



CAPE COD COMMISSION

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DATE: July 23, 2001 MOD-TR99030 (Modification/type 2)
(Second of Two)

TO: Thomas Evans, Headmaster
Cape Cod Academy
P.O. Box 469
Osterville, MA 02655

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

APPLICANT: Thomas Evans, Headmaster

PROJECT: Cape Cod Academy -- New Lower School
50 Osterville-West Barnstable Road
Osterville, MA 02655

BOOK/PAGE: Book: 4065 Page: 25
Book: 5109 Page: 327

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of Mr. Thomas Evans, Headmaster of Cape Cod Academy, for a modification to an approved Development of Regional Impact Decision under Section 9(n) of the DRI *Enabling Regulations* to allow use of four uplights.

The changes are hereby approved as a Minor Modifications #2 under Section 7 of the *Administrative Regulations* (as revised). This decision is rendered pursuant to a vote of the Commission's Regulatory Committee on July 23, 2001.

ORIGINAL PROJECT DESCRIPTION and MATTERS AT ISSUE

In a DRI decision dated November 18, 1999, the Commission approved, with conditions, a proposed addition to the existing Cape Cod Academy (Academy) campus consisting of a "33,000 square foot, mostly one-story building" to house classes for Kindergarten to fifth grade.

CC1 and CC2 of the Commission's November 18, 1999 DRI decision state that "exterior lighting for the project shall be in conformance with MPS 6.2.7 and 6.2.8 and the requirements of Technical Bulletin 95-001." Technical Bulletin 95-001 states in standard 2.4 that "luminaires should be the shoe box type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and Area lighting is unacceptable. All luminaires shall have a total cutoff of all light at less than ninety (90) degrees from vertical. The lighting fixture should only be visible from below."

PROCEDURAL HISTORY

In meetings with Cape Cod Academy representatives in June and July, 2001, staff noted that site plans showed use of a limited number of uplights that were not in keeping with standard 2.4 of Technical Bulletin 95-001. Staff informed the Headmaster, Thomas Evans, that the applicant could



seek a determination from the Regulatory Committee. Mr. Evans sent the Commission two letters, dated July 10, 2001 and July 11, 2001, outlining his position on the exterior lighting. Staff developed a Memorandum explaining the issues to the Regulatory Committee, and informed Mr. Evans that the matter would be on the July 23, 2001 Committee agenda.

COMMENTS/DISCUSSION AT THE REGULATORY COMMITTEE MEETING

Mr. Evans explained the Academy's position to the Regulatory Committee. Staff described the exterior lighting at the Lower School and noted that uplights were not in keeping with Technical Bulletin 95-001. No comments from the public were received at the July 23, 2001 Regulatory Committee meeting.

The Regulatory Committee considered the limited use of uplighting in relation to standard 2.4 of the Technical Bulletin, and voted unanimously to consider this a Minor Modification #2 under Section 7 of the *Administrative Regulations* (as revised). They did not authorize any changes to the DRI decision to reflect the fact that the still Academy's exterior lighting design had to comply with the other standards of Technical Bulletin 95-001.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Two letters 7/11/01

B. Materials submitted by Cape Cod Commission:

Memorandum, to Regulatory Committee 7/18/01

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

The information and notice of the public hearings relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and meetings and all submissions received in the course of the proceedings, including materials submitted on file TR-99030, EX-99030 and MOD-TR99030 are incorporated into the record by reference.

JURISDICTION

The proposed changes to Cape Cod Academy's new Lower School project qualify as a modification to an approved DRI Decision under Section 9(n) of the *DRI Enabling Regulations*.

FINDINGS

The Commission's Regulatory Committee considered the exterior lighting of the new Lower School and voted unanimously to consider the limited use of four uplights in the site design as a Minor Modification #2 under Section 7 of the *Administrative Regulations* (as revised).

However, no changes to the findings or conditions of the original decision are authorized since the Regulatory Committee has also found that the rest of the exterior lighting design for the new Lower School shall comply with Technical Bulletin 95-001 and Minimum Performance Standard 6.2.7.

David J. Ansel
David J. Ansel
Chair, Regulatory Committee

8/23/01
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this 23rd day of August, 2001, before me personally appeared

David Ansel, 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.

Katharine L. Peters

Notary Public
Commonwealth of Massachusetts

My Commission expires:

