



January 6, 2014

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Cape Cod Commission
PO Box 226
Barnstable, MA 02630

Attention: Andrea Adams

RE: Lowe's of Dennis Development of Regional Impact

Dear Members of the Cape Cod Commission:

The Association to Preserve Cape Cod (APCC), the Cape's leading nonprofit environmental advocacy and education organization, submits the following comments on the proposed Lowe's of Dennis Development of Regional Impact (DRI).

APCC supports the Cape Cod Commission subcommittee determination that the project's probable benefit is not greater than the project's probable detriment. Furthermore, APCC supports the draft decision under consideration by the Commission to deny the DRI application of the Lowe's project.

Throughout the course of the Lowe's DRI review, APCC has submitted several comment letters and testified at each of the public hearings, offering substantial evidence of the project's significant adverse impacts on traffic, community character and water resources if it is allowed to be developed.

Below are numerous project detriments related to the proposed Lowe's. APCC urges the members of the Commission to consider them as it makes its decision.

Project Detriments

Cape Cod Commission subcommittee findings on the project's probable detriments:

- Lowe's will provide low wages and a preponderance of part-time employment versus full-time employment.
- The pay scale for the types of jobs offered by Lowe's is lower than the average pay scale for the state and Barnstable County.

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- The building supply industry market is already saturated on Cape Cod.
- Lowe's will have a negative impact on Cape Cod's existing building supply businesses.
- Increased traffic from Lowe's will adversely impact traffic on Route 134 (a major regional artery) and surrounding roadways.
- Increased traffic from Lowe's will create delays in travel time across the region.
- The addition of a right-turn only lane on Route 134 northbound at Theophilus F. Smith Road will adversely impact existing businesses at that intersection and inconvenience patrons of those businesses.
- Increased traffic on Gages Way and Great Western Road resulting from Lowe's will adversely impact the Cape Cod Rail Trail crossings on those roads.
- Lowe's will likely cause increased traffic on Route 6 and Route 6A and related traffic tie-ups.
- Lowe's is inconsistent with the intent of the Dennis Local Comprehensive Plan.
- The scale of the proposed Lowe's is inconsistent with the small-town character of Dennis.

In addition, APCC believes the following also demonstrate significant project detriments:

Project Detriments Relating to the Regional Policy Plan

- The Lowe's project is inconsistent with the Regional Policy Plan's (RPP) overarching "Statement of Growth Policy," which states, "*The growth policy for Barnstable County, expressed throughout this Regional Policy Plan, is to guide growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.*" Lowe's will overburden local and regional road infrastructure capacity with project-related traffic, impact the historic character of the Old South Dennis Village, and contribute nitrogen to the nitrogen-impaired Bass River watershed.
- The Lowe's project is inconsistent with RPP Land Use Goal LU1, "*To minimize adverse impacts on the land by using land efficiently and protecting sensitive resources, and to create vibrant communities by directing growth and redevelopment to appropriate locations.*" A large, sprawling single-use "big box" store surrounded by an asphalt parking lot on 15 acres of land is inefficient use of land, and does not promote the creation of vibrant mixed use communities.

- The project is inconsistent with RPP Economic Development Goal ED1, *“To promote the design and location of development and redevelopment to preserve the Cape’s environment and cultural heritage, use infrastructure efficiently, minimize adverse impacts, and enhance the quality of life for Cape Codders.”* Lowe’s will significantly and adversely impact the area’s community character and traffic, and will add nitrogen to the nitrogen-impaired Bass River watershed.
- The project is inconsistent with RPP Economic Development Goal ED2, *“To promote a balanced regional economy with a broad business, industry, employment, cultural, and demographic mix capable of supporting year-round and quality employment opportunities.”* The Commission subcommittee has determined that Lowe’s will result in an undesirable type of employment for the Cape and a “pay scale low for the types of jobs offered compared to county and state-wide averages.”
- The project is inconsistent with RPP Economic Development Goal ED3, *“To promote economic activity that retains and attracts income to the region and benefits residents, thus increasing economic opportunity for all.”* The Commission subcommittee has determined that Lowe’s will result in “negative impacts on existing building supply businesses” on Cape Cod.
- The project is inconsistent with RPP Water Resources Goal WR3, *“To preserve and restore the ecological integrity of marine water embayments and estuaries.”* The Lowe’s project, despite a wastewater treatment and nitrogen reduction plan, will still add nitrogen to the nitrogen-impaired Bass River watershed. Lowe’s was granted flexibility in calculating the project’s nitrogen load, based on water usage for a self-selected and self-verified sample of some of the existing Lowe’s stores in Massachusetts, but not all of them. This resulted in a vastly different nitrogen load calculation than the accepted DEP Title 5 flow standard required by the Cape Cod Commission. Using the accepted DEP Title 5 flow standard, Lowe’s is shown to add significantly more nitrogen to the watershed, 248.04Kg-N/Yr for the DEP Title 5 flow standard versus 87 Kg-N/Yr for Lowe’s own calculation.
- The project is inconsistent with Transportation Goal TR1, *“To improve safety and eliminate hazards for all users of Cape Cod’s transportation system.”* The Commission subcommittee has determined that Lowe’s-related traffic “on Gages Way and Great Western Road will negatively impact Cape Cod Rail Trail crossing(s).”
- The project is inconsistent with Transportation Goal TR2, *“To reduce and/or offset the expected increase in motor vehicle trips on public roadways, reduce dependency on automobiles, and reduce air and noise pollution. To promote a balanced and efficient transportation system that includes alternatives to automobile travel.”* Lowe’s will generate 3,550 weekday daily trips and 6,550 Saturday daily trips on area roads, but

chooses to pay a \$1,592,000 mitigation fee instead of proposing actual physical remedies to reduce project trip generation and congestion. Because of the cash-instead-of-physical-mitigation plan and certain transportation credits, the project's actual trip generation, and therefore its traffic impacts, are grossly understated.

