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CAPE COD
COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT (DRI) SCOPING DECISION

DATE: February 17, 2017

TO: Owner/ Applicant
c/o Eliza Cox, Esq.
Nutter McClennen & Fish LLP
1471 Iyannough Road, P.O. Box 1630
Hyannis, MA 02601

OWNER & APPLICANT: Island Sun Nominee Trust, J. Bruce MacGregor, Trustee
Sun Leasing Corp., J. Bruce MacGregor, President

PROJECT: Greenside Office Park (CCC#16021)

SITE/ LOCATION: 10 Attucks Lane, Hyannis, MA

RECORDING INFORMATION: Deed Book 3546 Page 198, Deed Book 18148 Page 162,
Plan Book 240 Page 93
Deed Book 20061 Page 347, Deed Book 9918 Page 12,
Plan Book 518 Page 98

TAX ASSESSORS ID: Map 254 Parcel 15

SUMMARY

The Cape Cod Commission (Commission), through its Executive Director, hereby determines that mandatory Development of Regional Impact (DRI) review of the proposed office park redevelopment located at 10 Attucks Lane, Hyannis, MA shall be scoped and limited to the Regional Policy Plan (RPP) area of Transportation Goal TR1 (Safety), and that the Applicant may proceed with its Limited DRI application, subject to this DRI Scoping decision.

PROJECT DESCRIPTION

The Applicant proposes to redevelop the project site with a professional office park consisting of two buildings (a 20,018 sq ft building and a 4,900 sq ft building) and related site improvements. The site is currently used and developed primarily for trucking and freight related purposes.

FINDINGS

The Executive Director hereby finds as follows:

GENERAL FINDINGS

GF1. The Project qualifies as a mandatory Development of Regional Impact (DRI) pursuant to Section 3(f) of the Commission's *Enabling Regulations Governing Developments of Regional Impact* (revised November 2014) ("Enabling Regulations") as:

Any proposed Change of Use, or Demolition and replacement resulting in a Change of Use, involving commercial, service, retail, wholesale, industrial, private office, private health, private recreational or private educational uses in excess of the following thresholds: (i) Where the Gross Floor Area of the building(s), or that portion of a building, subject to the Change of Use, is greater than 10,000 square feet... (ii) Any Demolition and replacement that results in a Change of Use where the Gross Floor Area is greater than 10,000 square feet.

GF2. In accordance with Section 5(a) of the *Enabling Regulations*, "[f]or any project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review." Pursuant to Section 5(e)(v) of the *Enabling Regulations*, "[t]he Executive Director shall issue a written decision following his/her determination of the scope of DRI review." The Applicant submitted a DRI scoping application on 8/24/16 consisting of 19 sections; the Applicant submitted supplemental application materials in December 2016 relative to revised landscaping (architectural planting plan revised dated 12/16/16); additional lighting specifications; affordable housing (revised commercial contribution calculation); and water resources (information and plans about existing hazardous materials and storage tank abatement). The DRI scoping application was deemed complete on January 16, 2017.

GF3. This Project was reviewed subject to the 2009 Regional Policy Plan (RPP), as amended in August 2012.

GF4. The Commission considered the Limited DRI Scoping Checklist for Redevelopment/Change of Use in its review of the DRI scoping application.

GF5. The project site consists of an approximate 3.2 acre lot of land with frontage on two roadways (Route 132 and Attucks Lane) and an area of approximately 29,610 square feet of leased land under the common control of the Applicant located immediately north of, to the rear of, and adjacent to said 3.2 acre lot (collectively, "Project Site" or "Site").

GF6. The Project Site is currently largely cleared and disturbed, developed with an approximately 11,134 square foot building, and used by two businesses for the sales and renting of storage containers and trailers and as a storage and distribution facility for road transportation/trucking services. Various trailers, trucks and shipping containers are located throughout the Project Site.

GF7. The existing uses on the Project Site are long-standing, legally nonconforming under the Barnstable Zoning Ordinance, and have the benefit of a series of Zoning Board of Appeals' decisions issued over time. Until recently the Project Site was zoned residential. However, in spring 2016, the Town of Barnstable re-zoned the Site from residential to Highway Business (HB). During the public hearings on the rezoning, it was noted that the Site was proposed to be redeveloped for professional office use and that the rezoning was a critical prerequisite to such a redevelopment. The proposed redevelopment will comply with the requirements of the underlying HB zoning district. It will eliminate the existing non-conforming zoning uses, including those associated with the Site's location within the Zone II wellhead protection district.

