



# CAPE COD COMMISSION

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DATE: October 21, 2004

APPLICANT: Trinity Christian Academy  
C/o Daniel McKay  
979 Mary Dunn Road  
Barnstable, MA 02630

RE: Development of Regional Impact Hardship Exemption  
Cape Cod Commission Act, Section 23

PROJECT #: HDEX# 04014

PROJECT: Trinity Christian Academy School  
979 Mary Dunn Road  
Barnstable, MA 02630

MAP/PARCEL: Map 333-013/001(1A), 002(2A)(3A)

BOOK/PAGE: Book 13891, Page 151

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the Hardship Exemption application of Trinity Christian Academy (Applicant) for the Trinity Christian Academy School (Project) at 979 Mary Dunn Road in Barnstable, MA pursuant to Section 23 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended. The decision is rendered pursuant to a vote of the Commission on October 21, 2004.

### PROJECT DESCRIPTION

The proposed Project is located at the existing Trinity Christian Academy site on Mary Dunn Road in Barnstable, MA. The School is located within the Industrial District in Barnstable, and is surrounded by a religious institution to the south, a proposed affordable housing complex to the west, a utility easement to the east, and large tracts of unfragmented forest to the northeast. The proposed development involves an existing 9,375 square foot school structure plus the construction of a 4,709 square foot adjacent addition (totaling 14,079 square feet), as well as the creation of a 45,000 square foot playground located on a 6.9-acre site.

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The school, occupied since February 2004, currently enrolls 114 students (pre-kindergarten through grade 10) and employs 28 faculty. The proposed 4,709 square foot addition will result in the creation of six classrooms, a locker area, two bathrooms and a teacher's room, which is intended to meet the needs of expanding the school population to 120 students. The existing school facility is currently serviced by 69 parking spaces, and this number is not proposed to be increased. The school and adjacent grounds will also be landscaped to further screen the building from abutting properties.

### **PROCEDURAL HISTORY**

The Trinity Christian Academy was referred to the Commission as a mandatory Development of Regional Impact (DRI) by the Barnstable Town Manager on August 3, 2004 and was received by the Cape Cod Commission on August 10, 2004. The Applicant submitted both a DRI application and a Hardship Exemption application dated July 1, 2004 that was deemed complete on August 16, 2004.

A duly noticed public hearing was conducted pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on September 30, 2004 at the Barnstable Superior Courthouse. The subcommittee reviewed the Project under the 2002 Regional Policy Plan (RPP) and voted unanimously to recommend approval of a Hardship Exemption with conditions to the full Commission. The subcommittee held a public meeting on October 7, 2004 to review the draft decision. The final public hearing was held before the full Commission on October 21, 2004. At this hearing, the Commission voted unanimously to approve the Hardship Exemption with conditions.

### **MATERIALS SUBMITTED FOR THE RECORD**

#### From the Applicant:

- Site Plan drafted by Down Cape Engineering dated June 14, 2004
- Development of Regional Impact application form dated July 1, 2004
- Fee Waiver Request form dated July 1, 2004
- DRI Hardship Exemption application form dated July 1, 2004
- Supporting letter from Trinity Christian Academy for Hardship Exemption request dated July 1, 2004
- Letter from Attorney James H. Quirk dated July 7, 2004
- Certified abutters list dated July 14, 2004
- Floor plan of proposed 4,709 square foot school addition dated July 19, 2004
- Exterior elevation of proposed 4,709 square foot addition dated July 19, 2004
- Certified abutters list dated August 3, 2004
- Application for Site Plan Review dated August 4, 2004
- Traffic analysis of origin of commuters dated September 24, 2004
- Landscape Maintenance Plan narrative dated September 24, 2004
- Landscape Plan drafted by Down Cape Engineering dated September 24, 2004
- Fax from Down Cape Engineering regarding nitrogen calculations dated September 30, 2004

#### From Cape Cod Commission staff:

- Nitrogen loading calculation sheet dated September 9, 2004

From Federal, State or Local officials:

- Letter from Barnstable Town Council regarding Hardship Exemption requested dated April 20, 2004
- DRI referral form from Barnstable Town Manager dated August 10, 2004
- Letter from MA Division of Fisheries and Wildlife dated September 13, 2004

From the Public:

- Letter from Carol Asker in favor of the proposed school dated September 17, 2004
- Letter from Russell Boles in favor of the proposed school dated September 21, 2004
- Letter from Thomas Young in favor of the proposed school dated September 21, 2004
- Letter from Donald Tuers in favor of the proposed school dated September 22, 2004
- Letter from Victor Naklicki in favor of the proposed school dated September 22, 2004
- Letter from William McClelland in favor of the proposed school dated September 22, 2004
- Letter from Elizabeth Olsen in favor of the proposed school dated September 23, 2004
- Letter from John Small in favor of the proposed school dated September 24, 2004

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

#### **TESTIMONY**

Note: see minutes in Project file for complete public hearing and subcommittee meeting proceedings.

At the September 30, 2004 public hearing the Applicant provided an overview of the proposed Project. Staff provided an overview of issues associated with community character, transportation, water resources, and hazardous waste management. The Subcommittee heard oral testimony at the Public Hearing from:

Daniel McKay, Chairman of the Trinity Christian Academy, who spoke of the benefits that the school provides to the community.

Fred Caldwell, Headmaster of the Trinity Christian Academy, who also spoke of the benefits that the school provides to the community.

Daniel Ojala from Down Cape Engineering discussed issues associated with stormwater management and wastewater disposal to conform to the RPP.

#### **JURISDICTION**

The proposed Project qualifies as a Development of Regional Impact under Section 3(e) of the DRI Enabling Regulations governing review of Developments of Regional Impact as a private educational institution with a gross floor area greater than 10,000 square feet.

## **FINDINGS**

The Commission has considered the application of Trinity Christian Academy for the proposed Trinity Christian Academy School Project, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to the 2002 RPP and Section 23 of the Act:

### **General Findings:**

- G1.** The proposed Project consists of a 14,079 square foot school that includes an existing 9,375 square foot school, a proposed 4,709 square foot addition, and a proposed 45,000 square foot playfield. The building addition and playfield are proposed to accommodate a growing student population that will not exceed 120 students and 28 faculty.
- G2.** Trinity Christian Academy relies heavily on philanthropic and charitable giving to meet its capital requirements and anticipates that this Project will require the exclusive use of philanthropic dollars for financing.
- G3.** The Hardship Exemption application outlines several factors influencing the fiscal environment of Trinity Christian Academy that affect the applicant's ability to meet the Project budget and the full requirements of the RPP. The Hardship Exemption also outlines the potential financial hardship to the Applicant if additional funds are required to fully meet the requirements of the RPP.
- G4.** According to a letter submitted by the Barnstable Town Planner, the Project is consistent with the Town's development regulations. The Project also complies with the Barnstable Local Comprehensive Plan, which has been certified by the Cape Cod Commission.
- G5.** Because the Barnstable District of Critical Planning Concern (DCPC) only applies to residences, it is not pertinent to this Project.
- G6.** The benefits of the proposed Project outweigh the detriments resulting from the development. This is supported by the following facts: the applicant will provide a one-time payment of \$298.50 toward the Lewis Bay flushing study (WR4), the play field will provide recreational benefits to a community beyond the school functions of the property (OS2), and the applicant will provide space along the development's site frontage for an eight-foot sidewalk to be constructed (T7).
- G7.** Based on the above findings, the Commission has determined that granting Trinity Christian Academy relief from the MPSs of the RPP is appropriate relief in this situation, is the minimum relief necessary based upon the hardship, and does not substantially derogate from the intent or purposes of the Act or result in substantial detriment to the public good.

### **Water Resource Findings:**

- WR1.** The Project is located in several sensitive water resource areas including a Zone of Contribution to several municipal supply wells, a marine water recharge area that contributes to Lewis Bay, and partially within a potential Public Water Supply Area.

