



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

Date: May 1, 2006

Applicant: International Fund for Animal Welfare, Inc.
c/o Nutter McClennen and Fish, LLP
1513 Iyannough Road
Hyannis, MA 02601

Re: Limited DRI Review Determination for Change of Use

Project: IFAW International Headquarters Redevelopment Project
264 Willow Street, Yarmouth, MA

Project #: CU06003

Book/Page #: 20245/248

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby determines that the redevelopment of the property located at 264 Willow Street in Yarmouth from the Gold Star Nursery to the proposed International Fund for Animal Welfare (IFAW) international headquarters office, in accordance with the criteria established under Section 4(b) of Chapter A, Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended (the "DRI Enabling Regulations"), may proceed without Development of Regional Impact (DRI) review. This decision is rendered pursuant to a vote of the Regulatory Committee on May 1, 2006.

PROJECT DESCRIPTION

The proposed project consists of the redevelopment of a 5.13 acre site from its previous use as Gold Star Nursery into 32,750 s.f office building for IFAW. The site is located on the east side of Willow Street in Yarmouth, between the Route 6 Exit 7 ramps and Summer Street. Industrial development abuts the project site to the east; Willow Street abuts the site to the west; Summer Street to the north; and Exit 7 to the south. Access to the site is proposed from Summer Street. The project is to serve as IFAW's international headquarters, with approximately 133 employees located at the site. The proposed building is designed to appear as three separate two story buildings, configured to provide

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an interior courtyard. In addition to the approximately 32,750 s.f. of office space, the proposed building includes 20,000 s.f. of basement storage space.

PROCEDURAL HISTORY

IFAW submitted an application for Limited DRI Determination for Change of Use on February 3, 2006. The application was deemed complete by Commission staff on March 27, 2006. A duly noticed public hearing pursuant to Section 5 of the Act to consider the application was held by the Commission's Regulatory Committee on May 1, 2006 at the Cape Cod Commission office in Barnstable, MA, where the public hearing and the record were closed. At that hearing the Regulatory Committee voted unanimously that the project does not require DRI review in any Regional Policy Plan (RPP) issue area.

Materials Submitted for the Record

From the Applicant:

	<i>Date received:</i>
• Applications for Limited DRI Determination and DRI Hardship/POCB	2/3/06
• Letter to town officials, proof of filing	2/7/06
• Stormwater O&M plan	3/6/06
• Supplemental traffic analysis	3/21/06
• Revised site plans	3/22/06
• Supplemental materials to Mass Historic Commission	3/27/06
• Modified site & septic plan, modified landscape site plan. modified nitrogen loading calculations	4/13/06
• Memo from P. Butler re: building size, basement	4/28/06

From the Cape Cod Commission:

	<i>Date sent:</i>
• Staff report	4/26/06

From State and Local Officials:

	<i>Date received:</i>
• Letter from Mass Historic Commission re: information request	3/18/06
• Letter of support from K. Greene, Yarmouth Director of Community Development	5/1/06
• Letter from Mass Historic Commission re: no adverse effect	5/1/06

From the Public:

	<i>Date received:</i>
• Letter of support from J. Crowell, President, CC Coop Bank	4/24/06
• Letter of support from Yarmouth Chamber of Commerce	4/26/06

The application and notices of public hearings relative thereto, the 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 are incorporated into the record by reference.

JURISDICTION

The proposed project qualifies as a DRI under Section 3(f)(i) of the DRI Enabling Regulations as a change of use with a gross floor area greater than 10,000 square feet.

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TESTIMONY

The Regulatory Committee held a public hearing on May 1, 2006 at the Commission's office at 3225 Main Street in Barnstable MA. Attorney Patrick Butler, representing the applicant, presented an overview of the proposal. Members of the project team discussed the hazardous materials remediation, site, and building design. Mr. Butler focused his presentation on whether the change in use resulted in more detrimental impacts. Regarding nitrogen loading, he said that there would be either no change or a reduction in impacts. Regarding traffic, he stated there may be a slight increase in trip generation, but the impacts would be off-set by the improvements at the Exit 7/Willow Street interchange. He stated that any traffic increases would be minor and also noted the closing of the Willow Street curb-cut as a qualitative improvement. He noted that the site clean-up is a benefit of the project. In summary, he argued that the proposed project would not result in more detrimental impacts than the nursery use. *

Martha Hevenor presented a summary of the staff report. She said that in the areas of traffic and nitrogen loading, it is difficult to measure the impacts quantitatively as specific trip generation and nitrogen loading calculations for the nursery are unknown. She noted qualitative improvements regarding traffic impacts and stormwater management. Regarding open space, hazardous materials/wastes, and community character, she said the change in use would not present more detrimental impacts.

Jerry Sullivan, Yarmouth selectman, spoke in support of the project and said that IFAW is a model business and corporate citizen.

Peter Smith, Chair of the Yarmouth Community and Economic Development Committee, spoke in support of the project and commended IFAW on the site remediation.

Bob Dubois, Director of the Yarmouth Chamber of Commerce, spoke in support, noting that the project provided high quality jobs and good benefits.

The Regulatory Committee discussed the benefits of the site remediation and noted that IFAW showed impressive community leadership. They focused their questions on the project's nitrogen loading and the question of whether the proposal presented an increase in nitrogen loading. The subcommittee found that the change in use would not have more detrimental impacts than the previous use. Fred O'Regan, President of IFAW talked about the history of the project and IFAW's commitment to Cape Cod. After further input from the applicant's representatives and from staff, the Regulatory Committee voted unanimously that the Change in Use proposal does not require further review by the Commission.

FINDINGS

The Commission, through the Regulatory Committee, has considered the Limited DRI Determination application for the proposed IFAW Headquarters in Yarmouth MA and based upon consideration of such application and information presented at the public hearing and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

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General

G1. The proposed project consists of the redevelopment of a 5.13 acre site from its previous use as a nursery into an office building with 32,750 s.f. of office space and 20,000 s.f. of basement storage space.

G2. In accordance with Section 4(b)(vi) of the DRI Enabling Regulations, the Regulatory Committee reviewed the proposed change of use to determine the scope of the project review, which may be limited to issue areas where impacts are more detrimental (quantitatively and/or qualitatively) than the immediate prior use. The Regulatory Committee considered the resources protected by the Act and the RPP and whether the proposed project's impacts involved deviation from the minimum performance standards of the RPP.

G3. The project is proposed to be constructed according to the following plans:

- Schematic Site and Septic Plan prepared by down cape engineering dated March 1, 2006, revised April 13, 2006.
- Schematic Landscaping Site Plan prepared by Stephen Stimpson Associates dated 4/12/06.
- Architectural rendering dated January 5, 2006 prepared by Design Lab Architects.

According to an April 27, 2006 memo from the applicant's attorney, the applicant will provide the Commission with copies of any revised project plans which show a substantial change or deviation from the project plans as submitted.

Transportation

T1. The development is located just north of Route 6 Exit 7 Willow Street in Yarmouth. Per MPS 4.1.3.1, area regional roadways include Route 6, Willow Street, Higgins Crowell Road, and Route 6A.

T2. The proposed project was allowed a traffic credit against its future trip generation, based on estimated trip generation for the nursery, since it had been operating within the past five years. The *ITE Trip Generation* manual was used to estimate the nursery's trip generation and expected trip generation for a 60,000 s.f. corporate headquarters building.

The change of use is expected to generate 65 to 70 additional weekday morning peak hour trips and 50 to 75 additional weekday afternoon peak hour trips. Data from the *ITE* manual was insufficient to estimate the change in total weekday daily traffic. Saturday daily traffic was estimated to decrease by up to 130 trips including a decrease by up to 25 Saturday peak hour trips.

T3. Actual new trip generation may be lower than the trip generation estimates due to IFAW's proposed trip reduction program and its institutional culture of alternative travel and telecommuting. In addition, a change in the nature of traffic impact is expected with the proposed development since it would likely generate mostly car traffic, whereas the previous use was largely truck oriented.

T4. Given the relatively high number of trips on Willow Street (1,000 afternoon peak hour trips) and Route 6 (5,000 afternoon peak hour trips), the increase from the change of use is marginal.

T5. The nursery used a large curb cut on Willow Street close to the Route 6 exit ramps for access. The redevelopment includes closure of this access. Access will be via Summer Street. Summer Street is about 250 feet farther away from the Route 6 exit ramps than the existing nursery driveway. The driveway closure is a benefit of the project.

T6. According to the applicant's consultant, level of service (LOS) analysis at the intersection of Willow Street and Summer Street shows that left turns from Summer Street operate at LOS F with 60 to 200 seconds of delay currently and are estimated to operate at LOS F with 310 to 420 seconds of delay with the redevelopment project in place.

T7. The applicant's engineer reviewed the sight distances at the intersection of Willow and Summer Streets. There is sufficient safe stopping sight distances (allowing Willow Street traffic to stop for objects in the road at Summer Street) and intersection sight distances (allowing traffic exiting Summer Street to see enough of the oncoming traffic to make turning decisions) at this location.

T8. Crash history at Willow and Summer Streets results in a crash rate of 0.15 crashes per million entering vehicles (m.e.v.), below the state average of 0.61 m.e.v.

T9. The combination of good sight distances and low crash rate indicates that despite poor intersection operations, the intersection can be safely negotiated.

T10. The applicant intends to offer a trip reduction program to its employees. The program includes:

- Ridesharing/carpooling with preferential parking;
- Guaranteed ride home program;
- Opportunities for telecommuting for qualified employees (both part-time and full-time telecommuting options);
- Flexible working hours;
- Direct deposit option of employee paychecks;
- Secure bicycle storage, locker room, shower facilities;
- Continuous on-site sidewalk system;
- Lunch/break room with amenities;
- Designated on-site employee pet area;
- Trip reduction bulletin board with information on program, transit, and taxis;
- Designated on-site transportation coordinator to maintain trip reduction information board.

Water Resources

WR1. Nitrogen-loading calculations provided by the applicant reflect Title-5 wastewater flows of 2,456 gallons per day based on 32,750 s.f. of office use, with no septic design flows attributed to 20,000 s.f. of basement storage. Other project attributes reflected in nitrogen-loading calculations submitted by the applicant include 0.46 acres of managed turf, 1.5 acres of impervious pavement for parking, and use of an Amphidrome denitrifying septic system to limit the project's nitrogen load to groundwater at the site.

WR2. The project site is located in a Wellhead Protection Area (WHPA) as defined by MPS 2.1.1.2.A of the RPP. For all development in WHPAs, the RPP promotes a 5-ppm nitrogen-loading goal, or otherwise an improvement in nitrogen loading at sites where water quality is already impaired.

WR3. As a commercial project, the Amphidrome system referred to in Finding WR1 is permitted by the state Department of Environmental Protection (DEP) to reduce the project's raw wastewater-nitrogen concentration of 35 ppm to a treated effluent concentration of 25 ppm. Use of this DEP-approved denitrifying septic system in conjunction with low-impact development stormwater-management designs results in a site-wide nitrogen-loading concentration in groundwater of 5.74 ppm based on nitrogen-loading methodology and assumptions described in Commission Technical Bulletin 91-001 and project specifications detailed in nitrogen-loading calculations submitted by the applicant. The 5.74-ppm nitrogen-loading concentration reflects a nitrogen credit for the project's stormwater-management design, which incorporates bio-filtration to treat runoff from areas to be paved.