GF8. The proposed redevelopment consists of eliminating the current uses, removing development such as the existing building, storage tanks, and septic system, and constructing two professional office buildings and associated improvements on the Project Site (Collectively, the "Project").

- The easterly office building is a proposed two story structure with a gross floor area of approximately 20,018 square feet.
- The smaller building, located on the westerly side of the Site, is L-shaped, a single story, and consists of approximately 4,900 square feet.
- The redeveloped site proposes 86-parking spaces, the minimum required under zoning.
- As part of the redevelopment, the municipal sewer line will be extended down Attucks Lane to serve the Site.
- As with the existing conditions, two curb-cuts are proposed, however they will be relocated to maximize their distance from the Route 132/ Attucks Lane intersection.
- The Project proposes new storm-water drainage infrastructure that includes bio-infiltration.
- The Project Site is located in a mapped Zone II and thus also in a local wellhead protection overlay zone.

GF9. The 3.2 acre lot is almost fully disturbed with the exception of approximately 21,820 square feet of natural vegetation. In addition, approximately 19,664 square feet of the adjacent leased land is also disturbed. The Project proposes minimal disturbance of existing naturally vegetated areas, and proposes to significantly re-vegetate existing disturbed areas. Construction of the Project will require disturbing approximately 4,133 square feet of presently undisturbed land, including approximately 100 square feet of the existing natural vegetation along Attucks Lane and Route 132. Significant re-vegetation is proposed, including: revegetating the leased land with a fescue grass seed mix; replanting the approximately 1,641 square foot area of the existing curbcut to be relocated along Route 132 with new trees and buffering; and new shade, flowering and evergreen trees are proposed, together with flowering shrubs and perennials and grasses throughout the Site.

GF10. The existing impervious coverage on the Site is 17,285 square feet. The Project will reduce the amount of impervious coverage by approximately 9,400 square feet, thereby eliminating another existing zoning non-conformity as the Project will comply with zoning impervious coverage limitations.

GF11. The Commission's Committee on Planning and Regulation reviewed and voted to accept this decision at its meeting on February 2, 2017.

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DRI Scoping Decision

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GF12. The Project is proposed to be implemented, constructed and operated in accordance with the following plan sets and other information and documents referenced below and submitted by the Applicant:

- *Project Description Narrative by Nutter McClennen & Fish dated 8/24/16*
- *Design Narrative dated 8/1/16 by Brown Lindquist Fenuccio & Raber Architects*
- *Energy Narrative dated 8/1/16 by Brown Lindquist Fenuccio & Raber Architects*
- *Nitrogen Loading Calculations submitted 8/24/16*
- *Stormwater Management Report dated June 3, 2016 by Baxter Nye Engineering and Surveying*
- *Stormwater and Site Operation and Maintenance Plan dated June 3, 2016 by Baxter Nye Engineering and Surveying*
- *Traffic Memorandum by VHB dated 8/19/16*
- *Affordable Housing Calculation and Narrative by Nutter McClennen & Fish rev. dated 12/18/16*
- *ValuLume LED Exterior Lighting fixture cut sheets submitted 8/24/16*
- *OmniLite/ AP Lighting Exterior Lighting fixture cut sheets submitted 12/28/16*
- *Civil Site Plan Package entitled "Site Construction Plans, Greenside Office Park, 10 Attucks Lane, Hyannis Massachusetts," dated and engineer June 3, 2016 by Baxter Nye Engineering and Surveying, Sheets C0.0, C1.0, C2.0, C3.0, C3.1, C3.2, C4.0, C5.0, C5.1, C5.2, C6.0, C6.1, C6.2, C6.3, C6.4*
- *Architectural Plan Package (Building Elevations, Floor Plans, Landscape Plan, Photometric Plan) by Brown Lindquist Fenuccio & Raber Architects entitled, "New Office Building, Greenside Office Park, 10 Attucks Lane, Barnstable MA, Building 'A,' Building 'B,'" architect stamped 8/1/16, consisting of Cover Sheet/ Renderings; sheet PL-1 (Planting Plan) last revised dated 12/16/16; Photometric Plan/ Point by Point Illumination calculation dated 7/12/2016; Sheet A-A1.1 dated 8/1/16; Sheet A-A1.2 dated 8/1/16; Sheet A-A1.3 dated 8/1/16; Sheet A-A2.1 dated 8/1/16; Sheet B-A1.1 dated 8/1/16; Sheet B-A2.1 dated 8/1/16; Sheet B-A2.2 dated 8/1/16.*
- *Existing Fuel Storage Tank Information Spreadsheet dated 12/13/16 by Baxter Nye Engineering and Surveying*
- *Site Plan depicting Existing Fuel Storage Tank locations, Sheet C2.1, dated 12/14/16 by Baxter Nye Engineering and Surveying*
- *Fuel Tank Removal Specifications, 10 Attucks Lane, Hyannis, Massachusetts, Underground and Above Ground Storage Tank Removal and Soil Management, dated 12/15/16 by Fuss and O'Neill*
- *Site Disturbance Calculation Narrative and Plans submitted 8/24/16*

