



CAPE COD COMMISSION

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Date: October 16, 2006

To: Joel B. Searcy
1 Sandy Lane
P.O. Box 640
Truro, MA 02666

Dan Silva
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Truro, MA 02666

Paul Souza
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Truro, MA 02666

From: Cape Cod Commission

Regarding: Limited DRI Determination for Change of Use
DRI Enabling Regulations, Sections 3 and 4

Project Applicants: Joel B. Searcy, Dan Silva and Paul Souza
P.O. Box 640
Truro, MA 02666

Property Owner: Tri-S Properties, LLC
1 Sandy Lane
P.O. Box 640
Truro, MA 02666

Project #: CU06022

Project: Truro Tradesman's Park
352 State Highway, Route 6
Truro, MA

Map/Parcel: 39/167 Lot/Plan: Lot 3, Plan 30072C

Land Court: 147002 Book/Page: Document Number 1038633

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby determines that the redevelopment of the property located at 352 State Highway, Route 6, Truro, MA, from the existing 16,000 square foot Spring Hill Motel to a 36,000 square foot



Tradesman's Park qualifies as a change of use pursuant to the criteria and thresholds established under Section 3(f)(i) and Section 4(b) of Chapter A, Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended (DRI Enabling Regulations), and may proceed without Development of Regional Impact (DRI) review. This decision is rendered pursuant to a vote of the Regulatory Committee on October 16, 2006.

PROJECT DESCRIPTION

An existing 43 unit motel (approximately 16,000 square feet on approximately 3.49 acres) is proposed to be demolished and replaced with four metal buildings containing 35 to 40 units totaling approximately 36,000 square feet for use by small contractors, electricians, plumbers, cabinet-makers and other tradesmen. The project area is zoned as General Business under the Truro Zoning By-law.

PROCEDURAL HISTORY

The applicant requested a limited DRI change of use determination under Section 4(a) of the DRI Enabling Regulations. The Chief Regulatory Officer determined that the project constitutes a change of use. On July 27, 2006, the applicant submitted an application for a Limited DRI Determination in accordance with Section 4(b) of the DRI Enabling Regulations. On August 14, 2006, the Commission received a mandatory referral form for the project from the Truro Planning Board. The application was deemed complete on August 29, 2006 for the purposes of scheduling a public hearing. A public hearing was held on September 21, 2006 at 7:00 PM at the Truro Town Hall to consider the Limited DRI Review request for the project. The hearing was continued to the October 3, 2006 Regulatory Committee Meeting. At this hearing, the Regulatory Committee voted to direct staff to prepare a draft decision approving the project as a change of use subject to receipt of final plans, and the hearing was continued to the October 16, 2006 Regulatory Committee Meeting. The draft decision was approved at the Regulatory Committee meeting of October 16, 2006.

MATERIALS SUBMITTED FOR THE RECORD

<u>From the Proponent:</u>	<u>Dated</u>	<u>Revised</u>	<u>Rec'd</u>
1. Preliminary Site Plan by Felco Inc.	7/2/06	10/12/06	10/17/06
2. Revised Elevations	undated		10/17/06
3. Color Board			10/12/06
4. Preliminary Site Plan by Felco Inc.	7/2/06	10/4/06	10/10/06
5. Revised Landscape Plan by Paul Souza	undated	undated	10/10/06
6. Preliminary Site Plan by Felco Inc.	7/2/06	9/29/06	10/2/06
7. First Landscape Plan by Paul Souza	7/2/06		early September
8. Well Location Sketch from Felco, Inc.	9/1/06		9/1/06
9. Water Use Reports			8/22/06
10. Color Board			8/10/06
11. Building A & B Elevations			8/10/06
12. Building C & D Elevations		9/06	8/10/06

13. Nitrogen Loading Calculations from Felco, Inc.	8/1/06	
14. Application form and Additional Submittals	7/27/06	7/27/06
15. Preliminary Site Plan	7/02/06	7/20/06
16. Preliminary Site Plan	7/02/06	7/05/06
17. Preliminary Site Plan	6/02/06	

