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STAFF REPORT

DRI MINOR MODIFICATION #2 REVIEW
COMMITTEE ON PLANNING AND REGULATION- PUBLIC MEETING
ATLANTIC SUBARU FKA SUBARU OF NEW ENGLAND
WATERHOUSE PROPERTIES LLC
122 & 124 WATERHOUSE ROAD, BOURNE
(CCC #99025)

DATE: JULY 21, 2016

PROJECT DESCRIPTION/ BACKGROUND

The Project/ Project Site is subject to a Development of Regional Impact decision dated April 13, 2000 (as modified by decisions dated March 26 and May 21, 2001) (“DRI Decision”). The DRI Decision authorized a new 12,600 sq ft. auto dealership and ancillary development such as parking and outdoor display areas, subject to satisfaction of conditions contained in the Decision. The Commission issued a Certificate of Compliance to the project in July 2001.

The Applicant is the original permittee’s successor in interest. The Applicant now proposes to construct an 8,500 square foot +/- addition to the existing service facilities including 8 new service bays, drive thru check-in, customer lounge and showroom; revised site landscaping; and addition/ reconfiguration of parking for the dealership (which includes new parking/display area on an adjoining lot which lot will be incorporated into the Project Site, for a net increase of 84 parking spaces over the existing spaces for the dealership). The leaching field for the I/A septic system is also proposed to be re-located below this new parking/ display area. The Applicant has applied for a Modification to the DRI Decision to authorize these changes, suggesting that the changes in total constitute a DRI Minor Modification Type 2. The Bourne Planning Board has issued decision approving such changes.

Section 13 of the DRI Enabling Regulations (Chapter A of the Code of Cape Cod Commission Regulations) allows a permittee or permittee’s successor in interest to request modification to DRI decision for changes to an approved project. Section 13 sets out three categories of DRI modifications. The Regulations describe a DRI Minor Modification #2 as follows:

“Includes a substantially similar proposal to the original project but involves a minor Change of Use, a minor change to the site plan, or small change to the findings or a condition of the

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original approval which does not affect the intent or outcome of the finding or condition. A proposed change shall not result in different or increased impacts to the resources protected by the Act and/or the RPP. Such a minor modification may be approved by the Committee on Planning and Regulation and does not require further review by the Commission. The Committee on Planning and Regulation shall issue a written decision and send copies to the Applicant, Municipal Agency and the town clerk, building inspector and DRI Liaison of the Municipality(ies) in which the proposed development is located...Minor Modifications #2, as determined by the Regulatory Committee, shall be governed by the RPP in effect at the time of their original approval...

When making its determination, the Committee on Planning and Regulation shall consider the following factors: proposed Changes of Use; changes to the site plan; changes to impacts to resources protected by the Act and/or the Regional Policy Plan (RPP); changes in the number or character of units, floor area or outdoor commercial area; changes to architectural design or building facade; changes to the findings or conditions of the Commission's original decision; and, other factors that the committee deems relevant to the determination."

The CPR may approve a request for a Minor Modification #2 at a public meeting.

Staff suggests that it is appropriate to review the proposed changes to the Project as a Minor Modification Type #2:

- the use is the same as originally approved;
- the proposed changes do not meet or exceed a mandatory threshold for new DRI review;
- changes to the building and site are consistent with current, approved development; impacts to protected resources are minimized or mitigated in the design of the proposed changes and with the measures staff recommends in its RPP comments, below;
- such impacts are not different in kind than those addressed in the DRI Decision;
- and the proposed changes are not contrary to the findings and conditions contained in the DRI Decision, or Certificate of Compliance issued for the project.

COMMISSION STAFF ANALYSIS

Commission staff reviewed the DRI modification application pursuant to the applicable Regional Policy Plan (RPP) and provides the following analysis.

WATER RESOURCES

The modification has been reviewed for potential impacts to water resources under the 1996 RPP.

The project is located in a watershed that drains to the Back River Estuary, a nitrogen-sensitive system. Mitigation of nitrogen additions to nitrogen-sensitive coastal waters is required by MPS 2.1.1.2.C.

The project will add a total of 8,493 square feet of gross floor area to 12,600 sf approved by the Commission in 2000. Of the additional floor area, approximately 3,333 sf will generate wastewater flows. Through a reallocation of retail and office space, the modification will not increase wastewater design flows of 740 gallons per day (gpd) approved by the Commission in 2000. The reallocation of space is detailed in updated Table 2 submitted by the applicant on January 14, 2016. The applicant proposes to re-use the existing FAST I/A system required under

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the original DRI approval. Therefore, project's site-wide nitrogen loading concentration will remain below the 5 ppm-N limit (MPS 2.1.1.1).

Any modification approval should be conditioned to ensure that wastewater design flows do not increase above 740 gpd to ensure that the project remains consistent with MPS 2.1.1.1, and 2.1.1.2.C which requires mitigation of wastewater nitrogen additions to the watershed.

