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CAPE COD  
COMMISSION

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**DEVELOPMENT OF REGIONAL IMPACT SCOPING DECISION**

DATE: JULY 6, 2017

TO: ATTY: ELIZA COX, NUTTER MCCLENNEN AND FISH  
1471 IYANNOUGH ROAD, PO BOX 1630, HYANNIS, MA 02601

PROJECT APPLICANT/ PROPERTY OWNER: S-L SNACKS MA, LLC  
13515 BALLANTYNE CORPORATE PLACE, CHARLOTTE, NC 28277

PROJECT: CAPE COD POTATO CHIP FACTORY EXPANSION (CCC#LR17008)

PROJECT SITE/LOCATION: 60 BREED'S HILL ROAD, HYANNIS, MA

TITLE INFORMATION: BOOK 26216 PAGE 175  
PLAN BOOK 380 PAGE 50 (LOT 2)  
PLAN BOOK 388 PAGE 34 (LOT E)  
PLAN BOOK 406 PAGE 52 (LOT 1)

ASSESSOR'S ID: MAP 314 PARCEL 023

**SUMMARY**

The Cape Cod Commission (Commission) hereby determines that the Project, involving construction of a proposed 17,680-square-foot (SF) expansion of the existing potato chip manufacturing facility located at 60 Breed's Hill Road, Hyannis, Massachusetts (Project), does not involve substantial deviation from the minimum performance standards of the Regional Policy Plan (RPP) and does not have significant impact upon the purposes and values identified by Section One of the Cape Cod Commission Act (Act), as conditioned herein, and that S-L Snacks MA, LLC (Applicant) may proceed with local permitting without further DRI review, subject to the conditions herein.

**PROJECT DESCRIPTION**

The Applicant is proposing redevelopment of the existing 5.63-acre manufacturing facility site (Project Site) with the demolition of the existing 3300 SF visitor tour area and office space,

reconstruction of the visitor tour area and office space with a 10,930 SF addition, the relocation and expansion of the existing loading and warehouse spaces including a 10,050 SF addition, and associated site improvements including improved pedestrian connections from the existing parking areas to the visitor entrance and additional/ revised landscaping. (Project).

## **PROCEDURAL HISTORY**

The Applicant filed a DRI Scoping application with the Commission on April 7, 2017. The Applicant submitted additional materials in April and May of 2017. The DRI Scoping application was deemed complete on June 20, 2017.

At its public meeting on June 29, 2017, the Committee on Planning and Regulation (CPR) reviewed a draft DRI Scoping decision, in which the Executive Director of the Commission recommended that no further DRI review be required for the Project. The CPR recommended the draft decision, as amended, to the full Commission for its consideration and a determination that no further DRI review is required for the Project. At its meeting on July 6, 2017, the full Commission held a hearing on the Project, and voted to adopt the draft DRI Scoping decision and find that the Project does not involve substantial deviation from the minimum performance standards of the RPP, does not have significant impact upon the purposes and values identified by Section One of the Act, and that the Applicant may proceed with local permitting for the Project without further DRI review.

## **JURISDICTION**

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(e) of the Commission's *Enabling Regulations* (revised November 2014) as "*New construction of any building or buildings ... with a Gross Floor Area greater than 10,000 square feet.*"

In accordance with Section 5(a) of the *Enabling Regulations*, "[f]or any Project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review."

Pursuant to Section 5(e)(v) of the *Enabling Regulations*, upon submission and after review of such application, "*In the event of a finding that no DRI review is required, the Executive Director shall make the recommendation to the full Cape Cod Commission which shall render a final decision whether to allow a development to proceed without further DRI review ...*"

## **FINDINGS**

### **GENERAL FINDINGS**

The Commission hereby finds as follows:

GF1. The Applicant submitted an application to scope DRI review on April 7, 2017; the Scoping application was deemed complete on June 20, 2017.

GF2. The DRI Scoping application for the Project was reviewed subject to the 2009 Regional Policy Plan, as amended in August 2012 (RPP).

GF3. The Executive Director considered the Limited DRI Scoping Checklist for Redevelopment/Change of Use (Scoping Checklist) in its review and deliberations on the DRI Scoping application.

