



# CAPE COD COMMISSION

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DATE: November 2, 2000

TO: Matthew H. Trask  
Communica, Inc.

FROM: Cape Cod Commission

RE: Development of Regional Impact  
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Communica, Inc.  
536 MacArthur Boulevard  
Bourne, MA 02532

PROJECT #: TR20032

PROJECT: Communica, Inc. Headquarters & Engineering Complex  
MacArthur Boulevard & Otis Park Drive  
Bourne, MA 02532

BOOK/PAGE: Book 13026, Pages 346 & 347  
Book 10520, Page 38  
Book 13160, Pages 285 & 287

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Matthew H. Trask of Communica, Inc. as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed Communica, Inc. Headquarters & Engineering Complex in Bourne, MA. The decision is rendered pursuant to a vote of the Commission on November 2, 2000.

### PROJECT DESCRIPTION

The proposed project consists of the construction of a 37,500 s.f. two-story building for the Communica, Inc. headquarters and engineering complex on an approximately 17.16 acre site. Communica, Inc. also owns two additional parcels totaling approximately 40,500 s.f. each adjacent to the project site. According to the DRI application, the facility will house corporate

Communica, Inc. Headquarters & Engineering Complex - #TR20032  
November 2, 2000 DRI Decision



administrative functions, sales staff and one hundred engineers developing software and hardware applications. The site is located on MacArthur Boulevard (Route 28) and Otis Park Drive in Bourne, MA. Access to the site is proposed from Otis Park Drive. Up to 206 parking spaces are proposed. The project also includes the construction of three stormwater detention basins and an Amphidrome Plus™ system for wastewater treatment.

The project site is located in the B-4 Business zoning district in Bourne. The site is bounded to the north by an A&P supermarket, on the east by Route 28 and the Massachusetts Military Reservation (MMR), on the south by other land zoned for business use, and on the west by residential uses. The existing site is primarily wooded land. Existing topography on the site ranges from 100' – 164' above mean sea level, with the lowest point on the site adjacent to MacArthur Boulevard.

### PROCEDURAL HISTORY

The Bourne Planning Board referred the project to the Commission on September 29, 2000. The Commission received the referral on October 2, 2000. A duly noticed public hearing was conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on October 24, 2000 at the Bourne High School in Bourne, MA. The public hearing was continued to the full Commission meeting on November 2, 2000 and the record was left open for submission of written materials until November 2, 2000. The public hearing and record were closed on November 2, 2000.

The subcommittee held a public meeting to deliberate on this project on October 24, 2000. At the October 24, 2000 subcommittee meeting, the subcommittee voted unanimously to recommend to the full Commission that the project be approved as a DRI, subject to conditions. A final public hearing was held before the full Commission on November 2, 2000. At this hearing, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

### Materials submitted for the record

#### **From the applicant:**

- DRI Application with attachments received 10/2/00
- Wastewater Treatment and Stormwater Management Systems Site Plan prepared by Horsley and Witten, Inc. dated 9/26/00, 1 sheet
- Enlarged USGS quadrangle dated 9/27/00
- Approval Not Required Plan for Otis Industrial Park, prepared by William MacKenzie, P.L.S. dated 9/14/00
- Communica Office Building Perspective View, prepared by Cubellis Associates, Inc. dated 8/00
- Proposed Lighting Plans, initial maintained conditions, prepared by Stephen Stimson Associates, dated 9/27/00, 2 sheets
- Proposed Landscape Plan, prepared by Stephen Stimson Associates, dated 9/27/00
- Section through Site, prepared by Cubellis Associates, Inc. dated 8/23/00
- Proposed Elevations, prepared by Cubellis Associates, Inc. dated 8/23/00
- Proposed First Floor Plan, prepared by Cubellis Associates, Inc. dated 8/23/00

- Catalog Cuts for proposed uplighting, submitted 10/27/00
- Revised Wastewater Treatment and Stormwater Management Systems Site Plan and Site Details, prepared by Horsley and Witten, Inc. dated 10/23/00, 3 sheets
- Proposed materials board submitted by Cubellis Associates, Inc. on 10/24/00
- Letter from Bourne Water District to Roland Dupont, Communica, Inc. dated 10/20/00 re: public water
- List of employees' town of residence, received 10/24/00
- Color xerox of proposed free-standing sign, received 10/24/00
- Applicant's response to 10/18/00 Commission staff report, received 10/24/00
- Memorandum from Vanasse & Associates, Inc. dated 10/24/00
- Meeting advisory e-mail dated 10/22/00
- Communica, Inc. Headquarters Stormwater Operations and Maintenance Plan, received 10/24/00
- Communica Office Park Drainage System Design calculation spread sheet, received 10/24/00

**From Cape Cod Commission staff:**

- Cape Cod Commission staff report dated 10/18/00
- DRI referral notification to the applicant dated 10/4/00
- DRI subcommittee notice dated 10/3/00