RPP ISSUE AREA FINDINGS

LAND USE

LUF1. Land Use Goal 1 and its corresponding standards and practices deal principally with the efficient use of land for proposed development, and appropriate siting for proposed development. The Project meets this Goal in the following ways:

- The Project proposes redevelopment of a significantly disturbed site, with a use that is consistent with the town's zoning, surrounding uses, and extant natural resources.
- There is proposed minimal disturbance of existing naturally vegetated areas, and significant re-vegetation of existing disturbed areas.
- The Project incorporates features of compact development such as multistory buildings, clustered development on existing disturbed areas of the Site, parking limited to the minimum number of spaces required under local zoning, and minimal building street setbacks to the extent feasible under local zoning.
- The Town has adopted a Land Use Vision Map (LUVVM). Though the Project Site is mapped 'Resource Protection' on the LUVVM, the Project replaces a nonconforming trucking related use with a use that is consistent with local zoning and with natural resources on the Site. The Town adopted the LUVVM several years prior to the recent zoning change that re-mapped the Site to a commercial use. Further, the proposed redevelopment results in less commercial development on the Site, and is more protective of the wellhead resource by removing four storage tanks and a septic system, eliminating a diesel gas filling station, and eliminating the truck/trailer garage and maintenance use.

LUF2. As the Project does not propose capital facility or infrastructure development, MPS' under Land Use Goal LU2 (Capital Facilities and Infrastructure) do not apply.

LUF3. As the Project is not proposed on or adjacent to agricultural lands, MPS' under goal LU3 (Rural Lands) do not apply.

LUF5. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the Land Use goals and minimum performance standards of the RPP.

ECONOMIC DEVELOPMENT

EDF1. Similar to Land Use Goal 1, Economic Development Goal 1 attempts to guide proposed development to appropriate locations. To that end, MPS' ED1.1 and ED1.2 direct proposed development to locate within appropriate areas designated on town-adopted LUVVMs. Though the Project is located in an area mapped "Resource Protection" on Barnstable's LUVVM, the Project Site has since been re-zoned as commercial since the adoption of the LUVVM. The proposed use and redevelopment is consistent with the new zoning mapping, and better protects natural resources than the existing nonconforming trucking use on the Site. The Project also meets several of the waiver criteria for redevelopment under MPS ED1.3. The Project meets the "Variety" criterion as the smaller building (4,900 square feet) is designed to accommodate at least two tenants, with unit arrangements that would be attractive to small business. In addition, the Project is designed to be LEED certifiable and, therefore, meets the "Green Design" criterion. Further, although the exact tenants have not yet been identified, the tenants are anticipated to be professional office uses, similar to what exists along this area of Route 132, which include financial and securities brokers, attorneys, professional engineers and similar education and knowledge based businesses. Therefore, the Project also meets the "Emerging Industry Clusters" criteria, as it proposes uses with high-skill, high-wage, knowledge-based business activity.

EDF2. The Project is not located on agricultural, waterfront or recreational lands. Therefore MPS ED1.4 (Resource-based Economic Areas) does not apply.

EDF3. The Project does not involve gaming. Therefore MPS ED2.1 (Gaming) does not apply.

EDF4. The Project does not propose the development of infrastructure or capital facilities. Therefore MPS ED4.1 (Demonstrated Need and Public Benefit) does not apply.