GF4. The Applicant is proposing redevelopment of the existing 5.63-acre manufacturing facility site (Project Site) with the demolition of the existing 3300 SF visitor tour area and office space, reconstruction of the visitor tour area and office space with a 10,930 SF addition, the relocation and expansion of the existing loading and warehouse spaces including a 10,050 SF addition, and associated site improvements including improved pedestrian connections from the existing parking areas to the visitor entrance and additional/revised landscaping.  
(Project).

GF5. The Project is proposed to be implemented and constructed in accordance with the following plan sets and other information and documents referenced herein:

*Snyder-Lance Facility Renovation, Hyannis, MA*, prepared by The Stellar Group:

- Drawing C4000: *Site Demolition Plan*, dated 4/5/17
- Drawing C1100: *Overall Site Plan*, dated 4/5/17
- Drawing C1200: *Overall Utility Plan*, dated 3/17/17
- Drawing C1300: *Grading & Drainage Plan*, dated 3/17/17

*Snyder-Lance Facility Renovations and Additions*, prepared by The Stellar Group:

- Drawing A1100: *First Floor Plan Overall*, dated 4/14/17
- Drawing A1200: *Second Floor Plan Overall*, dated 4/14/17
- Drawing A1400: *Roof Plan Overall*, dated 4/14/17
- Drawing A3101: *Exterior Elevations*, dated 4/14/17
- Drawing E0001: *Electrical Legend, Luminaire Schedule & General Notes*, dated 5/15/17
- Drawing E0003: *Site Lighting Calc Plan – Electrical*, dated 5/15/17
- Proposed Amenities Rendering*, as revised by image included in submittal from applicant dated 5/16/17

*Cape Cod Chips*, prepared by Clipper Landscape LLC, dated 5/8/17, consisting of 1 sheet

*Proposed Cape Cod Potato Chip Factory Redevelopment*, Memorandum, prepared by VHB, dated 3/27/17

*Storm Water Pollution Prevention Plan (SPPP)*, prepared by Snyder's-Lance Incorporated, dated May 2016

## RPP FINDINGS

### LAND USE

LUF1. The Project Site is located within a mapped Industrial Service and Trade Area on the Commission-approved Land Use Vision Map (LUVVM) for the Town of Barnstable, thus the Project meets Minimum Performance Standard (MPS) LU1.1 (Development Location).

LUF2. The Project involves multi-story development and is proposed within currently disturbed and impervious areas on previously developed site. Thus, the Project does not involve substantial deviation from MPS LU1.2 (Compact Development).

LUF3. As the Project does not propose any capital facilities or infrastructure and is not on or adjacent to agricultural lands, the standards under Goals LU2 (Capital Facilities and Infrastructure) and LU3 (Rural Lands) do not apply.

LUF4. The Project neither involves substantial deviation from nor would have significant impacts upon the Land Use Goals of the RPP and standards thereunder, and thus does not require substantive DRI review for the RPP issue area of Land Use, which is hereby scoped out of DRI review.

### ECONOMIC DEVELOPMENT

EDF1. The Project Site is located within a mapped Industrial Service and Trade Area, thus the Project meets MPS ED1.1 (Location in Economic Centers).

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

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

EDF4. As the Project does not propose any capital facilities or infrastructure, the standards under Goal ED4 (Infrastructure Capacity) do not apply to the Project.

EDF5. The Project neither involves substantial deviation from nor would have significant impacts upon the Economic Development Goals of the RPP and standards thereunder, and thus does not require substantive DRI review for the RPP issue area of Economic Development, which is hereby scoped out of DRI review.

### WATER RESOURCES

WRF1. Although the Project Site is located within Commission-mapped Water Resources protection areas, the Project is connected to public sewer, is expected to result in de minimus changes to site-wide nitrogen loading, and does not propose an increase in the storage of hazardous wastes or materials. Additionally, the Project is registered with MassDEP as a Very Small Quantities Generator of hazardous wastes, and the Applicant has supplied a Stormwater Pollution Prevention Plan. Thus, the Project is consistent with the MPS under Water Resources

Goals WR1 (General Aquifer Protection), WR2 (Drinking Water Quality and Quantity), WR3 (Marine Water Embayments and Estuaries), WR4 (Freshwater Ponds and Lakes), and WR5 (Water Quality Improvement Areas).

WRF2. Water Resources Goal WR6 (Public and Private Wastewater Treatment Facilities) does not apply to the Project as the site's wastewater treatment facility serves to pre-treat wastewater prior to conveyance to the public sewer, and the MPS under Goal WR6 only apply to private facilities that will convey effluent to in-ground leaching structures.