**From local officials:**

- DRI Referral Form from the Bourne Planning Board dated 9/29/00, received 10/2/00
- copy of application for site plan review dated 9/27/00
- letter of support from Town of Bourne Economic Development Task Force dated 10/17/00

**From the public:**

- letter of support from Logan Clarke, President, Lobster Trap Co., Inc.
- letter of support from Mark McSherry, Onset Computer Corp. dated 10/25/00
- letter of support from Lex Coates dated 10/24/00

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

**TESTIMONY**

The Commission heard oral testimony at the October 24, 2000 hearing from Roland Dupont, representing the applicant, who described the site and proposed building, noting the buffer area along Route 6 that will shield much of the structure from the view of the road. He noted that the proposal would be the largest office building in Bourne. He also noted that the project is being designed so that it can be expanded in the future. The project will provide high paying jobs. He explained that there would be walking paths to adjoining stores so that Communica employees will be able to get food without using their cars. Bourne Board of Health approval requires that sixty percent of the site shall be left undisturbed.

Dorr Fox presented the natural resources and community character sections of the staff report. The major issue remaining is that the applicant has not identified how they will meet the open space requirement. Scott Michaud presented the water resources section of the report.

Glenn Cannon presented the traffic section of the report. An outstanding issue is the preparation of a trip reduction plan. Robert Deane noted that there is no bus service in Bourne. Mr. Cannon stated that there are other trip reduction measures that can be accomplished. Mr. Deane stated that this is an extremely difficult requirement for the applicant to meet.

Andrea Adams presented the hazardous materials and waste section of the report as well as the lighting section. James O'Connell presented the economic development section of the report.

Mark Forrest, representing U.S. Representative William Delahunt, spoke in favor of the project, noting that Bourne is situated to have high tech opportunities, and that the RPP encourages this type of development. Haydon Coggeshall, Bourne Selectman, stated that he strongly supports the project. Coreen Moore, Bourne Town Planner, stated that the project meets the goals of the town of Bourne and that the Planning Department supports the project. She also concurred with the water resources comments in the Commission staff report. Joel Gould, representing the Bourne Police Department, stated that they support the project. Thomas Cahir stated that economic development was an important issue when the Commission Act was enacted. He strongly supported the project and recommended an expeditious review. Lou Wilson, representing the Bourne Economic Development Task Force, stated that his organization supports the project.

Michael Corgon, a writer for a newspaper and instructor at Boston University, stated that he supports the project because it is what the community needs. Lex Coates, representing the Bourne Committee of the Canal Region Chamber of Commerce, stated that they support the project. He noted that Buzzards Bay has been in an economic decline. This project, along with Onset Computers and other high tech firms, represent an economic comeback for Bourne. Marie Oliva, representing the Canal Area Chamber of Commerce, states that her organization supports the project. They believe it meets the requirements of the RPP. They are concerned about the requirements for trip reduction. Spiro Mistrokostas, representing the Cape Cod Technology Council, stated that their organization supports the project. Len Cubellis, architect for the project, stated that he supports the project and commended the company for their internship program. Bill Grace, representing the Bourne Economic Development Task Force, stated that the project is great and that the Commission should send a message that this type of development is good for the Cape. Doug Fletcher stated that he supports the project. Linda Perry stated that she supports the project.

Mr. Dupont submitted a report that responded to the issues in the Commission staff report. He explained how the applicant will meet the RPP requirements and the concerns brought up by the Commission staff. Matt Trask, the applicant, spoke about the culture of a software company and how it is different from other businesses. He also stated that they need to move quickly in order to commence construction of the building.

## JURISDICTION

The proposed Communica, Inc. headquarters and engineering complex qualifies as a Development of Regional Impact (DRI) under Section 3(e) of the DRI Enabling Regulations governing review of Developments of Regional Impact, as “any office or industrial development with a gross floor area greater than 10,000 s.f.”

## FINDINGS

The Commission has considered the application of Matthew H. Trask for the proposed Communica, Inc. headquarters and engineering complex, and based on consideration of such application and upon the information presented at the public hearing and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

### General

G1). The proposed project consists of the construction of a 37,500 s.f. two-story building for the Communica, Inc. headquarters and engineering complex on an approximately 17.16 acre site. Communica, Inc. also owns two additional parcels totaling approximately 40,500 s.f. each adjacent to the project site. According to the DRI application, the facility will house corporate administrative functions, sales staff and one hundred engineers developing software and hardware applications.

G2). The site is located on MacArthur Boulevard (Route 28) and Otis Park Drive in Bourne, MA. Access to the site is proposed from Otis Park Drive. Up to 206 parking spaces are proposed. The project also includes the construction of three stormwater detention basins and an Amphidrome Plus™ system for wastewater treatment.

G3). The project site is located in the B-4 Business zoning district in Bourne. The site is bounded to the north by an A&P supermarket, on the east by Route 28 and the Massachusetts Military Reservation (MMR), on the south by other land zoned for business use, and on the west by residential uses. The existing site is primarily wooded land. Existing topography on the site ranges from 100' – 164' above mean sea level, with the lowest point on the site adjacent to MacArthur Boulevard.