- The project is inconsistent with Transportation Goal TR3, *“To maintain or improve Level of Service on roads and intersections and to ensure that all road and intersection construction or modifications are consistent with community character, historic resources, and scenic resources.”* Lowe's will increase congestion on area roads, which will also impact the community character and historic resources of the town of Dennis, including the historic residential Old South Dennis Village district and the Route 6A historic district.
- The project is inconsistent with Heritage Preservation and Community Character Goal HPCC1, *“To protect and preserve the important historic and cultural features of Cape Cod's landscape and built environment that are critical components of the region's heritage and economy.”* Lowe's traffic will adversely impact the traditional small village character and quality of the town's historic districts.
- The project is inconsistent with Heritage Preservation and Community Character Goal HPCC2, *“To encourage redevelopment of existing structures as an alternative to new construction, and to ensure that development and redevelopment respect the traditions and distinctive character of historic village centers and outlying rural areas consistent with Designing the Future to Honor the Past, Design Guidelines for Cape Cod, Technical Bulletin 96-001, as amended.”* Lowe's, which was determined by the subcommittee to be a new development and not a redevelopment, is primarily a single large “big box” store that is out of scale with traditional development in the town of Dennis and across Cape Cod. The site design and building design do not follow, and are in fact inconsistent with, the guidelines for large development that are specified in Technical Bulletin 96-001.

Additional Project Detriments Relating to Transportation

- Large-scale “big box” stores such as Lowe's are among the greatest generators of traffic, making it one of the worst types of uses to be located in an area that is already beset with major traffic congestion and safety problems.
- Lowe's by its very nature as a “big box” home improvement store is an auto-dependent use and will be at odds with the Commission's goal to reduce auto dependency.
- An auto-dependent 112,179 square foot “big box” store and an essentially symbolic small liner building surrounded by a 15-acre paved parking lot is the antithesis of compact, mixed use, pedestrian-friendly smart growth on Cape Cod.

- The historic residential Old South Dennis Village will be adversely and permanently impacted by increased traffic that chooses to utilize residential village streets in order to bypass the congestion on Route 134 caused by the Lowe's project.
- The Lowe's traffic mitigation plan offers no remedy for the congestion and community character impacts it would create in the Old South Dennis Village historic district.

Additional Project Detriments Relating to Water Resources

- Lowe's will house a significant quantity of hazardous materials that, if spilled and allowed to reach groundwater, could impact the Bass River watershed. To the best of APCC's knowledge, the Lowe's proposal does not include a hazardous materials spill prevention and response plan.

Additional Project Detriments Relating to Community Character

- The extremely long unbroken south side of the Lowe's building runs parallel with and in close proximity to the Cape Cod Rail Trail. The very narrow vegetative buffer proposed by Lowe's will not adequately screen the scale of this "big box" structure from the rail trail, which is a popular recreational attraction for residents and visitors.

Additional Project Detriments Relating to Economic Development

- According to an economic study commissioned by Local Business for a Strong Economy, Lowe's will result in a regional net loss of jobs and wages, will cost more in community services than it generates in tax revenue, and will reduce the amount of money reinvested in the local economy.¹

Additional Project Detriments Relating to the Dennis Local Comprehensive Plan

- The Dennis Local Comprehensive Plan identifies issues of concern for the area of town where the Lowe's is proposed, including concerns about existing and future traffic congestion and the lack of specificity in the zoning bylaw that would not prevent a "big box" store from being built. Lowe's would confirm and exacerbate those concerns.

Project Detriments Based on Public Input

- The Dennis Conservation Trust, Dennis Historical Commission, Old South Dennis Village Association, and the Association to Preserve Cape Cod (which represents several hundred Dennis members) have submitted comments for the record stating their concern over, and opposition to, the Lowe's project.
- The voluminous public comments received by the Commission in the public record are overwhelmingly in opposition to the proposed Lowe's. Furthermore, APCC conducted a blind door-to-door survey of Dennis residents regarding their position on the Lowe's project. Of the 716 Dennis residents questioned, 67 percent (over two-thirds) were

¹ "Economic & Fiscal Impact Analysis of the Proposed Lowe's Home Center in South Dennis," FXM Associates, April 5, 2013

opposed to Lowe's and only 12 percent supported the Lowe's development proposal. Twenty-one percent were undecided.

Conclusion

APCC believes that given the overwhelming number and severity of detrimental characteristics of the Lowe's project, the Commission's clear path is to agree with the subcommittee's recommendation and deny the project application.

APCC thanks the Commission for this opportunity to provide comments on this important issue.

Sincerely,



Ed DeWitt
Executive Director



Don Keeran
Assistant Director