

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CHAPTER H MODIFICATION DECISION

Date: June 11, 2020

Re: Town of Barnstable

Modification to Chapter H Decision for the Economic Center & Industrial Service and Trade Area in Greater Hyannis

FINDINGS

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

1. Pursuant to Chapter H of the Code of Cape Cod Commission Regulations of General Application, as amended with an effective date of October 2013 ("Chapter H"), the Cape Cod Commission issued a decision to the Town of Barnstable ("Town") dated April 4, 2019 (CCC File No. 19001) revising certain Development of Regional Impact (DRI) review thresholds in the Economic Center & Industrial Service and Trade Area ("ISTA") located within Greater Hyannis ("Hyannis Chapter H decision"). These areas were mapped and designated on the Land Use Vision Map accompanying the 2009 Regional Policy Plan (RPP), which preceded the current 2018 version of the RPP.¹
2. The Town has now, authorized by the affirmative, unanimous votes of its Town Council and Planning Board, submitted an application to the Commission dated June 1, 2020 requesting modification to the Hyannis Chapter H decision for the purpose of adding "Wholesale" use to the categories of industrial uses eligible for the revised DRI review threshold in the ISTA established under said decision. The Planning Board and Town Council each held public hearings on the requested modification prior to making application to the Commission.
3. Under Chapter H, the Commission is authorized to raise and revise certain DRI review thresholds for any and all categories of industrial uses within an ISTA. Wholesale use is a category of industrial use similar in nature, kind and effect to existing use and development in the ISTA as well as those industrial uses (light manufacturing and R&D) determined eligible for the revised DRI review threshold under the Hyannis Chapter H decision. The Town and Commission have an interest in directing industrial uses and development to areas so designated, planned or reserved for such uses and development.
4. The requested modification is also supported by the extensive information and analysis referenced and set out in the Hyannis Chapter H decision.
5. The Town's current request meets the applicable and relevant application requirements and approval criteria set out in Sections 5, 6 and 8 of Chapter H, given the scope of the requested modification, including, without limitation, that:

¹ The ISTA is referred to as an "IAC" (Industrial Activity Center) under the current 2018 RPP.

- A. The Town's request is consistent with the Town's Commission-certified Local Comprehensive Plan (LCP) and the Cape Cod Commission Act and RPP, particularly with respect to supporting balanced economic growth and directing such economic growth and investment to appropriately designated areas; and
 - B. The Town's request is consistent with Section l(b) of Chapter H, which has the stated purpose of guiding development growth toward areas that are adequately supported by infrastructure and regulations and away from areas that must be protected for ecological, historical, or other reasons.
6. The Cape Cod Commission held a public hearing at its meeting June 11, 2019 to consider the Town's modification request. At this meeting, the Commission voted to adopt this written decision and approve the Town's modification request.

CONCLUSION

Based on the foregoing Findings, the Cape Cod Commission hereby approves the Town of Barnstable's request to modify the Hyannis Chapter H decision, dated April 4, 2019. Wholesale use, as defined below for purposes of this decision, shall be eligible for the revised DRI review threshold in the Hyannis Industrial Service and Trade Area established under the Hyannis Chapter H decision:

WHOLESALE: A commercial use engaged in selling or distributing merchandise to retailers or to commercial, industrial, institutional, professional, or business users. "Wholesale" use may include retail sales to the general public as an accessory use. "Wholesale" use shall not include the use, storage, generation or treatment of hazardous materials or hazardous wastes as a principal use.

All terms and Conditions of the Hyannis Chapter H decision remain unchanged and as written except as expressly modified herein.


The modification granted hereunder shall take effect fourteen (14) calendar days after the Commission files a true copy of this decision with the Clerk of the Barnstable Assembly of Delegates. Thereafter, the Commission shall record a copy of this decision with the Barnstable Registry of Deeds.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this 17th day of June 2020.

For the Cape Cod Commission by:

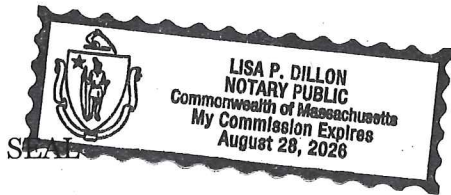

Harold Mitchell, Chair


COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

June 17, 2020

Before me, the undersigned notary public, personally appeared Harold Mitchell, whose name is signed on the preceding document, and such person acknowledged to me that he signed such document voluntarily for its stated purpose in his capacity as Chair 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: 8/28/26