WRF3. While the Project does not involve significant changes to stormwater patterns and treatment or impervious coverage on the Project Site, the proposed upgrades will result in an overall improvement of stormwater treatment. Thus, the Project is consistent with the MPS under Water Resources Goal WR7 (Stormwater Quality).

WRF4. The Project neither involves substantial deviation from nor would have significant impacts upon the Water Resources Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Water Resources, and this issue area is hereby scoped out of DRI review.

## NATURAL RESOURCES

NRF1. The Project Site is mapped as Significant Natural Resource Area due to the presence of the Wellhead Protection Area, but the Project is not anticipated to negatively affect the resources protected by this mapping. Additionally, the Project Site does not contain and is not proximate to wetlands or wetland buffer zones, and is not located on the coast or offshore. The Project does not propose to disturb or alter more than two acres of previously undisturbed land, and is located primarily on previously developed areas of the site; thus the Project neither involves substantial deviation from nor would have significant impacts upon the Open Space and Recreation, Coastal Resources, Marine Resources, Wetlands, and Wildlife and Plant Habitat Goals of the RPP and standards thereunder, and the Project does not require substantive DRI review under these RPP issue or sub-issue areas, which are hereby scoped out of DRI review.

## TRANSPORTATION

TRF1. A transportation memorandum ("Transportation Memo"), submitted as part of the application materials, prepared by VHB, dated March 27, 2017, provides transportation information in support of the application.

TRF2. Commission Transportation staff met with members of the Applicant's development team and the transportation engineer in February and March of 2017, respectively, to discuss the nature of the project and potential impacts on the transportation system.

TRF3. The characterization the of project in the Transportation Memo as "*an upgrade to the existing manufacturing facility to modernize and improve efficiency*" and "*better accommodate the tours which are already an active part of operations*" appropriately characterizes the Project regarding the RPP issue area of Transportation.

TRF4. The trip generation estimates are based on trip generation data in *Institute of Transportation Engineers' (ITE) Trip Generation*, 9<sup>th</sup> Edition, for Land Use Code (LUC) 140, Manufacturing, which is an accurate characterization of the site, and the calculations were performed in accordance with Technical Bulletin 96-003. The estimated increase in traffic from the Project during different time periods is as presented in Table 1.

**Table 1: Estimated Project Trip Generation**

Time Period	Trip Generation (trips)		
	Existing Site Traffic <sup>1</sup>	Proposed Site Traffic <sup>2</sup>	Net New Trips
Weekday Daily Trips	130	198	+68
Weekday AM Peak Hour	24	37	+13
Weekday PM Peak Hour	25	38	+13

<sup>1</sup> Based on ITE LUC 140, Manufacturing, 34,100 square feet

<sup>2</sup> Based on ITE LUC 140, Manufacturing, 51,790 square feet

TRF5. As presented in the Transportation Memo, VHB conducted a sight distance evaluation of the site driveways and found that sufficient stopping sight distance is provided. The Transportation Memo presents a motor vehicle crash analysis for the most recent five-year period available (2010-2014) for the site driveways and the intersection of Independence Drive at Breed's Hill Road. During this analysis period, no crashes were reported at the site driveway with one property damage crash reported at the of Independence Drive at Breed's Hill Road.

TRF6. The Transportation Memo presents a capacity analysis of the site driveways and the intersection of Independence Drive at Breed's Hill Road under 2017 Existing Conditions, 2024 No-Build Conditions, and 2024 Build Conditions. This analysis indicates that the Project will have a negligible impact on the operations of these intersections.

TRF7. No changes to site access along Breed's Hill Road are proposed as part of the Project. The internal site circulation will be improved by relocating the loading and adding a dedicated pedestrian walkway between the parking lot and the facility. These site improvements will eliminate a conflict that currently exists between truck and pedestrian, improving safety.

TRF8. The Scoping Checklist for limited Development of Regional Impact (DRI) contains the following transportation related questions:

**Table 2: Transportation Scoping Questions**

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<i>Will the project generate more than 250 new daily trips?</i>	<b>No</b> , the project will not generate more than 250 new daily trips.
<i>Will the project generate more than 25 new peak hour trips at a high crash location?</i>	<b>No</b> , the project will not generate more than 25 new peak hour trips through a high crash location.
<i>Does the project have direct access on or does the project abut a regional roadway?</i>	<b>Yes</b> , the project site abuts Independence Drive (a regional road), but site access is provided from Breed's Hill Road (a local road). No significant transportation impact is anticipated on the regional roadway.

