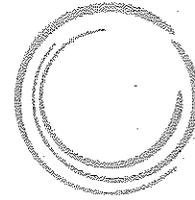


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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Date: January 5, 2012

To: Jeffrey Ehart, Owner
Cape Cod Commercial Linen Service, Inc.
P.O. Box 111
West Hyannisport, MA 02670

From: Cape Cod Commission

Re: Development of Regional Impact (DRI)
Cape Cod Commission Act, Sections 12 and 13

Applicant: Cape Cod Commercial Linen Service, Inc.

Project: Cape Cod Commercial Linen Service, Inc.

Location: 880 Attucks Lane, Hyannis, MA

Project #: TR/LR11017

Book/Page: 24620/54

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions, the application of Cape Cod Commercial Linen Service, Inc. (the Applicant) as a Limited Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed Change of Use of the existing approximately 27,000 square foot building located at 880 Attucks Lane in Hyannis, MA for the relocation and consolidation of the Applicant's operations. This decision is rendered pursuant to a unanimous vote of the Commission on January 5, 2012.

PROJECT DESCRIPTION

The project property is located at 880 Attucks Lane in Hyannis, MA. The site is a developed parcel of land consisting of approximately 1.86 acres with frontage on both Attucks Lane to the

west and Airport Road to the south and is developed with an approximately 27,000 square foot industrial building. The Applicant is proposing to relocate from its existing two locations at 32 Baxter Road and 485 West Main Street, Hyannis, to the project site and to consolidate its operations at the new location. The Applicant proposes new signage, minor changes to existing loading docks, installation of two new bio-infiltration rain gardens and landscaping. Parking will remain in its existing locations.

PROCEDURAL HISTORY

The Commission received DRI and Limited DRI applications for the project from the Applicant's representative, Attorney Eliza Cox of Nutter, McClennen & Fish, LLP, on October 25, 2011. The Commission received a DRI referral from Thomas Lynch, Interim Town Manager for the Town of Barnstable, on November 29, 2011. The DRI and Limited DRI applications were deemed substantively complete to proceed to a public hearing on December 19, 2011.

In accordance with the Cape Cod Commission Act, the hearing period was opened with a duly noticed public hearing held on December 19, 2011 at the Cape Cod Commission in Barnstable, MA. At this hearing the subcommittee voted to continue the public hearing to a meeting of the Cape Cod Commission on January 5, 2012.

A subcommittee meeting was held immediately following the public hearing on December 19, 2011 where the subcommittee deliberated on the project and voted unanimously to limit the DRI review to the area of Water Resources, recommend approval of the proposed project as a Limited DRI to the full Commission and direct staff to draft a Limit DRI approval decision with conditions. Additional subcommittee meetings were held on December 28, 2011 and January 5, 2012 at which the subcommittee reviewed the draft decision and amendments to the draft decision and voted unanimously to forward the draft decision to the full Commission for consideration at the January 5, 2012 meeting.

A final public hearing was held before the full Cape Cod Commission on January 5, 2012. At the close of this hearing, the Commission voted unanimously to approve the project as a Limited DRI, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

In addition to the list of materials submitted for the record (see Table 1 below), the application and notices of public hearing relative thereto, the minutes of public meetings and hearings, and all other written submissions received in the course of the proceedings are hereby incorporated into the record by reference.

TABLE 1: Materials Submitted for the Record	
Materials from Cape Cod Commission	Date Sent
Incomplete letter from Jessica Rempel to Eliza Cox	11/3/2011
Email from JR to EC with incomplete letter attached	11/3/2011
Email from Ryan Christenberry to EC re: SEDI with example attached	11/14/2011
Email from Kristy Senatori to Jo Anne Miller Buntich re: affordable housing mitigation	11/10/2011
Email from JR to EC re: meeting	11/15/2011
Email from JR to Subcommittee re: site visit and public hearing	11/23/2011

Email from JR to EC re: site visit and public hearing	11/23/2011
Email from JR to EC re: town referral, subcommittee and site visit	11/28/2011
Email from JR to Jo Anne Miller Buntich re: local compliance and public hearing	11/28/2011
Email from JR to EC re: town referral, hearing notice and staff report	11/29/2011
Email from JR to JMB re: project's town compliance	11/29/2011
Hearing Notice for 12/19/2011 public hearing	11/30/2011
Meeting Notice for 12/19/2011 subcommittee meeting	11/30/2011
Letter from Gail Hanley to EC re: public hearing notice billings	11/30/2011
Email from JR to EC re: copies of application for subcommittee	12/1/2011
Letter from JR to EC re: notification of town referral	12/6/2011
Email from Tabitha Harkin to Andrew Garulay re: landscaping	12/8/2011
Email from JR to EC re: water resources	12/9/2011
Email from JR to subcommittee and cc:ed to EC and JMB re: site visit, public hearing and subcommittee meeting with staff report attached	12/13/2011
Email from JR to EC re: procedure	12/15/2011
Email from JR to Dan Ojala re: floor drains	12/16/2011
Meeting Notice for 12/28/2011 subcommittee meeting	12/20/2011
Hearing Notice for 1/5/2012 public hearing	12/22/2011
Memo from JR to subcommittee re: subcommittee meeting with draft decision and draft minutes attached	12/22/2011
Email from JR to subcommittee with draft decision and draft minutes attached	12/22/2011
Email from JR to EC and JMB with draft decision and draft minutes attached	12/22/2011
Email from JR to EC re: Water Resource Condition 6	12/27/2011
Email from JR to DO re: revised plans	12/28/2011
Email from JR to JMB with draft decision attached	12/29/2011
Meeting Notice for 1/5/2012 subcommittee meeting	1/3/2012
Email from KS to EC re: subcommittee meeting	1/3/2012
Email from JR to subcommittee re: subcommittee meeting, with solar plans attached	1/4/2012
Email from JR to EC re: solar plans with memo attached	1/4/2012
Email from JR to EC re: finding/condition for solar installation	1/4/2012
Email from JR to EC re: Chair signature and decision mailing	1/5/2012
Materials from Applicant	Date Received
Application to the Cape Cod Commission for Limited Review including application cover sheet, scoping checklist, abutters list, plans, and fee among other application materials.	10/25/2011
Letter from Eliza Cox to Brona Simon (MHC) re: PNF	10/26/2011
Letter from EC to JR with application materials on CD enclosed	10/28/2011
Letter from EC to Town of Barnstable requesting Town referral	10/28/2011
Letter from EC to JR with MHC determination attached	11/3/2011
Email from EC to JR requesting electronic copy of incomplete letter	11/3/2011
Email from EC to Ryan Christenberry re: SEDI	11/11/2011
Email from EC to JR requesting a meeting	11/15/2011
Letter and additional information from EC to JR	11/16/2011

Memorandum from EC to JR re: employee classifications	11/18/2011
Email from EC to JR re: energy comments with letter from DMI attached	11/18/2011
Email from EC to JR re: hearing dates	11/21/2011
Email from EC to JR re: town referral	11/22/2011
Email from EC to JR re: town referral	11/28/2011
Email from EC to JR re: subcommittee	11/28/2011
Email from EC to JR re: site visit	11/28/2011
Email from EC to JR re: town referral	11/28/2011
Email from EC to JR with town referral attached	11/29/2011
Email from EC to JR re: copies of application for subcommittee	12/1/2011
Letter from EC to JR re: copies of application for subcommittee	12/5/2011
Email from AG to TH re: landscaping	12/8/2011
Email from EC to JR re: staff report and procedure	12/14/2011
Additional materials from Sue Lopez including revised plans, revised turf & landscape management plan and revised nitrogen calculations	12/15/2011
Email from EC to JR re: package of materials from Down Cape Eng.	12/16/2011
Email from DO to JR with SOMP and drainage calculations attached	12/16/2011
Email from DO to JR with PDF copies of additional materials attached	12/16/2011
Email from DO to JR re: floor drains	12/16/2011
Email from EC to JR (out of office)	12/22/2011
Email from EC to JR re: draft decision	12/28/2011
Email from DO to JR with revised SOMP and site plan attached	12/28/2011
Letter from EC to JR with additional filing fee and application materials	12/28/2011
Email from EC to JR re: solar on roof	12/29/2011
Email from EC to KS and Phil Dascombe re: solar on roof	1/3/2012
Email from EC to KS re: subcommittee meeting	1/3/2012
Email from EC to KS with solar sketch plans attached	1/3/2012
Email from EC to JR re: solar plans	1/4/2012
Email from EC to JR re: Chair signature and decision mailing	1/5/2012
Materials from Public Agencies/Towns/State/Federal	Date Received
MHC determination letter	11/3/2011
Email from JMB to KS re: affordable housing mitigation	11/14/2011
Email from JMB to KS with town referral attached	11/29/2011
Email from JMB to JR re: project's town compliance	11/29/2011
Hard copy of town referral from Town of Barnstable	11/30/2011
Email from JMB to JR re: meeting	12/14/2011
Email from JMB to JR (out of office)	12/22/2011
Email from JMB to JR re: draft decision and subcommittee meeting	12/27/2011
Materials from Members of the Public	Date Received
<i>(None Received)</i>	

TESTIMONY

December 19, 2011 Public Hearing

A Cape Cod Commission (Commission) subcommittee held a public hearing on the proposed Development of Regional Impact (DRI) for Cape Cod Commercial Linen Service (the "Applicant") at 880 Attucks Lane in Hyannis, MA, for the purpose of taking comments and testimony on the project. Jessica Rempel, Regulatory Officer for the Commission, presented the Staff Report, including the project description, Commission jurisdiction, standards of review and approval, Commission staff analysis including Land Use, Economic Development, Water Resources, Hazardous Materials/Wastes, Solid Waste Management, Coastal Resources, Natural Resources/Open Space, Transportation, Energy, Affordable Housing, and Heritage Preservation and Community Character, and conclusions and recommendations. Eliza Cox, on behalf of the Applicant, provided a presentation on the proposed project. The subcommittee discussed the project regarding the Energy, Affordable Housing and Water Resources sections of the RPP. The subcommittee listed probable benefits of the proposed project. The hearing was continued to the full Cape Cod Commission meeting on Thursday, January 5, 2012 at 3:00 PM at the Assembly of Delegates Chamber, First District Court, Barnstable, MA.

December 19, 2011 Subcommittee Meeting

A Commission subcommittee held a public meeting on the proposed DRI for Cape Cod Commercial Linen Service at 880 Attucks Lane in Hyannis, MA, for the purpose of deliberating on the project. The subcommittee voted unanimously to limit the scope of DRI review to the issue area of Water Resources and to approve the project as a Limited DRI. The subcommittee directed staff to draft a written decision.

December 28, 2011 Subcommittee Meeting

Jessica Rempel, Regulatory Officer with the Commission, reviewed the draft written decision with the subcommittee. The subcommittee voted unanimously to approve the draft written decision, as amended, and to forward it to the Cape Cod Commission for consideration at the January 5, 2012 meeting.

January 5, 2012 Subcommittee Meeting

Jessica Rempel, Regulatory Officer with the Commission, reviewed amendments to the draft written decision with the subcommittee. The subcommittee voted unanimously to approve the draft written decision, as amended, and to forward it to the Cape Cod Commission for consideration at the January 5, 2012 meeting.

JURISDICTION

The development, as described by the application materials, qualifies as a DRI pursuant to Section 3(f)(i) of the Commission's *Enabling Regulations* (revised March 2011) as a Change of Use where the Gross Floor Area of the building subject to the Change of Use is greater than 10,000 square feet.

FINDINGS

The Commission has considered the DRI and Limited DRI applications of Cape Cod Commercial Linen Service, Inc., for the proposed Change of Use of the existing approximately 27,000 square foot building located at 880 Attucks Lane in Hyannis, MA for the relocation and consolidation of the Applicant's operations and based on consideration of such applications and upon the information presented at the public hearing and submitted for the record, makes the following findings, pursuant to Sections 12 and 13 of the Act:

General Findings

- GF1. The Commission finds that the project's DRI Review is limited to the issue area of Water Resources.
- GF2. As the date of the first substantive public hearing was December 19, 2011, this project was reviewed subject to the 2009 Regional Policy Plan (RPP), as amended in May 2011 (ordinance 11-05).
- GF3. The project site is located at 880 Attucks Lane in Hyannis, MA. The project site is zoned Industrial.
- GF4. The Applicant proposes to relocate from its existing two locations to the project site and to consolidate its operations at the new location. The Applicant proposes new signage, minor changes to existing loading docks, installation of two bio-infiltration rain gardens and landscaping. Parking will remain in its existing locations at the project site.
- GF5. The Commission finds that with appropriate conditions, the project is consistent with the Minimum Performance Standards (MPS) in the RPP.
- GF6. As of the date of this decision, the Town of Barnstable has a Commission-certified Local Comprehensive Plan (LCP). Written testimony dated November 29, 2011 provided by Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, states *"This project, located in the Regional Commercial Center Strategic Planning Area, proposes an adaptive re-use of an existing building. The location and use are consistent with the Barnstable Comprehensive Plan."* The Commission adopts the written testimony of Ms. Buntich and finds that the project is consistent with Barnstable's LCP.
- GF7. Written testimony dated November 29, 2011 from Jo Anne Miller Buntich, Director of Growth Management for the Town of Barnstable, states *"The zoning in this area is IND. This is an allowed use in that district."* The Commission adopts the written testimony of Ms. Buntich and finds that the project is consistent with municipal development bylaws.
- GF8. As the Barnstable Town-wide District of Critical Planning Concern does not apply to this project, the Commission finds that this approval criterion is not applicable.
- GF9. The Commission finds that the project will be designed and constructed consistent with materials and plans submitted to the record and in accordance with the following:

- Sheet 1 of 2, Site Plan, prepared by Down Cape Engineering, Inc., dated October 21, 2011, revised through December 28, 2011 (attached to this decision as Exhibit A and incorporated by reference)
- Sheet 2 of 2, Site Plan, prepared by Down Cape Engineering, Inc., dated October 21, 2011, revised through December 28, 2011
- Professional Engineer-certified Stormwater Operations and Maintenance Plan, prepared by Down Cape Engineering, Inc., dated October 21, 2011, revised through December 28, 2011
- Turf and Landscape Management Plan, prepared by Down Cape Engineering, Inc., dated November 15, 2011, revised through December 13, 2011.
- Memorandum from Demand Management Institute dated November 18, 2011

GF10. Should the Applicant pursue the installation of solar panels on the roof of the existing building, the installation shall be designed and constructed in accordance with the following:

- CCCLS, Hyannis, MA, Roof Mounted 220.57 Kw (959) Module System Drawings, prepared by Fullers Energy, LLC, dated December 21, 2011

GF11. The Commission finds that the probable benefit from the proposed development is greater than the probable detriment. Probable benefits of the proposed project include the consolidation of services, the local ownership of the business, the support the business gives to the community, the consistency with the Land Use Vision Map, the use of energy efficient equipment and the resulting energy savings and water savings, a reduction in nitrogen loading and a reduction in pavement and runoff, the implementation of Stormwater Operations and Maintenance, Hazard Mitigation and Turf and Landscape Management Plans, any upgrades to exterior lighting will be consistent with the Commission's Exterior Lighting Technical Bulletin and the elimination of Hazardous Materials that existed at the site.

Land Use

LUF1. The proposed project is located in an Industrial and Service Trade Area (ISTA) on the Regional Land Use Vision Map in the 2009 RPP. The Commission finds the proposed project is consistent with the ISTA designation and its characteristics in accordance with MPS LU1.1.

LUF2. The Commission finds that MPS LU1.2 (Compact Development), MPS LU2.1 (Connections to Existing Infrastructure), MPS LU2.2 (Co-location of Telecommunication Facilities), MPS LU3.1 (Buffers to Agricultural Uses) and MPS LU3.2 (Impacts to Agricultural Lands) do not apply to the proposed project.

LUF3. The Commission finds that the proposed project need not be scoped for DRI review under the Land Use section of the RPP.

Economic Development

EDF1. As the proposed project is located in an ISTA, the Commission finds the proposed project is consistent with MPS ED1.1 (Location in Economic Centers) and MPS ED1.2 (Industrial and Service Trade Areas).

EDF2. Given its appropriate location in an ISTA, the Commission finds the proposed project is not required to meet the MPS ED1.3 waiver.

- EDF3. The Commission finds that MPS ED1.4 (Resource-based Economic Areas), MPS ED2.1 (Gaming), MPS ED4.1 (Demonstrated Need and Public Benefit) do not apply to the proposed project.
- EDF4. The Commission finds that the proposed project need not be scoped for DRI review in the Economic Development section of the RPP.

Water Resources

- WRF1. The Commission finds that the site is located in a Wellhead Protection Area (WHPA) and is approximately 1.4 miles upgradient of a cluster of three public water supply wells. The site is also located within a Marine Water Recharge Area (MWRA) for Lewis Bay where a critical nitrogen load has been determined. The property and its developed surroundings are mapped as a Water Quality Improvement Area. Based on the project site's location in the above Water Resource Areas and its proposed use as a commercial laundry facility using and storing a variety of laundry products, the Commission finds that Water Resources shall be included in the scope of DRI review.
- WRF2. The Commission finds that based on the location of the site in the above-mentioned Water Resource areas, the following Water Resource Goals apply to the site and its proposed re-use: WR1 (General Aquifer Protection), WR2 (Drinking Water Quality and Quantity), WR3 (Marine Water Embayments and Estuaries), WR5 (Water Quality Improvement Areas), and WR7 (Stormwater Quality).
- WRF3. The Commission finds the project proposes to improve groundwater recharge and stormwater quality at the site by installing two bio-infiltration rain gardens (total area: ± 1,600 square feet) on the northern margin of the site. Stormwater overflow in the rain gardens will drain into deep sump hooded catch basins leading to stone-filled infiltration trenches and drywells. The bio-infiltration areas are designed to comply with Massachusetts Stormwater Management Guidelines and will be incorporated into the existing drainage system. The stormwater system will contain and infiltrate up to the 50-year design storm event onsite and will provide the required 80% Total Suspended Solids (TSS) removal, consistent with MPS WR7.2. Any overflow from the 100-year design storm would flow to a grassed depression on the Airport property just offsite.
- WRF4. The Commission finds that 2,415 square feet of pavement east of the building will be removed as part of the re-development and replaced with washed stone. An additional 349 square feet of pavement will be removed to accommodate the rain garden located in the northwest corner of the site. Consistent with the requirement of MPS WR7.6 to limit impervious surfaces, the project will reduce impervious areas on the site by 2,764 square feet.
- WRF5. The Commission finds that the nitrogen loading limit established by MPS WR2.1 is 5 ppm-N for WHPAs, which includes the entire project site. Nitrogen loading calculations submitted by the Applicant have demonstrated that the proposed project will result in slightly improved nitrogen loading (1.40 ppm) relative to existing conditions (1.70 ppm). The proposed nitrogen loading concentration is well below the 5 ppm threshold for re-development in WHPAs (MPS WR2.1) and for General Aquifer Protection (MPS WR1.1). Based on nitrogen calculations provided by the

Applicant, the Commission finds the project will result in a net reduction in nitrogen load to the watershed, consistent with MPS WR3.1.

WRF6. The Commission finds that the project's Stormwater Operations and Maintenance Plan identifies the parties responsible for implementation, operations, and maintenance of the stormwater system and includes an inspection and maintenance schedule, Best Management Practices for sediment source control, an Emergency Spill Contingency Plan and a Pollution Prevention Plan. The Commission finds that the Plan is certified by a Professional Engineer and complies with the provisions of MPS WR7.10.

WRF7. The Commission finds that the Applicant's Turf and Landscape Management Plan will limit lawn fertilizer nitrogen to one pound per 1,000 square feet per year, will employ Integrated Pest Management to avoid or minimize pesticide use on the site and will use organic and biological alternatives to pesticides whenever possible consistent with MPS WR1.5.

Hazardous Materials/Waste

HM/WF1. The RPP defines Hazardous Material as *"Any chemical or substance that when released into the environment will pose a significant contaminant threat to groundwater and drinking water supplies, including petroleum products, petroleum distillates, organic and inorganic solvents, oil-based paints, oil-based stains, insecticides, herbicides, rodenticides, and pesticides. Hazardous Materials do not include Hazardous Wastes, Articles, Consumer Products, and Cosmetics."* The RPP defines a Hazardous Waste as *"any Hazardous Waste, Universal Waste or Waste as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR 30.010. Hazardous Wastes do not include Hazardous Materials and bio-medical wastes regulated by 105 CMR 480.000."*

HM/WF2. Based on a review of the list of materials and Material Safety Data Sheets provided by the Applicant on October 25, 2011 for each of the materials proposed to be used and stored on the site, the Commission finds that all of the products with the exception of 15 gallons of gear oil, are comparable to *"Consumer Products"* sold in retail stores, which are excluded from the definition of Hazardous Materials.

HM/WF3. MPS WR2.2 and MPS WM1.1 prohibit the use, treatment, generation, handling, storage, or disposal of Hazardous Materials or Hazardous Wastes, with the exception of Household Quantities, in Wellhead Protection Areas.

HM/WF4. The RPP defines Household Quantity as *"Any combination, or all of the following: (a) 275 gallons or less of oil on site at any time to be used for heating of a structure, or to supply an emergency generator; and (b) 25 gallons or equivalent dry weight, total, of Hazardous Material(s) on site at any time, excluding oil for heating of a structure or to supply an emergency generator; and (c) A quantity of Hazardous Waste generated at the Very Small Quantity Generator level as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000 and which is accumulated or stored in 55 gallons or less at any time on the site."*

HM/WF5. The proposed project requires the use and storage of approximately 15 gallons of gear oil and is a Very Small Quantity Generator of waste gear oil from the periodic replacement of gear oil in the washing equipment. While this material falls under the

RPP definitions of Hazardous Material and Hazardous Waste, the amounts used, stored and generated are less than that for a Household Quantity and therefore the Commission finds the proposed development complies with MPS WR2.2 and MPS WM1.1. The Commission further finds the proposed project shall be conditioned to require the Applicant to comply with the Household Quantity of Hazardous Materials and Wastes pursuant to MPS WR2.2 and MPS WM1.1.

Solid Waste

SWF1. As the proposed project does not involve a significant amount of land clearing wastes or construction and demolition debris, the Commission finds the proposed project need not be scoped for DRI review under the Solid Waste Management section of the RPP.

Coastal Resources

CRF1. The site is not located in the coastal zone. Therefore, the Commission finds the proposed project need not be scoped for DRI review under the Coastal Resources section of the RPP.

Natural Resources/Open Space

NR/OSF1. Due to the extent of existing disturbance on the site, the Commission finds a Natural Resources Inventory is not warranted.

NR/OSF2. The site is mapped as a Significant Natural Resource Area due to its location within a public water supply Wellhead Protection Area.

NR/OSF3. As the proposed project is a redevelopment that does not propose development of any previously undisturbed upland area, the Commission finds the proposed development has no open space requirements.

NR/OSF4. While the Limited DRI review Scoping Checklist recommends review of projects located in Significant Natural Resource Areas, the Commission finds that based on the developed nature of the site that the proposed project need not be scoped for DRI review under the Natural Resources and Open Space sections of the RPP.

Transportation

TRF1. The previous development was subject to a DRI decision (F.W. Webb; DRI Exemption decision dated August 21, 1997 [TR/EX97009]) that stated that the previous development had an afternoon peak hour impact of 32 trips per hour. The proposed development will have an afternoon peak hour impact of 26 trips per hour. Therefore, the Commission finds there will be a net decrease in afternoon peak hour traffic and a net decrease in morning peak hour traffic and daily traffic pursuant to MPS TR0.1.

TRF2. The Commission finds that, based on no new traffic generation, the project is not required to reduce site traffic pursuant to MPS TR2.1.

TRF3. The Commission finds that, based on no new traffic generation, the project is not required to provide traffic congestion mitigation pursuant to MPS TR3.4.

TRF4. The Commission finds that, as the proposed project is not expected to generate more than 25 new peak hour trips, no regional intersection would be impacted by 25 or

more new peak hour trips. As such, the Commission finds that MPS TR1.2 does not apply to the proposed project.

TRF5. The Commission finds that the project complies with all applicable safety standards in the RPP (MPS TR1.4, MPS TR1.6 and MPS TR1.8).

TRF6. As new traffic will not be added to the roadway system as a result of the proposed project, the Commission finds the proposed project need not be scoped for DRI review under the Transportation section of the RPP.

Energy

EF1. The Applicant proposes to install new, energy efficient equipment that uses less water and energy resulting in water and energy savings. It is estimated that the equipment upgrades the Applicant is proposing will result in reductions of 50% in annual gas use, 50% in annual electricity use and 75% in annual water use as compared to baseline facilities operating with standard equipment. In addition, the Applicant is working with the Textile Rental Services Association of America toward "green laundry" certification.

EF2. The Commission finds the project shall be conditioned to require the Applicant to design and construct the project consistent with materials submitted to the record, including the memorandum from Demand Management Institute dated November 18, 2011.

EF3. The Commission finds the proposed project need not be scoped for DRI review under the Energy section of the RPP.

Affordable Housing

AHF1. MPS AH3.5 states "*Redevelopment and Change of Use projects involving nonresidential uses shall receive a credit for the amount of mitigation required based upon the existing use and existing square footage.*"

AHF2. In its May 14, 2009 DRI decision for F.W. Webb (TR08025), the Commission categorized the existing development as "*Warehouse/Distribution*" for the purpose of calculating the affordable housing mitigation required under MPS AH3.1, MPS AH3.2 and MPS AH3.5. The Applicant supplied information indicating that due to the industrial nature of the Cape Cod Commercial Linen Service's operations, its primary services include the warehousing and distributing of linens.

AHF3. The Commission finds the proposed project can be categorized as "*Warehouse/Distribution*" under MPS AH3.1 and therefore, the mitigation credit under MPS AH3.5 equals the mitigation required under MPS AH3.1 and therefore, no affordable housing mitigation is required.

AHF4. The Commission finds the proposed project need not be scoped for DRI review under the Affordable Housing section of the RPP.

Heritage Preservation & Community Character

HPCCF1. The proposed project is located outside of any historic districts and there are no historic structures or cultural landscapes on the site. On November 1, 2011, the Massachusetts Historical Commission determined that "the project is unlikely to

affect significant historic or archaeological resources.” Therefore, the Commission finds the proposed project is consistent with the Historic, Cultural and Archaeological Resources section of the RPP and need not be scoped for DRI review under this section of the RPP.

- HPCCF2. The proposed project is located in an industrial area, which does not include any designated scenic areas, does not expand strip development and will not result in any significant alteration of the building or adjacent roadway. Therefore, the Commission finds the proposed project is consistent with the Project Siting Standards section of the RPP and need not be scoped for DRI review under this section of the RPP.
- HPCCF3. The Commission finds MPS HPCC2.4 (Consistency with Regional Context or Surrounding Distinctive Area), MPS HPCC2.5 (Footprints over 15,000 Square Feet) and MPS HPCC2.6 (Building Forms and Façades) do not apply to the proposed project and the massing, form and materials used on the existing building are consistent with the requirements of MPS HPCC2.7. As such, the Commission finds the proposed project need not be scoped for DRI review under the Building Design Standards section of the RPP.
- HPCCF4. MPS HPCC2.8 requires parking be located to the rear or side of a building or commercial complex. As a redevelopment, the Applicant proposes no changes to the footprint of the building and therefore, the Commission finds MPS HPCC2.8 does not apply to the project.
- HPCCF5. MPS HPCC2.9 requires redevelopment to significantly improve buffers between parking areas and the street as well as interior parking lot landscaping and MPS HPCC2.10 requires development to implement a landscape plan that addresses the functional aspects of landscaping and requires a maintenance agreement be provided.
- HPCCF6. The Commission finds the proposed rain gardens in the northern area of the site are in compliance with MPS HPCC2.10.
- HPCCF7. The Commission finds the site plan (dated October 21, 2011, revised through December 14, 2011) and Turf and Landscape Management Plan (dated November 15, 2011, revised through December 13, 2011) meet the requirements of MPS HPCC2.9 and MPS HPCC2.10.
- HPCCF8. The Commission finds the proposed project shall be conditioned to require that the Applicant comply with the revised site plan (dated October 21, 2011, revised through December 14, 2011) and revised Turf and Landscape Management Plan (dated November 15, 2011, revised through December 13, 2011).
- HPCCF9. The Commission finds the proposed project need not be scoped for DRI review under the Parking and Landscaping sections of the RPP.
- HPCCF10. MPS HPCC2.11 requires that *“site lighting and exterior building lights in all development employ “shoe-box” type or decorative, fully shielded fixtures that use a mounting configuration that creates a total cutoff of all light at less than 90 degrees from vertical, provide total cutoff of all light at the property lines, and meet a maximum initial horizontal foot-candle level of not more than 8.0 foot-candles, as*

measured directly below the luminaire(s) at grade.” The Applicant proposes no changes to the exterior lighting and indicated that, should any exterior lighting be modified or new lighting added in the future, fixtures that comply with the Cape Cod Commission’s Exterior Lighting Technical Bulletin will be utilized. As such, the Commission finds the proposed project shall be conditioned to require the Applicant to submit for Commission staff review and approval any proposed exterior lighting changes to ensure consistency with applicable regulations.

HPCCF11. The Commission finds the project need not be scoped for DRI review in the Exterior Lighting section of the RPP.

CONCLUSION

Based on the above findings, the Commission hereby concludes:

1. That the probable benefit from the proposed development is greater than the probable detriment.
2. That upon satisfaction of the conditions identified in this decision, the proposed project is consistent with the 2009 (as amended) Regional Policy Plan.
3. That the proposed development is consistent with Barnstable’s Local Comprehensive Plan and municipal development bylaws.
4. That the Barnstable Town-wide District of Critical Planning Concern does not apply to the project and therefore this criterion is not applicable.

CONDITIONS

The Commission hereby approves, with conditions, the application of Cape Cod Commercial Linen Service, Inc. as a Limited DRI provided the following conditions are met:

General Conditions

- GC1. This decision is valid for a period of 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of this written decision.
- GC2. The Applicant shall obtain all necessary federal, state, and local permits for the proposed project.
- GC3. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, and remain in compliance herewith, shall be deemed cause to revoke or modify this decision.
- GC4. No development work, as the term “development” is defined in the Cape Cod Commission 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.
- GC5. All development shall be designed and constructed in a manner consistent with materials and plans submitted to the record and in accordance with the following:

- Sheet 1 of 2, Site Plan, prepared by Down Cape Engineering, Inc., dated October 21, 2011, revised through December 28, 2011 (attached to this decision as Exhibit A and incorporated by reference)
- Sheet 2 of 2, Site Plan, prepared by Down Cape Engineering, Inc., dated October 21, 2011, revised through December 28, 2011
- Professional Engineer-certified Stormwater Operations and Maintenance Plan, prepared by Down Cape Engineering, Inc., dated October 21, 2011, revised through December 28, 2011
- Turf and Landscape Management Plan, prepared by Down Cape Engineering, Inc., dated November 15, 2011, revised through December 13, 2011.
- Memorandum from Demand Management Institute dated November 18, 2011

Any deviation to the proposed project from the approved plans, including but not limited to changes to the design, location, lighting, landscaping, or other site work, shall require approval by the Cape Cod Commission through its modification process, pursuant to the Commission's *Enabling Regulations*. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

GC6. Should the Applicant pursue the installation of solar panels on the roof of the existing building, the installation shall be designed and constructed in accordance with the following:

- CCCLS, Hyannis, MA, Roof Mounted 220.57 Kw (959) Module System Drawings, prepared by Fullers Energy, LLC, dated December 21, 2011

Any deviation to the proposed project from the approved drawings shall require approval by the Cape Cod Commission through its modification process, pursuant to the Commission's *Enabling Regulations*. The Applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

GC7. Prior to the issuance of a Certificate of Use/Occupancy for the project, the Applicant shall obtain a Final Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to issuance of a Certificate of Use/Occupancy have been met. Such Certificate of Compliance shall not be issued unless all applicable conditions have been complied with.

GC8. The Applicant shall notify Commission staff in writing at least thirty (30) calendar days prior to its intent to seek a Final Certificate of Compliance. Such notification shall include a list of key contact(s), along with their telephone numbers and email addresses, for questions that may arise during the Commission's compliance review. Commission staff shall complete an inspection under this condition, if needed, and inform the Applicant in writing of any deficiencies and corrections needed. The Commission has no obligation to issue any Certificate of Compliance unless and until all conditions are complied with.

GC9. The Applicant agrees to allow Commission staff to enter onto the property, which is the subject of this decision, after reasonable notice to the Applicant, for the purpose of determining whether the conditions contained in this decision including those linked to the Final Certificate of Compliance have been met.

- GC10. The Applicant shall notify Commission staff of any proposed exterior lighting fixture changes and submit exterior lighting plans to the Commission for Commission staff review and approval to ensure consistency with applicable regulations.
- GC11. If all required building and/or site work is not complete at the time the Final Certificate of Compliance is sought from the Commission, any work which is incomplete may be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150% of the cost of that portion of the incomplete work, including labor and materials. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. Funds to secure the escrow agreement shall be payable to the Barnstable County Treasurer. Prior to the release of the escrow funds, the work must be reviewed and approved by Commission staff as completed as required by either this decision, or the terms of the escrow agreement. Unexpended escrow funds shall be returned to the Applicant, with interest, upon completion of the required work.

Water Resources

- WRC1. Records documenting implementation of the Stormwater Operations and Maintenance Plan shall be maintained on-site by the identified responsible party, and shall be provided upon written request to the Cape Cod Commission.
- WRC2. Within one (1) year of receiving a Final Certificate of Compliance, the Applicant shall submit to Commission staff a written report documenting inspection of the site's stormwater management system by a Professional Engineer. The inspection report must include a finding from the Engineer that the system was installed and functions as designed.
- WRC3. The Applicant shall not use, treat, generate, handle, store, or dispose of Hazardous Materials and/or Hazardous Wastes, with the exception of Household Quantities or less, pursuant to MPS WR2.2 and MPS WM1.1.

SUMMARY

The Cape Cod Commission hereby approves with conditions the application of Cape Cod Commercial Linen Service, Inc., for a proposed Change of Use of the existing approximately 27,000 square foot building located at 880 Attucks Lane in Hyannis, MA for the relocation and consolidation of the Applicant's operations as a Limited DRI as outlined in this decision pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended.

(Signature on last page)

PG
Peter Graham, Commission Chair

1/5
/12
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Jan 5, 2012

Before me, the undersigned notary public personally appeared Peter Graham, in his capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he 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