WR4. The town of Yarmouth's zoning bylaw applicable to Aquifer Overlay Districts (Zone II wellhead protection areas) prescribes a 5-ppm nitrogen-loading limit calculated in accordance with local Board of Health nitrogen-loading regulations. The regulations require projects that generate more than 2,000 gallons of Title-5 wastewater flow to meet a nitrogen concentration of 5 ppm in groundwater at the downgradient property boundary.

WR5. The site was previously used as a solid waste repository and most recently as a landscape nursery. Pursuant to MGL Ch.21E (310 CMR 30.0), IFAW facilitated the removal of 9,000 cubic yards of metals- and petroleum-contaminated soil. The soil removal is a benefit of the project.

WR6. On a qualitative basis, the project will not result in more detrimental impacts to water resources than the previous use. A quantitative determination in this regard cannot be made because nutrient-related practices at the former nursery are unknown.

Hazardous Materials

HAZ1. The proposed project is likely not to have a more detrimental use than the immediately preceding use. This finding is based on the following:

- The amounts and types of hazardous materials and hazardous wastes attributable to IFAW's previously proposed headquarters as described in the DRI decision dated July 2001 (*IFAW/TR20050, July 12, 2001*).
- IFAW's remediation of existing contamination at the Gold Star Nursery/proposed project site;
- the hazardous materials attributable to construction activities will be limited to those inside the equipment such as fuel, transmission fluids, etc.;
- IFAW's desire to achieve LEEDS certification for the proposed project, which is likely to limit the use of hazardous materials for or generation of hazardous waste from building construction;
- the availability of natural gas to the site, which will be used for building heating and emergency power generation; and
- IFAW's having an emergency response plan, according to the July 2001 DRI decision.

Open Space/Natural Resources

NROS1. The proposed project entails redevelopment of a site that was entirely cleared and graded by the previous owner and left in a flat and barren state, with little habitat value. The redevelopment plans call for re-vegetation of a significant portion of the site, including over 2.5 acres to be restored to a natural state. As such, the redevelopment would be an improvement over the previous use.

Heritage Preservation/Community Character

HPCC1. The proposed building design is composed of three smaller structures, all with footprints under 10,000 square feet. These smaller structures are consistent with traditional Cape Cod building masses. The proposed project has a contemporary building design, but uses traditional sloping roof forms and wood siding on the roadway-facing facades to relate to traditional Cape Cod architecture. The proposed siting of the building in a cluster near Willow Street effectively defines the street edge and screens the parking area located to the rear. The project is seeking LEED certification for energy saving design and use of renewable building materials. While a complete landscaping plan was not submitted the overall direction of the landscaping provides native and sustainable shrubs with low-maintenance requirements and good disease and pest resistance, in appropriate sizes. In addition, the proposed exterior lighting design for the new IFAW headquarters is not likely to have a more detrimental impact than the nursery's. As such, the proposed project does not result in more detrimental impacts to community character than the previous use.

CONCLUSION

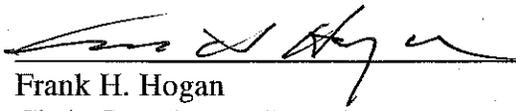
Based on the findings above, the Commission hereby determines that the proposed change of use at 264 Willow Street, Yarmouth, MA is not subject to review as a DRI for any resources protected under the Act and RPP in accordance with Section 4 of the DRI Enabling Regulations because the impacts of the proposed project are not more detrimental than those of the immediate prior use.

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The Commission hereby approves the Limited DRI Determination for Change of Use for the proposed IFAW International Headquarters redevelopment project to proceed without further review by the Commission. This decision is rendered pursuant to a vote of the Cape Cod Commission Regulatory Committee on May 1, 2006.



Frank H. Hogan
Chair, Regulatory Committee

7/13/06
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

7/13, 2006
Frank H. Hogan

Before me, the undersigned notary public, personally appeared _____, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires:

10/13/11