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TRF9. Based on the preceding findings, the Project neither involves substantial deviation from nor would have significant impacts upon the Transportation Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Transportation, and this issue area is hereby scoped out of DRI review.

#### WASTE MANAGEMENT

WMF1. The Project is located within a Wellhead Protection Area, but does not propose an increase in the amounts of hazardous materials or wastes stored or produced at the Project Site. Additionally, the Project is registered with MassDEP as a Very Small Quantities Generator of hazardous wastes. Further, the Project will not create significant amounts of solid waste during the construction phase aside from wastes produced by the dismantling of the existing visitor tour area and office space on site, and thus does not require the preparation of a construction and demolition waste plan.

WMF2. The Project neither involves substantial deviation from nor would have significant impacts upon the Waste Management Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Waste Management, and this issue area is hereby scoped out of DRI review.

#### ENERGY

EF1. The Project proposes to comply with Goal E1 (Emissions and Energy Use) through a commitment to a variety of sustainability initiatives outlined in the application materials. Recognizing the Project entails an addition to a 1980's-era manufacturing facility, it would likely be prohibitively difficult for the Project to meet the requirements under Goal E1 by retrofitting

the existing portions of the facility, and the sustainability initiatives outlined adequately address the intent of Goal E1.

EF2. The Project neither involves substantial deviation from nor would have significant impacts upon the Energy Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Energy, and this issue area is hereby scoped out of DRI review.

#### AFFORDABLE HOUSING

AHF1. The Project is located within an Industrial Service and Trade Areas as mapped on the LUVI for the Town of Barnstable, which is equivalent to being mapped as an Economic Center for the purposes of the RPP issue area of Affordable Housing.

AHF2. In accordance with MPS AH3.1 (Mitigation Standard), the Project's community contribution is calculated under the use of "Other" in accordance with Technical Bulletin 10-001.

AFH3. Cape Cod Potato Chips falls under the NAICS code "Other Food Manufacturing" as used by the Bureau of Labor Statistics Occupational Employment Statistics (OES). Roughly 89% of jobs within the sector nationally pay below average wages per the OES. The OES average wage (\$23.86/hour nationally and \$23.66/hour for Barnstable County) is similar to income limits for affordable housing for those making 80% of Area Median Income (\$22.88/hour for Barnstable County).

AFH4. MPS AH3.1 currently requires a payment of \$18,740.80 for the use of "Other" for the Project.

AFH5. The Applicant has agreed to make a payment in the amount of \$18,740.80 to be used toward the development of Affordable Housing in the Town of Barnstable, and thus, as so conditioned herein, the Project neither involves substantial deviation from nor would have significant impacts upon the Affordable Housing Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Affordable Housing, and this issue area is hereby scoped out of DRI review.

#### HERITAGE PRESERVATION/ COMMUNITY CHARACTER

HPCCF1. The Applicant submitted a Project Notification Form (PNF) to the Massachusetts Historical Commission (MHC), and MHC certified in writing on March 29, 2017 that the Project is unlikely to impact historic or archaeological resources, meeting MPS HPCC1.3 (Archaeological Sites). The Project complies with HPCC1.1 (Historic Structures) and HPCC1.2 (Cultural Landscapes) because the Project will not impact any historic structures or cultural landscapes.

HPCCF2. The Project involves renovation and expansion of an existing manufacturing facility within an Industrial Service and Trade Area. The structure is currently somewhat shielded from Independence Drive by an existing pine woods buffer. The Project will reduce the width of this



vegetated buffer near the northwest corner of the building, but additional plantings will provide a similar level of screening.

HPCCF3. Given the Project's screening and its location within a mapped Industrial Service and Trade Area, the RPP allows flexibility in the building design and materials used under MPS HPCC2.7 (Non-traditional Materials and Designs). While the structure is primarily a metal building, the Project proposes elements that reference traditional materials and forms on the new primary façade which includes the employee and public tour entrance. The entrances are designed to resemble a lighthouse and small gable-roofed buildings, reflecting the company's logo. Proposed exterior materials are primarily cementitious clapboards on the lower half of the façade and cementitious shingles on the upper half, consistent with RPP standards. Large windows are evenly spaced across the façade, and most will be functioning. Overall, the proposed additions provide almost 60 feet of façade variation along the new 284-foot long façade, consistent with RPP standard HPCC2.6 (Building Forms and Facades).