The addition of parking area will include a stormwater-management design that is consistent with MPS 2.1.1.6, i.e. the design provides for best management practices including bioretention, involves no new direct discharges to surface waters, and is sized to manage the 25-year 24-hour storm.

OPEN SPACE/ NATURAL RESOURCES

The proposed changes include incorporating an adjoining .94 ac. lot into the project site, and constructing additional parking/ display on this lot. Clearing and new disturbance is required, and thus the RPP requires open space mitigation for this clearing and new disturbance (though the entire new lot is not proposed to be disturbed or cleared).

The open space mitigation calculation set out in the DRI Decision requires \$1.46 per square foot at 50% of the area of the entire new lot, resulting in a cash payment of \$29,891 (0.94 x 43,560 x 50% x \$1.46), the payment of which should be a condition of any modification decision approving the proposed changes. No on-site open space was provided under the DRI Decision. Staff suggests that a payment in lieu is appropriate under the circumstances and is consistent with the DRI Decision.

Though the site is located in the geographic extent of Bourne's Back River ACEC, however the local regulations associated with the ACEC are wetlands regulations, and do not apply to the project because the project site does not contain wetlands or areas within the buffer zone to wetlands.

The proposed work is not located within a special flood hazard zone.

A portion of the adjoining lot on which parking is proposed is mapped for priority habitat. The Commission has been provided correspondence from NHESP that the proposed changes to the project will not result in a prohibited 'take' of rare or endangered species listed under the Massachusetts Endangered Species Act.

A Natural Resources Inventory (NRI) was prepared and submitted consistent with RPP requirements. The NRI did not identify wetlands or specimen trees; it noted that the site contains priority Habitat, but also noted the 'no take' letter from NHESP. The NRI identified some small areas containing non-native invasive species. Staff recommends that the CPR condition any project approval on preparation, submission and implementation of an invasive species plan to manage these invasive species, and to establish construction protocols so no further invasive species are introduced to the site.

TRANSPORTATION

As described in the application materials, the purpose of the expansion is "*to meet demand and to provide the necessary branding, service and amenities that Subaru of America requires of its dealerships.*" Commission staff suggests that the drive-thru and expansions to the customer

lounge and showroom relate to modernizing the Subaru dealership and will not result in new trips to the facility.

Commission staff suggests that the proposed additional services bays will result in additional trips to the facility. Commission staff suggests that two bays in the proposed expanded facility, the service wash bay and the inspection bay, will not result in additional trips. Vehicle washing is an amenity provided to customers already on site for other services and, in itself, will not generate trips. The inspection bay would allow new vehicles to be inspected on-site rather than having an employee drive to an off-site facility for inspection services. Overall, based on Commission staff's understanding of how the new facility will be utilized, staff suggests that the increase in trips will be 75% of what would normally be anticipated for an increase in eight service bays.

Using these assumptions, Commission staff estimated trip generation estimate for the facility, based on trip generation data in *Institute of Transportation Engineers' (ITE) Trip Generation*, 9th Edition, for Land Use Code (LUC) 942 (Automobile Care Center).

Table 1: Estimated Increased Trip Generation

Time Period	Estimated New Trips	Trip Reduction Required (20%)	New Net Trips ³
Weekday Daily Trips	89 ¹	18	71
Saturday Peak Hour Trips	10 ²	2	8

Note:

¹ Based on Weekday PM Peak Hour trips ITE Land Use Code 942 (Automobile Care Center) for 3,360 sf (8 bays) multiplied by the Weekday/Weekday PM Peak Hour ratio for ITE Land Use Code 941 (Quick Lubrication Vehicle Shop) to convert to Weekday trips. Multiplied by 0.75 to adjust to an effective increase of 6 bays.

² Based on Saturday trips ITE Land Use Code 942 (Automobile Care Center) for 3,360 sf (8 bays) multiplied by the Saturday Peak Hour/Saturday ratio for ITE Land Use Code 941 (Quick Lubrication Vehicle Shop) to convert to Saturday Peak Hour trips. Multiplied by 0.75 to adjust to an effective increase of 6 bays.

³ New Net Trips = Estimated New Trips – Trip Reduction Required

Safety

The landscaping and other changes to site appears to be designed so that no signs, vegetation, or other visual obstructions will be placed in a manner that would create an obstruction to safe sight distance at the site drive. Commission staff suggests that any DRI modification approval be conditioned on Commission staff's site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

Trip Reduction Mitigation

Applying the same methodology as the original decision, as part of the modification, the Applicant must mitigate 18 daily vehicle trips less credits for in the implementation of their Travel Demand Management (TDM) plan.

