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CAPE COD  
COMMISSION

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### **Cape Cod Commission Staff Memo**

Date: January 17, 2020  
To: Cape Cod Commission Members  
Re: Development of Regional Impact Review  
Tractor Supply Co. – Hyannis (Commission File No. 19020)  
1174 Pitcher’s Way, Hyannis, MA 02601

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A hearing on the above-referenced project is on your meeting agenda for January 23, 2020. Attached is a draft DRI Decision which reflects the recommendation of the DRI Subcommittee that the project be approved, with conditions. A copy of the draft is also available on the Commission member site and website.

The DRI Subcommittee held two hearings and three meetings on the proposed project between October 23, 2019 and December 19, 2019. There has been a significant amount of public participation and interest in the DRI review as evidenced by the oral and written public comments submitted for the record. Commission staff prepared a report to the Subcommittee for its first hearing on October 23<sup>rd</sup> highlighting, among other things, the issues staff felt were most important from the Cape Cod Regional Policy Plan (“RPP”) for the Subcommittee to consider during its review – namely those related to transportation, water resources, and community design.

In reviewing the project for consistency with the DRI approval criteria, including RPP consistency and the ‘benefit/detriment’ analysis, the Subcommittee requested and applicant provided additional clarifying information and building and site design changes throughout the DRI review relative to the application materials initially submitted. The draft DRI Decision contains, in its Findings, the Subcommittee’s reasoning in arriving at the recommendation it did, as well as the Conditions it felt necessary to ensure the project’s consistency with DRI approval criteria.



## DEVELOPMENT OF REGIONAL IMPACT DECISION

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Project: Tractor Supply Co., Hyannis (Cape Cod Commission File No. 19020)  
Property Owner/Applicant: Windmill Square, LLC  
c/o Atty. Michael Princi, 300 Barnstable Road, Hyannis, MA 02601  
Project Site/Location: 1174 Pitcher's Way, Hyannis, MA 02601 (Assessors Map 273, Parcel 123)  
Title Reference: BCRD Book 28991/Page 315  
Draft Date: January 17, 2020

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### SUMMARY

The Cape Cod Commission grants Development of Regional Impact approval, with Conditions, for a proposed retail development at 1174 Pitcher's Way in Hyannis; specifically, a Tractor Supply Co. store, with associated outdoor storage/display areas, parking, and other supporting site improvements.

### FINDINGS

*The Cape Cod Commission ("Commission") hereby finds and determines as follows:*

#### **Project Description**

- F1. Property Owner Windmill Square, LLC ("Applicant") proposes development of the approximately 2.8-acre undeveloped site located at the intersection of Pitcher's and Bearses Ways in Hyannis (addressed as 1174 Pitcher's Way) ("Project Site"; "Property") for use as a Tractor Supply Co. retail operation, consisting of:
  - a. a one-story building with an approximately 19,072 sq. ft. footprint;
  - b. an approximately 14,020 sq. ft. fenced outdoor customer pickup/storage area; and
  - c. other associated site improvements. (collectively, the "Project").
- F2. The Property was formerly owned by the Hyannis Fire District with the intention of constructing a new fire station at this location. The Applicant then sold property in downtown Hyannis to the Hyannis Fire District to construct a new station; the new Hyannis fire station was ultimately built on that other property. The Applicant then purchased the Property from the Hyannis Fire District in approximately 2015, with the purchase funds helping to fund the construction of the new fire station.
- F3. Uses and development surrounding the Project Site are primarily commercial – with a Cumberland Farms gas station/convenience store, a Jiffy Lube, and a NAPA auto parts store across Pitcher's and Bearses Ways to the north, a Holiday Inn hotel across Bearses Way to the east, and the Town's wastewater treatment plant directly abutting the Property to the south. There are a number of residential neighborhoods to the west of the Property across Pitcher's Way.
- F4. There exists an unimproved dirt roadway on and over the vacant, undeveloped Property, along its southern boundary, connecting Pitcher's Way and Bearses Way.