HPCCF4. The Project is located within an Industrial Service and Trade Area and seeks to expand the building area within primarily previously disturbed area. The expansion of the building will bring part of the structure closer to Independence Drive and disturb some of the existing buffer, but the area will be replanted with evergreens, which will provide sufficient additional buffering of the building to Independence Drive and meet MPS HPCC2.9 (Landscape Improvements for Redevelopment). The Project does not involve alterations to the existing parking areas.

HPCCF5. Proposed exterior lighting and signage are consistent with MPS HPCC2.11 (Exterior Lighting) and MPS HPCC2.12 (Signage).

HPCCF6. The Project neither involves substantial deviation from nor would have significant impacts upon the Heritage Preservation/ Community Character Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Heritage Preservation/ Community Character, and this issue area is hereby scoped out of DRI review.

## **CONCLUSION**

Based on the foregoing findings, the Commission hereby further finds and determines that the Project as described in this decision does not involve substantial deviation from the minimum performance standards of the RPP, does not have significant impact upon the purposes and values identified by Section One of the Act, does not require further DRI review and that the Applicant may proceed with local permitting for the Project without further DRI review, subject to the conditions below.

## **CONDITIONS**

C1. The Applicant may undertake and obtain local permitting for the Project without further DRI review, pursuant to and consistent with this terms and conditions of this decision, within a period of seven years from the date of this decision, which time may be extended by the Commission, upon good cause shown by the Applicant.

C2. This decision shall be appurtenant to and run with the property which is the subject Project Site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C3. Failure to comply, and remain in compliance, with all findings and conditions stated herein shall be deemed cause to revoke or modify this decision.

C4. The Applicant shall obtain all necessary federal, state, and local permits for the Project.

C5. This decision shall not be valid and effective until a copy of the same has been recorded with the Barnstable Registry of Deeds. The Commission shall record a copy of this decision with the Barnstable Registry of Deeds, with recording costs borne by the Applicant, after the decision's appeal period pursuant to Section 17 of the Cape Cod Commission Act has elapsed, or if such an appeal has been filed, after the appeal has been finally dismissed, settled or is adjudicated or otherwise disposed of in favor of the Applicant. No local development permit that might be issued for the proposed development approved herein shall be valid or effective until the Commission has so recorded a copy of this decision.

C6. The Project shall be undertaken, constructed and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents referenced herein under Finding GF5. Changes to the approved Project and to the approved project plans 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 as conditions of this decision shall hereby be incorporated into this decision as and when received, reviewed, and approved by the Commission.

C7. Prior to and as a condition to issuance of a Building Permit or undertaking any development as approved herein, including but not limited to site work and installation of foundations or footings, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with this decision.

C8. Prior and as a condition to issuance of any Preliminary Certificate of Compliance by the Commission for development as approved herein, the Applicant shall submit copies of final project plans as approved, and permits, licenses and approvals issued, by state, federal, and local authorities (except for a Building Permit) 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.

C9. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been received by the Project general contractor. This decision and a copy of approved plans for the project shall be maintained on the Project Site throughout project construction.

C10. Prior to and as a condition to issuance of a Certificate of Use/Occupancy for the Project by the Town, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

C11. Commission staff will undertake a review of the Project's compliance with this decision, including the applicable conditions hereof, upon the Applicant's request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a certificate, it shall provide Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its compliance review, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

C12. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Project shall pay to the Barnstable County Treasurer in care of the Commission an affordable housing mitigation payment of \$18,740.80, which payment shall be held for and made available to the Town of Barnstable to support projects or strategies that increase the availability of affordable housing in the Town.

***SEE NEXT PAGE FOR SIGNATURES***

**SIGNATURES**

Executed this 6th day of July 2017.

John H. McCormack Jr.  
Signature

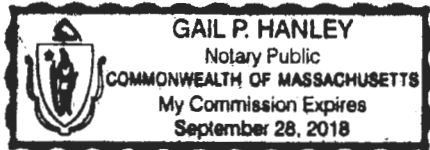
JOHN H. MCCORMACK JR VICE CHAIR  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss July 6, 2017

Before me, the undersigned notary public, personally appeared John H. McCormack, Jr.

in his/her capacity as Vice Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



SEAL

Gail P. Hanley  
Notary Public

My Commission Expires: 9-28-18