G4). The proposed project requires a special permit from the Bourne Planning Board. The required number of parking spaces may be reduced at the discretion of the Bourne Planning Board through the special permit process.

### Water Resources

WR1). The project is located in a Wellhead Protection Area (WHPA) as defined by Minimum Performance Standard (MPS) 2.1.1.2.A of the Regional Policy Plan (RPP). The WHPA consists of contributing areas to Bourne Water District public water-supply wells in the Town Forest Area of Monument Beach.

WR2). The RPP requires that projects located in WHPA's: 1) meet the minimum loading standard of 5 mg-N/L for nitrogen (MPS 2.1.1.2.A.1), and 2) utilize MADEP-approved alternative/innovative septic-system technology for removal of nitrogen from wastewater (MPS 2.1.1.2.A.4).

WR3). The project will meet the 5 mg-N/L nitrogen standard through the use of alternative/innovative septic-system technology. The applicant proposes use of an Amphidrome Plus™ system, designed for nitrogen removal beyond the capability of the standard Amphidrome™ system. Neither the standard nor Amphidrome Plus™ systems are approved for nitrogen removal under Title V by MADEP. The applicant has indicated that the Amphidrome Plus™ system would be approved for piloting by the Department of Environmental Protection (DEP) under a BRP WP 64b permit. The permit application is in progress.

WR4). The RPP prohibits the use and storage of hazardous materials by DRI's in WHPA's above household quantities. Methanol and sodium hydroxide, considered hazardous materials, were originally proposed in the DRI application. These materials were eliminated in favor of a table sugar and calcium-carbonate solution as sources of carbon for enhanced wastewater treatment and water-pH conditioning, respectively. These alternatives are consistent with MPS 2.1.1.2.A.2.

WR5). RPP MPS 2.1.1.2.A.4 requires that private wells within 400 feet of the project site be identified. The applicant has mapped and provided the Commission with a list of properties within a 400-foot radius of the project. The Bourne Water District (BWD) has confirmed that BWD provides water to these properties. The applicant also reports that the Plumbing Inspector is not aware of drinking-water wells at these properties.

WR6). Stormwater-management infrastructure presented in plans dated October 23, 2000 is adequate for managing stormwater runoff resulting from the project on site.

#### Natural Resources & Open Space

NR1). The project site is located in a Significant Natural Resource Area due to the presence of a public water supply wellhead protection area. The site is not located in estimated habitat for state listed rare species habitat. Communica, Inc. has provided a natural resources inventory, as required by the RPP. The inventory, prepared by Sabatia, Inc, indicates that there are no wetlands present on the property, and that no rare species were identified on the property during the site evaluations. According to the inventory, the vegetation present is primarily an oak/pine mix with a shrub understory typical of Cape Cod.

NR2). The site is adjacent to development on the north and west; to the east are MacArthur Boulevard and the MMR; land to the south has been previously disturbed, but no development has occurred. In light of the relatively typical habitat resources present on the site, and the site's isolation from other undisturbed areas or protected open space, and the potential expansion plans for the company on this site, meeting the open space requirement off-site is appropriate for this project.

NR3). Based on a site area of 19.02 acres, the project is required to provide 12.36 acres of permanently protected open space located off-site and within a Significant Natural Resource Area within the Town of Bourne. If possible, the off-site open space parcel should be located adjacent to existing open space or within the same wellhead protection area in which the project is proposed. Alternatively, the applicant may meet the open space requirement through an equivalent cash contribution to a conservation organization for the conservation of open space.

Economic Development

ED1). In its proposed 37,500 s.f. office building, Communica, Inc. will house its corporate administration, sales staff, and 100 engineers developing hardware and software applications. Communica, Inc. currently has approximately 45 employees and plans to expand that number to 125 employees when the new building opens.

ED2). One of the fundamental priorities of the economic development strategy embodied in the Commission’s Regional Policy Plan (Development Review Policy 3.3.3) is to encourage development of the well-paying, high-skilled jobs provided by technology companies, whether it be in marine science, information technology, or other sectors of “clean, light industry”. The proposed Communica, Inc. project will provide additional employment opportunities consistent with the Commission’s economic development strategy.

ED3). Employment at Communica, Inc. is projected to increase from 45 to 125 people with construction of the new building. The future employment would include following categories of employees and salaries:

5 executives	>\$120,000
85 engineers	\$60,000-120,000
20 tech. support & lab technicians	\$35,000-60,000
15 admin. & sales	\$25,000-50,000
10 interns	\$8-12/hr.

The applicant anticipates that the payroll will grow from \$6.9 million to as high as \$11.5 million, plus additional benefits offered by the employer.

ED4). The applicant anticipates that 50% of employment will originate from Cape residents, depending on the number of qualified applicants.

