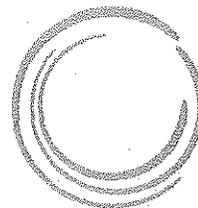


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**CAPE COD
COMMISSION**

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Date: February 27, 2012

To: Thomas S. Cahir, Administrator
Cape Cod Regional Transit Authority
215 Iyannough Road
P.O. Box 1988
Hyannis, MA 02601

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact Exemption

Applicant: Thomas S. Cahir, Administrator
Cape Cod Regional Transit Authority

Project #: EX-05007

Project Owner/Name and Location: Cape Cod Regional Transit Authority
Operations and Maintenance Center
40 American Way
South Dennis, MA

Book/Page: Book 15017 Page 165

SUMMARY

The Cape Cod Commission (Commission) Regulatory Committee hereby approves the application of Thomas S. Cahir, Administrator of the Cape Cod Regional Transit Authority (Applicant) for a Minor Modification Type #2 pursuant to Section 13 of the Commission's *Enabling Regulations* (as amended). This decision is rendered pursuant to a vote of the Commission's Regulatory Committee at a meeting on February 27, 2012.

INTRODUCTION

In a decision dated April 14, 2005, the Cape Cod Commission (Commission) granted the Cape Cod Regional Transit Authority (CCRTA) a Development of Regional Impact (DRI) Exemption decision (EX05007) for a proposed Operations and Maintenance Center located on a 10.07-acre parcel (Lot 5) at 40 American Way, South Dennis.

The Operations and Maintenance Center described in the 2005 Exemption decision included two buildings: a 24,100 square foot bus maintenance garage and operations office (including a

4,600 square foot mezzanine), for administration, dispatch, maintenance and washing of vehicles and a 21,450 square foot bus storage facility with indoor parking for up to 50 vehicles. Other site work approved as part of the 2005 DRI Exemption included an outdoor paved driver training area of approximately 38,000 square feet, 54 new parking spaces, a propane fueling facility, and ancillary roadways and pavement turning areas needed for the facility's operations.

MODIFICATION REQUEST

On January 12, 2012, CCRTA Administrator Thomas Cahir sent a letter to Paul Niedzwiecki, Commission Executive Director, requesting a modification to the April 14, 2005 Exemption decision. The modifications as described by Mr. Cahir's 1/12/12 letter include two site plan and operational changes to the CCRTA's Operations and Maintenance Center in Dennis: create additional parking spaces for busses and employees, and move the drive training course to the rear portion of the site.

JURISDICTION

Section 13(a)(i) of the Commission's *Enabling Regulations* (revised March 2011) provides that an Applicant "*who has obtained a favorable decision from the Commission, or a successor in interest to a favorable and transferable Commission decision, may apply for a decision modification.*"

Section 13(c)(ii) of the *Enabling Regulations* describes a Minor Modification 2 as "*a substantially similar proposal to the original project but involves a minor Change of Use, a minor change to the site plan, or a small change to the findings or a condition of the original approval, which does not affect the intent or outcome of the finding or condition. A proposed change shall not result in different increased impacts to the resources protected by the Act and/or RPP.*"

REGULATORY COMMITTEE'S DETERMINATION

On February 13, 2012, the Commission's Regulatory Committee considered the proposed changes to the CCRTA DRI Exemption decision, and voted to approve the requested changes to the site plan to create additional parking spaces for busses and employees, and move the drive training course to the rear portion of the site as a Minor Modification Type #2. The Regulatory Committee also voted to direct Commission staff to draft a written modification decision for their review.

MODIFICATIONS TO THE 2005 DRI EXEMPTION DECISION

The following changes shall be made to the Findings of the original 2005 DRI Exemption decision to reflect the requested changes to the project. New or added text is shown in **bold**. Deleted text is shown in ~~strikeout~~.

Water Resources Findings:

F-WR1. The CCRTA Operations and Maintenance Center is located on a 10.07-acre parcel that is located on the watershed boundary between Swan Pond and Bass River. The proposed center will have two buildings, including approximately 7,000 square feet of office space, six service bays, a washing bay, and vehicle storage. These uses will generate 1,425 gallons per day of wastewater flow, which is proposed to be treated in a standard Title 5 septic system. ~~Approximately 4.6 acres of the site will be impervious.~~ **With the proposed site modifications described in Mr. Cahir's 1/12/12 letter, approximately 5.6 acres of the site will be impervious.**

F-WR3. Because the project site straddles the watershed boundary between two coastal systems, the impervious surface and landscaping nitrogen loads will discharge within the Bass River Watershed, while the wastewater load will discharge within the Swan Pond watershed. Accordingly, **for the approved project in 2005**, 69 kg/yr of nitrogen will discharge with the wastewater into the Swan Pond watershed, while 27 kg/yr will discharge to the Bass River. **The addition of approximately 44,897 square feet of pavement as described in a 2/1/12 Email from Dan Ojala, DownCape Engineering, the CCRTA Project Engineer, results in an additional nitrogen load of 4.7 kg/yr. The additional nitrogen resulting from the project is less than the Fair Share critical nitrogen load of 4.1 kg/yr/acre calculated for the Middle Reach of Bass River, to which the site drains.**

F-WR5. Stormwater management practices for the additional pavement described in a 2/1/12 Email from Dan Ojala, CCRTA Project Engineer, and the Stormwater Operations and Maintenance Plan (dated 2/7/12) are consistent with RPP Water Quality Goals.

F-WR6. The Commission finds the proposed changes to the site plan as described in Mr. Cahir's 1/12/12 letter do not change finding F-G4 of the 2005 Exemption decision which states that the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Commission Act outside Dennis, in which the development is to be located.

Natural Resources Findings:

F-NR3. According to a 2/14/12 Email from Andrew R. Garulay, RLA, from DownCape Engineering, the proposed modification described in Mr. Cahir's 1/12/12 letter will result in alteration of approximately 71,300 square feet of area, of which 44,897 square feet will be pavement, of presently wooded land adjacent to the CCRTA site. Since the time of the Commission's 2005 decision on the CCRTA, the Natural Heritage and Endangered Species Program (NHESP) has mapped the CCRTA site (part of a larger mapped area that reaches north to include the capped landfill) as rare species habitat. The CCRTA filed project plans with NHESP and received a letter in September 2010 indicating that *"[b]ased on a review of the information that was provided and the information currently contained in our database, the NHESP has determined that this project, as currently proposed, will not result in a prohibited "take" of state-listed rare species."* Consequently, the Commission finds the proposed modification is consistent with MPS 2.4.1.4 of the 2002 (amended) Regional Policy Plan. The Commission also finds the proposed changes to the site plan as described in described in Mr. Cahir's 1/12/12 letter do not change finding F-G4 of the 2005 Exemption decision which states that the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Commission Act outside Dennis, in which the development is to be located.

Transportation Findings:

F-T9. As presented on the 11/18/11 Site Plan included with Mr. Cahir's modification request, the total number of parking spaces on the site would be 115. The modification request details a demand for 169 to 174 spaces at the site as shown in the table below.

Parking Demand Cited in Modification #1 to EX05007

Number	Type of Vehicle
60 - 65	Currently Housed Revenue Vehicles
7	Revenue Vehicles Scheduled for December 2011 Delivery
up to 15	Revenue Vehicles Currently Housed Off-Site to be Housed On-Site
2	Staff Vehicles
4	Service Vehicles
5	Snow Equipment (2 Sanders, 3 Snow Plows, 1 Service Trailer)
Up to 75	Personal Vehicles for Bus Drivers, Supervisory Staff, and Managers
169 - 174	Total

The Commission finds the number of spaces requested is justified by the parking demand, and as such that the modification meets MPS 4.1.2.6 of the 2002 (revised) Regional Policy Plan and MPS TR2.9 of the 2009 (revised) Regional Policy Plan.

The Commission also finds the proposed changes to the site plan as described in Mr. Cahir's 1/12/12 letter do not change finding F-G4 of the 2005 Exemption decision which states that the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Commission Act outside Dennis, in which the development is to be located.

Community Character Findings:

F-CC5. Based on the Site Plan (*Drainage, Utilities and Planting*) provided to the Regulatory Committee dated 1/19/12, revised 2/7/12, the Commission finds the Applicant has demonstrated that there will be adequate screening and buffering between the proposed development and the adjacent Cape Cod Rail Trail Bicycle Path.

F-CC6. Review comments by Massachusetts Historical Commission in October 2001 appear to address the entire Lot 5 and stated that the project is unlikely to affect significant historic or archaeological resources. As such, the Commission finds that the proposed modification as described in Mr. Cahir's 1/12/12 letter complies with the 2002 Regional Policy Plan Minimum Performance Standard regarding protection of historic resources and archaeological sites.

F-CC7. The Commission also finds the proposed changes to the site plan as described in Mr. Cahir's 1/12/12 letter do not change finding F-G4 of the 2005 Exemption decision which states that the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Commission Act outside Dennis, in which the development is to be located.

SIGNATURES

Royden Richardson
Royden Richardson, Regulatory Committee Chair

Feb 27, 2012
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Feb 27, 2012

Before me, the undersigned notary public, personally appeared Royden Richardson in his/her capacity as Chairman of the Regulatory Committee, 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: 9-28-18