EDF5. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the Economic Development goals and minimum performance standards of the RPP.

WATER RESOURCES

WRF1. The Project Site is located within a Zone II wellhead protection area for two Barnstable Fire district wells. The Project Site is located approximately 1,000 feet up-gradient of the wells, and is presently served by a septic system and an on-site well.

WRF2. The existing uses have five grandfathered fuel tanks on the Site. Two of the tanks are underground storage tanks - 8,000 gallons and 6,000 gallons - used to store diesel fuel. There is a diesel fuel dispenser on the site which is used to fuel company trucks. In addition to the two underground tanks, there is a 275 gallon, double-walled, above-ground storage tank located in the building basement that stores fuel oil to heat the offices. The truck maintenance garage area in the northerly portion of the building is heated by a waste oil burner and there are two tanks totalling 750 gallons above ground located near the northwest wall of the maintenance garage. 45 gallons of other flammable, liquid materials are used and stored onsite as well.

WRF3. This Project will significantly reduce water-resource impacts relative to existing Site conditions. The Project proposes the elimination of the current industrial use, and corresponding removal of all fuel storage tanks, the fuel dispensing station, other hazardous materials, site potable water well and the on-site septic system. The Project will connect to and be served by municipal water and sewer. No new fuel storage tanks or fuel dispensing station are proposed.

WRF4. The Applicant provided the following information for review regarding the existing fuel storage tanks to be removed:

- Plan showing existing tank locations, by Baxter Nye Engineering and Surveying, dated 12/14/16, Sheet C2.1
- Existing fuel tank specifications spreadsheet, by Baxter Nye Engineering and Surveying, dated 12/13/16
- Fuel tank excavation and removal/ soil management specification protocol, by Fuss & O'Neill dated 12/15/16.

WRF5. Proposed wastewater design flows of 1,870 gallons of per day will be treated and disposed of at the Barnstable Water Pollution Control Facility via municipal sewer.

WRF6. Proposed stormwater drainage systems will improve water quality through a reduction of impervious surface by approximately 9,400 sf and use of low-impact drainage designs. The

proposed 86 parking spaces is the minimum required under local zoning, thus assisting in minimizing impervious Site area.

WRF7. The Town of Barnstable adopted a town-wide fertilizer/ nutrient ordinance through the Cape -wide Fertilizer Management District of Critical Planning Concern that regulates the application of turf fertilizer in the Town.

WRF8. Water Resources MPS WR1.1 (Five-PPM Nitrogen Loading Standard) requires that a Project limit its site wide nitrogen loading to five-ppm. Nitrogen loading calculations submitted by the Applicant were done according to Commission Technical Bulletin 91-001 and indicate that the Project nitrogen load will be 1.24 ppm, reduced from 3.03 ppm under existing conditions.

WRF9. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the Water Resources goals and minimum performance standards of the RPP.

NATURAL RESOURCES

NRF1. The Site is located within a Significant Natural Resources Area due to the presence of public water supply wellhead protection area. There are no wetlands or mapped rare species habitat on the Site, and in fact much of the Site is disturbed due to current activities.

NRF2. The proposed redevelopment will re-vegetate and re-naturalize substantially more land than is proposed to be disturbed. Because of the heavily disturbed nature of the existing Site, and the relatively small amount of clearing of existing natural vegetation, the submission of a natural resources inventory was not required. Though some managed turf is proposed around the new buildings, the Project proposes to revegetate and naturalize much of the Project Site with a fescue grass mix, including on the lease area, the northern boundary of the fee-owned lot adjacent to the leased area, the westerly boundary of the Site adjacent to existing native vegetation, around the Site's easterly boundary, and around the bio-retention basins at the front and rear of the Site.

NRF3. The Applicant shall prepare an invasive species management plan to assist in avoiding the import of invasive species to the Site during redevelopment activities.

NRF4. Due to the highly disturbed nature of the Site, and with consideration for the reduction in impervious area and proposed revegetation of disturbed areas (thereby improving existing conditions), the Project satisfies the Open Space goals and minimum performance standards of the RPP, and no permanent open space dedication is required for the Project.

NRF5. No Wetlands, Coastal, or Marine Resource areas are present on or in proximity to the Site, and thus the RPP's corresponding goals and standards are not applicable to the Project.