ED5). The applicant estimates that the \$2.6 million construction project will create 85 construction jobs with a payroll of \$1.04 million. The applicant indicates that two out of five bidding general contractors are Cape Cod companies and that Cape Cod subcontractors and suppliers will be given preference when costs are comparable. The Regional Policy Plan encourages employment of local workers as a benefit. In order to evaluate the benefit, the applicant agreed to file a report on the number of local workers and contractors at the completion of project construction.

ED6). The proposed project will result in an approximately \$51,200 annual property tax. The applicant states that there will be a negligible need for municipal services, so that the net fiscal impact to the town will be around \$50,000. Additional economic impacts will include more than \$500,000 spent annually in the area on goods and services.

### Transportation

TR1). The trip generation for this project is based on a 37,500 square foot (SF) Research and Development building on Otis Park Drive in Bourne. A single driveway on Otis Park Drive will provide access for the building. Otis Park Drive is a dead-end street with access to the southbound lanes of MacArthur Boulevard (Route 28) in Bourne. All site-generated traffic will travel MacArthur Boulevard (southbound & northbound) to access the site. The Regional Policy Plan defines MacArthur Boulevard as a regional road and Otis Park Drive as a local road.

TR2). As stated in the Traffic Impact and Assessment Study (TIAS) dated October 24, 2000, the proponent's traffic engineer based the traffic generation on Institute of Transportation Engineers (ITE) land use code 760, Research and Development Building. Based on that land use code, the proposed building is expected to generate 460 vehicle trips on an average weekday (230 in/230 out). The expected net increase in traffic on Route 28 from the project, after allowing for a trip reduction credit of 20% (as allowed in MPS 4.1.1.3), is as follows:

Average weekday	368 trips
Average morning peak hour	46 trips
Average evening peak hour	47 trips

TR3). The 47 vehicle trips are above the threshold of 25 vehicle trips requiring analysis and mitigation under Minimum Performance Standards (MPS) 4.1.1.1 of the RPP. These thresholds are exceeded on the regional road links and at the regional intersections shown below.

#### Regional Roadway Links

MacArthur Boulevard southbound between Otis Park Drive and the U-Turn  
MacArthur Boulevard northbound between the U-Turns

#### Regional Intersections

MacArthur Boulevard and U-Turn intersection south of Otis Park Drive  
MacArthur Boulevard and U-Turn intersection north of Otis Park Drive

TR4). Other Developmental Review Policy (ODRP) 4.1.1.20 allows an applicant to make a monetary contribution of \$100 per peak hour trip at any regional road link or regional intersection where the Development of Regional Impact has exceeded the 25 peak hour vehicle trip threshold but the increase is less than 50 peak hour trips. The net increases in peak hour trips for the regional roadway links and regional intersection listed above are less than 50 new trips during the peak hour. Therefore, ODRP 4.1.1.20 may be utilized. The mitigation cost at these locations are shown below:

MacArthur Boulevard southbound between Otis Park Drive and the U-Turn	40 peak hour trips	\$4,000
MacArthur Boulevard northbound between the U-Turns	29 peak hour trips	\$2,900
MacArthur Boulevard and U-Turn intersection south of Otis Park Drive	41 peak hour trips	\$4,100
MacArthur Boulevard and U-Turn intersection north of Otis Park Drive	32 peak hour trips	<u>\$3,200</u>
	<b>Total</b>	<b>\$14,200</b>

TR5). MPS 4.1.1.5 requires all Developments of Regional Impact (DRI's) access/egress locations with public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. As stated in the TIAS, the site driveway meets the stopping sight distance requirements of the RPP.

TR6). MPS 4.1.1.6 requires all new driveways to follow accepted access management practices, guidelines and policies. As outlined in the TIAS, the site driveway has been designed in accordance with access management practices, guidelines and polices.

TR7). MPS 4.1.1.7 states that there shall be no degradation in public safety because of a DRI. Based on the available sight distance at the new driveway entrance, driveway location based on accepted access management guidelines, no data relative to existing safety concerns in the study area and the traffic mitigation provided to offset the impacts from this project, it is not anticipated that this project will cause degradation in public safety.

TR8). Regardless of project size, all Developments of Regional Impact (DRI's) are required to meet MPS 4.1.2.1 (trip reduction). The total vehicle trips for the development are 460 daily vehicle trips. The proponent must reduce the average daily automobile trips by 20%, (92 trips) based on the Institute of Traffic Engineers average traffic generation for research and development facilities.

TR9). The applicant has proposed a trip reduction plan that includes the following:

- participation in variable shift schedules, along with flextime options for employees,
- a minimum of 7 percent of the workforce to telecommute,
- on-site cafeteria facilities,
- direct deposit of paychecks,
- a fitness center on site,
- providing a pedestrian interconnection between the site and the adjacent retail plaza as a trip reduction and safety measure,
- a catered lunch service and free beverages to reduce noontime trips,
- encouraging ridesharing and providing preferential parking for carpool vehicles,
- designating an employee to promote and coordinate the ridesharing program,
- maintain a database of employees interested in ridesharing,

- bike racks and shower facilities on site,
- a guaranteed ride home program for carpoolers,
- a meal voucher for the catered lunch will be provided to employees that bike or carpool to work.

TR10). Based on the *Trip Generation Handbook*, published by the Institute of Transportation Engineering (ITE), the vehicle trip reduction measures listed above would be categorized as support measures, transportation services and economic incentives. The report states that support services combined with transportation services and economic incentives can have as much as a 24% reduction on commuter vehicles. Therefore, the proponent's trip reduction plan, as outlined above complies with the trip reduction goals and MPS 4.1.2.1 of the RPP.

#### Solid & Hazardous Waste Management

SW1). MPS 4.2.1.1 – 4.2.1.3 require DRIs to address how the quantities and types of solid waste to be generated will be handled. The applicant has described a management process which details how construction debris will be processed, shipped and disposed of during construction. The applicant has indicated that extensive on-site recycling will be required of contractors which will reduce the amount of C&D generated. The applicant will also maintain records concerning the amount recycled, where it is delivered and the amount of residuals disposed of at the Bourne facility.

SW2). The applicant indicates that recycling will be handled in the main building for such items as cardboard, office paper, plastics and that other solid waste would likely be delivered to SEMASS.

#### Hazardous Materials/Waste

HM1). MPS 4.2.2.3 requires that commercial and industrial development and redevelopment that involves the use, treatment, generation, storage or disposal of hazardous wastes or hazardous materials, with the exception of household quantities, shall not be allowed within Wellhead Protection Districts. According to 1996 RPP maps, the proposed project site is within a Wellhead Protection Area (WHPA) to Bourne Water District's public water-supply wells.

HM2). A site visit conducted of Communica's existing facility on MacArthur Boulevard indicated that On-site "production" activities included software development, limited diagnostic testing of hardware/circuit boards and related office support. No circuit board cleaning activities or soldering were observed and according to company representatives, no advanced "desk top publishing" occurs on site, or any other activities which store or generate hazardous materials or waste. Also according to company representatives, backup power is currently provided by batteries or a gas-fired generator and will continue to be provided by these sources. The proposed project will be consistent with these existing activities and is therefore in compliance with MPS 4.2.2.3.

HM3). Due to the project site's location in a WHPA, the amount of hazardous material and waste attributable to construction equipment is also limited to household quantities.

HM4). MPS 4.2.2.1 requires that “development and redevelopment shall make reasonable efforts to minimize their hazardous waste generation through source reduction, reuse, material substitution, employee education and recycling.” The applicant has agreed to include a bid or contract specification to require building contractors to limit the amount of hazardous materials used and waste generated from construction activities. The applicant has also made a commitment to prepare additional specifications recommended as ‘green building’ strategies.

HM5). MPS 4.2.2.2 requires that development and redevelopment be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.00. The applicant agrees to require the general contractor to submit evidence that 310 CMR 30.00 will be adhered to and to develop a site contingency plan.

HM6). With regard to post-construction building operations, circuit boards and cathode ray tubes can no longer be disposed of in the trash, and are regulated materials under 310 CMR 30.00. On the October 23<sup>rd</sup> site visit, company executives indicated that Communica presently generates about 20-30 scrap computer units a year, and has sought in the past to donate usable equipment to educational institutions. Communica also commits to make appropriate arrangements with a state-approved recycler to handle used computer equipment and cathode ray tubes.

#### Heritage Preservation/Community Character

HP1). The applicant filed a Project Notification Form with the Massachusetts Historical Commission (MHC) on June 5, 2000. On June 20, 2000 the MHC responded that the proposed project is unlikely to affect significant historic or archaeological resources.

HP2). The project site is primarily wooded, with over a 60’ drop in elevation from the proposed building location to MacArthur Boulevard. The first floor elevation is proposed at approximately the 150’ elevation in order to balance cut and fill, which provides some view of the building from MacArthur Boulevard. Site access is proposed from Otis Park Drive, which allows approximately 250’ wooded buffer to be retained along MacArthur Boulevard. Both the topography and the potential for expansion have driven the site and building design for this project.

HP3). MPS 6.2.1 requires that new buildings be compatible with their site and existing surrounding buildings. The proposed building is 39’ in height at the two entrances and approximately 30’ in height elsewhere. Existing trees along MacArthur Boulevard are approximately 30-40’ in height. The top half to two-thirds of the building may be visible from portions of MacArthur Boulevard, partially obscured from the north by an existing supermarket.. Retention of the wooded buffer along MacArthur Boulevard and use of appropriate building materials are necessary to ensure that the proposed project is consistent with MPS 6.2.1 of the RPP.

