

# CAPE COD COMMISSION

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Date: May 8, 2007

To: Stuart Bornstein, Applicant

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Stuart Bornstein  
Holly Management & Supply Corporation  
297 North Main Street  
Hyannis, MA 02601

Project: Augat Self Storage

Project Location: 106 Falmouth Road (Route 28), Mashpee, MA

Project #: TR-02021

Recording Information: Map 54 Parcel 50 (Town Assessor)  
Certificate Number: 153788

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## BACKGROUND

The above referenced project, the Augat Self Storage project, was approved, with conditions, by a vote of the Cape Cod Commission (Commission) on December 1, 2005 as a Development of Regional Impact (DRI). Water Resources findings in this decision note a concern that at the time of the DRI review, the project was proposed to have one bathroom, and that this might not be adequate. To address this concern, the DRI decision requires the applicant to submit for Commission review final plans showing the toilet locations and wastewater connection. Subsequent to the Commission's approval, the applicant agreed to install the number of restrooms as directed by the Mashpee Building Inspector and Health Agent, and in a manner consistent with their direction.



In addition, the Mashpee Board of Health issued a determination in a March 5, 2007 letter that the wastewater flow for the project would be 420 gallons per day per building, for a total of 840 gallons per day. This is a flow greater than what was approved in the DRI decision. This affected the nitrogen-offset contribution required in the DRI decision, increasing it from \$42,890 to \$69,663. The applicant resolved the matter by providing the higher offset mitigation payment to the Commission/County Treasurer on March 30, 2007.

### **DETERMINATION**

The Executive Director of the Cape Cod Commission has determined that the revisions to the General Findings, Water Resources Findings, General Conditions and Water Resources Conditions of the original DRI decision as shown below constitute *de minimus* changes and are approved as a Type 1 Minor Modification.

### **Changes to Original Decision**

#### **GENERAL FINDINGS**

G2. The proposed revised project involves construction and operation of a total of ~~108,300-108,400~~ square feet, divided between two buildings of two stories each to house a mix of self storage, contractor storage, and business incubator/light industrial. The project is to be located on 5.19 acre site at 106 Falmouth Road (Route 28) in Mashpee, MA. The former Augat Industries building, located at the front of the site, was not part of the DRI application or the Commission review of this project.

#### **WATER RESOURCES FINDINGS**

WR2. The proposed facility has a small office, as well as a number of bays that will be available as "incubator" space. The applicant has designed a denitrifying septic system with a Title 5 flow of ~~340-840~~ gallons per day; ~~this calculation assumes the equivalent of 20 factory workers.~~ In addition to ~~this small~~ the wastewater nitrogen load, the site will have approximately 3 acres of impervious surface. The combined nitrogen load from these surfaces, wastewater, and a small lawn on the site will produce an annual nitrogen load of ~~27.7~~ 44.9 kilograms (kg).

WR3. MPS 2.1.1.2.C.2 allows an applicant to offset nitrogen loads using an appropriate technological solution approved by the Commission, such as upgrading existing Title 5 septic systems within the same watershed to denitrifying septic systems, or providing an equivalent contribution to a town or watershed activity that achieves the intent of the no-net standard. The applicant has decided to meet MPS 2.1.1.2.C.2 by providing an offset contribution of ~~\$42,890~~ \$69,663.

WR4. Commission staff held a number of discussions with the applicant and the Mashpee Board of Health (BOH) Agent regarding toilet facilities for the incubator bays. During the Commission's review of the project, there was some uncertainty about the number and location of bathrooms within the project and only conceptual interior plans were provided. In order to meet the no-net nitrogen loading requirements of the

~~RPP, the applicant agreed to limit wastewater design flows to 340 gallons per day, but acknowledged that the BOH might alter the design requirements. As a result of subsequent BOH permitting, the project design flow has been increased to 840 gallons per day. Based on the plans currently submitted, the site will have one bathroom connected to the planned denitrifying septic system, and use of this common bathroom by those who occupy the incubator bays. In order to address BOH concerns, the applicant has proposed installation of a number of bathrooms in incubator bays, but has submitted only a conceptual plan showing three bathrooms in each of the two buildings, received by Commission November 9, 2005. Final plans showing ~~the final interior configuration and wastewater/restroom connection designs have not been submitted~~ will be as directed by Mashpee's Plumbing/Gas Inspector in consultation with the Mashpee Health Agent. The applicant has agreed that wastewater flows will be limited to ~~340~~ 840 gallons per day.~~