NRF6. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the goals and minimum performance standards under the RPP issue or sub-issue areas of Wetlands, Wildlife and Plant Habitat, Coastal Resources, Marine Resources, and Open Space Protection and Recreation.

TRANSPORTATION

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TRF1. There are two existing curb-cuts serving the Project Site - a full access-curb-cut onto Attucks Lane, and a right-in/ right-out curb-cut located on Route 132 which is in close proximity to the Attucks Lane intersection. The Project proposes relocation of the Route 132 driveway further to the west from the intersection and involves the elimination of large tractor trucks and trailers operating out of this Site associated with the current use.

TRF2. As described in the VHB memorandum dated August 19, 2016, the Applicant is proposing “the demolition of the existing building currently occupied by Sun Transportation Company and Cape Cod Trailer Storage [at 10 Attucks Lane, Hyannis] and the construction of two office buildings totaling approximately 24,918 sf.”

TRF3. Commission transportation staff has reviewed the trip generation calculations as detailed in the VHB memo. The memorandum states that the trip generation estimates are based on trip generation data from the *Institute of Transportation Engineers’ (ITE) Trip Generation*, 9th Edition, for ITE LUC 710 (General Office Building) with credits taken for the removal of the existing site trips. Estimated Project trip generation is presented in Table 1, below:

Table 1: Estimated Project Trip Generation

Time Period	(A) Existing Site Trips (Adjusted) ¹	(B) Proposed Office Trips ²	(C=A-B) Anticipated New Net Trips
Weekday Daily	247	456	209
Weekday Morning Peak Hour	26	63	37
Weekday Evening Peak Hour	21	106	85

Note:

¹ Based on actual counts of existing site traffic, adjusted using heavy vehicle equivalents to account for the differing operational characteristics of heavy vehicles .

² Based on ITE LUC 710 (Single Tenant Office Building) for 24,918 sf

TRF4. The DRI Scoping Checklist for redevelopments contains three transportation-related questions, with responses applicable to the Project, as follow in Table 2, below:

Table 2: Scoping Questions - Transportation

<i>Will the project generate more than 250 new daily trips?</i> (Related to Goal TR2 and TR3)	No , the proposed project is not anticipated to generate more than 250 new daily trips; 206 new daily trips are anticipated.
<i>Will the project generate more than 25 new peak hour trips at a high crash location?</i> (Related to Goal TR1)	Yes , the Applicant will be required to conduct and analysis of potential safety impacts and an identification of proposed safety mitigation at such locations.

Does the project have direct access on or does the project abut a regional roadway?
(Related to Goal TR1)

Yes, The project abuts Route 132 (Iyannough Road), which is a regional roadway. The Applicant will be required to conduct an analysis of potential safety impacts and an identification of proposed safety mitigation on Route 132 (Iyannough Road) under further DRI review.

TRF5. As presented in the Scoping application and the VHB memo, the Applicant has committed to implementing the following:

- Travel Demand Management (TDM) Plan
- Completion of a Traffic Impact and Access Study (TIAS) with sufficient detail and commitments to demonstrate project compliance with the Minimum Performance Standards (MPS) under Transportation Goal TR1: Safety

TRF6. As presented in the VHB memo, *“the details of the TDM program will be presented in the formal traffic impact and access study and will most likely include (but not be limited to) bike racks, shower and locker facilities, incentives for carpooling, and potential access to public transit via the Barnstable Villager line. One important component of the TDM program will be the inclusion of a kitchen for employees, which will play a significant role in reducing midday trip making.”*

TRF7. As part of further, Limited DRI review of the Project, the Applicant shall prepare a TIAS. The TIAS shall include an analysis of potential safety impacts and an identification of proposed safety mitigation proposed at seven study area intersections and seven study area roadway links presented below. The locations marked with astericks were added to the original study area proposed in the VHB memo based on the recommendation of Commission staff:

Intersections

- *Route 132 (Iyannough Road) at Route 6 Westbound Ramps
- Route 132 (Iyannough Road) at Route 6 Eastbound Ramps
- Route 132 (Iyannough Road) at Shootflying Hill Road
- Route 132 (Iyannough Road) at Attucks Lane
- Route 132 (Iyannough Road) at Site Driveway
- Attucks Lane at Site Driveway
- *Route 132 (Iyannough Road) at Phinney’s Lane