HP4). MPS 6.2.2 requires in part that the mass and scale, roof shape and pitch and proportions between doors and windows of new buildings shall be harmonious among themselves and

consistent with traditional Cape Cod architectural styles. Proposed building entrances are attractively designed with composite wood panels, trim, piers and columns. The main portion of the office building is proposed to be constructed of composite wood clapboard and trim. The project proposes to utilize a standing seam metal roof to screen rooftop equipment as well as some aluminum trim materials. Due to its prominent location, proposed building materials should utilize non-reflective finishes and colors which are compatible with the surrounding wooded landscape. The applicant submitted a materials and colors board on October 24, 2000. Proposed materials for metal roofing, composite wood siding and window framing should be revised to ensure consistency with MPS 6.2.2.

HP5). MPS 6.2.3 and 6.2.4 require that landscaping address both the functional and aesthetic aspects of landscaping. The proposed landscape plan for Communica, Inc. meets these standards. The DRI application indicates that due to the proposed construction schedule, landscaping may need to be delayed until after building occupancy to avoid the stress of planting during the summer months.

HP6). The applicant has indicated a desire to do vista pruning of the wooded buffer along MacArthur Boulevard to provide selective views into the site. The extent of vista pruning should be monitored to ensure that the effectiveness of this buffer is retained.

HP7). MPS 6.2.10 requires that parking be located to the rear or side of a building or commercial complex in order to promote traditional village design in commercial areas unless such location would have an adverse or detrimental impact on environmental or visual features on the site, or is completely infeasible. The potential expansion at this site has resulted in the proposed parking and building layout. The majority of proposed parking is to the side or rear of the site, with approximately one-fourth of proposed parking located in front of the building. The parking area is set well back and above the elevation of MacArthur Boulevard. Placement of a limited amount of parking in front of the building allows the building to be set further back on the site, thereby reducing the overall visibility of the building. The location of a limited amount of parking to the front of the site in this case results in less visual impact and is consistent with MPS 6.2.10.

HP8). MPS 6.2.7 requires that exterior lighting design in new development or redevelopment shall comply with standards including design, light source, total cutoff and foot-candle levels as defined in the Exterior Lighting Design Standards, Technical Bulletin 95-001.

HP9). The DRI application included catalog sheets from LUMEC and a site plan showing initial and maintained point-to-point foot-candle levels. The information shows that Communica intends to use two types of metal halide fixtures mounted on 20-foot poles to provide light to the parking areas. The lights selected conform to standards 2.3, 2.4 and 2.6 of the Exterior Lighting Technical Bulletin (95-001).

HP10). At the October 24, 2000 public hearing, the applicant proposed to install shielded uplighting of the building faces and walkways. The applicant agreed to provide uplighting which conforms to the Exterior Lighting Technical Bulletin.

HP11). MPS 6.2.8 prohibits the installation of internally illuminated signs. Signage must also conform with the relevant requirements of Technical Bulletin 95-001, in particular standard 2.4, which prohibits up-lighting. According to the elevations submitted with the DRI application, a total of three signs are proposed on the building; one over each entrance and one on the northeastern corner of the building. A total of two free-standing signs are proposed; one 5' x 12' free-standing sign is proposed along MacArthur Boulevard; and a second 3' x 6' sign at the site entrance on Otis Park Drive. The applicant indicates that attached building signs and the sign on Otis Park Drive will be carved wood. The sign located on MacArthur Boulevard will be an engraved polished stone. All signs will be externally illuminated, consistent with MPS 6.2.8 and Technical Bulletin 95-001.

### CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes:

The probable benefit from the proposed project is greater than the probable detriment. This conclusion is based on the findings that the project supports one of the fundamental priorities of the economic development strategy embodied in the Commission's Regional Policy Plan by providing additional well-paying, high-skilled jobs in the technology sector of Cape Cod's economy, construction employment for Cape Cod workers, and additional fiscal benefits to the town. The project also proposes an enhanced denitrification system for wastewater disposal. These benefits outweigh the detriments that the project will increase traffic on regional roadways and will develop a primarily undeveloped site. These detriments were offset by a contribution towards traffic mitigation, an effective trip reduction plan, and the provision of off-site open space.

The proposed project is consistent with local development bylaws. The proposed project requires a special permit from the Bourne Planning Board. The required number of parking spaces may be reduced at the discretion of the Bourne Planning Board through the special permit process.

The Town of Bourne does not have a certified Local Comprehensive Plan. The project is consistent with the Minimum Performance Standards of the Cape Cod Regional Policy Plan. This conclusion is supported by the findings listed above.

The proposed project is not within a District of Critical Planning Concern.

