

CAPE COD COMMISSION

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Date: August 22, 2002

Applicants: Falmouth Academy, Inc.

Re: Development of Regional Impact Exemption Request
Section 12(k) of the Cape Cod Commission Act

Project: Falmouth Academy Classroom Expansion

Project #: EX02022

Book/Page: 4862/209

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby grants the Development of Regional Impact (DRI) Exemption request of Falmouth Academy, Inc. for their proposed classroom expansion in the Town of Falmouth pursuant to Section 12(k) of the Cape Cod Commission Act (Act), c.716 of the Acts of 1989, as amended. This Decision is rendered pursuant to a vote of the Commission on August 22, 2002.

PROJECT DESCRIPTION

Falmouth Academy, Inc. proposes to construct a three-story, 15,000 square foot (sq.ft.) addition to serve the existing college preparatory school campus on Highfield Drive in Falmouth. The footprint of the proposed addition measures 94.5 by 52 feet. The Academy is located on a 33.65 acres site.

The existing school is currently functioning at constrained levels and the additional classroom space is being sought to ease the burden on the existing school facilities. According to the DRI Exemption application, no increase in enrollment or occupancy is planned or will occur as a result of this proposed classroom addition/expansion.



PROCEDURAL HISTORY

The Town of Falmouth Planning Office referred the project to the Commission on June 5, 2002, after receiving a local Application for Site Plan Review from the Planning Board on June 4, 2002. The Commission received the referral on June 6, 2002. A DRI Application and a DRI Exemption Application were filed simultaneously by Francis P. Bowles, on behalf of Falmouth Academy, Inc., on June 7, 2002. The Exemption Application was accepted as complete by Commission staff on June 21, 2002.

A duly noticed Public Hearing pursuant to Section 5 of the Act was held by an authorized Subcommittee of the Commission on the DRI Exemption request and the DRI Application on Wednesday, July 24, 2002 at 7:00 p.m. at the Gus Canty Recreation Center in Falmouth. At this hearing the Subcommittee voted unanimously to recommend to the full Commission the granting of the DRI Exemption for Falmouth Academy, Inc. and to continue the Exemption and DRI public hearings to August 2, 2002 at 10:00 am for a hearing officer to close the Exemption hearing. A duly noticed Public Hearing pursuant to Section 5 of the Act was scheduled for August 22, 2002 for the purpose of considering the DRI Exemption.

On August 22, 2002, the full Commission voted unanimously to grant the DRI Exemption as requested by Falmouth Academy, Inc.

Materials Submitted for the Record

Application Materials:

- DRI Referral Form from the Town of Falmouth Planning Office, received by Commission on 6/6/02
- DRI Application, received by Commission 6/7/02 (with attachments 1-15)
- DRI Exemption Application, received by Commission 6/7/02
- Letter from JK Scanlan Company to Bowles and Buxton re: construction waste, 7/23/02

From the Cape Cod Commission:

- Letter to applicant, notice of receipt of DRI referral from town, 6/21/02
- Memorandum to DRI Subcommittee members, 6/24/02
- Staff Report, 7/18/02
- E-mail of message from Andrea Adams, Commission planner, to Francis Bowles, project coordinator, 7/25/02

Materials Submitted at the Public Hearing, July 24, 2002:

- Memorandum from Buxton, Headmaster, to Commission re: applicants response to issues raised in Staff Report, 7/24/02

The application and notices of public hearings relative thereto, the Commission's staff reports, exhibits and correspondence, the transcript and minutes of hearings, and all written submissions received in the course of our proceedings including materials submitted with file #TR02022/EX02022 are incorporated into the record by reference.

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JURISDICTION

The proposed Falmouth Academy, Inc. project qualifies as a DRI under Section 3(e) of the Code of Cape Cod Commission Regulations of General Application, Chapter A, as an "addition or auxiliary building with a gross floor area greater than 10,000 sq.ft...." This DRI Exemption is granted subject to Section 12(k) of the Cape Cod Commission Act, as amended.

TESTIMONY

A Subcommittee of the Cape Cod Commission held a public hearing at 7:00 p.m. on Wednesday, July 24th, 2002, at the Gus Cauty Recreation Center in Falmouth. The following is a summary of the testimony given.

Applicants Mr. Bruce Buxton, Headmaster of Falmouth Academy, and Dr. Francis Bowles, project and architectural coordinator, explained why Falmouth Academy, Inc. is seeking to expand their classroom space and discussed the overall mission of Falmouth Academy as related to this project.

Stacey Justus, Commission staff planner, summarized the Staff Report dated July 18, 2002, which described the impacts of the project and recommended that the Subcommittee recommend granting the DRI Exemption request.

No public testimony was offered.

The Subcommittee continued the DRI Application hearing and the DRI Exemption hearing until August 2, 2002. The Subcommittee voted unanimously to recommend to the Commission that the project be granted a DRI Exemption.

FINDINGS

The Commission has considered the application of Falmouth Academy, Inc. for a DRI Exemption regarding the proposed classroom expansion project. Based upon consideration of such application, and information presented at the Public Hearing and submitted for the record, the Commission makes the following findings pursuant to Section 12(k) of the Act:

General

G1. The proposed project involves the construction of a three-story, 15,000 square foot (sf) addition to serve the existing college preparatory school campus of the Falmouth Academy on Highfield Drive in Falmouth. The footprint of the proposed classroom addition will measure 94.5 by 52 feet (see *Ground and First Floor Plans*, dated 6/3/02, as prepared by Daniel

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Architects Inc/Fondren McGrath Architects). The Academy is located on a 33.65 acre site (see *Proposed Site Plan*, dated 6/4/02, as prepared by Daniel Architects Inc/Fondren McGrath Architects).

G2. The existing school is currently functioning at constrained levels and the additional classroom space is being sought by the applicant to ease the burden on the existing school facilities.

G3. No increase in the existing permitted enrollment of 210 students or occupancy is planned or will occur as a result of this classroom addition/expansion.

G4. The proposed project qualifies as a DRI under Section 3(e) of the Code of Cape Cod Commission Regulations of General Application, Chapter A, as an "addition or auxiliary building with a gross floor area greater than 10,000 sq.ft...."

G5. The Commission finds that the proposed Falmouth Academy, Inc. classroom addition project will not have significant regional impacts outside of the Town of Falmouth and, therefore, does not require DRI review of this project.

Natural Resources

N1. Portions of the proposed project are located in a Significant Natural Resource Area as mapped by the Regional Policy Plan (RPP) due to the presence of unfragmented forest habitat. The site is not located in state listed rare species habitat according to the Natural Heritage and Endangered Species Program.

N2. The proposed addition to the Falmouth Academy classroom building will impact a 5,000 sf building footprint area and between 5,000 and 10,000 sf of additional alteration associated with clearing and grading. A partial assessment of natural resources at the site was provided, and staff made a site visit to discuss the area that would be impacted by the proposed development. As indicated in the application materials, the site area is presently vegetated with a mix of beech and oak trees with a shrub under-story. While site construction will require the removal of many of these beech and oak trees, it is unlikely that the proposed construction will have a significant permanent impact on wildlife given the relatively limited scope of disturbance.

N3. Siting the classroom addition adjacent to the existing buildings reduces fragmentation of habitat as required by Minimum Performance Standard 2.4.1.2. The application materials indicate that landscaping similar to the landscaping found elsewhere on the school grounds will be installed within disturbed areas associated with the new construction.

N4. Extensive areas under the control of Falmouth Academy will remain undisturbed, continuing to provide unfragmented wildlife habitat and opportunities for wildlife movement within and through this site.

Water Resources

W1. The proposed Falmouth Academy classroom addition is not located within a wellhead protection area, a nitrogen sensitive marine embayment, or a future potential water supply area. Also, this project will not result in either an increase in student enrollment or in parking on the site, therefore, it does not trigger any water resources related Minimum Performance Standards.

W2. Minimum Performance Standard 2.1.1.1 requires that development not exceed a 5-ppm nitrogen loading standard for impact on groundwater. The nitrogen loading calculations provided by the applicant adequately demonstrate compliance with this standard, and as such, this proposed classroom addition will not have regional groundwater impacts.

Community Character

C1. The proposed classroom addition will not have detrimental visual impacts on the region, as it is located to the rear of the existing school and therefore not visible from adjacent properties or regional roadways. The addition is screened by the existing school buildings, vegetation and landscaping and is set into a slope to further reduce its visual impact.

C2. The design is consistent with the Community Character Minimum Performance Standards as it incorporates variety in both the roof height and façade that reduce the building's apparent mass. The design also incorporates the style and materials of the existing school buildings and proposes landscaping similar to the existing landscaping on the campus, which is consistent with the Design Guidelines for Cape Cod, Technical Bulletin 96-001.

Exterior Lighting

E1. The application for this proposed project states that "*exterior lighting will be wall-mounted and similar in type, number and intensity as the wall-mounted lighting on the existing building.*" Based on this statement, foot-candle measurements taken by Commission staff at the time of the gymnasium DRI Exemption project (a previous expansion granted a DRI exemption in 1996), and the proposed building's location, the Commission finds that this project is unlikely to have significant exterior lighting impacts.

