



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: **October 25, 2019**

PETITION NO: **# 4821**

HEARING DATE: **September 26, 2019**

PETITIONER: **Comcast of Massachusetts**

PROPERTY: **10 Old Townhouse Road, South Yarmouth**
Map & Lot#:0088.93; Zoning District: B1 & APD
Book/Page: 10453/174

MEMBERS PRESENT AND VOTING: Chairman Sean Igoe, Dick Martin, Susan Brita, Thomas Nickinello and Tom Baron

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The applicant seeks to modify Decision #3510 to allow an increase in the number of generators and increased fuel capacity or new Special Permit under §104.3.2

Presenting the Petition was Scott Adams of Advanced Engineering, Ed Woods, Comcast, Paul Delucia, Contractor and Dave Coonan, Architect, Upland Architects. The current site located at 10 Old Townhouse Road houses a customer service center, field technician base operations, service truck parking, a communications hub with battery and generator back up, employee meeting space, stock room and an outside stockyard of utility field supplies.

The Petitioner proposes to increase the electric service generating capacity from one 125KW stationary generator and one 125KW trailer-mounted generator to two stationary 250KW generators. The increase seeks to achieve more electric generating capacity to power the entire facility in the event of a power outage. Presently the one generator only powers a portion of the building which, according to the Petitioner, creates a hardship during outages in trying to support cable service restoration.

The proposed 250 KW generators each have an integral 1470 gallon, double-walled, steel fuel tank. Leak detection and high-level alarms are included. The alarms are monitored continuously with instant notification provided to onsite and offsite personnel. Each generator also holds 31.7 quarts of oil and 8 gallons of antifreeze according to information provided by Comcast.

The new generators will be placed on a concrete pad with an attached concrete curb surrounding the area. The concrete curb provides a third level of containment with the inner wall of the tanks being the first and the outer wall being the second. No roof is proposed over the generator so installation includes a PVC pipe with a ball valve in the concrete curb allowing the drainage of accumulated rainwater.

Comcast also has a license agreement with Rockland Trust, a neighbor to the site, to park up to 20 cars in their parking lot for their training facilities.

Following Comcast's initial presentation, Mr. Baron expressed concern that the proposed curb containment as designed could not hold 4000 gallons (as represented) and/or meet containment demands. After discussion, Mr. Adams agreed to provide additional design specifications with cross sections to better illustrate the curb containment and if necessary to increase the height of the curb to contain maximum spillage.

Further information was provided by Mr. Woods regarding additional materials used for spill containment, and alarm system notification.

Mr. Igoe noted that the 1998 decision allowed for a 100-gallon tank and that there is presently a 200-gallon tank in place without any approval. Additionally, the septic system requires that annual test reports be submitted to the Board of Health by a licensed operator. No report has been submitted since 2013. Moreover, the methanol drums that are used by the I/A system in onsite waste water treatment still need secondary containment as required by Yarmouth Health Regulations. The secondary containment was originally requested in 2014.

Mr. Woods responded that the company that was hired to do the inspections went out of business and that a change in Comcast personnel caused this to be overlooked. While these excuses were not acceptable to the Board, Mr. Woods assured Board members that Comcast would comply with these requirements.

After discussion, the Board felt that adequate safeguards, including those recommended by the Board of Health Memo dated 9/23/19 which the Board would incorporate in the decision, would be in place to insure protection of the APD in the event of a spill. The Board also felt that the proposal would not create any undue nuisance, hazard or congestion or contribute to any detriment to the surrounding neighborhood or zoning district.

A Motion was made by Mr. Martin and seconded by Mr. Baron to modify Decision No. 3510 with the following conditions:

1. More detailed plans showing computations and cross sections for spill and curb containment for the fuel tanks.
2. No charging stations in the front of the building
3. Replant 9 in-lot trees labeled on submitted plan (orange)
4. No additional parking spaces in front of the building
5. Fuel storage tanks to contain a maximum 1470 gallons and (2) 250 KW generators as presented
6. Incorporate Memo from Board of Health dated 9-23-19, pages 6 and 7 (including 8 recommendations)
7. Install containment systems around drums at the septic system.
8. Annual test reports to be submitted to the Town.
9. Fuel tanks not to be filled to more than 80% capacity.
10. Waiver of required 5 parking spaces.

The Motion carried unanimously.

Sean M. Igoe, Chairman