The Commission hereby approves with conditions the application of Matthew H. Trask for the proposed Communica, Inc. headquarters and engineering complex as a Development of Regional Impact, provided the following conditions are met:

### CONDITIONS

General

- G1). This DRI decision is valid for 7 years and local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision.
- G2). Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.
- G3). The applicant shall obtain all state and local permits for the proposed project.
- G4). No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed.
- G5). Prior to issuance of a building permit, the applicant shall submit final plans as approved by local boards for review by Commission staff to determine their consistency with final plans as approved by the Commission and with Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 6/3/99 and as amended from time to time.
- G6). The proposed Communica, Inc. headquarters and engineering complex shall be constructed in accordance with the following final plans:

- Proposed Landscape Plan, prepared by Stephen Stimson Associates, dated 9/27/00
- Proposed Lighting Plans, initial and maintained conditions, prepared by Stephen Stimson Associates, dated 9/27/00, 2 sheets
- Proposed Elevations, prepared by Cubellis Associates, Inc. dated 8/23/00
- Revised Wastewater Treatment and Stormwater Management Systems Site Plan and Site Details, prepared by Horsley and Witten, Inc. dated 10/23/00, 3 sheets

Prior to issuance of a Second Partial Certificate of Compliance, the applicant shall submit a copy of final construction plans and specifications pertaining to any site work and building exterior to the Commission to assist in compliance review.

- G7). Prior to issuance of a building permit, the applicant shall obtain a First Partial Certificate of Compliance from the Commission. All conditions of this decision pertaining to issuance of a First Partial Certificate of Compliance shall be met prior to issuance of a building permit with the exception of condition #NR1 – NR3, which shall be met prior to the issuance of a Second Partial Certificate of Compliance.
- G8). A second Partial Certificate of Compliance shall be issued within sixty (60) days of the issuance of a building permit by the Bourne Building Inspector. The applicant shall forward a copy of the building permit to the Commission upon issuance by the Bourne Building Inspector. Conditions #NR1 – NR3, if selected by the applicant, shall be complied with prior to the issuance of the second Partial Certificate of Compliance.

G9). Prior to receiving a temporary or final Certificate of Occupancy from the Town of Bourne, the applicant shall obtain a Final Certificate of Compliance from the Commission. Unless otherwise specified by this decision, all conditions of this decision shall be met prior to issuance of a Final Certificate of Compliance by the Commission.

G10). The project shall not be open for business to the public until a Final Certificate of Compliance is received from the Cape Cod Commission.

G11). The applicant shall notify Commission staff of the intent to seek a Certificate of Compliance at least thirty (30) days prior to the anticipated date of issuance of such Certificate. Such notification shall include a list of key contact(s) for questions that may arise during the Commission's compliance review. Commission staff shall complete an inspection under this condition within seven (7) business days of such notification and inform the applicant in writing of any deficiencies and corrections needed. The applicant understands that the Commission has no obligation to issue a Certificate of Compliance unless all conditions are complied with or secured consistent with this decision. The applicant agrees to allow Cape Cod Commission staff to enter onto the property which is the subject of this decision for the purpose of determining whether the conditions contained in the decision are met.

G12). The applicant shall demonstrate that a copy of this decision has been provided to the general contractor prior to the start of construction.

#### Water Resources

WR1). The applicant shall use DEP-approved alternative/innovative septic-system technology for removal of nitrogen from wastewater generated by the project. Prior to issuance of a Final Certificate of Compliance, the applicant shall submit documentation of DEP approval for the proposed alternative septic system technology to the Commission.

#### Natural Resources/Open Space

NR1). Prior to the issuance of a Second Partial Certificate of Compliance, the applicant shall provide the Cape Cod Commission with a 12.36 acre off-site open space proposal for acceptance by Commission staff. The open space proposal shall be located within a Significant Natural Resource Area within the Town of Bourne.

NR2). Prior to the issuance of a Second Partial Certificate of Compliance, the conservation restriction shall be approved by Cape Cod Commission staff and the Bourne Conservation Commission and submitted for review by the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services.

NR3). Prior to a Final Certificate of Compliance, the 12.36 acre parcel shall be permanently protected either through deeding the land to the Town of Bourne Conservation Commission or through conservation restriction consistent with Massachusetts General Laws Chapter 184, Section 31-33, and accompanying plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court. Proof of recording of the open

space shall be provided to the Commission prior to the issuance of a Final Certificate of Compliance.

NR4). Alternatively to conditions #NR1 – NR3, prior to the issuance of a Final Certificate of Compliance, the applicant shall make a \$1,106,220 cash contribution to be held in escrow by the Cape Cod Commission for the purpose of acquiring and permanently protecting open space within Bourne, MA. The escrow agreement shall be payable to Barnstable County. The escrow agreement shall be of a form and content satisfactory to Commission counsel. The Commission's Executive Director shall release the \$1,106,220 cash contribution to the Town of Bourne or the town's designee for expenditure without further appropriation once a suitable parcel has been identified and approved by Commission staff and is the subject of a purchase and sale agreement for conservation purposes.

#### Solid Waste

SW1). Prior to issuance of a Final Certificate of Compliance, the applicant shall document the amount of on-site C&D recycling, where it was delivered and the amount of residuals disposed of at the Bourne or other facility.

SW2). Prior to issuance of a Final Certificate of Compliance, the applicant shall provide documentation that a recycling program for cardboard, office paper and other items is in place at the facility, including proposed locations for recycling bins and evidence of where the recyclables will be delivered.