### **GENERAL CONDITIONS**

G8. All work shall be constructed in a manner consistent with the following plans and other information/documents as noted:

*Landscape and Septic Detail Plan*, drawn by DownCape Engineering, dated November 14, 2002, revised ~~October 3, 2005~~ October 18, 2006, received by Commission ~~October 4, 2005~~ March 28, 2007

*Landscape Screening Plan*, drawn by Bill Lewis, DownCape Engineering, dated March 24, 2003, received by Commission November 9, 2005

*Site Plan* drawn by DownCape Engineering, dated February 22, 2002, revised ~~October 3, 2005~~ October 18, 2006, received by Commission ~~October 4, 2005~~ March 28, 2007

*Grading & Utilities Site Plan*, drawn by DownCape Engineering, dated February 22, 2002, revised ~~October 3, 2005~~ March 27, 2007, received by Commission ~~October 4, 2005~~ March 28, 2007

*Unlabeled Detail Sheets to Accompany Site Plan (sheets 5 and 6 of 6)*, produced by DownCape Engineering, dated November 14, 2002, revised ~~October 3, 2005~~ March 27, 2007 received by Commission ~~October 4, 2005~~ March 28, 2007

Foot-candle/exterior lighting plans and information received by Commission November 8, 2002

~~Conceptual plan of restroom locations, received by Commission November 9, 2005 (also referred to in finding WR4). Final restroom locations shall be as approved by the Mashpee Plumbing Inspector in consultation with the Mashpee Health Agent, and in a manner consistent with the March 5, 2007 letter from the Mashpee Board of Health.~~

Stormwater Operations and Maintenance Plan, created by DownCape Engineering, dated 11/21/05, submitted by DownCape Engineering to the Commission as part of an E-mail dated November 21, 2005

**WATER RESOURCES CONDITIONS**

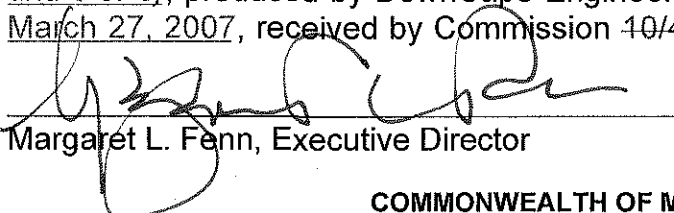
WR1. Title 5 wastewater flow on the site shall be limited to ~~340-840~~ gallons per day and wastewater shall be treated with a denitrifying septic system as shown on the plans listed in Condition G8, as modified, shown above, on the Site Plan drawn by DownCape Engineering, dated 2/22/02, revised 10/3/05, received by Commission 10/4/05, the Grading & Utilities Site Plan, drawn by DownCape Engineering, dated 2/22/02, revised 10/3/05, received by Commission 10/4/05, and the Detail Sheet to Accompany Site Plan, produced by DownCape Engineering, dated 11/14/02, revised 10/3/05, received by Commission 10/4/05.

WR2. Prior to issuance of the first Preliminary Certificate of Compliance, the applicant shall provide a nitrogen loading offset contribution of ~~\$69,663,42,890~~ to the Commission, consistent with MPS 2.1.1.2.C.2.

WR4. The applicant shall construct a stormwater system as detailed on the following plans, and shall follow maintenance and inspection procedures described in the Stormwater Operations and Maintenance Plan, created by DownCape Engineering, dated 11/21/05, submitted by DownCape Engineering as part of an E-mail dated November 21, 2005.

Plans: Grading & Utilities Site Plan, drawn by DownCape Engineering, dated 2/22/02, revised 10/3/05 March 27, 2007, received by Commission 10/4/05 March 28, 2007.

Unlabeled Detail Sheets to Accompany Site Plan, (sheets 5 and 6 of 6), produced by DownCape Engineering, dated 11/14/02, revised 10/3/05 March 27, 2007, received by Commission 10/4/05 March 28, 2007.

  
Margaret L. Fenn, Executive Director

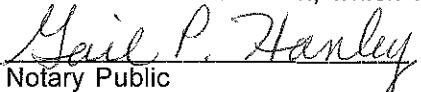
5/22/07  
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

5/22, 2007

Before me, the undersigned notary public, personally appeared Margaret L. Fenn in her capacity as the Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that 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 personal knowledge of the undersigned.

  
Notary Public

My Commission expires: 10/13/11