- WR2.** MPS 2.1.1.2.A.1 requires the applicant to meet a 5 ppm nitrate-nitrogen standard. Nitrogen loading was calculated based on 1,990 gallons per day Title V wastewater flows and adjusted for a 180-day period that coincides with the school session. Nitrogen loading is estimated to be 4.96 ppm nitrate-nitrogen and is consistent with MPS 2.1.1.2.A.1.
- WR3.** MPS 2.1.1.2.A.2 prohibits the use, treatment, generation, storage or disposal of hazardous waste or hazardous materials, with the exception of household quantities. The applicant has provided the Commission with a detailed listing of these types of materials stored on-site and the manner by which they are stored and handled to conform to this standard.
- WR4.** Because the Project is located in a marine water recharge area and its nitrogen sensitivity is yet to be determined, the applicant is subject to MPS 2.1.1.2.C.1, which requires projects to make a one-time contribution towards the flushing study of Lewis Bay based on a 15 cent/gallon of wastewater per day basis. The contribution of this Project is \$298.50.
- WR5.** The Project is in conformance with MPS 2.1.1.6, which requires on-site stormwater discharge using best management practices, including the use of vegetated catch basins that are in conformance with the state stormwater policy. Based on stormwater information submitted by the applicant, the Project includes catch basins with final drainage into a vegetated swale.

**Natural Resource Findings:**

- NR1.** The Project site is located in a Significant Natural Resource Area (SNRA) due to the presence of unfragmented forest, public water supply protection area, potential public water supply area, and endangered species habitat. The site does not contain any wetlands. A natural resources inventory consistent with MPS 2.4.1.1 was not recommended as the site area was previously cleared in conjunction with construction of the 9,375 square foot school building, and comments received from the Natural Heritage and Endangered Species Program stated that the Project will not adversely affect state listed rare species or their habitats.
- NR2.** Project development is consolidated on the site, thereby minimizing both the clearing of vegetation and habitat fragmentation. Therefore, the Project conforms to MPS 2.4.1.2 and 2.4.1.3.

**Open Space Findings:**

- OS1.** Based upon a development area of 4.24 acres and the site's location with SNRA, the Project is required to provide twice the development area as permanently protected open space, or 8.48 acres, in accordance with MPS 2.5.1.3. The applicant has requested relief from this requirement as part of the Hardship Exemption request. As mentioned previously, Trinity Christian Academy's hardship is financial and it is estimated that the cost to the applicant to meet the open space requirement could exceed \$400,000.
- OS2.** The Commission has determined that granting Trinity Christian Academy relief from the open space requirement in the amount of 8.48 acres is appropriate relief in this situation. While the project site was mapped unfragmented forest habitat, it is not rare species or wetland habitat, and the play field will provide recreational benefits to a community beyond the school functions of the property. Consequently, granting relief from the open space

requirement does not substantially derogate from the intent or purposes of the Act or result in substantial detriment to the public good.

**Transportation Findings:**

- T1.** The proposed Project is a 14,079 square foot school and a 45,000 square foot playfield on Mary Dunn Road in Barnstable. Regional Roadways in the area include Mary Dunn Road, Route 6A, Independence Drive, Kidds Hill Road, Hadaway Road, Attucks Lane, Phinney's Lane, Airport Road and Route 132.
- T2.** Without mitigation, the proposed Project is expected to generate new vehicle trips as follows:
- Weekday 300 new trips
  - AM Peak 100 new trips
  - PM Peak 70 new trips
- T3.** MPS 4.1.3.4 requires analysis and mitigation of project traffic on regional roadways. MPS 4.1.2.1 requires implementation of methods to reduce or offset 25 percent of the expected increase in traffic. The applicant provided information demonstrating that an informal carpooling program exists, and that the majority of trips to and from the school occur on Mary Dunn Road from Route 6A. The applicant has also agreed to a condition that a more formalized carpooling program will be instituted to reduce the number of daily and peak hour trips generated to the school. In addition, the characteristics of school traffic do not generally coincide with the typical afternoon peak travel on area roads.
- T4.** Based on the hardship findings G2, G3 and G7, granting relief from the requirements of MPS 4.1.3.4 is appropriate.
- T5.** MPS 4.1.1.7 requires all DRIs, regardless of trip generation, to have safe sight distances at site access driveways. The applicant has agreed to a condition to maintain sight distances and work with the Town of Barnstable to maintain sight distances at the Project site driveway.
- T6.** MPS 4.1.1.2 requires review of crashes at locations where proposed developments are expected to generate 25 or more peak hour trips. A preliminary review of crashes in the school's area has shown most locations have relatively low crash histories.
- T7.** MPS 4.1.1.6 and MPS 4.1.3.9 require projects to provide access for pedestrians and bicyclists, provide connections across the property where appropriate, and maintain existing transportation rights-of-way. The adjoining property to the west has been slated for an affordable housing project. The lot has rights to access across the Trinity School driveway. The School has proposed to construct an actuated gate between the two properties that will be controlled by the Barnstable Fire Department. The applicant has expressed that the closure is intended to keep vehicle traffic away from areas used by school students.

Given the amount of development on Mary Dunn Road as well as its current narrow width, the town may build a sidewalk along Mary Dunn Road in the future. The applicant has

agreed to a condition that the school will provide space for an eight-foot sidewalk to be built along the development site's frontage on Mary Dunn Road.

- T8.** MPS 4.1.2.6 requires the maximum for parking allowed for development shall be no more than the minimum number of spaces required under zoning. The applicant has submitted information showing the existing parking conforms to local zoning (refer to site plan dated June 14, 2004) and has stated that no additional parking spaces are proposed.

### **Community Character Findings**

- CC1.** The proposed Project is located outside of any historic districts and there are no historic structures located on the Project site.
- CC2.** MPS 6.2.5 states that where an individual structure exceeds a building footprint of 10,000 square feet, the massing, façade and roof configuration shall be varied in order to reduce the apparent mass of the building. The existing school consists of a single-story structure clad in a light-colored vinyl siding. The proposed addition is designed as an ell that extends from the center rear of the existing building, creating a distinct massing that breaks the building into two components, consistent with the performance standard. Both the existing school and the proposed addition are simple, gable-roofed structures, with smaller gables located at the main and side entrances.
- CC3.** MPS 6.2.8 requires "*development to provide adequate buffers between parking areas and the street.*" On September 24, 2004, staff received a landscape plan for Trinity School. The plantings indicated on the landscape plan, in combination with existing topography and vegetation, would provide an adequate amount of screening. The applicant has agreed to a condition that the school will work with the Town and the electric utility company to ensure an undisturbed buffer of existing vegetation adjacent to or within the utility easement along Mary Dunn Road.
- CC4.** The applicant provided a maintenance plan stating that the school will assign a staff member to water and maintain the plantings, and will work with a consultant on fertilizing, mulching and watering. Irrigation will be provided in the planting beds in front of the school only, which will require that all other newly installed plantings will require deep hand watering for the first three years to become well established. New plantings will require supplemental watering by hand in weeks when normal rainfall is less than 1 inch per week.

### **Exterior Lighting Findings:**

- EL1.** MPS 6.2.10 of the 2002 RPP requires that development and redevelopment conform to the Cape Cod Commission's exterior lighting design standards and submission requirements, Technical Bulletin 95-001. No information was submitted during the Commission's review of the Project concerning either the exterior lighting on the existing 9,375 square foot building or the proposed 4,709 square foot addition. MPS 6.2.1.1 requires any sign lighting to be down angled.

### **Noise Findings:**

- N1.** MPS 2.6.1.1 requires DRIs be in compliance with the Department of Environmental Protection's Air Pollution Control Regulations. Under these regulations, noise is considered

an air pollutant. These regulations and the Department's policy on noise sources establish requirements for sound measurement studies and stipulate noise reduction methods. No information was submitted by the applicant during the Commission's review of the Project concerning this standard. Based on Commission reviews of other projects, sources of noise include construction equipment (for the land preparation and building construction) and roof-top mechanical devices for the finished building (fans, heating/air cooling equipment).

- N2. The Commission finds that it is appropriate to waive the requirement for a sound study under MPS 2.6.1.1 given the unique circumstances of this Project.

**Hazardous Materials Findings:**

- HM1.** The Project site is located in an existing Wellhead Protection District/Zone II, and is also located in a Potential Public Water Supply Area according to maps produced for the 2002 RPP. MPS 4.3.1.3 limits the amount of hazardous materials or hazardous wastes that can be used, handled, stored, generated or treated on-site to a household quantity.
- HM2.** MPS 4.3.1.1 requires DRIs to *make reasonable efforts to minimize their hazardous material use and/or waste generation through source reduction, reuse, material substitution, employee education, and recycling.* The applicant provided no information during the Commission's review of the Project describing the school's current on-site use, handling, and storage of hazardous materials attributable to all facility functions, or connected to school programs (science, art, athletics, etc.), and facility and grounds maintenance. According to the applicant's site engineer, the site is supplied by natural gas that will be used for facility heating.
- HM3.** MPS 4.3.1.2 requires that DRIs *be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.000.* No information was submitted during the Commission's review of the Project to indicate if the Academy generated hazardous waste from facility or grounds maintenance.
- HM4.** MPS 4.3.1.4. requires DRIs *prepare an emergency response plan that identifies potential threats to employee safety and health and threats of environmental releases and describes ways to reduce those threats.* No information was submitted by the applicant during the Commission's review of this Project concerning this standard.

**CONCLUSION**

Based on the findings above, the Commission hereby concludes:

1. Due to the nature of the school's heavy reliance on philanthropy for capital expenditures, the Cape Cod Commission finds that a Hardship Exemption is appropriate. A literal enforcement of the provisions of the Act would involve trip mitigation and open space contributions that would represent a financial hardship to the Applicant. Partial relief from the transportation standards, open space and water resource requirements may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of the Act.

2. The Commission hereby approves with conditions the Hardship Exemption application of the Trinity Christian Academy for the Trinity Christian Academy School, provided the following conditions are met:

#### **GENERAL CONDITIONS**

- GC1.** The proposed Trinity Christian Academy School Project shall be constructed in accordance with the following final plans:
- Site Plan dated June 14, 2004
  - Building elevations dated July 19, 2004
  - Landscape Plan dated September 24, 2004
  - Landscape Maintenance Plan narrative dated September 24, 2004
- GC2.** 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. 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.
- GC3.** 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.
- GC4.** The Applicant shall obtain all necessary Federal, state and local permits for the proposed Project.
- GC5.** 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.
- GC6.** Prior to issuance of a building permit for any phase of proposed construction, the Applicant shall submit final plans as approved by local boards for review by Commission staff to determine their consistency with this decision and/or information submitted as part of the DRI review. If the final plans approved by local boards are inconsistent with this decision and/or supporting information, then they shall be reviewed subject to Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 5/30/02 and as amended from time to time.
- GC7.** Prior to issuance of a demolition permit or building permit for any phase of construction, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that states all conditions in this decision pertaining to issuance of a building permit have been met.
- GC8.** Prior to receiving a temporary or Final Certificate of Occupancy from the Town of Barnstable, the Applicant shall obtain a Final Certificate of Compliance from the Commission.
- GC9.** The Applicant shall be responsible for providing proof of recording of the Decision prior to issuance of a Preliminary Certificate of Compliance.

**GC10.** The Applicant shall demonstrate that a copy of this decision has been provided to the general contractor prior to the start of construction.

**Water Resources Conditions:**

**WR1.** Prior to the issuance of a Preliminary Certificate of Compliance, the applicant shall make a one-time payment of \$298.50 to Barnstable County towards the flushing study of Lewis Bay. Funds will be dispersed to the Town of Barnstable upon approval of the Executive Director of the Cape Cod Commission.

**Transportation Conditions:**

**T1.** The applicant shall maintain American Association of State Highway Transportation Officials safe stopping sight distances where the driveway meets Mary Dunn Road. The applicant shall work with the Town of Barnstable and the utility company to maintain sight distances on those parcels adjacent to the school's property.

**T2.** The applicant shall coordinate with the Town of Barnstable and allow an eight-foot sidewalk to be built along the development site's frontage on Mary Dunn Road.

**T3.** Prior to the issuance of a Final Certificate of Compliance, the applicant shall design and implement a more formalized carpooling program to reduce the number of peak hour trips generated by the school.

**T4.** The applicant shall not construct any additional parking spaces beyond the 69 parking spaces that currently exist at the school. Any change in the number of parking spaces will require a DRI modification.

**Community Character Conditions:**

**CC1.** The School shall be constructed as shown on elevation drawings and renderings submitted by the applicant's architect received July 19, 2004. Any changes to the proposed design plans shall be approved by Commission staff.

**CC2.** The applicant shall construct a mock-up panel on site with the proposed materials and colors of the Trinity Christian Academy school's exterior wall panels for final consideration by Commission staff prior to the issuance of a Preliminary Certificate of Compliance. Any change in materials or colors may be reviewed by staff as a minor modification #1 or, if there is disagreement may be reviewed by the Regulatory Committee.