Roadway Links

- *Route 132 (Iyannough Road) between Route 6 Eastbound Ramps and Route 6 Westbound Ramps
- Route 132 (Iyannough Road) between Route 6 Eastbound Ramps and Shootflying Hill Road
- Route 132 (Iyannough Road) between Shootflying Hill Road and Site Driveway
- Route 132 (Iyannough Road) between Site Driveway and Attucks Lane
- *Route 132 (Iyannough Road) between Attucks Lane and Phinney’s Lane
- Attucks Lane between Route 132 (Iyannough Road) and Site Driveway

TRF8. Subject to satisfaction of the conditions herein, the Project does not involve substantial deviation from RPP Transportation Goals TR2 (Level of Service/ Congestion Management) and TR3 (Trip Reduction/ Transportation Balance and Efficiency) and their attendant minimum performance standards.

TRF9. The Project requires further DRI review to determine that it is consistent with and does not deviate from Transportation Goal TR1 (Safety) and its attendant minimum performance standards.

WASTE MANAGEMENT

WMF1. The Project does not propose to use, store or generate hazardous materials or hazardous waste on Site. The Project will redevelop the Site and remove hazardous materials from the Site according to the fuel tank excavation and removal/ soil management specification protocol by Fuss & O'Neill dated 12/15/16.

WMF2. The Project will not create significant amounts of solid waste during the construction phase, due to the disturbed nature of the Site. The Applicant has provided a written narrative outlining the handling of operational wastes as a chapter in its Stormwater and Site Operations and Maintenance Plan (page 7), prepared by Baxter Nye Engineering and Surveying dated June 3, 2016.

WMF3. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the Waste Management goals and minimum performance standards of the RPP.

ENERGY

EF1. MPS E1.1 (Redevelopment Energy Audit) does not apply as there are no existing buildings being reused on the Site.

EF2. The Project is designed to be LEED certifiable.

WMF3. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the Energy goals or minimum performance standards of the RPP.

AFFORDABLE HOUSING

AHF1. MPS AH3.1 (Community Participation) requires a monetary contribution for certain non-residential DRI projects, according to the calculation set out in the minimum performance standards under RPP Affordable Housing Goal 3, and the guidance set out in Commission Technical Bulletin 10-001. The purpose of this contribution is to mitigate for jobs in the proposed development that are anticipated to pay less than the regional average wage.

AHF2. Pursuant to RPP Affordable Housing Goal 3, the Applicant submitted an affordable housing calculation narrative for the Project (revised) dated 12/8/16.

AHF3. Commission staff reviewed the Applicant's affordable housing calculation, agreed with its reasoning and conclusion, and determined that the calculation was performed consistent with the relevant RPP affordable housing standards and Commission Technical Bulletin 10-001.

AHF4. Based on the size of the Project and the proposed professional office use, after applying allowable credits for the existing use and development, the Applicant's required Affordable Housing contribution is \$10,961.96.

AHF5. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the Affordable Housing goals or minimum performance standards of the RPP.

HERITAGE PRESERVATION/ COMMUNITY CHARACTER

HPCCF1. The Project Site does not contain nor is proximate to any recognized historic or archaeological resource.

HPCCF2. The Applicant filed a Project Notification Form with the Massachusetts Historic Commission (MHC) on 8/24/16. MHC responded on 9/7/16 determining that the Project was unlikely to affect significant archaeological or historic resources.

HPCCF3. The Project is located on a regional roadway. The redevelopment does not constitute strip development, or the extension of strip development. Shared parking is located between the proposed buildings, to the side, or side and rear, of the proposed site buildings. Proposed parking spaces are the minimum number required under local zoning.

HPCCF4. The Applicant submitted for review an architectural plan package consisting of 10 sheets (including building elevations and floor plans, roof plans, a photometric plan and landscape plan) and design narrative for the proposed buildings all dated 8/1/16, prepared by Brown, Linquist Fenuccio & Raber (a revised landscape plan was submitted dated 12/16/16). Lighting specifications for proposed exterior fixtures were provided in section 17 of the Scoping application and supplemented on 12/28/16.

HPCC5. The revised landscaping plan depicts proposed landscaping that uses native, pest-resistant and drought-tolerant plantings. The existing sales/storage of trailers along the Site's street frontages will be removed in place of new landscaping. Proposed landscaping improves buffers between Site development and the street, provides interior parking lot plantings, integrates the proposed buildings with the Site and the surrounding environment, and enhances architectural features. Two bio-retention areas, one to the front and one to the rear of the Site, for the Project's stormwater management system have been incorporated into the proposed landscaping.

HPCCF6. The proposed Site design includes two buildings, both with footprints well under 15,000 square feet. They are well-screened from the roadway with curved entrance drives and vegetation. The proposed smaller, westerly building will assist in screening views of the parking areas from the roadways. The design of the two buildings are consistent with the design of surrounding buildings, which are largely office type development. The buildings follow traditional patterns in terms of their small scale massings, gable roof forms, and similar clapboard and shingle siding materials. The buildings do not meet the exact footprint variation required by MPS HPCC2.6 (Building Forms and Facades) on all facades, particularly on the 182-

foot long rear façade of the larger building, but because the structures are modest in size and include variation in the roof line, and this long façade is not visible from the public roadway, façade variation less than the required 10 feet per 50 feet of façade length is appropriate in this particular project.

HPCCF7. Proposed exterior lighting is consistent with MPS HPCC2.11 (Exterior Lighting). Utilities are proposed to be located underground.

HPCCF8. Subject to satisfaction of the conditions herein, the Project does not substantially deviate from the RPP issue area of Heritage Preservation and Community Character.

CONCLUSION

Based on the foregoing findings, the Executive Director hereby issues this decision and finds and determines that the Project does not require further DRI review under the RPP areas of: Land Use; Economic Development; Water Resources; Marine Resources; Coastal Resources; Wetlands; Wildlife and Plant Habitat; Open Space and Recreation; Affordable Housing; Energy; Waste Management; Transportation Goals 2 & 3; and Heritage Preservation/ Community Character.

The Executive Director finds and determines that the Project requires further DRI review, and limits the scope of said DRI review to the RPP area of Transportation Goal 1 (Safety), and its attendant minimum performance standards. This decision is subject to the conditions below.

CONDITIONS

C1. This decision shall allow the Applicant or its successors in title or interest, after the Town of Barnstable has referred the Project to the Commission as a mandatory DRI, to file a Limited DRI application and undertake Limited DRI review with the Commission, consistent with the terms and conditions of this decision and under the 2009 RPP (as amended in August 2012), within one year from the date of this decision, which time may be extended upon mutual agreement of Commission and the Applicant. Proposed changes to the Project as described herein may require changes to the scope of Limited DRI review authorized herein.

C2. The Project shall be implemented, constructed, operated and maintained in accordance with the following plan sets and other information and documents referenced below:

- *Design Narrative dated 8/1/16 by Brown Lindquist Fenuccio & Raber Architects*
- *Energy Narrative dated 8/1/16 by Brown Lindquist Fenuccio & Raber Architects*
- *Nitrogen Loading Calculations submitted 8/24/16*
- *Stormwater Management Report dated June 3, 2016 by Baxter Nye Engineering and Surveying*
- *Stormwater and Site Operation and Maintenance Plan dated June 3, 2016 by Baxter Nye Engineering and Surveying*
- *Traffic Memorandum by VHB dated 8/19/16*
- *ValuLume LED Exterior Lighting fixture cut sheets submitted 8/24/16*
- *OmniLite/ AP Lighting Exterior Lighting fixture cut sheets submitted 12/28/16*

- *Civil Site Plan Package entitled "Site Construction Plans, Greenside Office Park, 10 Attucks Lane, Hyannis Massachusetts," dated and engineer June 3, 2016 by Baxter Nye Engineering and Surveying, Sheets Co.o, C1.o, C2.o, C3.o, C3.1, C3.2, C4.o, C5.o, C5.1, C5.2, C6.o, C6.1, C6.2, C6.3, C6.4*
- *Existing Fuel Storage Tank Information Spreadsheet dated 12/13/16 by Baxter Nye Engineering and Surveying*
- *Site Plan depicting Existing Fuel Storage Tank locations, Sheet C2.1, dated 12/14/16 by Baxter Nye Engineering and Surveying*
- *Fuel Tank Removal Specifications, 10 Attucks Lane, Hyannis, Massachusetts, Underground and Above Ground Storage Tank Removal and Soil Management, dated 12/15/16 by Fuss and O'Neill*
- *Site Disturbance Calculation Narrative and Plans submitted 8/24/16*
- *Architectural Plan Package (Building Elevations, Floor Plans, Landscape Plan, Photometric Plan) by Brown Lindquist Fenuccio & Raber Architects entitled, "New Office Building, Greenside Office Park, 10 Attucks Lane, Barnstable MA, Building 'A,' Building 'B,'" architect stamped 8/1/16, consisting of Cover Sheet/ Renderings; sheet PL-1 (Planting Plan) last revised dated 12/16/16; Photometric Plan/ Point by Point Illumination calculation dated 7/12/2016; Sheet A-A1.1 dated 8/1/16; Sheet A-A1.2 dated 8/1/16; Sheet A-A1.3 dated 8/1/16; Sheet A-A2.1 dated 8/1/16; Sheet B-A1.1 dated 8/1/16; Sheet B-A2.1 dated 8/1/16; Sheet B-A2.2 dated 8/1/16.*

C3. The terms and conditions of this decision shall be incorporated into any Limited DRI decision approving the Project.

C4. The Project shall connect to and be served by municipal water and sewer.

C5. The Project's site-wide nitrogen load shall not exceed 5ppm.

C6. Prior to commencement of any Project construction and site work, the existing on-site hazardous materials, water well, septic system, fuel dispenser, and fuel storage tanks shall be removed, consistent with the fuel tank excavation and removal/ soil management specification protocol, by Fuss & O'Neill dated 12/15/16, referenced herein. The Applicant shall copy the Commission on all submittals and correspondence to and from the Town of Barnstable and Commonwealth of Massachusetts authorities pertaining to fuel tank excavation, removal, disposal and associated soil management activities.

C7. Prior to commencement of any Project construction and site work, the Applicant shall provide for the Commission staff's review and approval an Invasive Species Management Protocol containing practices to avoid importing invasive species to the Site during construction and site work activities. When approved by Commission staff, the Project shall be undertaken according to said Protocol.

C8. Prior to commencement of any Project construction and site work, the Applicant shall provide for Commission staff's review and approval of a Travel Demand Management Plan. When approved by Commission staff, the Project shall be undertaken and operated according to said Plan.

C9. Prior to commencement of any Project construction and site work, the Applicant shall provide certification from the Project architect to Commission staff that the Project is LEED certifiable, based on construction and other plans to be submitted in the building permit application package for the Project to the Town of Barnstable.

C10. Prior to use and occupancy of the Project, the Applicant shall provide to the Commission c/o the Barnstable County Treasurer a payment in the amount of \$10,961.96, to be held by the Commission and distributed upon request to the Town of Barnstable or other qualified non-profit entity to use in furtherance of affordable housing initiatives in the Town of Barnstable.


C11. The Applicant shall submit a landscape maintenance protocol for review and approval by Commission staff. When approved by Commission staff, the Project shall be undertaken, maintained and operated according to said protocol. The landscape maintenance protocol shall include provisions, consistent with applicable Water Resources and Community Character standards of the RPP, that address, at a minimum, the following: Integrated Pest Management/ bio-rational methods of pest management; turf fertilization consistent with the town's fertilizer/ nutrient ordinance; maintenance of the naturalized grass areas; water conserving irrigation methods; maintenance of bio-retention areas; planting installation methods and details; and the replacement of dead/ diseased plantings.

C12. The Project shall not have internally lit or flashing exterior signs. Any sign lighting shall be fully shielded, use a mounting configuration that creates a total cutoff of all light at less than ninety (90) degrees from vertical, and meet a maximum initial horizontal foot-candle level of not more than 8.0 foot-candles, as measured directly below the fixture at grade.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 7th day of February 2017


Signature

Paul Niedzwiecki, Executive Director
Print Name and Title

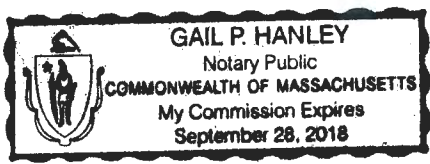
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss February 7, 2017

Before me, the undersigned notary public, personally appeared

Paul Niedzwiecki,

in his/her capacity as Executive Director 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.



SEAL

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18