With the total number of employees increasing from 20 to 24, the total credit for the TDM plan would be 9 vehicle trips (24 employees x 3 daily trips/employee x 12% trip reduction value of plan). As credit for 7 vehicle trips was given in the original decision, the additional 2 trip credit can be applied to this modification. Applying the trip reduction rate from the original decision, \$1,026 per trip, the revised trip reduction mitigation for 16 trips (20% x 89 weekday daily trips

– 2 weekday daily trips) would be **\$16,416**. Commission staff suggests that any DRI modification approval be conditioned on payment of such mitigation.

Congestion Mitigation

Applying the same methodology as the original decision, congestion mitigation would be \$100 per regional roadway and regional intersection impacted. For 8 peak hour trips (80% of the 10 Saturday peak hour trips) on Waterhouse Road (regional roadway) and through the Waterhouse Road at Route 28 intersection (regional intersection), the congestion mitigation would be **\$1,600**. Commission staff suggests that any DRI modification approval be conditioned on payment of such mitigation.

Parking

It appears, based review of the local zoning by-law's use schedule, that the site use falls under "Other Uses" so the parking requirement would be "*individually determined by the Building Inspector, except that determination will be by the Planning Board in cases referred to that Board by the Inspector of Buildings for site plan review.*"

In general, the RPP seeks to minimize the number of parking spaces. Commission transportation staff recommends that Applicant provide only the minimum number of spaces required for the operation of the facility.

Reviewing the proposed modification materials, the number of spaces per square foot of building area as proposed is less than what currently exists. As such, Commission transportation staff suggests that the number of spaces proposed is appropriate in terms of the transportation-related review of the project, subject to the determination of the Bourne Building Inspector or Planning Board.

HERITAGE PRESERVATION/ COMMUNITY CHARACTER

The Commission asserted mandatory DRI jurisdiction over the original project after it had been substantially completed. In its 2000 DRI decision for the project, the Commission required that a front landscape buffer be installed and maintained along Waterhouse Road to visually buffer the project from roadways and public view. The applicant has requested approval from the Commission to change the required landscaping approved in the DRI decision. The applicant has stated a desire to have some sightlines to the building from the roadway. Commission staff worked closely with the applicant to create a planting plan that utilizes a drought-resistant, native, non-invasive mix of plant species for the main frontage along Waterhouse Road that largely buffers the site, including a significant amount of parking, from view but allows the building to some visibility from the roadway. Commission staff suggests the deciduous trees proposed in the plan be larger as planted (2-1/2" to 3" dia. caliper) than those specified on the project plans (1-1/2" to 2" dia. caliper), and the applicant should revise the proposed planting plan schedule accordingly. With this proviso, Commission staff suggests that the proposed modifications to site landscaping meet this buffering requirement, and thus that this planting plan for the project is consistent with the "adequate landscaped buffers" required under MPS 6.2.3 and 6.2.4.

The project also entails the construction of a new parking field on a parcel to the north of the project site (staff recommends that the DRI modification decision expressly incorporate this new parcel into the Project Site). Opportunities for alternative site layouts, which Commission staff might recommend as preferred, are limited by the existing, permitted site configuration. Commission staff worked with the applicant to design a natural buffer augmented by additional

evergreen trees that is deep enough to ensure the parking is not visible from Waterhouse Road. The applicant has requested the ability to remove dead trees within this vegetated buffer, and to avoid potential excessive clearing at the project site, Commission staff recommends that as a condition of any DRI modification approval, the applicant provide a report from a certified arborist on any trees proposed to be removed for review and approval by Commission staff. With these conditions, Commission staff suggests this portion of the project also meets RPP standards.

Staff recommends that the CPR condition any DRI modification approval on receipt and performance of a landscape maintenance agreement for the modified landscaping, to ensure that such landscaping is installed and maintained according to the applicant's proposed planting plans and relevant RPP standards.

While the proposed building is of a modern appearance, proposed jogs along the front façade minimize the visual width of the building, the building is of modest height, and the building modifications are consistent with existing building previously reviewed and approved by the Commission. Given that Waterhouse Road is not an area with a distinctive architectural style, and the site is not within or proximate to any historic districts or historic properties, Commission staff suggests the building modifications meet MPS 6.2.1 and 6.2.3 related to building design.

Proposed lighting consists of 90-degree cutoff LED luminaires mounted to walls and posts. Lighting levels are consistent with Commission Technical Bulletin guidelines for exterior lighting. Post-top luminaires have been specified with "adjustable arm" mounts, which allow luminaires to be pivoted upwards as opposed to "direct arm" (90-degree fixed) mounts. Commission staff suggests the proposed lighting is consistent with RPP MPS 6.2.7 if conditioned that all adjustable arm luminaires are at a 90-degree angle from the post.

CONCLUSION

Staff suggests that it is appropriate for the CPR to review the proposed changes to the approved project as a DRI Minor Modification Type #2. After its discussion of the request, the CPR could consider whether to direct staff to prepare a modification decision approving such changes for the CPR's further review, consideration and vote at a subsequent meeting, subject to and consistent with the RPP comments and recommended conditions and mitigation referenced, above.