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CAPE COD
COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT SCOPING DECISION

DATE: JANUARY 10, 2019

TO: ATTY ANDREW SINGER, LAW OFFICES OF SINGER & SINGER, LLC
26 UPPER COUNTY ROAD, PO BOX 67, DENNISPORT, MA 02639

PROJECT APPLICANT: DANIEL SILVA AND ERIN SULLIVAN-SILVA AND JON
SALVADOR AND WENDY SALVADOR

PROPERTY OWNER: SHIRLEY M. DEMASI, TRUSTEE OF THE SHIRLEY M. DEMASI
IRREVOCABLE TRUST

PROJECT: TRADESMEN'S PARK SOUTH (CCC NO. LR18007)

PROPERTY/
PROJECT SITE: 298 ROUTE 6, STATE HIGHWAY, TRURO, MA 02666

ASSESSOR'S ID: MAP 43, PARCEL 57

TITLE INFORMATION: BOOK 26185, PAGE 169

SUMMARY

The Cape Cod Commission (Commission) hereby finds and determines that no further Development of Regional Impact (DRI) review of the proposed "Tradesmen's Park South" project located at 298 Route 6 in Truro, MA (Project) shall be required, and that the Applicant may proceed with local permitting for the Project, subject to the findings and conditions in this Decision.

FINDINGS

The Executive Director hereby finds and determines as follows:

GF1. The Applicants currently own and operate "Tradesmen's Park" (North), an industrial bay facility located at 352 Route 6 in Truro, MA. That facility primarily serves local tradesmen and

business people (carpenters, cabinet makers, artists, etc.) who use the industrial bays as part of their business operations. The Commission reviewed and approved that development as a Limited Development of Regional Impact for Change of Use in 2006 (Commission File #CU06022). The Applicants have owned and operated that facility for 11 years.

GF2. The Applicants state the existing facility is fully occupied and there is a waiting list of users for those spaces. They also state there is a need for additional space for local contractors to locate their businesses on the Outer Cape and there is an unmet demand for climate-controlled storage on the Outer Cape. The Commission has received public comment letters from Outer Cape residents and business owners attesting to the need for this type of facility and the uses and businesses it would support.

GF3. The Applicant proposes development of “Tradesmen’s Park South”, a climate-controlled storage facility with industrial bays for use by local tradesmen in Truro and surrounding communities, which includes two (2), two-story metal buildings: one (1) building of 14,400 square feet (SF) to include six (6) industrial bays (900 SF each) and one (1) industrial bay (1,800 SF) on the main level and 50 climate-controlled storage units on the lower level; and one (1) building of 10,800 SF to include four (4) industrial bays (900 SF each) and one (1) industrial bay (1,800 SF) on the main level and 40 climate-controlled storage units on the second level, with associated site work including site access and driveways, utilities, landscaping, and stormwater management (“Project”) to be located at 298 Route 6, Truro, MA (“Property” or “Project Site”).

GF4. The Property is approximately 1.1 acres (49,892 SF), undeveloped and vegetated, with an existing water supply well, located in the Route 6 General Business zoning district. The Property is one of the last available, undeveloped parcels in this district zoned and developed for commercial activity. The Property is adjacent to commercial uses to the north and south along Route 6, and residential properties to the west. Multiple private wells are located on parcels adjacent to the Property; the southern half of the site is mapped in the Zone I of a transient non-community water supply well associated with the Truro Motor Inn to the south, and the Property is within the Interim Wellhead Protection Area (IWPA) of that water supply well, as mapped by the Massachusetts Department of Environmental Protection. The Property does not contain or abut any wetland resources or rare species habitat as the latter might be mapped and identified under the Massachusetts Endangered Species Act.

GF5. The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(e)(i) of the Commission’s *Chapter A Enabling Regulations Governing Review of Developments of Regional Impact (Enabling Regulations*, revised April 2018), as new construction of any building or buildings for commercial use with a gross floor area greater than 10,000 square feet.

GF6. In accordance with Section 5(a) of the *Enabling Regulations*, “*For any Project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review.*”

GF7. 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.”

GF8. The Applicant submitted an application to the Commission on April 10, 2018 to limit the scope of DRI review pursuant to Section 5 of the *Enabling Regulations* and provided

supplemental information to the Commission since that time into December 2018. Reference to those DRI Scoping application materials and supplemental information provided for review and used to determine the scope of DRI review for this Project is included in Exhibit A, attached.

GF9. The Project was reviewed for consistency with the relevant issues areas and associated goals and standards of the 2009 Cape Cod Regional Policy Plan (RPP), as amended August 2012. The Commission considered the Limited DRI Scoping Checklist for New Development (Scoping Checklist) in its review of the DRI Scoping application.

GF10. The Executive Director, through Commission staff, prepared a draft Scoping Decision recommending that the Project be scoped out of all issue areas of the RPP, and that no further DRI review be required for the Project. At a meeting on December 13, 2018, the Committee on Planning and Regulation (CPR) reviewed and voted to recommend to the full Commission that it adopt said draft DRI Scoping Decision (Decision), including the determination therein that the Applicant may proceed with local permitting without a requirement for further DRI review. The full Cape Cod Commission held a public hearing on the Project and recommended Decision at its meeting on January 10, 2019.

RPP FINDINGS

GF11. As the Property does not contain, and the Project is not within proximity to, wetland resource areas, coastal resource areas, or ocean resource areas, the following RPP issue areas, including their constituent goals and standards, are not applicable to the Project and the Project is hereby scoped out of further DRI review under said issue areas: Coastal Resources, Marine Resources, Wetlands.

LAND USE

LUF1. The Property is located in the Route 6 General Business zoning district, “...intended to enable, define, and control the establishment of larger businesses as well as residential housing, in this high-visibility part of Truro” (Truro Zoning Bylaw, as effective April 2014 to the present). It is adjacent to commercial uses along Route 6 and residential development to the rear (west) of the Property. The Project incorporates elements of compact development such as multistory buildings and a mix of uses. The Property is also located within a mapped Resource Protection Area (RPA) on the Land Use Vision Map (LUVM) due to the presence of the water supply well on the abutting Truro Motor Inn property.

LUF2. The Applicant has met informally with various town boards and staff, including the Truro Board of Selectmen, Planning Board, and Health Agent, and have received general support for the Project. The Board of Selectmen submitted a letter to the Commission supporting the Project, evidencing that the proposed use of the Property is consistent with desired land use in this commercially-zoned area. Given existing development in the area, the Project involves use and development that is appropriate to and compatible with the area in which it is proposed, is appropriately sited, and directs growth to an appropriate location, consistent with Land Use Goal LU1 – Compact Growth and Resource Protection. The Project is consistent with its RPA mapping on the LUVM, as it includes adequate provisions to protect the water quality of the neighboring drinking water well, such as a septic system with advanced nitrogen treatment and stormwater treatment.

LUF3. The Project involves neither substantial deviation from nor significant impact upon the applicable Land Use Minimum Performance Standards (MPSs) and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Land Use. The RPP issue area of Land Use is hereby scoped out of further DRI review.

ECONOMIC DEVELOPMENT

EDF1. The Project will provide storage opportunities for the community and industrial bays/commercial workspace for local business owners on the Outer Cape, some of whom may need additional space to supplement their current business or who may not be able to work out of their home, which will contribute to the local-regional economy and services to residents. The Applicant has operated a similar facility (Tradesmen's Park) in Truro for 11 years and currently have a waiting list of users with a demand for such space. Meeting this need of local business owners will allow more local businesses to remain in the community, provide economic development, and will support the local-regional economy.

EDF2. The Project will serve and support a regional economic need on the Outer Cape. Given the prevalence and presence of the National Seashore and other natural resource areas on the Outer Cape, and the particular economy of the Outer Cape region, there is a demand for, but limited area in which to locate and develop, such a Project.

EDF3. While there are no mapped Economic Centers or Industrial Service Trade Areas on the LUVU, the Project meets the waiver standard set out in the Economic Development MPSs as it incorporates a mix of uses, includes units designed and sized to accommodate small businesses, and has been designed to provide 25% of estimated annual electrical demand through on-site renewable energy generation, consistent with Economic Development Goal ED1 – Low-impact and Compatible Development.

EDF4. The Project involves neither substantial deviation from nor significant impact upon the applicable Economic Development MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Economic Development. The RPP issue area of Economic Development is hereby scoped out of further DRI review.

WATER RESOURCES

WRF1. Truro does not have a municipal, town-wide water supply system; water service is provided by on-site community or private supply wells. Multiple private water supply wells are located on parcels adjacent to the Property and the Property itself is proposed to be served by a private water supply well. The southern half of the Property is mapped in the Zone I of a transient non-community water supply well associated with the Truro Motor Inn to the south, and the Property is located within the IWPA of that water supply well. To limit nitrogen loading associated with wastewater, the Project proposes to use a denitrifying innovative/alternative (I/A) septic system, sited outside of the Zone I area. This I/A system is calculated to decrease nitrogen loading by approximately 1.15 ppm as compared to a traditional Title V septic system. The total site-wide nitrogen loading is calculated to be approximately 3.8 ppm, consistent with Water Resources Goal WR1 – General Aquifer Protection and Water Resources Goal WR2 – Drinking Water Quality and Quantity.

WRF2. The Applicant provided a landscape management plan that minimizes water use, incorporates drip irrigation, and does not include maintained turf with the use of pesticides or fertilizers. Proposed plantings are native or compatible with plants native to the northeastern United States, consistent with Water Resources Goal WR1 – General Aquifer Protection.

WRF3. The Applicant has provided a copy of the master lease from its Tradesmen’s Park (North), which it intends to use similarly in leasing space at the Property. Consistent with Water Resources Goal WR2 – Drinking Water Quality and Quantity, the sample master lease outlines limitations that would apply to the use and storage of Hazardous Materials at the Property, and provisions for inventorying the type and amount of such Materials at the Property.

WRF4. Stormwater management on-site includes direct infiltration of roof runoff and biofiltration and treatment of stormwater from parking and driveway areas, which will also be infiltrated on-site. The Applicant has provided a stormwater operations and maintenance plan, and a construction-period erosion and sedimentation control plan, consistent with Water Resources Goal WR7 – Stormwater Quality.

WRF5. The Project involves neither substantial deviation from nor significant impact upon the applicable Water Resources MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Water Resources. The RPP issue area of Water Resources is hereby scoped out of further DRI review.

NATURAL RESOURCES

NRF1. The Property is not within a Significant Natural Resource Area (SNRA), is not mapped for MA Natural Heritage and Endangered Species Program (NHESP) Estimated or Priority habitats of rare species and does not contain wetlands. As identified on the DRI Scoping Checklist, the Project will alter less than two (2) acres of currently undeveloped land, and the Property is surrounded by existing development on all sides. The Property does not contribute to a contiguous unfragmented open space or habitat corridor, and there is little open space or habitat value associated with the Property.

NRF2. There is no minimum open space requirement in the Route 6 General Business zoning district, but the site design and layout will provide approximately 30% on-site open “green” space. Vegetation clearing has been limited to that necessary for the proposed building and structural development.

NRF3. The Project involves neither substantial deviation from nor significant impact upon the applicable Wildlife and Plant Habitat and Open Space and Recreation MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue areas of Wildlife and Plant Habitat or Open Space and Recreation. The RPP issue areas of Wildlife and Plant Habitat and Open Space and Recreation are hereby scoped out of further DRI review.

TRANSPORTATION

TRF1. Access to the Property will be from a new curb cut on Route 6. The Applicant will need to obtain an Access Permit from MA Department of Transportation (DOT). As designed, the

driveway to access the Project is consistent with Commission RPP standards for driveway construction and has sufficient sight distance consistent with Transportation Goal TR1 – Safety.

TRF2. Storage uses are not generally high traffic generator uses, and the Applicant has no full-time on-site staff associated with the Project. The Project is estimated to generate approximately 81 weekday daily trips, with 15 and 13 weekday AM and PM peak hour trips, respectively. As identified on the Scoping Checklist, the Project will not generate more than 25 total new peak hour trips at a high-crash location (no high-crash locations were identified in the vicinity of the Property) or more than 250 new daily trips.

TRF3. The Project involves neither substantial deviation from nor significant impact upon the applicable Transportation MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Transportation. The RPP issue area of Transportation is hereby scoped out of further DRI review.

WASTE MANAGEMENT

WMF1. The Project will not generate hazardous wastes, or significant amounts of solid waste in its operational phase. Construction waste will be managed in accordance with state law and MA Department of Environmental Protection (DEP) recycling and waste ban regulations. The Applicant has provided a sample master lease outlining provisions limiting the storage of hazardous materials.

WMF2. The Project involves neither substantial deviation from nor significant impact upon the applicable Waste Management MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Waste Management. The RPP issue area of Waste Management is hereby scoped out of further DRI review.

ENERGY

EF1. The Project includes on-site renewable energy generation that will incorporate solar photovoltaic (PV) panels on the roof of each building, and the Applicant has provided documentation showing that the system will provide 25% of estimated annual electrical demand.

EF2. The Project involves neither substantial deviation from nor significant impact upon the applicable Energy MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Energy. The RPP issue area of Energy is hereby scoped out of further DRI review.

AFFORDABLE HOUSING

AHF1. The Applicant has no on-site full-time staff associated with the Project (i.e. that might intensify demands on affordable housing in the region), and no residential use is proposed as part of the Project. As such, the Project involves neither substantial deviation from nor significant impact upon the applicable Affordable Housing MPSs and goals of the RPP, and therefore does not require further DRI review under the RPP issue area of Affordable Housing. The RPP issue area of Affordable Housing is hereby scoped out of further DRI review.

HERITAGE PERSERVATION AND COMMUNITY CHARACTER

HPCCF1. The Applicant filed a Project Notification Form (PNF) describing the Project with the MA Historical Commission (MHC) and received correspondence from MHC dated March 7, 2018 determining that this Project is unlikely to affect significant historic or archeological resources. The Project involves neither substantial deviation from nor significant impact upon Heritage Preservation and Community Character MPSs and therefore does not require further DRI review under the Heritage Preservation and Community Character Goal HPCC1 – Historic, Cultural, and Archaeological Resources. Heritage Preservation and Community Character Goal HPCC1 – Historic, Cultural, and Archaeological Resources is hereby scoped out of further DRI review.

HPCCF2. The proposed buildings are both two-story metal buildings and include industrial bays and climate-controlled storage. The building designs incorporate light colored metal vertical siding and white trim on the interior facing building facades, and charcoal colored metal roof material, similar in style to the existing Tradesmen’s Park (North) located at 352 Route 6, Truro, MA. Traditional building materials, white cedar shingles, are proposed on the eastern sides of the buildings facing and likely visible from Route 6.

HPCCF3. Exterior lighting fixtures will be fully shielded, in a downward facing mounting configuration, and provide total cutoff of all light at the Property line. Utilities will be located underground. Proposed signage for the Property will be similar in nature (i.e. modestly sized, ground-mounted, wood with painted lettering) to the existing Tradesmen’s Park (North) located at 352 Route 6, Truro, MA.

HPCCF4. Vegetation within the Route 6 right-of-way will be selectively removed during construction, particularly adjacent to the northwest Property corner; the Applicant will need to obtain a Non-Vehicular Access Permit from DOT to perform this work. The Applicant proposes to revegetate this area with appropriate plantings to buffer the buildings from the roadway, supplementing existing remaining vegetation with new plantings; portions of the right-of-way not disturbed during construction will remain vegetated. The Applicant provided a landscape management plan that minimizes water use, incorporates drip irrigation, and does not include maintained turf with the use of pesticides or fertilizers. Proposed plantings are native or compatible with plants native to the northeastern United States. Planting within the stormwater biofiltration area has also been designed as part of the Project’s overall landscape approach which, among other things, is proposed to minimize views from Route 6 into the Property.

HPCCF5. The Project involves neither substantial deviation from nor significant impact upon Heritage Preservation and Community Character Goal HPCC2– Community Character/Site and Building Design minimum performance standards and therefore does not require further DRI review under Heritage Preservation and Community Character Goal HPCC 2 – Community Character/Site and Building Design. Heritage Preservation and Community Character Goal HPCC2 – Community Character/Site and Building Design is hereby scoped out of further DRI review.

CONCLUSION

Based on the foregoing findings, the Commission hereby further finds and determines that the Project as outlined in this decision does not involve substantial deviation from the goals and

MPSs of the RPP, does not have significant impact upon the purposes and values identified by Section One of the Cape Cod Commission Act, is scoped out of review under all issue areas of the RPP, and thus that the Applicant may proceed with local permitting for the Project without the requirement for any further DRI review. This Decision is subject to the conditions below.

CONDITIONS

C1. This Decision shall run with the Property and allows the Applicant and its successors in title or interest to apply for and obtain local permitting for the Project, subject to the findings and conditions herein. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns. The Applicant may undertake and obtain local permitting for the Project without further DRI review, pursuant to and consistent with the terms and conditions of this decision, within a period of seven (7) years from the date of this Decision, which time may be extended by the Commission upon request and for good cause shown by the Applicant.

C2. Failure to comply and remain in compliance with all findings and conditions stated herein shall be deemed cause to revoke or require Modification to this Decision.

C3. The Project shall be undertaken, constructed, operated, and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents referenced in Exhibit A, attached.

C4. No local permitting for development work as approved herein shall be undertaken until this decision is final, namely that the decision appeal period pursuant to Section 17 of the Cape Cod Commission Act has elapsed or if such an appeal has been filed, until the appeal has been finally dismissed, settled or is adjudicated or otherwise disposed of in favor of the Applicant. The Commission shall record a copy of this Decision with the Barnstable County Registry of Deeds when it is final, with recording costs borne by the Applicant. This Decision shall not be effective until a copy of the same has been so recorded.

C5. This Decision does not authorize any other work or development except as expressly authorized herein and depicted on the plans approved hereunder. Prior to undertaking the same, desired changes to the approved Project or to this Decision shall require modification to this decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All plans and documents required to be submitted per the conditions of this Decision shall hereby be incorporated into this Decision as and when received, reviewed, and approved by the Commission. Modification may result in a change in the scope of DRI review established herein and the determination whether further DRI review might be required for the Project, as modified.

C6. Certificates of Compliance

- A. Prior to and as a condition to commencement of building construction and any issuance of a building permit for the Project from the Town of Truro, the Applicant shall apply for and obtain a Preliminary Certificate of Compliance from the Commission that evidences all necessary federal, state, and local permits for the Project have been issued and submit copies to the Commission of final Project plans as approved, and permits, licenses and

approvals issued by state, federal, and local authorities for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with those Project plans approved, referenced and incorporated herein, the Applicant shall be required to seek a Modification to this Decision for further review and approval of the Project plan changes by the Commission in accordance with the “*Modification*” section of the Commission’s *Enabling Regulations* in effect at the time the Modification is sought, prior to undertaking such changes.

- B. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall prepare and submit to the Commission a revised Landscape Plan that more clearly indicates the existing natural vegetation proposed to be retained as a buffer on and around the perimeter of the Site, and the requirement that such vegetation be retained.
- C. Prior to and as a condition to building use and occupancy and any issuance of a Certificate of Use and Occupancy for the Project from the Town of Truro, the Applicant shall apply for and obtain a Final Certificate of Compliance from the Commission, evidencing that the Project was completed in accordance with this decision. Commission staff may make, and the Applicants hereby authorize, site inspections upon reasonable notice to the Applicants, as such visits are needed, to determine whether the Project has been constructed and is being maintained, used and operated in accordance with this Decision, including the applicable conditions hereof.
- D. The Applicant may request, and the Commission may issue, phased Certificates of Compliance.

C7. Any exterior project signage shall be of a size, construction and design similar to that currently at the Applicant’s existing Tradesmen’s Park (North) located at 352 Route 6, Truro, MA.

C8. The Applicant will replace in kind any trees along the western property boundary that may be damaged during construction of the retaining wall.

SIGNATURE PAGE FOLLOWS

SIGNATURES

Executed this 10th day of January 2019.

Harold W Mitchell
Signature

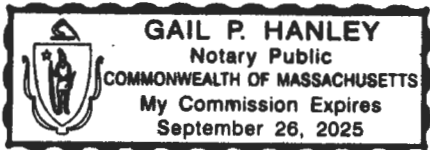
Harold W Mitchell Chair CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____ January 10, 2019

Before me, the undersigned notary public, personally appeared Harold W. Mitchell,

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 on behalf of the Cape Cod Commission. 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: 9-26-25

Exhibit A
DRI Scoping Application Materials and Supplemental Information

- Tradesmen’s Park South Limited Development of Regional Impact Review Application package, received April 10, 2018
- Supplemental application materials:
 - CCC Limited DRI Application, Scoping Narrative (Revised May 22, 2018), prepared by the Law Office of Singer & Singer, LLC
 - Letter from Atty. Andrew Singer to Michele White, Re: Scoping Review/298 Route 6, Truro, dated July 11, 2018
 - Letter from Atty. Andrew Singer to Michele White, Re: Scoping Review/298 Route 6, Truro, dated October 1, 2018
- Plan Set, 298 State Highway – Route 6, Truro, MA, prepared for Tradesman Park – South, prepared by East Cape Engineering, Inc., dated April 4, 2018, revised June 28, 2018, revised July 10, 2018, revised September 11, 2018
 - Sheet 1: *Site Plan*
 - Sheet 2: *Sewage Disposal System Details Plan*
 - Sheet 3: *Stormwater Drainage System Details Plan (*This plan sheet includes notes about stormwater operations and maintenance, and erosion control protocols)*
 - Sheet 4: *HydroInternational Stormwater Catch Basin Detail*
- Building elevations, “DJS 298 Rt. 6”, sheets 1-4, dated November 9, 2018
- Landscape Plan, prepared for Tradesman Park – South, 298 State Highway – Route 6, Truro MA 02666, dated August 26, 2018 (**This plan includes notes that detail watering protocol and plant materials*)
- Lighting specification for 26-Watt wallpack light
- Solar proposal for Erin Silva, Tradesman Park South, 298 US-6, North Truro, MA, prepared by Clean Energy Design
- Example Master Lease from Tradesmen’s Park (North)
- Example site signage for Tradesmen’s Park (North)
- Nitrogen loading calculations