From state/local officials:

1. Fax from Charleen Greenhalgh, Asst. Town Admin/ Planner	9/20/06	9/20/06
2. E-mail from Charleen Greenhalgh, Asst. Town Admin/ Planner	9/13/06	
3. General Business District Zoning Bylaw		8/25/06
4. Discretionary DRI Referral form and documentation	8/9//06	8/14/06
5. Letter from Philip Bergen, MHC Preservation Planner	7/18/06	

From the public:

1. Letter from Jean G. Krulic, in support and with concerns	10/5/06	10/10/06
2. E-mail from Mark Peters, with concerns	10/04/06	10/05/06
3. Letter from Kyle Takakjian, in support	9/20/06	9/21/06
4. Letter from Christopher R. Lucy, in support	9/21/06	9/21/06
5. Letter from Judith S. Howard, with concerns		9/21/06
6. E-mail from Jonathon Ideman, Esq. on behalf of Jim Ryan, with concerns	9/21/06	
7. Letter from Jennifer S. Cohen, with concerns	9/21/06	9/21/06
8. Letter from Judith and Leonard Howard, with concerns	9/13/06	9/18/06
9. Letter from Ronalie C. Peterson and James Blum, with concerns	9/17/06	9/21/06
10. Letter from Lisa and Tony Auteri, opposed	9/18/06	9/21/06
11. Letter from James Ryan, with concerns	9/12/06	9/15/06
12. Letter from Amanda Reed and Rachel Sokolowski, with concerns	9/18/06	9/20/06
13. Letter from Frank & Gwendolyn H. Korahais, with concerns	9/17/06	9/19/06
14. Letter from Prudence Sowers, opposed	9/15/06	9/19/06

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of the proceedings are incorporated into the record by reference.

TESTIMONY

Note: see minutes in file for complete public hearing and subcommittee meeting proceedings.

At the September 21, 2006, Public Hearing, the Subcommittee heard oral testimony from the following individuals:

1. Mr. Curtis Hartman, Selectman and former Planning Board member, spoke in support of the project. He said they developed the LCP with the concept of maintaining community character. By this they meant keeping a diverse community with a broad mix of working men and women. Therefore, the LCP encourages the innovative concept of a tradesman's park to encourage diversity. He said the Planning Board has permission to reject any project that does not meet the Town's design criteria, including lighting, noise and architecture and landscaping.
2. Ms. Jan Worthington, Selectman, said she agreed with Mr. Hartman about keeping young families in Truro and their ability to review their own projects. She agrees with the concept of keeping the project attractive, however, she trusts that the applicants will build an appropriate project. She said she did not believe the motel was an attractive building.
3. Ms. Charleen Greenhalgh, Assistant Town Administrator/Planner, read her letter dated September 20, 2006, into the record (see file).
4. Mr. Chris Lucy, Selectman, said that he is related to the project proponents, and is in support of the project. He said the LCP supports the project and that the character of Truro would be preserved by providing a place for tradesmen that is out of the residential areas. He questioned some of the concepts in the staff report, including traffic, water resources and zoning. He urges a speedy review, saying that the project will help preserve community character and will be beneficial to the economy.
5. Mr. Dan Sullivan, architect, said that the LCP calls for residents to retain Truro's community character. He said the Town needs an industrial park, but calling it a tradesman's park is not accurate. He said that after looking at other projects in the area, he believes there is a need for control. He cautioned against just accepting the project. He said the park will be used year round, versus the seasonal use of the motel. He said crash statistics are based on the previous project, not the proposed project. He said the wastewater data is based on seasonal use and could include pollution from hazardous materials. He said design issues are important to protect community character, and that wide buffers to provide good screening are appropriate and necessary. He said that the community character of Truro is visual as well as spiritual, and needs to be preserved for the next century.
6. Mr. Kyle Takajian, a resident since 1984, a welder and a police officer, spoke in support of the project. He said the only available option for tradesmen now is to work from their homes. He said this project would provide another option. He questioned the staff traffic analysis and said that the new trips are insignificant. He asked the subcommittee to approve the project and to assist the applicants.
7. Ms. Amanda Reed, Chicadee Lane and homeowners association member, said that she was concerned about noise from the park, citing noise from garage doors, trucks, and machinery, probably early in the morning when tradesmen get ready for work. She said she is also concerned about whether there will be set hours of use – she is

especially concerned that night-time use would produce noise that would disturb nearby residents. She noted that she was concerned that the buildings could be used for overnight housing or seasonal housing. She said she was also concerned about the additional year-round traffic versus the motels' seasonal traffic.

8. Ms. Carol D'Amico, Parker Drive, said that she is from a working-class family and understands the needs of tradesmen. She said she would love for people to be able to work and live in Truro. She works in Provincetown, travels through that intersection many times per day and is very concerned about the increase in truck traffic. She said that she believes the traffic impact will be greatly increased, and noted that there have been many unreported crashes at the site and at least one death. She is especially concerned about large vehicles using the site and contributing to unsafe conditions. She said the project should be downsized and reviewed further by the Commission for traffic.

9. Ms. Judith Howard, Noons Drive, said that although a tradesmans park is needed, she was concerned about water and traffic impacts. She said the new traffic at the site would come from large commercial trucks, versus passenger cars from the motel use. She showed a photograph of the forest behind the motel and said she is concerned about denuding the entire site, the trees of which are at least 40 years old, and that the developers are using every inch of the site, which is the highest point of the hill, and the project should be downsized. She said that she believes that open space where the trees currently exist should be provided to preserve them because they are part of the Truro greenbelt that defines the Town's rural character and they will soften the look of the metal buildings. She said that there is a historic cemetery across the highway from the site and that she is concerned about hazardous materials that would be used on-site.

10. Ms. Caroline Herron endorses the project.

11. Ms. Katherine Winkler said her concerns have been addressed.

12. Mr. Kenneth Brock said the Town can deal with its own future and permitting the project. He said the LCP endorses the concept which would allow local tradesmen to prosper. He said rural character means diversity. He said the Town now has a site plan review process and professional planning staff, which was not true years ago. He said the applicant's track record is good.

13. Mr. Bruce Cagwin, a local plumber, said he was anxious to find a place to grow his business. He said that while there are planning issues, they can be handled by the Town. He said the project was reasonably sited and that they would mitigate their impacts. He said that economic sustainability is a mission of the Commission.

14. Mr. David Foster, master electrician, said that he recently moved his business to Eastham because there was tradesman's space there. He said he would like to have a space in Truro and supports the project.

15. Ms. Janice Parkey supports the project and believes the Town can handle its review.

16. Ms. Deborah McCutcheon, attorney, supports the concept of the project, and said that although the Town has limited ability to review it, she believes the project should be returned to the Truro Planning Board.

17. Mr. Keith Silva supports the project and questioned the staff report.
18. Ms. Naomi Rorro spoke in support of the applicants and the project.

JURISDICTION

The proposed project qualifies as a DRI under Section 3(f)(i) of the DRI Enabling Regulations as a change of use with a gross floor area greater than 10,000 square feet. Pursuant to Section 4(a) of the DRI Enabling Regulations, the Chief Regulatory Officer determined that the project constitutes a Change of Use. Further, as provided in Section 4(a)(iii), the applicant then applied for a Limited DRI Determination in accordance with Section 4(b), which requires the Regulatory Committee to determine the scope of the DRI review required.

FINDINGS

The Commission, through the Regulatory Committee, has considered the application of Joel Searcy, Dan Silva and Paul Souza for the proposed change of use project at 352 State Highway, Route 6, Truro, MA, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 3 and 4 of the DRI Enabling Regulations:

General Findings:

Finding G1. An existing 43 unit motel (approximately 16,000 square feet on approximately 3.49 acres) is proposed to be demolished and replaced with four metal buildings containing 35 to 40 units totaling approximately 36,000 square feet for use by small contractors, electricians, plumbers, cabinet-makers and other tradesmen.

Finding G2. In accordance with Section 4(b)(vi) of the DRI Enabling Regulations, the Regulatory Committee reviewed the proposed change of use to determine the scope of the project review, which may be limited to those Regional Policy Plan (RPP) issue areas where the impacts are more detrimental (quantitatively and/or qualitatively) than the immediate prior use. The Regulatory Committee considered whether the project's impacts involve deviation from the minimum performance standards (MPS) of the RPP in determining the scope of DRI review. The Committee, in making its determination, considered the resources protected by the Cape Cod Commission Act and the RPP, including but not limited to water resources, coastal resources, wetlands, wildlife/plant habitat, economic development, transportation, waste management, capital facilities, energy, affordable housing, open space/recreation, historic preservation and community character. After consideration of each applicable issue area, the Regulatory Committee has determined that the project may proceed without further DRI review because it determines that the project does not result in more detrimental impacts than the immediate prior use as provided by Section 4 (viii) of the DRI Enabling Regulations.

Finding G3. The project is proposed to be constructed according to the following plans:

- Preliminary Site Plan prepared for Tri-S Properties, LLC by Felco, Inc. dated 7/2/06, revised 10/04/06, received 10/10/06
- Landscape Plan prepared for Tri-S Properties, LLC by Paul Souza, received 10/10/06
- Elevations received 10/17/06
- Color Board received 10/12/06

Water Resources Findings:

Finding WR1. The existing motel and the proposed use both rely on on-site wastewater disposal. Wastewater is the primary source of nitrogen for both the motel and the proposed use.

Finding WR2. The project results in a net nitrogen-loading reduction from 7.9 ppm for the existing motel use based on estimated actual wastewater flows. The proposed use will result in the generation of 1,200 gallons per day of Title-5 wastewater flows and a nitrogen loading concentration of 5.4 ppm. This nitrogen loading concentration is slightly higher than the regional 5-ppm goal for Cape Cod. Because this project is a change of use, conformance with the RPPs 5-ppm standard is not required.

Finding WR3. The project has applied to the Provincetown Water Department for connection to Provincetown's public water supply. The on-site well that currently supplies water to the motel will only be used for irrigation purposes.

Finding WR4. Five private water-supply wells on nearby parcels and within 400 feet of the project parcel have been identified by the applicant. One well is located approximately 200 feet from a septic leach basin proposed for this project. Based on regional water-table mapping, this well appears to be hydraulically upgradient of proposed septic leach basins and not impacted by the project, and another well is located approximately 350 feet downgradient of a proposed septic leach basin. Based on the anticipated reduction in wastewater flows, the proposed project will not have more detrimental impacts on drinking water than the immediate prior use.

Finding WR5. Stormwater management for the proposed use relies on standard engineering practices using leaching catch basins to remove sediment and infiltrate runoff from the proposed stone parking and drive areas. During local review of the project, consideration should be given to allowing runoff from the southwest corner of this area to drain to a water-quality swale or rain garden to increase treatment of stormwater runoff.

WR6. Based on Findings WR1 through WR5, the proposed tradesman's park will result in less detrimental impact to water quality than the immediate prior use.

Transportation Findings:

Finding T1. The change of use is expected to result in the following trip generation change:

Use	Size	Weekday Trip Generation	Morning Peak Hour Trip Generation	Evening Peak Hour Trip Generation
Motel (1)	42 Rooms + 2 bedroom apartment	243	25	34
Tradesman's Park (2)	36,000 Square Feet	251	36	39
Net New Trips		8	11	5

(1) Based on ITE Land Use Code 320: Motel for 42 rooms and Land Use Code 200: Apartment for 1 unit

(2) Based on ITE Land Use Code 110: Light Industrial for 36,000 gross square feet

This minimal increase in trips is not expected to have a more detrimental impact on regional roadway operations than the immediate prior use.

Finding T2. State crash records from 1999-2004 showed an average of less than one crash per year at the intersection of Route 6 and Aldrich Road / Noons Drive, far below the three crashes per year required for further review under the RPP. The site driveway itself only showed one crash during this time period. Given the minimal increase in expected trip generation, the proposed use will not have a more detrimental impact on safety than the immediate prior use.

Finding T3. Preliminary review shows stopping sight distances of at least 535 feet from Route 6 north and south to the site driveway. Based on the American Association of State Highway Transportation Officials (AASHTO) guidelines, the sight distances are sufficient to 55 mph. The speed limit in the area of the development site appears to be 45 or 50 mph, and thus the sight distances should be sufficient and the proposed project will not have a more detrimental impact on stopping sight distances than the immediate prior use.

Finding T4. The RPP allows for re-use of existing curb cuts on the portion of Route 6 where the project is located provided there is no increase in daily or peak-hour traffic. The project increases traffic at the curb cut. However, this minimal increase will not have a more detrimental impact on the roadway system than the immediate prior use.

Finding T5. The RPP requires site design to minimize impact on the adjacent road system. The site plan layout appears to have no issues related to internal circulation affecting traffic operations on Route 6 and thus no detrimental impact that is greater than the immediate prior use is expected.

Finding T6. While the existing Route 6 motel entrance pavement width exceeds RPP standards, given the expected minor increase in trip generation, acceptable sight distances, and low crash history at the existing driveway, the proposed use will not be more detrimental than the immediate prior use.

Finding T7. The RPP requires human made objects such as lighting and signs to be placed to minimize visual obstruction and safety conflicts and all utilities are required to be underground. The site plan shows all utilities placed underground and appears to show the sign sufficiently far from the edge of Route 6 pavement as to not block sight distances. Route 6 is a heavily traveled roadway and the area is very dark at night. The applicant has stated they will install cut-off fixtures for any site lighting to avoid glare that might cause a safety hazard for Route 6 motorists.

Finding T8. The RPP requires provision of pedestrian and bicycle connections into and across development sites where appropriate. Currently, there appears to be no pedestrian or bicycle connections across the site, and the Route 6 highway right of way appears to be sufficiently wide to construct a sidewalk or bicycle path along Route 6 in the future without need for land on the development site. Also, it is unlikely the project will generate sufficient pedestrian or bicycle traffic to justify an internal sidewalk network.

Finding T9. The RPP requires 25% trip reduction. Given the minimal increase in peak hour and daily traffic, the required amount of trip reduction is de minimis.

Finding T10. Using data from the Commission traffic count database and estimate trip generation from the project, the site driveway is estimated to operate at Level of Service (LOS) "E". While this is a poor LOS, given the proposed project's similar trip generation to the existing development, the existing curb cut, the lack of significant crash history at the site driveway, and sufficient sight distances, the driveway operations should be acceptable and not more detrimental than the immediate prior use.

Natural Resources Findings:

NR1. The project site is located in a significant natural resource area (SNRA) due to the presence of public water supply wellhead protection area. The site has been disturbed by previous development. While the proposed project will increase impervious coverage on the site, the changes are centralized, allowing the maintenance of vegetated buffers on the property boundary, and will not alter significant habitat. Therefore, the proposed use will not have a more detrimental impact on open space or habitat than the existing use.

Community Character and Historic Resources:

Finding CC1. The existing site is occupied by a motel that consists of three separate structures that are traditional in scale and form and finished with traditional materials. The proposed project would demolish these buildings and replace them with four metal structures, ranging from 6,300 sf to 10,800 sf. The metal buildings are proposed to be painted surf sand (sides), charcoal (roof) and light stone (trim and doors). MPS 6.2.6 of the RPP allows non-traditional materials (i.e. metal) in industrial parks and areas not visible from regional roads, provided adequate buffers are maintained. The proposed retention of existing vegetation and the proposed new landscaping in combination will provide an adequate buffer to Route 6A and therefore the use of non-traditional materials painted with muted tones will not have a more detrimental impact than the immediate prior use.

Finding CC2. The tenant spaces within each of the buildings have been grouped, staggered and offset by five feet from adjacent portions of the building in order to break down the length of the façade and reduce the overall massing of the buildings. Each building will have a roof pitch of 3:12. The building that is most visible and proximate to Route 6A is oriented so that its narrowest façade faces the street. These design strategies will limit the bulk and mass of the buildings and will result in a building form that is more consistent with traditional Cape Cod forms and that is similar in scale and mass to the existing buildings.

Finding CC3. Consistent with RPP MPS 6.2.7, the buildings themselves are grouped such that onsite parking will be located in the interior of the complex of buildings, with some parking located to the side of Buildings 1, 2 and 4. This configuration will prevent most of the parking lot from being visible from regional and local viewsheds.

Finding CC4. The applicant provided grading plans and elevations showing that there will be no grading within the project buffers that would require removal of existing vegetation, and a landscape plan showing that buffers to the project will either be 1) retained with natural vegetation, or 2) retained and supplemented with additional plantings, or 3) newly installed such that they will provide adequate screening of views from local and regional roads.

Finding CC5. Based on Findings CC1 – CC5, the redevelopment does not have more detrimental impacts to Community Character than the immediate prior use.

Finding CC6: The applicant completed a Massachusetts Historical Commission (MHC) Project Notification Form on October 5, 2006. At the time of this decision's writing, no

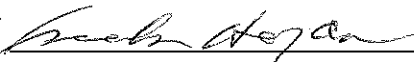
formal determination had been made by MHC regarding the potential historic significance of the existing motel building. Staff at MHC did confirm in a letter dated July 18, 2006 that the hotel had not previously been listed or determined eligible for listing on the National Register of Historic Places.

CONCLUSION

Based on the findings above, the Commission hereby determines that the proposed change of use at 352 State Highway, Route 6, Truro, MA is not subject to mandatory review as a Development of Regional Impact (DRI) in any Regional Policy Plan issue area in accordance with Sections 3 & 4 of the DRI Enabling Regulations because the impacts of the proposed project are not more detrimental than those of the immediate prior use. In making this determination, the Commission, through its Regulatory Committee, considered whether the project's impacts involved deviation from the minimum performance standards of the RPP.

Prior to the issuance of a Certificate of Occupancy from the Town of Truro, the Applicant shall receive a Certificate of Compliance from the Cape Cod Commission. This provision is necessary to ensure that the project for which the Applicant received a Limited DRI Determination Decision (of no mandatory review required) was constructed according to the proposed plans referenced herein in Finding G3 and is consistent with the Findings of this Decision. The Applicant shall provide a minimum of fifteen (15) business days prior written notice of the intent to seek a Certificate of Compliance from the Commission.

The Commission hereby approves the application of Joel Searcy, Dan Silva and Paul Souza for the proposed change of use redevelopment project to proceed without mandatory DRI review. This decision is rendered pursuant to a vote of the Cape Cod Commission Regulatory Committee on October 16, 2006.



Frank Hogan, Regulatory Committee Chairman
Cape Cod Commission

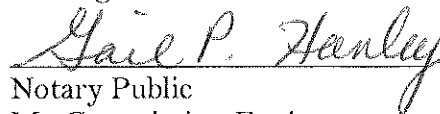
10/19/06
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

10/19, 2006

Before me, the undersigned notary public, personally appeared Frank Hogan, in his/her capacity as Chairman 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.



Notary Public
My Commission Expires:

10/13/11