**CC3.** The Project shall be landscaped as shown on the September 24, 2004 landscape plan. The school shall work with the Town and the electric utility company to ensure that an undisturbed buffer of existing vegetation adjacent to or within the utility easement along Mary Dunn Road is maintained.

**CC4.** The applicant shall maintain the landscaping, including watering, fertilizing and mulching according to the landscape maintenance plan. In weeks in which normal rainfall is less than 1 inch per week, the applicant shall deeply hand water new plantings.

**Exterior Lighting Conditions:**

- EL1.** Prior to issuance of the Preliminary Certificate of Compliance, the applicant shall submit technical information on exterior lights for the existing building and the proposed 4,709 square foot addition consistent with the requirements of MPS 6.2.10 and Technical Bulletin 95-001, including but not limited to submission of a point-to-point foot-candle plan showing maintained condition of all fixtures.
- EL2.** With respect to the proposed addition, once construction has commenced, should unexpected conditions arise that require redesign or adjustments to site exterior lighting fixtures, including substitutions of fixture heads, the applicant shall first obtain approval from Commission staff for the revised exterior lighting design prior to the construction/installation consistent with Section 7 of the *Administrative Regulations* (dated 5/30/02, and as amended). Modifications made during construction that are in accordance with Technical Bulletin 95-001 may be considered as Minor Modifications #1 and may be approved by Commission staff.
- EL3.** Prior to issuance of a Final Certificate of Compliance, in-the-field verification of light levels shall be conducted by Commission staff to verify conformance with the requirements of this decision, Technical Bulletin 95-001 and MPS 6.2.10.

**Noise Conditions:**

- N1.** The Project's land clearing/construction phase shall incorporate the site preparation and construction noise attenuation measures including but not limited to limits on the days and times of construction and use of acoustical silencers on heavy equipment. The physical and mechanical systems for the proposed addition shall also incorporate sound-attenuation measures including but not limited to where the equipment is placed on the site, use of low-speed fans, and silencers on exhaust/fan ports and ductwork.

**Hazardous Materials Conditions:**

- HM1.** On-site servicing of all land clearing and/or construction equipment shall be limited to lubrication of fittings and joints. On-site fueling of heavy equipment (bulldozers, backhoes, etc.) shall be prohibited. The site shall be restricted during land clearing and construction activities to no more than 25 gallons of Hazardous Materials on site at any time. This restriction shall not apply to compressed gases.
- HM2.** Post-construction, the site shall be restricted to use of natural/compressed gas for facility heating and, if needed, also for emergency power generation.
- HM3.** Post-construction, the site shall be restricted to no more than 25 gallons or its dry weight equivalent of Hazardous Materials and Hazardous Waste on site at any time. This restriction shall not apply to fluorescent bulbs or natural/compressed gases.
- HM4.** Prior to the issuance of a Preliminary Certificate of Compliance, the applicant shall provide the Commission with a detailed inventory of all hazardous materials and wastes attributable to the facility, heating/cooling, maintenance activities, grounds-keeping and the school's curriculum.

**HM5.** Prior to the issuance of a Preliminary Certificate of Compliance, the school shall provide the Commission with evidence that it has designed a waste management program outlining the appropriate procedure for applying pesticides to the playfield, as well as the proper disposal of fluorescent light bulbs.

**HM6.** Prior to issuance of a Final Certificate of Compliance, the applicant shall provide evidence that the school has instituted a micro-scaling science curriculum, to reduce the amount of hazardous materials used on site, and reduce the amount of hazardous waste ultimately needing disposal.

**HM7.** Prior to issuance of a Final Certificate of Compliance, Commission staff will conduct a site visit to verify initial compliance with these conditions, and Section 4.3 of the 2002 RPP.

The Cape Cod Commission hereby approves with conditions the application of the Trinity Christian Academy as a Development of Regional Impact Hardship Exemption pursuant to Section 23 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Trinity Christian Academy School in Barnstable, Massachusetts.

*David Ansel* for David Ansel      11/1/04  
David Ansel, Chair      Date  
Commonwealth of Massachusetts

Barnstable, ss.

On this 1<sup>st</sup> day of November, 2004, before me personally appeared Alan Platt, to be known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as \_\_\_\_\_ free act and deed.

*Dorr Steven Fox*  
Notary Public

My Commission expires:

