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CAPE COD COMMISSION

Cape Cod Commission Staff Report
Development of Regional Impact Review

Date:	June 13, 2019
Project:	True Storage Redevelopment (Cape Cod Commission File No. 19014)
Project Applicant:	Clay Pond Acquisitions, LLC
Property/Site:	170 Clay Pond Road, Bourne, MA 02532 (Map 31.4, Parcel 20)
Public Hearing:	June 19, 2019 at 5:00 p.m., Bourne Community Building (Veterans Memorial Community Center), 239 Main Street, Buzzards Bay, MA
Subcommittee:	Woody Mitchell (Chair), Charles McCaffrey, Jack McCormack, Dick Roy, and Tom Wilson

Proposed Project/Existing Conditions

- The Applicant proposes redevelopment of portions of a 16.17-acre parcel addressed as 170 Clay Pond Road, Bourne ("Property" or "Site") for a self-storage facility. The Applicant has the Property under agreement with the record owner, Claybourne Trust.
- The Property is currently developed as a shopping center with a multi-unit building having ~55,000 sq. ft. gross floor area. The shopping center was originally permitted as a DRI in 1991 (the DRI approval was subsequently modified in 1997, 2007, and 2008), said DRI decision authorizing construction of up to 74,500 sq. ft. of building gross floor area and 430 parking spaces. Not all approved building was constructed.
- The largest unit in the building was previously permitted and occupied by a supermarket, which has been vacant since the departure of the supermarket tenant. Currently there are three businesses in operation in the other, smaller building units (totaling approximately 12,200 sq. ft. of floor area) – a pizza shop, a liquor store, and a financial services consultant – which units are proposed to remain without alteration.
- The redevelopment project proposes a self-storage facility consisting of:
    - re-use/renovation of the vacant former supermarket unit and construction of a 2-story, ~15,000 sq. ft. footprint addition beside said unit to provide a total of ~105,660 sq. ft. of interior, climate-controlled self-storage units;
    - redevelopment of a portion of the existing parking lot in front of the vacant unit with ~35,600 sq. ft. of exterior, non-climate-controlled self-storage units; and
    - other associated site improvements. (collectively, the "Project")
- Net new building area construction associated with the Project totals 66,600 sq. ft.; total building area associated with the proposed self-storage use at the Property is approximately 127,000 sq. ft.
- The Property is within the Suburban Development Area Placetype under the 2018 Cape Cod Regional Policy Plan ("RPP"); the RPP vision is to redevelop commercial and industrial Suburban Development Areas – creating more concentrated nodes of development – and to improve their design and function so that they are better integrated into surrounding neighborhoods. The proposed redevelopment is all within existing disturbed and developed portions of the Property and will not impact any natural communities or

rare species habitat. The Property abuts a bank and fast-food restaurant to the northeast, a residential neighborhood to the west, and an affordable housing development to the south.

- Under the 2007 DRI Modification, Harmony Hill Road, a driveway access easement to the neighboring affordable housing development, was permitted. Access to the Property is currently, and will continue to be, provided by an access driveway that intersects the south side of Clay Pond Road approximately 600 feet west of Route 28 and by the Harmony Hill Road driveway access easement, which provides access to Otis Park Drive, and which in turn provides access to Route 28.

Commission Jurisdiction

- The Project requires mandatory DRI review pursuant to Section 3 of the Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations")* (revised April 2018).

Procedural Background

- The Applicant originally submitted a DRI application for the Project to the Commission on 4/11/19, and has since supplemented the application with the Commission with additional materials.
- The Town of Bourne ("Town") Planning Board submitted a DRI referral form for the Project to the Commission on 5/10/19.
- The Subcommittee's 6/19/19 public hearing on the Project opens the DRI hearing period.

DRI Review Standards

- Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards to be met for DRI approval, which include consistency with the Cape Cod Commission Act ("Act"), the Cape Cod Regional Policy Plan, District of Critical Planning Concern ("DCPC") implementing regulations *(as applicable)*, Municipal Development Bylaws, and any Commission-certified Local Comprehensive Plan *(as applicable)*. The Commission must also find that the probable benefit from the Project is greater than its probable detriment.
- DRI review of the Project is subject to the 2018 RPP, which is the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project. The Commission determines the Project's consistency with the Act and 2018 RPP by determining whether the Project is consistent with the goals and objectives in Section 6 of the 2018 RPP, as particular goals and objectives are deemed applicable and material to the Project.

Cape Cod Regional Policy Plan

Applicable and Material RPP Goals and Objectives

- Based on the DRI application materials submitted by the Applicant, Commission staff suggest that the following goals and objectives from the 2018 RPP are applicable and material to the Project and are thus subject to RPP consistency review: Water Resources goal and objectives WR1, WR2, WR3, and WR4; Community Design goal and objectives CD1 and CD2; Transportation goal and objective TR1, TR2, and TR3; Energy goal and objectives EN1, EN2, and EN3; and Economy goal and objectives EC2 and EC3. A summary of the applicable and material RPP Goals and Objectives is included as Attachment 1.
- Commission staff suggest that, subject to Conditions the Commission deems necessary, the proposed Project is consistent with the RPP goals and objectives deemed applicable and material, in light of the following observations.

Water Resources

- The Water Resources goal of the RPP is to maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources. The Water Resources objectives that are applicable and material to the Project are: to protect and preserve groundwater quality (WR1); to protect, preserve, and restore fresh water resources (WR2); to

protect, preserve, and restore marine water resources (WR3); and to manage and treat stormwater to protect and preserve water quality (WR4).

- All or most of the Property is located within the Phinneys Harbor Marine Water Recharge Area, a Bourne Water District Well Zone II, and the Clay Pond Freshwater Recharge Area.
- Existing conditions on the Property include wastewater treatment for the former supermarket and existing retail spaces by a Title V septic system, drinking water supplied by the Bourne Water District, and stormwater management consisting of catch basins connected to a closed pipe network, which drains to several infiltration basins throughout the Property. The currently permitted uses on the site are estimated to produce approximately 6,600 gallons per day of wastewater flow, inclusive of the former supermarket use. Annually, these permitted uses would result in a load of 273 kg/nitrogen to the Phinneys Harbor system. With the proposed self-storage use and associated site changes, site development under proposed conditions is expected to produce ~2,030 gallons per day of wastewater flow. The Applicant proposes to connect the Property to the neighboring Canal Bluffs housing development's Wastewater Treatment Plant. The reduced wastewater flow coupled with additional nitrogen reduction provided by treatment of site wastewater by the Canal Bluffs Wastewater Treatment Plant is expected to substantially reduce both site-wide nitrogen loading concentration (noting that the site is within a Drinking Water Supply Area) and the nitrogen load to Phinneys Harbor, an embayment which requires nitrogen reductions to meet water quality goals.
- As relates to Objective WR1, the Water Resources Technical Bulletin also addresses limits on the use or storage of hazardous materials in Wellhead Protection Areas. The "Agreement for Rental of Storage Space" submitted by the Applicant as part of the DRI application materials states that the "Tenant shall not use the Storage Space to store any flammable, combustible, explosive, corrosive, chemical, odorous, perishable, noxious, or other inherently dangerous materials" and states that the "Tenant shall not use the storage space for active storage, i.e., manufacture, fabrication, or maintenance."
- The Applicant has additionally indicated a willingness to accept as a Condition of any DRI Decision that the standard rental agreement limit any storage of solvents or petroleum products allowed in the storage facilities to household quantities, as outlined in the correspondence submitted by the Applicant on 5/20/19.
- The existing stormwater collection system and infiltration basins were sized to recharge stormwater runoff on-site under the existing conditions. Redevelopment activities are expected to decrease overall impervious coverage on-site by approximately 2,400 sq. ft., and so the original stormwater system will continue to provide sufficient recharge capacity. Additional stormwater management practices are proposed to provide improved water quality treatment of stormwater, including proposed tree trenches and plantings (the stormwater management plan has been aligned with the proposed landscape plan and community design interests).

Community Design

- The Community Design goal of the RPP is to protect and enhance the unique character of the region's built and natural environment based on the local context. The Community Design objectives that are applicable and material to the Project are to: promote context-sensitive building and site design (CD1) and to minimize the amount of newly disturbed land and impervious surfaces (CD2).
- The Project is proposed on an existing developed site, will utilize existing buildings/paved areas, and will not increase the amount of impervious surface on the Property.
- The proposed addition to the existing commercial building will largely mimic the previously approved design in terms of form and materials, with a reduced roof height to break up any sense of massing.
- The Property is well-screened from regional roadways and public viewpoints. Landscaping and fencing along the Project perimeter will partially screen the proposed buildings which have little architectural detailing, improving site design. The Applicant is proposing additional landscaping and streetscape improvements over and above those previously permitted and improved on the site. The Project is compatible with the character of existing site and neighboring development; it is not located within, and will not impact, a Natural Area Placetype or an area with a special or unique character.

- The Project meets the intent of the Suburban Development Area Placetype as it will redevelop an underutilized commercial site in a manner that improves site design and function with landscaping, stormwater treatment, infrastructure efficiencies, and pedestrian amenities and connections.
- The Applicant proposes streetscape improvements to Harmony Hill Road, the driveway access easement that connects Clay Pond Road to the Canal Bluffs housing development. The proposed improvements include a sidewalk, handicapped-accessible curb ramps, painted crosswalks at all proposed driveway/roadway crossings, and sustainable landscape islands that buffer the Harmony Hill Road streetscape from the self-storage use, creating a continuous vegetated buffer (with the exception of driveway access points).
- The proposed buffer will be planted with canopy trees and low-maintenance perennial grasses and native shrubs; the species proposed on the Landscape Plan are appropriate for the area and non-invasive. The existing vegetated buffer (15' to 20' in width) between the Project and Harmony Hill Road will remain undisturbed and will be supplemented/revegetated, as needed, after the perimeter fence is installed.
- The Applicant will be required to undertake landscape maintenance per its proposed Landscape and Stormwater Management Maintenance Guide, which includes provisions for invasive species management, bio-rational pest control methods, and limitations on fertilizer use.
- The existing overhead parking lot lighting will be removed and downlit lighting will be installed on the buildings and self-storage units to provide minimal lighting for safety.

Transportation

- The Transportation goal of the RPP is to provide and promote a safe, reliable, and multi-modal transportation system. The Transportation objectives that are applicable and material to the Project are: to improve safety and eliminate hazards for all users of Cape Cod's transportation system (TR1); to provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users (TR2); and to provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people (TR3).
- A Traffic Impact Assessment ("TIA"), dated 4/4/19, was prepared by Vanasse & Associates, Inc. and summarizes the Project history and proposed trip generation analysis. According to the TIA, the proposed storage facility will result in a significant reduction in traffic impacts in comparison to the previously permitted grocery store. A trip generation comparison for the previously approved uses versus the proposed use were developed based on estimates from *Institute of Transportation Engineers' (ITE) Trip Generation*, 10th Edition, for ITE Land Use Code (LUC) 820 (Shopping Center), ITE LUC 850 (Supermarket), and ITE LUC 151 (Mini-Warehouse). As shown in Table 1 *(see below)*, the proposed Project is expected to generate a significant reduction (up to 80%) in traffic volumes in comparison to the former use. Therefore, the Applicant is not proposing (and is not required) to construct any major off-site traffic infrastructure to mitigate the effects of new vehicle trip generation. The vehicle trip reduction improves overall safety and eliminates hazards for all users of the transportation system of the area and will lessen impacts on the overall transportation system.

Table 1: Trip Generation Summary

Time Period	Proposed Uses[1]	Approved Uses[2]	Difference
Weekday Daily	1,608	6,998	-5,390
Weekday Morning Peak Hour	133	425	-292
Weekday Evening Peak Hour	147	558	-411
Saturday Daily	2,572	11,350	-8,778
Saturday Midday Peak Hour	148	730	-582

[1]Based on ITE LUC 151, Mini-Warehouse (947 storage units) and LUC 820, Shopping Center (12,200 sf)

[2]Based on ITE LUC 820, Shopping Center (38,246 sf) and LUC 850, Supermarket (36, 235 sf)

- Pursuant to the original DRI approval for the site, the following specific safety improvements were constructed: the design and construction of the deceleration/acceleration lane on MacArthur Boulevard at

Clay Pond Road; the relocation, design, and construction of the U-turn area on Route 28 south of Clay Pond Road; and signage and striping improvements at two local intersections.

- The Project's site driveway locations are safely located to provide adequate sight lines.
- Transit access is already provided to the site via the CCRTA Bourne Run. As part of the previously approved project, the following transportation improvements were constructed and continue to support healthy transportation goals: a sidewalk on Clay Pond Road from the site to Small Street; a crosswalk at the site driveway; and a connector roadway to the adjoining property to the south, known as Harmony Hill Road.
- The Applicant proposes to construct a sidewalk with associated crosswalks and curb ramps along Harmony Hill Road to close an existing sidewalk gap. The proposed sidewalk improvements will not only provide an improved pedestrian connection to/from the Property between Clay Pond Road and Harmony Hill Road but will also serve the residents from the Canal Bluffs neighborhood on Harmony Hill Road.
- Commission staff recommend to the Town that in its permitting, it limit the primary site entrance/exit to the access point within the parking lot in front of the building, with all other gated access points for emergency use only, as described in the correspondence submitted by the Applicant on 5/20/19.

Energy

- The Energy goal of the RPP is to provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod. The Energy objectives that are applicable and material to the Project are to: support renewable energy development that is context-sensitive (EN1); to increase resiliency of energy generation and delivery (EN2); and to minimize energy consumption through planning and design (EN3).
- The Applicant has designed the Project to include renewable energy, energy resiliency, and conservation and efficiency measures:
    - According to the correspondence submitted on 5/20/19, the Applicant proposes to install roof-mounted solar panels on a portion of the premises and is evaluating which roof surface is best-suited for panels. The panels will most likely be placed on the former supermarket roof. The Applicant will have to provide more specific plans and specifications to the Commission for the roof-mounted solar panels when it has finalized such details.
    - The Applicant will locate utilities underground.
    - The Project incorporates building energy efficiency and conservation measures and the Applicant maintains that the change of use on a portion of the Property will result in an overall decrease in energy demand/consumption, as the proposed Project: eliminates the need for coolers and freezers previously used by the supermarket; removes parking lot lights; proposes motion sensor LED lighting; does not propose interior lighting in the storage units located in the existing parking area; and sets temperature controls to limit heating to 60 degrees and cooling to 80 degrees.

Economy

- The Economy goal of the RPP is to promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce. The Economy objectives that are applicable and material to the Project are to: use resources and infrastructure efficiently (EC2) and to foster a balanced and diverse mix of business and industry (EC3).
- The Project proposes to redevelop and reuse existing structures and features on the Property. The Project will result in activity at and maintenance of a large developed and currently underutilized parcel. The proposed redevelopment of the Property will fill a commercial vacancy that can strain local property values.
- According to the Applicant, a market study was conducted demonstrating regional area demand for self-storage. The Applicant maintains that it studied the market for the proposed use based on a seven-mile radius; the study concluded that the total market size supports 431,904 sq. ft. of self-storage use, with demand for ~264,000 sq. ft. as yet unmet by existing supply.
- The Applicant's proposed redevelopment and change of use is a low job generator; the proposed self-storage facility will have a relatively neutral impact on regional jobs.

- Self-storage facilities on Cape Cod offer space flexibility for small and seasonal businesses.
- The Applicant proposes to retain approximately 12,200 sq. ft. of existing retail/shopping center use, sustaining small-scale business/retail opportunities, likely to provide opportunities for local businesses.

Other DRI Standards of Review

- The Town of Bourne is in the process of updating its Local Comprehensive Plan ("LCP"); the existing LCP is not currently certified by the Commission.
- The Commission received correspondence from Bourne Assistant Town Planner Jennifer Copeland on 6/5/19. Based on this letter and upon Commission staff's review, it appears that the Project is consistent with Municipal Development By-laws, provided the Applicant ultimately obtains all required local permits, licenses and approvals. In the letter, Ms. Copeland noted that the Bourne Planning Department has not yet done a comprehensive review of the Project. She provided the following commentary relative to the Project's consistency with the Town of Bourne's local zoning bylaws:
    - The Property is located within the Business 4 (B-4) zoning district.
    - Self-storage units are allowed by Special Permit-Site Plan Review from the Planning Board.
    - The use is categorized under the Bourne Zoning Bylaw §2220 as wholesale, bulk storage, or other business uses meeting requirements of §3400 (environmental controls).
    - Retail sales are allowed by Special Permit-Site Plan Review from the Planning Board (categorized under the Bourne Zoning Bylaw §2220 for more than 1,600 sq. ft. gross floor area or more than 200 vehicle trip ends per average business day).
    - The Project meets the minimum lot area, frontage, and set-backs.
    - The Project is located within the MacArthur Boulevard Development Agreement Overlay District; Water Resource District – A North; and a Zone II Wellhead Recharge Area and is subject to the prohibitions and limitations of the Water Resource District (Bourne Zoning Bylaw §4700).
    - During local review, the Applicant may apply for a Special Permit if the Project exceeds the allowed maximum impervious surface of 40% in a Water Resource District.
- Ms. Copeland also noted that the proposal would provide for reduced wastewater flow, traffic generation, impervious coverage, and energy consumption while offering improved vehicular access to Harmony Hill Road, pedestrian safety, stormwater management, wastewater treatment, and landscaping.

Regional Benefits/Detriments Analysis

- From its review of the DRI application, Commission staff has identified the following as benefits the Commission might consider and recognize in its decision-making on the Project:
    - The Applicant proposes to adaptively reuse and redevelop an underutilized commercial site.
    - Through redevelopment, the Project will reduce impervious cover, reduce site-wide nitrogen loading from wastewater through reduced flow and enhanced treatment, and improve stormwater management and runoff treatment, benefitting regionally significant water resources.
    - The proposed use represents a significant reduction in traffic generation in comparison to the previously permitted uses, improving overall safety and eliminating hazards for all users of the transportation system of the area.
    - The proposed redevelopment to self-storage use will result in reduced energy consumption and waste generation, as compared to that associated with the previously permitted supermarket use.
    - The Project proposes infrastructure efficiencies and improvements (access and wastewater) through shared infrastructure with the existing commercial uses and the abutting residential development.

[Attachment 1]

Applicable and Material RPP Goals and Objectives