#### Hazardous Materials/Waste

HM1). Prior to issuance of a Second Partial Certificate of Compliance, the applicant shall submit the following to the Cape Cod Commission:

a.) a copy of the contract specifications requiring building contractors to limit the amount of hazardous materials used and waste generated from construction activities and a copy of the specifications used to encourage 'green building' strategies.

b.) a copy of the documentation submitted by the general contractor to show evidence of conformance with 310 CMR 30.00 and a copy of the site contingency plan.

HM2). Prior to issuance of a First Partial Certificate of Compliance, the applicant shall provide contract specifications that general contractors understand and agree to abide by the following restrictions:

a.) the amount of hazardous material and waste, inclusive, attributable to site preparation, construction activities and construction equipment shall be limited to household quantities as defined by the Regional Policy Plan.

b.) on-site servicing of construction equipment shall be limited to minor greasing of fittings and joints. On-site major repairs, such as engine servicing and repair, shall be prohibited.

HM3). Prior to issuance of a Final Certificate of Compliance, the applicant shall submit to the Cape Cod Commission evidence of an arrangement with a state-approved computer equipment and cathode ray tube (CRTs) recycler and/or evidence of an alternative program to divert unusable equipment and CRTs from disposal.

#### Transportation

TR1). Prior to receiving a Final Certificate of Compliance, the applicant shall make a monetary commitment of \$14,200 to comply with MPS 4.1.1.1. These funds shall be placed in an escrow account held by the County of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design or implementation of transportation improvements in the Town of Bourne. Any funds remaining after 10 years shall be turned over to the Cape Cod Regional Transit Authority or similar transportation agency for public transportation.

TR2). The applicant shall institute a trip reduction plan as outlined in Finding # 9.

#### Economic Development

ED1). Prior to issuance of a Final Certificate of Compliance, the applicant shall submit a report to the Commission regarding the number of Cape Cod construction workers, contractors and suppliers employed during project construction.

#### Community Character

HP1). Prior to issuance of a First Partial Certificate of Compliance, the applicant shall submit a revised materials board to Commission staff for approval. At a minimum, the applicant shall revise the following materials: composite wood siding or acceptable equivalent, standing seam metal roof, and window framing. Revised materials shall incorporate non-reflective finishes and colors which are compatible with the surrounding wooded landscape.

HP2). If all required site work and/or landscape improvements are not complete at the time a Final Certificate of Compliance is sought from the Commission, any work which is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150% of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow agreement may allow for partial release of escrow funds upon partial completion of work. The escrow agreement shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow funds shall be returned to the applicant, with interest, upon completion of the required work. All site work and/or landscape improvements shall be completed within six (6) months of the issuance of a Final Certificate of Compliance from the Commission.

HP3). Plant materials specified by this decision may be substituted with prior written approval of Commission staff.

HP4). Other than vista pruning, installation of utilities, and/or signage, no development, removal of vegetation, or disturbance of land shall occur within the 250' wooded buffer area along MacArthur Boulevard. Vista pruning shall be allowed subject to obtaining all applicable local permits and prior approval by Cape Cod Commission staff. Vista pruning shall comply with the following standards: selective thinning of framework limbs or specific areas of the crown to allow a specific view of an object from a predetermined point in accordance with the American National Standards Institute (ANSI) A-300 Pruning Standards, and completed by or under the direct supervision of a Massachusetts Certified Arborist. Topping or raising shall not be utilized to accomplish vista pruning. The applicant shall notify Commission staff at least fourteen (14) days prior to commencement of vista pruning and any trees to be pruned shall be identified with colored tape prior to a site visit by Commission staff.

HP5). Prior to issuance of a First Partial Certificate of Compliance, the applicant shall submit a revised exterior lighting plan and manufacturers information to provide uplighting of the proposed building consistent with Technical Bulletin standard 2.7. Also prior to issuance of a Final Certificate of Compliance, in-the-field verification of light levels shall be conducted by Commission staff to verify conformance with the requirements of the Technical Bulletin 95-001 and MPS 6.2.7. This shall also include verification that installed signage is in conformance with condition #HP6 below.

HP6). Prior to issuance of a Final Certificate of Compliance, the applicant shall install building signs consistent with Building Elevation A201 dated 8/23/00. All attached building signs and the free-standing sign on Otis Park Drive shall be carved wood. The proposed sign on MacArthur Boulevard shall be an engraved polished stone. All signs shall be down-lit and externally illuminated, consistent with MPS 6.2.8 and Technical Bulletin 95-001.

The Cape Cod Commission hereby approves with conditions the application of Matthew H. Trask as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Communica, Inc. headquarters and engineering complex located in Bourne, MA.

Elizabeth Taylor  
Name, Chair

11-2-00  
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 2<sup>nd</sup> day of Nov 19 2000

Katharine L. Peters



My commission expires: