maintenance of all stormwater facilities.

Natural Resources

NR1. Prior to recording the on-site conservation restriction and the issuance of a final Certificate of Compliance, the proponent shall perform the proposed site work and revegetation as shown on the plans titled "Site Plan of Land in Mashpee, Mass. prepared for Flagship Self-Storage" dated November 5, 2001, and the Planting Plan & Schedule dated November 20, 2001 prepared by Horsley & Witten, Inc.. This revegetation shall be approved by Commission staff prior to a final Certificate of Compliance.

NR2. Prior to the issuance of a preliminary Certificate of Compliance and the initiation of any clearing or site work on the project site, the applicant shall install construction fencing that clearly delineates the work area, consistent with the boundaries of the proposed open space area. This limit of work area may include areas where fill, grading and revegetation are proposed, consistent with the plan "Site Plan of Land in Mashpee, Mass. prepared for Flagship Self-Storage", dated November 5, 2001, as approved in this Decision by the Commission.

NR3. Prior to issuance of a preliminary Certificate of Compliance, the proponent shall provide the Cape Cod Commission with a draft conservation restriction consistent with Massachusetts General Laws Chapter 184, Sections 31 – 33. The Conservation Restriction and accompanying plan shall be subject to approval by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court prior to the issuance of a final Certificate of Compliance. The conservation restriction shall indicate that the open space area identified on the plan titled “Conservation Restriction Plan prepared for Flagship Self-Storage”, dated November 29, 2001, totaling 0.906 acres, shall be preserved as permanent open space.

NR4. Prior to a preliminary Certificate of Compliance, the proponent shall donate the 1.1 acre off-site open space parcel identified as parcel 12 on Town of Mashpee Assessors Map 28 to the Mashpee Conservation Commission to be held for permanent conservation purposes. The form and content of the donation shall be approved by Cape Cod Commission counsel.

NR5. Prior to the issuance of a final Certificate of Compliance, the proponent shall provide a cash contribution to Account #556, Mashpee Conservation Trust Fund, Town of Mashpee, for open space acquisition purposes in the amount of \$7,970.00 for the remaining 0.504 acres of required open space.

NR6. Prior to receipt of a final Certificate of Compliance, the proponents shall clearly mark the boundaries of the permanent open space on the on-site and off-site parcels with concrete bounds.

Transportation

T1. Prior to the issuance of a preliminary Certificate of Compliance, the applicant shall make a monetary contribution of \$35,450 (known as the Base Mitigation Payment) to Barnstable County / Cape Cod Commission. These funds shall be expended upon the recommendation of the Cape Cod Commission Executive Director to support projects or strategies that encourage alternatives to automobile travel in the town of Mashpee. These include but are not limited to, planning, design, or construction of alternatives to automobile travel such as bicycle paths and sidewalks; supporting, marketing or promoting bus or shuttle services; the purchase of land for the creation of bicycle or pedestrian ways; or the monitoring of traffic volumes, speeds, and vehicle classification. Any funds remaining after 10 years shall be turned over to the Cape Cod Regional Transit Authority or similar transportation agency for public transportation. All interest accumulated by the Base Mitigation Payment during the holding period by Barnstable County / Cape Cod Commission will also be used for the above purposes.

T2. Prior to the issuance of a preliminary Certificate of Compliance, the applicant shall make an additional monetary payment of \$35,450 known as the Travel Demand Management (TDM) Escrow, to be held in escrow by Barnstable County / Cape Cod Commission. The applicant will pay for a mutually agreed upon monitoring study as outlined in “Flagship Self Storage Traffic Monitoring Study Procedure” by a qualified traffic consulting firm to determine actual year round full occupancy average weekday traffic generation. The building will be limited to a maximum of 78,000 square feet of rentable area in a maximum of 725 individual units. The gross floor area of the building is limited to 100,800 square feet.

T3. The monitoring study will be conducted after 25% of the rentable square footage of the entire facility has been rented, or after three years from the issuance of the final Certificate of Compliance, whichever is earlier. If an occupancy permit is not issued by the Town of Mashpee by five years after the date of the final DRI decision, the full TDM Escrow and any interest accumulated will be released for use as mitigation as outlined in T1.

T4. The Cape Cod Commission reserves the right to conduct driveway check counts at the site driveway during the period in which monitoring study driveway counts are being conducted. These counts will be used to verify data presented through the monitoring study. If discrepancies greater than 10% occur, the Commission may disqualify data and require additional data collection and analysis, at the expense of the applicant.

T5. The total TDM Fee will be determined by multiplying \$70,900 by the ratio of the year round full occupancy average weekday traffic generation from the Traffic Monitoring Study to the ITE estimated trip generation of 238 trips. If the result is less than or equal to the Base Mitigation Payment (\$35,450), the full TDM Escrow (\$35,450) will be returned with the interest earned by the TDM Escrow. If the result is greater than the Base Mitigation Payment (\$35,450) but less than the full payment of \$70,900, a portion of the TDM Escrow will be returned to the applicant calculated as the difference between \$70,900 and the total TDM Fee. The proportion of interest earned by the TDM Escrow corresponding to the ratio of any returned payment to the full TDM Escrow will also be returned to the applicant. If the total TDM Fee is equal to or greater than \$70,900, no funds will be returned. In all cases, the remaining funds (including proportional interest) after return of some or none of the TDM Escrow will be released for use as mitigation as outlined in T1.

T6. The applicant shall maintain site driveway safe sight distances through maintenance of vegetation on its property. It is recommended that the applicant communicate with the Town of Mashpee regarding any sight-distance problems caused by vegetation growth on town property.

Hazardous Materials

HM1. Prior to the issuance of a final Certificate of Compliance, the applicant shall submit for Commission review and approval a copy of the final management plan for the collection, storage, transportation and disposal of fluorescent bulbs.

Community Character / Historic Preservation

CC1. Plant materials specified by this decision may be substituted with prior written approval of Commission staff.

CC2. If all required exterior lighting, site work, irrigation, and/or other landscape improvements are not complete at the time a final Certificate of Compliance is sought from the Commission, any work which is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall be equal to 150% of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The escrow agreement shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow

funds shall be returned to the applicant, with interest, upon completion of the required work. All site and landscape work shall be completed within 3 months of the issuance of a final Certificate of Compliance.

CC3. Prior to issuance of a Preliminary Certificate of Compliance, the applicant shall submit for Commission staff review and approval a draft landscape maintenance agreement for three (3) full growing seasons which follows guidelines established by Commission staff. Prior to issuance of a Final Certificate of Compliance, the applicant shall submit documentation of a final maintenance agreement contract.

CC4. The exterior of the building shall consist of Clayton, or equivalent, split-faced concrete masonry units. The predominant building color shall be gray C-30; accent colors shall be either red C-14 or C-16. Concrete columns shall be painted to match the red accent color. The prefinished galvanized steel wall panels shall be Centria Dimension Series Evergreen, DS-59 reveal and 2-inch depth. Aluminum storefront windows shall be revised to be smoky gray in color to match the gray building material.

CC5. Prior to issuance of a preliminary Certificate of Compliance by the Commission, the applicant shall submit an "as to be installed" exterior lighting plan. This plan shall be used in connection with condition CC6 and shall conform to the standards and information submission requirements of Technical Bulletin 95-001, including, if necessary, submission of additional technical information on fixtures, or one or more point-to-point foot-candle plans.

CC6. Prior to issuance of a final Certificate of Compliance from the Commission, in-the-field verification of light levels shall be conducted by Commission staff to verify conformance with the requirements of the Technical Bulletin 95-001 and MPS 6.2.7. This shall also include verification that installed signage is in conformance with condition CC7 below. In the event that unexpected conditions arise during construction that require redesign or adjustments to site exterior lighting fixtures, including substitutions of fixture heads, the applicant shall obtain approval from Cape Cod Commission staff prior to the construction consistent with the Commission's regulations governing revisions to approved DRI's. Modifications made during construction that are in accordance with Technical Bulletin 95-001 shall be considered as Minor Modifications #1 and approved by Commission staff.

CC7. The applicant shall be limited to one freestanding sign for the project site. The installation of billboards, off-site advertising (except approved directional signs) and internally lit or flashing signs shall be prohibited. All signage on the site shall be in conformance with Technical Bulletin 95-001. Prior to the issuance of a preliminary Certificate of Compliance, the applicant shall submit detailed signage plans for Commission staff review and approval.

The Cape Cod Commission hereby approves with conditions the application of Stephen V. Raleigh as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c.716 of the Acts of 1989, as amended, for the proposed Flagship Storage Facility in Mashpee, Massachusetts.

Elizabeth Taylor
Elizabeth Taylor, Chair

Dec. 6, 2001
Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 6th day of December, 2001, before me personally appeared Elizabeth Taylor, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

Katharine L. Peters
Notary Public
Commonwealth of Massachusetts

My Commission expires