Transportation

T1. The trip generation for the proposed project is based on the following:

- The existing school is currently functioning at constrained levels and the additional space is being sought to ease the burden on the existing school.
- Though the existing school is fully enrolled, no increase in the existing permitted enrollment of 210 students is requested or planned as a result of this proposed addition.
- The existing school classrooms are inadequate in size and function.

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- The new classroom addition will be used for institutional, educational purposes.
- The new classroom addition is to be located within the existing school campus off Highfield Drive in Falmouth.
- The Institute of Transportation Engineer *Trip Generation* manual uses “students” as an independent variable in calculating trip generation.

T2. Based on the information in Finding T1 above, no increase in traffic is expected from this classroom addition.

T3. Based on no net increase in vehicle traffic, no new traffic would be added to the roadway system as a result of this project. Therefore, this project has no impacts on the regional roadway system of Cape Cod.

Solid Waste

SW1. In a letter dated July 23, 2002 from the JK Scanlan Company, the applicant addressed the manner by which construction wastes generated during the construction process will be separated out into separate containers and brought to a local processing station for recycling. The applicant’s willingness to recycle as much construction/demolition as possible, is consistent with MPS 4.2.1.1.

SW2. In a letter dated July 23, 2002 from the JK Scanlan Company, the applicant stated that a licensed and qualified waste removal company would manage the construction wastes in a manner consistent with MPS 4.2.1.1 and 4.2.1.2.

SW3. In a memorandum, dated July 24, 2002, from Falmouth Academy, Mr. Bruce Buxton, Headmaster of Falmouth Academy, stated the school has an advanced recycling program that recycles aluminum, glass, plastics, cardboard, paper, scrap metal and used books. In addition, the school recycles food waste as compost. Similarly, the recycling of fluorescent light tubes would continue in full compliance with all good practices (see attachment to the 7/24/02 memorandum, a contract with Superior Special Services, Inc., a licensed mercury recycling and transportation company). Therefore, this proposed project is consistent with MPS 4.2.1.3.

Hazardous Materials/Waste

HM1. According to maps produced for the 2002 RPP, the site is not located in an existing Wellhead Protection District/Zone II, and is also not located in a Potential Public Water Supply Area. As such, MPS 4.3.1.3 is not applicable to this project.

HM2. The applicant submitted information on Falmouth Academy's existing micro-scale chemistry program. Given that the project is a school, the Commission finds that the existing micro-scale chemistry program is a reasonable effort to minimize hazardous material use and/or waste generation as stipulated by MPS 4.3.1.1.

HM3. The application materials included a Memorandum from Andrew Mattox, Environmental Health and Safety Officer of the Marine Biological Laboratory (MBL) at Woods Hole stating that "Falmouth Academy appears to be in good status as a Very Small Quantity Generator" of hazardous waste, and indicating that MBL "is willing to continue to accept waste from Falmouth Academy, including hazardous waste, on a courtesy basis...." The Commission's review process verified that the MBL is a registered Small Quantity Generator of hazardous waste, and, as such, it can handle hazardous waste from Falmouth Academy if it so chooses. Given that MBL and the Academy have an existing relationship in terms of hazardous waste management, and that both appear to be registered generators in good standing, the Commission finds that the Academy is in substantial compliance with the Massachusetts Hazardous Waste Regulations as stipulated by MPS 4.3.1.2.

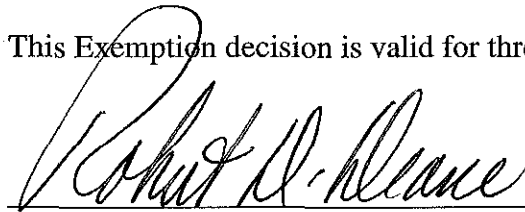
CONCLUSION

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

As proposed, the location, character, and environmental effects of the proposed Falmouth Academy classroom expansion will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is located.

The Commission hereby grants Falmouth Academy, Inc. a DRI Exemption from the terms and provisions of the Act, pursuant to Section 12(k) of the Act for the proposed classroom addition in Falmouth, MA.

This Exemption decision is valid for three years from the date of issuance.



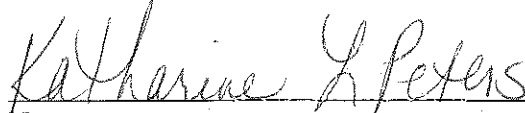
Robert D. Deane, Chair, Cape Cod Commission



Date

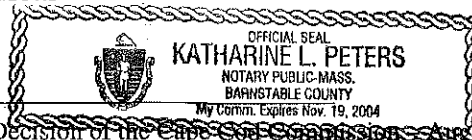
Commonwealth of Massachusetts
County of Barnstable

On this 22 day of August, 2002, before me personally appeared Robert D. Deane 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.



Notary

Commonwealth of Massachusetts



My Commission Expires:

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