## **Jurisdiction/Procedural Background**

- F5. The Project proposes new commercial/retail development in excess of 20,000 square feet of Gross Floor Area and thus requires mandatory Development of Regional Impact (“DRI”) review pursuant to Section 3 of the Commission’s *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact (“Enabling Regulations”)*, as revised April 2018.
- F5A. The Commission, pursuant to Chapter H of the Code of Cape Cod Commission Regulations and by written decision dated 4/4/19, recognized and designated portions of Greater Hyannis as an Economic Center and accordingly revised/raised certain mandatory DRI review thresholds in this area at the request of the Town of Barnstable.
- F5B. The Project Site is located within this designated “Chapter H” area, where the mandatory DRI review threshold for commercial/retail uses has been raised/revised from 10,000 square feet to 20,000 square feet Gross Floor Area. The Project, inclusive of outdoor/display areas, proposes approximately 33,000 square feet of Gross Floor Area as this term is defined in the *Enabling Regulations*.
- F6. The Commission received a mandatory DRI referral for the Project on 8/26/19 from the Town of Barnstable (“Town”) Building Commissioner/Site Plan Review Chairman, on behalf of the Town’s Site Plan Review Committee.
- F7. The Applicant submitted a DRI application to the Commission for the Project on 8/13/19 (which included 5 sections and 15 exhibits, inclusive of site and architectural plan sets). The Applicant submitted supplemental materials in September, October, November, and December 2019, and in January 2020.
- F8. A DRI Subcommittee (“Subcommittee”) held a substantive public hearing on the Project on 10/23/19, which hearing opened the DRI hearing period. Commission staff prepared a staff report on the Project, dated 10/17/19, in advance of such hearing. The Subcommittee held a continued public hearing on 11/4/19, and subsequently further continued the hearing to the Cape Cod Commission meeting of 1/23/2020.
- F9. The DRI hearing period ended on 1/20/20 and the DRI decision period commenced on 1/21/20.
- F10. The Subcommittee held meetings on 11/21/19 and 12/9/19 to review and discuss public comments received and the additional information and materials it requested and received from the Applicant relative to building and site design; transportation issues; and Hazardous Materials/Waste storage.
- F11. At its 12/19/19 meeting, the Subcommittee concluded that the Project meets the criteria for DRI approval, subject to the imposition of certain conditions it had discussed through its hearings and meetings on the Project, and voted to recommend that the full Commission grant DRI approval for the Project, with Conditions. The Subcommittee directed Commission staff to prepare a draft written DRI Decision consistent with this recommendation to present to the full Commission to consider in its review and decision-making.
- F12. The Commission received a significant amount of oral and written testimony throughout the DRI hearing process. Much of the comment was received from those who reside in the neighborhoods west of Pitcher’s Way, expressing concerns principally about project siting, traffic, community character, and Hazardous Materials/Waste storage. Written comments in support principally cited the following, among other things: benefits to the local agricultural and equestrian communities, competitive paying jobs to support the local economy, pedestrian/bike infrastructure improvements, and keeping Cape shopping dollars local. Many of the public comments pertained to matters more properly or exclusively within municipal jurisdiction that will be taken up during local review and permitting, such as: hours of operation, deliveries, and outdoor signage details.
- F13. The Cape Cod Commission held a hearing on the Project at its meeting on 1/23/20 and following, among other things, further public testimony, review of the draft DRI Decision reflecting the recommendation of the Subcommittee, and discussion by Commission Members, the Cape Cod Commission at the conclusion of the hearing voted to [*fill in following 1/23/20 hearing*].

F14. Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the criteria for DRI approval, which include consistency with the Cape Cod Regional Policy Plan ("RPP"), and applicable District of Critical Planning Concern ("DCPC") implementing regulations, Municipal Development Bylaws, and Commission-certified Local Comprehensive Plans ("LCPs"). The Commission must also find that the probable benefit from the Project is greater than the probable detriment.

### **Municipal Development Bylaws, LCP, and DCPC Consistency Review**

- F15. Under Barnstable zoning, the Project Site is located within a "Business (B)" zoning district, which permits retail use as a matter of right, and the "GP" Groundwater Protection Overlay District. The Project and Project Site meet the zoning ordinance's minimum dimensional requirements.
- F16. The Project Site is identified as part of the Regional Commercial Center Strategic Planning Area in the Town's LCP and is situated within the Hyannis Economic Center, an area designated as appropriate for economic growth and development by the Town and the Commission, including for the type of national retail use like the one proposed in this case, pursuant to the above-referenced 4/4/19 "Chapter H" Decision.
- F17. The Project will require formal Site Plan Review, with relief expected to be necessary from the Zoning Board of Appeals ("ZBA") for storage of Hazardous Materials/Wastes within the Groundwater Protection Overlay District, reduction in the minimum required number of parking spaces (60 proposed, 73 otherwise required), and minimum required landscape buffer width.
- F18. The Town of Barnstable Planning and Development Department submitted comments on 10/18/19 relative to the Project's consistency with the Town's LCP and Municipal Development Bylaws. Comments provided by the Town indicate that the proposed Project is consistent with the Town's LCP. Preliminary Town comments included the following:
- a. The proposed commercial development of the Property, formerly owned by the Hyannis Fire District, is generally consistent with the Town's land use strategies; the Project Site is identified as part of the Regional Commercial Center Strategic Planning Area.
  - b. The Project, located within a Groundwater Protection Overlay District, is generally consistent with the LCP's Natural Resources goals related to wastewater management as it will be connected to the municipal sewer system.
  - c. Site plan revisions to enhance screening between the planned multi-use path and the outdoor storage area have decreased the degree of expected landscape buffer relief necessary.
- F19. The Town's Department of Public Works ("DPW") submitted additional comments on 10/21/19 relative to the transportation mitigation aspects of the Project. The comments included the following:
- a. Instead of the proposed construction of a portion of the Shared Use Path along Bearses Way as part of the Applicant's transportation mitigation package, the Town requested that construction of a pedestrian sidewalk/connection along Pitcher's Way be considered in its place, to allow the Town and MassDOT to efficiently time/coordinate planned Town infrastructure projects, including wastewater infrastructure, with Shared Use Path construction.
  - b. Sidewalk construction along the west side of Pitcher's Way from Bearses Way to Route 28, including the segment along the Project Site, is a long-term capital improvement goal of the Town.
  - c. The Shared Use Path along Bearses Way (for which the Applicant will provide the Town with a public access easement) will complete an important bike and pedestrian access route to Hyannis.
- F20. The Town has adopted a fertilizer management ordinance as Implementing Regulations pursuant to the Cape-wide Fertilizer Management DCPC (Barnstable Code Chapter 78), which is the only set of DCPC implementing regulations applicable to the Project; these regulations would apply to and be administered by the Town relative to proposed turf fertilization practices on-site. The Project's proposed landscape plans and protocols are consistent with these regulations.

## **Cape Cod Regional Policy Plan Consistency Review**

- F21. The Commission reviewed the Project relative to the 2018 RPP and companion Technical Bulletins, which were those in effect at the time the Commission commenced substantive hearing on the Project.
- F22. Per Section 9 of the 2018 RPP, the Commission determines the Project's consistency with the 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, material, and regionally significant relative to the Project. The companion Technical Bulletins elaborate on and interpret the RPP's goals and objectives.
- F23. Under the 2018 RPP and companion Technical Bulletins, based on the Project's location and the surrounding development context, the Project's Placetype is Suburban Development Area. This Placetype encompasses a range of land uses, from residential neighborhoods to automobile-oriented commercial and light industrial development.
- F24. The following goals and objectives from the 2018 RPP, as discussed below, are those applicable, material, and regionally significant relative to the Project and are thus subject to the Commission's RPP consistency review: Water Resources goal and objectives WR1, WR3, and WR4; Wildlife and Plant Habitat goal and objectives WPH1, WPH4, and WPH5; Open Space goal and objective OS3; Community Design goal and objectives CD1 and CD2; Transportation goal and objectives TR1, TR2, and TR3; Energy goal and objectives EN1, EN2, and EN3; Cultural Heritage goal and objective CH2; and Economy goal and objectives EC1, EC2, EC3, EC4, and EC5.

### ***Water Resources***

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- F25. 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, material, and regionally significant relative to the Project are: to protect and preserve groundwater quality (WR1); to protect, preserve, and restore marine water resources (WR3); and to manage and treat stormwater to protect and preserve water quality (WR4).
- F26. The Project is located within the Groundwater Protection Overlay District, which is classified as a Wellhead Protection Area under the Water Resources Technical Bulletin, among other statutory sources.
- F27. The Project will be connected to and served by municipal sewer and water; thus, it does not propose to discharge wastewater on-site and will not make significant withdrawals from the aquifer.
- F28. The Project's site-wide nitrogen loading concentration is less than 5 ppm, consistent with guidance in the Water Resources Technical Bulletin, and is not expected to negatively impact any private or public drinking water wells/supplies.
- F29. The Project is located within the Lewis Bay Marine Water Recharge Area, which is nitrogen impaired. As the Project will be connected to municipal sewer, no wastewater disposal will occur on-site. Other sources of Nitrogen – in runoff from impervious surfaces and fertilizer from turfed areas – is expected to contribute approximately 6.34 kg N/year to the watershed. The Town of Barnstable has a comprehensive wastewater facilities plan that deals with nutrient loading including to lands and waters within the watershed, which plan was previously reviewed and approved as a DRI by the Commission in 2007, and is in the process of being updated.
- F30. The Project will stock various consumer-packaged retail products in small containers that are classified as "Hazardous Materials" under the Water Resources Technical Bulletin, the total quantity of which will be less than 2,500 gallons.
- F31. The Project's containment system consists of floor drains, a double-walled holding tank, and associated alarms to prevent the release of Hazardous Materials. The holding tank has been designed with sufficient capacity to contain the volume generated by a fire-related release of Hazardous Materials accompanied by sprinkler system activation. The Applicant proposes to develop and implement a spill response and emergency management plan which details the alarm configuration and response actions associated with the containment system.

- F32. The Project will also store “Hazardous Waste” (as that term is used in the Water Resources Technical Bulletin) in the form of customer used oil collection at the Very Small Quantity Generator (“VSQG”) level. Tractor Supply-Hyannis will register with MassDEP as a VSQG, with all associated requirements for containment, secure storage, transport, and recordkeeping, and will obtain any required local approvals to temporarily store, transport, and dispose of the used oils. Massachusetts General Law Ch. 21 Sec. 52A requires that a retailer accept waste oil in certain amounts from a consumer who has purchased oil from the retailer, and accordingly maintain site facilities to accept and safely store for disposal.
- F33. The Project has committed to only accept used oils sold initially at the premises and returned for disposal by customers in sealed return containers, which will be stored in an enclosed container on a spill-proof pad in a secure, locked location within the building until removal off-site by a licensed contractor.
- F34. Tractor Supply contracts with Safety-Kleen Systems, Inc., a licensed contractor, for removal of used oils from its retail stores. A Master Services Agreement with Safety-Kleen dated 12/1/14 was included in Exhibit H of the DRI application. The Applicant has indicated that the Hyannis location of the retail store will be similarly serviced by Safety-Kleen.
- F35. The Project proposes to limit the quantity of used oils on-site at any one time to no more than 55 gallons maximum; Tractor Supply will establish protocols for monitoring, pickup scheduling, and removal by Safety-Kleen as needed.
- F36. The Project will not store, display, sell, or collect products classified as Hazardous Materials/Waste outdoors.
- F37. Consumer equipment repairs and/or a repair facility are not proposed as part of the Project.
- F38. In advance of but in anticipation of DRI review and permitting for the Project, the Applicant removed Hazardous Materials from an off-site location – gasoline tanks totaling 30,000 gallons from the former Savon Gas Station at 326 West Main St., Hyannis – to offset and mitigate on-site Hazardous Materials storage within a Wellhead Protection Area; both sites are located in areas that contribute to the same public drinking water supply wells.
- F39. The Project includes the creation of new impervious surfaces (i.e., roof and paving) that total approximately 50,000 ft<sup>2</sup>. The Applicant proposes to manage stormwater runoff using a combination of methods recommended by the RPP and Technical Bulletins that include: directly infiltrating runoff from the building roof’s surface; using a combination of “grasscrete” and pervious pavers in low traffic areas to reduce and break up impervious areas; and using distributed bioretention systems to treat runoff from paved parking and driveway areas. The stormwater system is designed with the ability to store and infiltrate the runoff from a 25-year design storm and provides water quality treatment through bioretention for at least the first inch of runoff. The Applicant submitted a Stormwater Operations and Maintenance Plan prepared by Down Cape Engineering, Inc. by which the Project’s stormwater system is proposed to be properly operated and maintained.

### ***Wildlife and Plant Habitat***

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- F40. The Wildlife and Plant Habitat goal of the RPP is to protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity. The Wildlife and Plant Habitat objectives that are applicable, material, and regionally significant relative to the Project are to: maintain existing plant and wildlife populations and species diversity (WPH1); manage invasive species (WPH4); and promote best management practices to protect wildlife and plant habitat from the adverse impacts of development (WPH5).
- F41. According to the Natural Resources Inventory (“NRI”) prepared by Marsh Matters Environmental on behalf of the Applicant, the Project Site is relatively poor quality with respect to wildlife habitat due to the limited wooded upland present, the absence of habitat variety, the amount of surrounding disturbance from development, distance from other undeveloped/unaltered areas, and abutting busy roadways that impede wildlife movement onto and off the Property.
- F42. According to the NRI, there is a significant amount of refuse and evidence of ‘dumping’ on the Property over time, including landscaping debris, construction materials, and furniture.

- F43. The NRI did not identify any special or unique species or habitats on the Property. It is not mapped for rare species habitat, BioMap2 Core Habitat, or Critical Natural Landscapes and there are no wetlands or vernal pools present. The Property is relatively small and isolated from other habitat areas. Development of the site will not have significant impacts on regional wildlife and plant habitat resources.
- F44. The Project Site does contain several large pitch pine and oak trees, as shown on the Tree Location Sketch Plan prepared by Down Cape Engineering, Inc. on behalf of the Applicant and included as Attachment 3 of the NRI. These larger trees likely provide some habitat and contribute to community character along this section of roadway. The Applicant proposes to leave several areas of the Project Site in a natural condition. The northerly portion will remain undisturbed, protecting a number of these large trees, and additional large trees will be retained in other locations, as shown on the Landscape Submittal Plan (Sheet L1). Commission staff recommend that the Applicant protect these trees during construction through the use of construction fencing and barriers as appropriate.
- F45. The NRI indicates the presence of several invasive species on the Project Site. The Applicant will be required to provide a plan for invasive species management in order to manage, reduce, or eliminate the presence of these invasive species on-site and ensure that they do not spread.

### ***Open Space***

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- F46. The Open Space goal of the RPP is to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems. The Open Space objective that is applicable, material, and regionally significant relative to the Project is to: protect or provide open space appropriate to context (OS3).
- F47. The Project Site is surrounded by development and disconnected from off-site areas of open space/habitat.
- F48. The Project is located within the Suburban Development Area Placetype, resulting in an open space mitigation requirement equivalent to the total disturbed area on-site for the Project, or two acres.
- F49. The Applicant proposes to meet this requirement by permanently protecting two acres of higher conservation value open space off-site or by providing an open space mitigation payment-in-lieu of permanent open space protection per the requirements of the Open Space Technical Bulletin.

### ***Community Design***

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- F50. 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, material, and regionally significant relative to the Project are to: promote context-sensitive building and site design (CD1) and minimize the amount of newly disturbed land and impervious surfaces (CD2).
- F51. The Project Site is not within an area with a predominant or distinctive architectural style.
- F52. The Applicant has sited the building in its proposed location in part to retain the natural vegetation, including a number of larger trees, at the intersection of Pitcher's and Bearses Ways, providing some visual buffering to the Project Site as it is approached from the north. Bearses Way is a primary gateway to other parts of Hyannis.
- F53. The delivery driveway, loading dock, and employee parking area are separated from the customer parking area and placed to the rear of the building, limiting visibility from the northerly approach to the Project Site and reducing the amount of contiguous impervious surface.
- F54. The fenced outdoor customer pick-up/storage area is located on the east side of the building closer to Bearses Way, away from the residentially developed area to the west.

- F55. The Applicant revised aspects of Tractor Supply's standard "corporate" building design to better fit the Cape Cod context – including with respect to building materials, colors, roof forms, and architectural features – and to provide design variation to help to break up the visual massing of the building.
- The building incorporates two-tone materials to break up the façades and employs finishes, colors, and building materials that are, or approximate the look of, natural, traditional materials.
  - The top portions of all four building façades will employ natural cedar shingles.
  - Gray hardi-plank siding will be employed for the middle portions of the front, east, and south façades and the rear middle section of the west façade.
  - The building includes a projecting front entry underneath a gabled roof form on the front façade and a similarly designed, smaller gabled roof form over the doorway to the fenced outdoor area.
  - The red stripe along the top of the front façade has been eliminated.
  - Metal awnings have been added to the front and side façades.
  - Shutters have been added to the west and rear façades.
- F56. The Project's landscape and site design also serve to better relate the building to the Cape Cod design context, help minimize the visual massing of the building, and improve the function and design of the site and surrounding commercial areas (which is also consistent with purposes of the Suburban Development Area Placetype):
- Landscaping includes nearly 400 native or native-compatible trees and shrubs – incorporating a variety of species, heights, and layouts – and retention of some of the existing larger trees and other vegetation on-site.
  - During the DRI review, the Applicant shifted the building position to increase the width of the vegetative buffer between Bearses Way, the future Shared Use Path, and the Project Site and to allow for a more varied planting regime.
  - The Project includes two, 8-foot-tall natural cedar gates/fencing on the north and south sides of the outdoor customer pick-up/storage area, providing additional visual buffering of the outdoor area and building when approaching from either direction on Bearses Way.
  - During the DRI review, the Applicant reduced the size of the outdoor customer pick-up/storage area by 550 sq. ft. to allow for additional landscaping between the entranceway on Bearses Way and the outdoor customer pick-up/storage area's north-facing cedar fence.
  - Landscaping is proposed to supplement existing vegetation to be retained on the west side of the building – inclusive of evergreen trees and additional plantings – to provide a visual buffer from the residentially developed area to the west.
  - The landscaping extends around the building to the rear southwest corner, providing some additional buffering to the delivery driveway/off-loading area.
  - The Project includes a dense, varied width vegetated buffer with a species mix and initial height designed to visually buffer the fence, fenced outdoor area, and building from the east.
  - The Project incorporates public amenities into the site design and low impact development-style stormwater management into the landscape design.
- F57. The Project minimizes impervious surface by utilizing pervious pavers for the 14,020 ft<sup>2</sup> fenced outdoor customer pick-up/storage area, outdoor display areas, and seven customer parking spaces, and by surfacing the employee parking and fire lane with pervious "grasscrete." The Applicant will also be seeking zoning relief to reduce the number of required parking spaces from 73 to 60, effectively reducing impervious coverage.
- F58. Customer parking is adequately screened to the north by the proposed natural area to be retained, to the east by a new evergreen buffer, and to the west by existing and proposed vegetation. The customer parking area is divided into a few smaller areas with landscaping and a stormwater rain garden in between, breaking up the expanse of impervious surface.



- F59. The proposed exterior lighting, as depicted on the photometric plan, is designed to be dark-sky compliant. Energy-efficient LED lampposts will light the parking area.
- F60. The Town, in its permitting review, will review the Applicant's specific exterior sign designs, when prepared; no internally illuminated signs shall be permitted (not including halo or back-lit channel letter signage).

### ***Transportation***

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- F61. 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, material, and regionally significant relative 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).
- F62. The transportation-related materials submitted by the Applicant as part of the DRI application were prepared professionally and follow standard industry practices, including as relates to the study area, data collection, crash analysis, trip generation, and capacity analysis described herein.
- F63. According to the Traffic Impact and Access Study ("TIAS") prepared on 7/26/19 by VHB, Inc. on behalf of the Applicant, based on empirical data collected at three comparable Tractor Supply stores, the proposed Project is expected to generate approximately 630 daily vehicle trips, with 38 vehicle trips during the weekday morning peak hour and 74 vehicle trips during the weekday evening peak hour. There is a specific Institute of Transportation Engineers ("ITE") category and associated trip generation figures for "Tractor Supply" stores; as these figures are not based on information specific to the northeastern United States or even Massachusetts, it was more appropriate and accurate to use actual traffic counts from stand-alone, comparably-sized existing Tractor Supply stores in Massachusetts. These estimates provide a more conservative analysis than using standard ITE data (i.e., the vehicle counts for comparable Massachusetts store locations used are higher than the ITE figures). Tractor Supply is a low-volume, "specialty" retailer and generates fewer vehicle trips, in general, than other types of high-volume retail uses.
- F64. With the Project Site located proximate to existing transit service and establishment of a Transportation Demand Management ("TDM") program to encourage walking and bicycling to the Project Site, the TIAS has assumed a 12.5% trip reduction factor.
- F65. The TIAS assumes 25% of the vehicle trips will consist of pass-by trips per industry standard for this type of retail use.
- F66. Due to the unique shape of the Project Site, the Applicant has proposed two full-access site driveways for customers and two full-access site driveways for employees and deliveries. The Applicant's sight distance assessment confirms adequate sight lines at all four driveways and the mid-block crosswalk on Pitcher's Way.
- F67. The two southerly site driveways will be restricted and signed for employee and delivery access only. Speed bumps, video monitoring, and a gate will be installed along this delivery/employee driveway to prevent its use as a vehicular cut-through between Pitcher's Way and Bearses Way.
- F68. The TIAS provides a capacity analysis for the two study area intersections of Route 132 at Bearses Way and Bearses Way at Pitcher's Way, as well as the four proposed site driveways. In addition, a roadway analysis was performed for the roadway links of Bearses Way and Pitcher's Way. The Applicant has proposed traffic mitigation including optimizing the traffic signal timings and reviewing clearance intervals at the Route 132 and Bearses Way intersection, as well as a \$7,995 Fair Share Congestion Mitigation payment for a potential future traffic signal installation at the intersection of Bearses Way and Pitcher's Way.
- F69. According to the TIAS's safety analysis, the intersection of Route 132 at Bearses Way is considered a high crash location with an average of eight crashes/year; this intersection was evaluated from a safety

perspective to identify potential safety impacts and potential safety mitigation actions. To mitigate any potential safety impacts and improve safety at this intersection, in addition to optimizing the traffic signal timings and reviewing clearance intervals, the Applicant has proposed the installation of lane usage signs on the eastbound and southbound approaches as well as a wayfinding guide sign for The Cape Codder Resort prior to the intersection.

- F70. The Applicant stated in supplemental materials submitted on 10/31/19 that there would be 2-3 merchandise deliveries/week consisting of one full-size 65-ft. open road tractor trailer and 1-2 additional deliveries likely by smaller flat-bed trucks delivering wood pellets, gates, fencing, etc. During local review and permitting, the Town might want to discuss limiting deliveries outside of peak travel times.
- F71. The width of the delivery driveway entrance off Pitcher's Way has been reduced to the minimum width possible to minimize visual impacts and impervious surfaces while still ensuring a direct and safe turning radius into the docking/delivery area.
- F72. The Project incorporates safe multimodal connections to and through the Project Site, which will support the multimodal transportation network in the surrounding area.
- The Applicant will donate an easement of varying width along the Property's frontage on Bearses Way to the Town, to support the MassDOT Bearses Way Shared Use Path project which is currently at the 25% design phase and scheduled for a potential construction start date of Fall 2022. The construction of the Shared Use Path is fully funded through the Cape Cod Transportation Improvement Program. The construction of this new pedestrian and bicyclist link will provide a safe connection to the Project Site for non-motorists and facilitate an important connection as part of the regional multi-use path network.
  - The Applicant will donate a 10-foot-wide public access easement to the Town along the Property's frontage on Pitcher's Way.
  - The Applicant will construct an ADA-compliant pedestrian sidewalk and associated road crossing/crosswalk treatments to move pedestrians safely across Pitcher's Way at the intersection of Bearses Way, along the Property's Pitcher's Way frontage, and across Pitcher's Way with a new mid-block crosswalk to connect to the existing sidewalk on Schooner Lane. Per a request from the Town's DPW, the Applicant will remove an existing length of sidewalk on Pitcher's Way and upgrade this section to the new sidewalk condition. The Applicant will be required to install proper corresponding pedestrian advanced warning signage for the proposed mid-block crosswalk.
  - Tractor Supply will provide a bicycle rack with space for up to 8 bicycles for use by employees/customers and will encourage employee carpooling, bicycling, and walking, including with the designation of two employee parking spaces as ride share parking.
- F73. Sidewalk design, layout, and installation should be coordinated with the Town's DPW during local project review to, among other things, ensure consistency with the Town's long-range plans for continuing the sidewalk along the length of Pitcher's Way, taking into consideration the importance of visually buffering the Project Site from Pitcher's Way, including within the access easement area, while retaining safe roadway, driveway, and crosswalk sight lines.
- F74. Similarly, the Applicant should continue to coordinate with the Town and MassDOT to maximize to the greatest extent feasible the width of the vegetated buffer in the easement along Bearses Way, based on the eventual as-built location and width of the Shared Use Path.

## ***Energy***

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- F75. 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, material, and regionally significant relative to the Project are to: support renewable energy development that is context-sensitive (EN1); increase resiliency of energy generation and delivery (EN2); and minimize energy consumption through planning and design (energy efficiency and conservation measures) (EN3).
- F76. The building design includes an energy efficient building envelope and mechanical equipment, energy efficient lighting, and energy conservation measures.

- F77. By installing high-performance mechanical equipment and using the most current building envelope techniques, the Applicant anticipates it will reduce its base load by more than 50%.
- F78. The Applicant maintains that the building will be designed and built to exceed the threshold for Energy Star's commercial building certification program.
- F79. The Applicant is proposing to incorporate roof-mounted solar panels to support renewable energy generation. As detailed in supplemental information submitted by the Applicant from Racepoint Energy LLC dated 10/3/19, a total of 404 solar panels (330-W panels) will be installed on the roof. The 133,329 kW system size is estimated to produce approximately 150,000-160,000 kWh/year.
- F80. The Applicant proposes to increase the Project's energy resiliency by locating utilities underground.

### ***Cultural Heritage***

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- F81. The Cultural Heritage goal of the RPP is to protect and preserve the significant cultural, historic, and archeological values and resources of Cape Cod. The Cultural Heritage objective that is applicable, material, and regionally significant relative to the Project is to: protect and preserve archaeological resources and assets from alteration or relocation (CH2).
- F82. The Project is located outside of historic areas and cultural landscapes.
- F83. The Applicant submitted a Project Notification Form ("PNF") to the Massachusetts Historical Commission ("MHC") on 11/8/18 via certified mail; MHC confirmed receipt of the PNF.
- F84. MHC did not provide a response to the PNF within its statutory response period, indicating that it does not have concerns or information about known archaeological resources on the Project Site.

### ***Economy***

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- F85. 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, material, and regionally significant relative to the Project are to: protect and build on the Cape's competitive advantages (EC1); use resources and infrastructure efficiently (EC2); foster a balanced and diverse mix of business and industry (EC3); encourage industries that provide living wage jobs to a diverse workforce (EC4); and expand economic activity and regional wealth through exports, value added, import substitution, and local ownership (EC5).
- F86. The Project proposes additional retail development in Greater Hyannis, where much of the region's retail and other commercial development is already concentrated, as recognized by the Barnstable LCP in its Regional Commercial Center Strategic Planning Area and by the Cape Cod Commission's "Chapter H" Decision designating the area as an Economic Center.
- F87. The Project will be located proximate to, and will connect to, existing infrastructure including Town water/sewer and underground electric, natural gas, and telephone/cable, allowing for infrastructure efficiencies in alignment with the RPP's growth policy.
- F88. The Project proposes the first Tractor Supply retail operation on Cape Cod, which will add variety to the retail marketplace in the region. Tractor Supply is a publicly traded company with a base of retail "lifestyle" stores in approximately 1,400 locations nationally and internationally. Store inventories typically include: hardware, truck, towing, and tool products; farming, landscaping, and mowing machinery and equipment; fencing; maintenance products for agricultural and rural use; work and recreational clothing and footwear; seasonal lawn and garden items; and equine, livestock, and small animal products.
- F89. The Applicant states in a letter dated 10/31/19 that Tractor Supply intends to hire approximately 8 full-time employees and 8-10 part-time employees for the Hyannis store. Tractor Supply typically hires within the local community.
- F90. Because of the limited number of workers, the Project is not anticipated to have a significant regional impact on the housing or employment market.

- F91. Amongst other jobs associated with the Project, Tractor Supply managerial positions are salaried with a base pay (approximately \$57,000-\$85,000/year) higher than the average annual wages for Barnstable County, with additional bonuses for store performance.
- F92. Full-time employees working 30+ hours/week are eligible for benefits; the cafeteria employee benefit package includes health insurance, dental insurance, and a 401K plan. Tractor Supply provides a training program and maintains that it provides opportunities to advance for every employee.
- F93. Tractor Supply anticipates a significant shift of market share from its Wareham store to the Cape Cod store, likely resulting in a reduction of customer trips off-Cape.
- F94. Tractor Supply-Hyannis plans to partner, as it does similarly in other locations, consistent with its stated corporate mission and values, with the Barnstable County Fair, local farmers, and other local agricultural groups to promote farming, offer workshops, and sponsor community programs.

### **Regional Probable Project Benefit/Detriment**

F95. Probable Project benefits include:

- The Project is sited in an area that functions as a regional commercial center; is served by appropriate infrastructure; and is designated by the Commission and Town as appropriate for additional economic growth and development, including for the type and at the scale proposed.
- The Project will significantly advance the Town's goals for increasing safe, alternative modes of travel through the proposed sidewalk and multi-use path contributions, including the donation of two public access easements along Pitcher's and Bearses Ways to the Town.
- The Project will result in the protection of higher-quality open space off-site than would be provided on-site.
- Tractor Supply will supply products and equipment for agriculture/farming, a traditional industry in the region, and will support local farming communities and organizations.
- The Project's proposed landscaping program – which preserves a significant amount of existing naturally vegetated area in the northerly portion and other portions of the Property while at the same time providing a variety of nearly 400 new native or native-compatible trees or shrubs –improves the function and design of the surrounding commercial area in which the site is located, recognizing the existing types of commercial uses and development patterns in the area and that the site serves as a gateway to other parts of Hyannis.
- In the absence of developing and using the Property as proposed herein, there are alternative development scenarios that: could likely be pursued, would have greater detrimental regional impacts and fewer regional benefits, and would not require comprehensive, regional review by the Commission but would only be subject to Town review and permitting, which generally has few discretionary controls and requirements for a broad array of commercial uses permitted in the underlying zoning district.

F96. Probable Project detriments include:

- The Project proposes to develop a currently wooded site, and store a significant quantity of Hazardous Materials, within a Wellhead Protection Area/Groundwater Protection Overlay District.
- The Project will impact residential neighborhoods along Pitcher's Way more greatly than under existing conditions.
- The Project proposes to develop an undeveloped site rather than redevelop an existing developed site.

### **CONCLUSION**

Based on the Findings above and subject to the Conditions below, the Commission further determines, finds, and concludes that: the Project is consistent with the 2018 Cape Cod Regional Policy Plan and corresponding Technical Bulletins, applicable Municipal Development Bylaws, applicable DCPC Implementing Regulations, and the Town of Barnstable's Commission-certified LCP; the probable benefit of the Project is greater than its probable detriment; and the Commission hereby grants DRI approval for the Project described herein.

## CONDITIONS

- C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant).
- C2. When final and after a copy of this Decision has been recorded with the Barnstable County Registry of Deeds, this Decision shall be valid and in effect, and local development permits may be issued pursuant hereto, for a period of seven years from the date of this Decision.
- C3. This Decision shall be appurtenant to and run with the Property. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.
- C4. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals for the Project. Consistency with Municipal Development Bylaws shall be ratified and confirmed by the Applicant obtaining all required local permits, licenses, and approvals. Prior to commencement of the Project, the Applicant shall provide the Commission with copies of all required permits, licenses, and approvals, and plans approved therein, for the Project.
- C5. The Project shall be constructed, operated, and maintained in accordance with the documents listed in Exhibit A ("Approved Project Plans"). Plans, protocols, and other documents required as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and determined consistent with this Decision by Commission staff, and the Project shall be similarly constructed, operated, and maintained.
  - C5A. The Applicant hereby authorizes Commission staff to make site visits as necessary, at reasonable times and upon reasonable notice to the Applicant, to confirm that the Project is implemented in accordance with this Decision.
- C6. The Applicant shall provide a copy of this Decision and the Approved Project Plans to the Project's general contractor prior to commencement of the Project. The Applicant shall maintain a copy of this Decision and the Approved Project Plans on the Project Site throughout Project construction.
- C7. Prior to and as a condition to issuance of a building permit/s for the Project from the Town of Barnstable Building Department, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Preliminary Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local building permit/s.
- C8. Prior to and as a condition to issuance of a Certificate/s of Use and Occupancy for the Project from the Town of Barnstable Building Department, the Applicant shall request and obtain from the Commission a Final Certificate of Compliance; the issuance of such Final Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local Certificate/s of Use and Occupancy, and shall confirm that the Project was constructed or implemented in accordance with this Decision.
- C9. The Applicant shall either restrict for conservation and open space purposes in perpetuity, and in accordance with the relevant provisions of MGL Chapter 184 Sections 31 through 33, two acres of open space off-site, or make an open space mitigation payment-in-lieu.
  - C9A. If the Applicant proposes to restrict two acres of open space off-site, then prior to and as a Condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to Commission staff for review and approval: a proposal to acquire and dedicate at least two acres of land as open space in perpetuity demonstrating consistency with the Open Space Technical Bulletin, the proposal to include a draft Conservation Deed or Conservation Restriction identifying a qualified and willing holder/donee/grantee.

- C9B. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall either:
- provide to the Commission a copy of the above-referenced Deed and/or Conservation Restriction recorded or registered with the Barnstable County Registry of Deeds or Barnstable Registry District, as previously reviewed and approved by Commission staff; or
  - make a payment-in-lieu to the Cape Cod Commission calculated per the provisions of the Commission's Open Space Technical Bulletin, payable to the Barnstable County Treasurer to hold for the use and benefit of the Town of Barnstable or its designee for open space purposes.
- C10. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall construct the building's on-site containment system per the specifications of the Approved Project Plans.
- C10A. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to Commission staff for review and comment a draft emergency management and spill response plan for the Project that includes the on-site containment system, including alarm configuration details and response actions, and protocols for ensuring that products classified as Hazardous Materials/Waste will not be stored, displayed, sold, or collected outside.
- C10B. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit a final emergency management and spill response plan for the Project, consistent with that reviewed and approved by Commission staff.
- C11. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall confirm Very Small Quantity Generator status and as required register with MassDEP for its proposed Hazardous Waste storage on-site, including providing copies of associated approved plans/protocols for containment, secure storage, transport, and recordkeeping to the Commission.
- C12. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide: a copy of the agreement with Safety-Kleen Systems, Inc. for removal of used oils for the Project and established protocols for monitoring, pickup scheduling, and removal by Safety-Kleen as needed to ensure that the 55-gallon maximum quantity of customer used oils on-site is not exceeded..
- C13. The Applicant shall restrict or have restricted the former Savon Gas Station property at 326 West Main St., Hyannis, MA from gasoline filling station use.
- C13A. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide to the Commission a copy of a restrictive covenant, as recorded with the Barnstable County Registry of Deeds, running with and appurtenant to the former Savon Gas Station property at 326 West Main St., Hyannis, MA restricting said property from being used or developed for gasoline filling station use, which instrument shall be prepared, executed and recorded consistent with MGL Chapter 184 Sections 127 through 130, name the Town of Barnstable as beneficiary or holder, and provide for extensions.
- C14. The rooftop solar panels shall be installed per the Approved Project Plans, which shall be accomplished prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission.
- C14A. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide a copy of a contract to install rooftop solar panels as proposed and detailed architectural plans for the rooftop solar panel array.
- C15. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall donate to the Town permanent access easements along Bearses Way and Pitcher's Way, consistent with the easement areas depicted on the Approved Project Plans.

- C16. Without limiting the foregoing, the Applicant shall retain specified existing vegetation, and install and maintain all proposed additional landscaping, in accordance with the Project's landscape program, which includes the following: Landscape Submittal Plan – Sheet L-1; Turf Management and Integrated Pest Management Plan; Landscape Maintenance Plan; and Detail Sheet 6 of the Site Plan set, inclusive of the Shrub and Tree Planting Detail, as included in the Approved Project Plans.
- C16A. Without limiting the Applicant's general obligations under this Decision to maintain the approved landscaping program over time, the Applicant is required to replace in kind any initial plantings that die or become diseased as soon as is practicable to do so.
- C17. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a plan for Commission staff review which specifies best management practices to be employed to avoid the introduction and/or spread of invasive species during construction.
- C18. No signs, vegetation, or other visual obstructions shall be placed or maintained in a manner that would create an obstruction to safe sight distance at the site drives.
- C19. The Applicant shall provide the following transportation mitigation for the Project, which shall be performed prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission:
- C19A. Demonstrate that all Transportation Demand Management measures as set out in the Transportation Findings herein have been implemented.
- C19B. Demonstrate completion of the Congestion Management and Safety Improvements at the Route 132 and Bearses Way signalized intersection.
- C19C. Provide a Fair Share Congestion Mitigation payment of \$7,995 to the Commission c/o the Barnstable County Treasurer to hold for the use and benefit of the Town for purposes of addressing congestion management at the Bearses Way and Pitcher's Way intersection.
- C19D. Construct an ADA-compliant sidewalk and two crosswalks on Pitcher's Way, as shown on the Approved Project Plans, and install appropriate pedestrian advanced warning signage as part of crosswalk installation.
- C19E. The Applicant shall install "Ride Share Parking" signs for the employee parking spaces depicted as "Ride Share Parking" on the Layout Site Plan.
- C20. The Applicant shall install a gate on the delivery driveway along the southern portion of the Property to prevent use and cut-through by unauthorized vehicles, which shall be installed prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission. The details about gate location, design, operation, and other specifications shall be determined by the Town during local permitting.
- C21. No internally illuminated exterior signs shall be permitted (not including halo or back-lit channel letter signage); specific signage details and design shall be determined by the Town during local permitting.
- C22. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to the Commission certification from the Project architect or engineer that the energy conservation measures outlined in the Energy Findings herein have been incorporated into the Project's construction plans that will be submitted for the local building permit.

***SIGNATURE PAGE FOLLOWS***

**SIGNATURE PAGE**

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2020

For the Cape Cod Commission by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

\_\_\_\_\_, 2020

Before me, the undersigned notary public, personally appeared \_\_\_\_\_,  
whose name is signed on the preceding or attached document, and such person acknowledged to me that  
he/she signed such document voluntarily for its stated purpose in his/her capacity as  
\_\_\_\_\_ 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.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

SEAL



**EXHIBIT A**  
**Tractor Supply, Hyannis**  
**Condition C5 – Approved Project Plans**

[to be completed]

Draft 1/17/20