CAPE COD COMMISSION

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Date:	July 27, 2006
To:	Lenord G. Cubellis, AIA 711 Atlantic Avenue Boston, MA 02111
From:	Cape Cod Commission
RE:	Development of Regional Impact Cape Cod Commission Act, Sections 12 & 13
Applicant:	Lenord G. Cubellis, AIA Cubellis Associates, Inc. 711 Atlantic Avenue Boston, Massachusetts 02111
Project #:	TR98032
Project:	CanalSide Commons Bourne Rotary and Sandwich Road Bourne, MA
Property Owner:	Richard C. Driscoll, Jr., Trustee Canal Creative Investments
Map/Parcel:	24.0, 013.01 25.0, 004.00 25.0, 003.00 25.0, 002.00
Book/Page:	13688/241 13315/84 13680/274

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Lenord G. Cubellis 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 CanalSide Commons development located at the Bourne Rotary off of Route 28 and Sandwich Road in Bourne, Massachusetts. The decision is rendered pursuant to a vote of the Commission on July 27, 2006.

PROJECT DESCRIPTION

The proposed project consists of the development of a 78,500 s.f. retail complex and a 6,500 s.f. restaurant on an approximately 153-acre site located on Sandwich Road and the Bourne Rotary in Bourne, MA. The applicant proposes to construct the project in two phases of 50,820 s.f. and 34,180 s.f. The project plans also include an approximately 5.3 - acre area to the front of the site and adjacent to the proposed bypass road that has not been designated for any specific use. The applicant proposes to construct a bypass road behind the Bourne Rotary from Route 28 (MacArthur Boulevard) to Sandwich Road to provide access to the site. The proposed project has been revised from an approximately 1,000,000 s.f. mixed-use development previously reviewed jointly as a DRI and under MEPA regulations.

The majority of the site is undeveloped and wooded, with the exception of an area that contains a former motel and former motorbike track, paintball debris, and other unauthorized recreational activities. The Upper Cape Regional Vocational Technical High School is adjacent to and north of the site. The Massachusetts Military Reservation (MMR) forms the eastern boundary of the project site and the Bourne landfill is approximately 3/4-mile south of the project site. The site is currently zoned B2 and B3 Business. The proposed project would require a special permit from the Bourne Planning Board.

During prior joint DRI/MEPA review, the project site increased to approximately 183 acres with the addition of an approximately 5-acre former motel site immediately west of the original project site, and 25 acres of land immediately south of the original CanalSide property. The applicant has demonstrated through the submission of affidavits that this additional 30 acres of land is no longer under the applicant's control and therefore the project site totals 153 acres.

JURISDICTION

The original joint DRI application/ENF qualifies as a DRI pursuant to Sections 12(i) and 13(b) of the Act as "any proposed development for which the Secretary of Environmental Affairs requires the preparation of an Environmental Impact Report in accordance with the provisions of Sections 61-62H, inclusive, of Chapter 30 of the General Laws shall be deemed a Development of Regional Impact".

PROCEDURAL HISTORY

The applicant submitted an ENF to the Executive Office of Environmental Affairs (EOEA), MEPA Unit on July 15, 1998. Since, pursuant to MEPA, the project was categorically required to prepare an Environmental Impact Report (EIR), it was also deemed a mandatory DRI pursuant to the Act. Accordingly, the applicant agreed to proceed with a joint DRI/MEPA review pursuant to a Memorandum of Understanding between the Commission and EOEA, dated November 25, 1991.

A joint Commission and MEPA public hearing was held by a Commission subcommittee on August 6, 1998. The Secretary of EOEA issued a Certificate on the ENF on August 21, 1998 stating that an EIR was required for the project and issued a scope of review for the joint DRI/EIR. The Draft Environmental Impact Report (DEIR) was submitted to MEPA and the Cape Cod Commission on February 16, 1999. The Commission held a public hearing on Tuesday, April 13, 1999 at the Upper Cape Cod Regional Technical School to receive public testimony on the DEIR prior to the deadline for submission of comments to EOEA on Thursday, April 22, 1999. On April 29, 1999 the Secretary of EOEA notified the applicant that it was required to file a Supplemental DEIR, which was done on May 15, 2000. The Subcommittee held a public hearing on June 15, 2000 and provided comments to MEPA on the Supplemental DEIR on June 22, 2000. The Final Environmental Impact Report (FEIR) was submitted on October 16, 2000. The Commission Subcommittee held a public hearing on November 28, 2000 and provided comments to MEPA on December 7, 2000. The Secretary of EOEA issued a Certificate on the FEIR on December 15, 2000, which stated that the project "adequately and properly complies" with MEPA and its implementing regulations (301 CMR 11.00).

Following the Secretary's Certificate on the FEIR, the applicant continued with Commission DRI review. The Commission's subcommittee report of December 7, 2000 provided a comprehensive status report on the project and enumerated additional information that should be submitted to the Commission in order to allow it to adequately review the project's potential impacts. A hearing officer of the Commission opened a public hearing for procedural purposes on the DRI on January 23, 2001. A hearing officer closed the public hearing for procedural purposes on April 11, 2001.

In January 2001 the subcommittee proposed a mediation process for the month of February to allow Commission staff and the proponent to address outstanding transportation issues. The applicant agreed to a limited mediation process and a mediator was hired from the Massachusetts Office of Dispute Resolution. Four meetings were held in February 2001 with the mediator, the Commission transportation staff, the transportation consultants for CanalSide Commons, Vanasse & Associates, and William Scully of MS Transportation, representing the Association for the Preservation of Cape Cod. A meeting with all parties was held on March 2, 2001 to provide an update on the transportation discussions. Following the update and discussion the parties agreed to discontinue mediation.

A subcommittee public hearing on the project was held on May 17, 2001. Additional Subcommittee meetings to consider the project were convened on June 4, June 7, and June 15, 2001. At the June 7, 2001 meeting, the subcommittee voted unanimously to recommend to the full

Commission that the project be denied. A final public hearing on the project as proposed in the DRI/FEIR was held before the full Commission on June 21, 2001 at the Assembly of Delegates Chambers in the First District Courthouse. The public hearing was closed on June 21, 2001. At the close of the hearing, the Commission voted 15 in favor and 2 opposed to grant a 90-day extension of the Commission's decision deadline to September 28, 2001 to allow the applicant time to consider a smaller-build alternative to the proposed project.

Following this initial extension of the decision deadline, subcommittee meetings were held on August 23, 2001, September 10, 2001, October 25, 2001, April 1, 2002, October 23, 2003, November 1, 2004 and January 31, 2005 to consider additional extensions of the decision deadline and alternative development proposals. Seven additional extensions of the decision deadline (to November 16, 2001, December 7, 2001, June 7, 2002, December 6, 2002, December 5, 2003, December 7, 2004, and March 4, 2005) were subsequently granted at the subcommittee's meetings.

The project was revised several times between June 2001 and January 31, 2005. Commission staff met with the applicant on numerous occasions and evaluated the transportation implications of each alternative. One alternative, which included 138 residential units, a 300-room hotel with conference center, a 100-seat restaurant, and 13,000 s.f. of retail space, received conceptual support from the subcommittee on October 25, 2001. At the subcommittee meeting held on October 23, 2003, the applicant presented a modified project in which the applicant had increased the size of the proposal to include 57,600 s.f. of retail space including a 7,000 s.f. restaurant, 141 apartments, and a 300-room hotel/conference center. The access scheme for the site was also revised to incorporate the Upper Cape Regional Technical School driveway into the bypass road at a signalized intersection with the school.

In May 2004, the applicant indicated that he was not pursuing the proposal presented to the subcommittee in October 2003, and, instead, submitted a conceptual proposal for 600 residential units and 85,000 s.f. of retail space as a comprehensive permit-eligible project under a Local Initiative Plan (LIP), pursuant to Chapter 40B. A revised concept plan submitted on January 31, 2005 indicates that the proposal had been reduced to 391 residential units (91 proposed as apartments over retail) and 85,000 s.f. of retail space. The plans submitted were unclear as to the number of residential units that were proposed as a comprehensive permit project. In December 2004 an Approval Not Required (ANR) Plan was endorsed by the Bourne Planning Board for a portion of the CanalSide Commons site. The applicant indicated that this portion of the site was no longer under the control of the applicant.

At the subcommittee meeting held on January 31, 2005, the subcommittee voted 3 in favor and 2 opposed not to grant a further extension of the decision deadline on the revised project and to recommend to the full Commission that the project be procedurally denied without prejudice. A final public hearing was held before the full Commission on February 17, 2005 on this revised project. At this hearing, the Commission voted 9 in favor and 4 opposed with one abstention to grant a six-month extension on the project to September 9, 2005.

Additional subcommittee meetings were held on the project to discuss the status of the DRI application on July 7, 2005, July 26, 2005, September 19, 2005, and December 12, 2005. The DRI

application on a proposed 78,500 s.f. retail complex and 6,500 s.f. restaurant was deemed complete on December 21, 2005.

On February 16, 2006, the subcommittee held a public hearing at the Bourne high school auditorium on the 85,000 s.f. retail/restaurant project. The subcommittee closed the public hearing on February 16, 2006. Additional subcommittee meetings to deliberate on the proposed project were held on March 23, 2006, May 1, 2006, May 22, 2006, May 31, 2006, June 15, 2006, June 20, 2006, and July 18, 2006. Additional extensions of the decision period were granted to March 3, 2006, May 5, 2006, July 14, 2006, and August 25, 2006. At the June 20, 2006 subcommittee meeting, the subcommittee voted 3 – 1 to recommend approval of the project as a DRI, subject to conditions.

A final public hearing on the draft decision was opened by a hearing officer on June 15, 2006 and continued to July 27, 2006. On July 27, 2006, the full Commission held a final public hearing on the project in the Assembly of Delegates Chamber, First District Courthouse, Barnstable, MA. At the conclusion of this hearing, the Commission voted 11 – 3 to approve the project with conditions.

MATERIALS SUBMITTED FOR THE RECORD

CANALSIDE FILE #1:

Materials Submitted by the Applicant:

Joint review application 6/29/98
Copy of check#3701 for joint review fees 6/30/98
Letter to Gay Wells from Mr. Cubellis w/ attached site plan 10/08/98
Traffic report to Paul Tilton from Coler & Colantonio 10/20/98
Revised Master-Plan map submitted 11/23/98
Fax to Gay Wells from Ken Caputo w/ water and natural resources study attached 12/09/98
Transportation report from Cambridge Systematics, Inc. 12/22/98
Letter to Armando Carbonell from Mr. Cubellis 1/4/99
Letter to Gay Wells from Mr. Cubellis 1/4/99
Fax to Gay Wells from Mr. Cubellis 1/6/99
Point/Counterpoint article from the Cape Cod Times 12/10/98
Letter to Gay Wells from Mr. Cubellis w/ Preliminary Conceptual Phasing Plan 12/17/98
Letter to Gay Wells from Coler & Colantonio w/ reports and maps 01/29/99
Memo to Bob Mumford from Coler & Colantonio w/ attached maps and reports 4/10/98
Massachusetts Historical Commission notification form 07/02/98
Letter to Paul Tilton from Coler & Colantonio w/ traffic volume data report 08/20/98
Letter to Paul Tilton from Coler & Colantonio w/ traffic count program 08/19/98
Letter to Sharon Rooney from Mr. Cubellis 09/09/98
Meeting Agenda from CanalSide 09/15/98
Meeting Agenda from CanalSide 09/21/98
Letter to Charlene Greenhalgh from Coler & Colantonio re: transportation
Letter to Margo Fenn from Brian Braggington-Smith 10/13/98
Fax to Gay Wells from Kristine Sheehy from Foley, Hoag & Eliot, LLP 10/14/98

Fax to Gay Wells from Mr. Cubellis w/ site modifications 10/21/98
Letter to Armando Carbonell from Mr. Cubellis 10/20/98
Letter to Gay Wells from Mr. Cubellis 10/20/98
Fax to Gay Wells from Kathy Connolly 10/29/98
Fax to Gay Wells from Kristine Sheehey Foley Hoag & Eliot, LLP 11/17/98
Letter to Armando Carbonell from Mr. Cubellis 12/18/98
Letter to Gay Wells from Mr. Cubellis 01/04/99
Letter to Gay Wells from Mr. Cubellis 01/22/99
Letter to Jay Wickersham & Armando Carbonell from Douglas McGarrah 03/03/99

Materials Submitted by the Cape Cod Commission:
Subcommittee notice from Sharon Rooney 07/02/98
Site Visit Notice from Sharon Rooney 07/20/98
Memo to Subcommittee from Sharon 07/27/98
Notice of Joint Scoping Session 08/06/98
Staff Report 07/30/98
Letter to Secretary Cox, MEPA Unit w/ Staff Report 08/10/98
Staff Report 08/10/98
Letter to the Bourne Board of Selectmen from Armando Carbonell 08/13/98
Letter to Edward Pesce from Gary Prahm
Telephone notes re: a call from Joseph LaPorte to Gay Wells 09/09/98
Telephone notes re: call between Gay Wells and Mr. Cubellis 09/14/98
Memorandum to Mr. Cubellis from the Transportation staff of CCC 11/10/98
Fax from Robert Deane to Sharon Rooney w/ minutes of BEDTF meeting 10/30/98
Agenda for staff meeting on Canal Side Commons 10/15/98
Agenda for CCC meeting on CanalSide 10/30/98
Agenda for CCC meeting on Canal Side 11/18/98
Letter to Mr. Cubellis from Armando Carbonell 12/22/98
Photographs of the site
Fax to Armando Carbonell from Mr. Cubellis 12/18/98
Report to Kenneth Caputo from Gay Wells 12/23/98
Memo to Kristine Sheehey Foley, Hoag & Eliot from Gay Wells 01/05/99
Memorandum to Peter Wells the Berkshire Design Group from Sharon Rooney 01/104/99
Article from the Bourne Enterprise titled "Uncommonly Good" 01/15/99
Application for use of School facilities
Fax from Susan Nickerson APCC to Gay Wells 01/26/99
Fax to Mr. Carbonell from Bennett Heart, Conservation Law Foundation 02/23/99
Fax from Patrick O'Regan to Armando Carbonell 02/24/99
Fax to Mr. Cubellis from Gay Wells 03/09/99
Memo to Interested Parties from Gay Wells re: Public Hearing 03/19/99
Staff Report 03/18/99

Materials Submitted from Municipal and Other Agencies:
List of abutters to the property 06/22/98
Application for use of school

CANALSIDE FILE #2:

Materials Submitted by the Applicant:

Fax to Paul Tilton from Scott Thornton with Vanasse Associates preliminary response 10/13/99
Tanger Times Newsletter Winter 1999
Letter to Bob Mumford from Katherine Connolly 11/19/99
Letter to Gay Wells from Mike McGinnis Cubellis Associates 09/17/99
Cc of letter to Board of Directors of the Monument Beach Sportsmen Association 09/16/99
Cc of letter to Meredith Pickering from Cubellis Associates 09/16/99
Letter to Gay Wells Form Len Cubellis 08/06/99
Cc of letter to Mr. Cubellis from Coler & Colantonio 04/20/99
Cc of letter to Jay Wickersham from Douglas McGarrah of Foley Hoag & Eliot 04/22/99
Cc of a letter to Robert Deane from Douglas McGarrah of Foley Hoag & Eliot 04/15/99
Fax to Gay Wells Douglas McGarrah of Foley Hoag & Eliot 04/15/99
Fax to Gay Wells from Douglas McGarrah of Foley Hoag & Eliot 04/12/99
Memorandum to Len Cubellis from Bill Schwartz response to staff letter 03/29/99
Memorandum from Ken Caputo Coler & Colantonio 04/15/99
Letter to Len Cubellis from Kenneth Caputo 03/30/99
Fax to Len Cubellis from Douglas McGarrah Foley Hoag & Eliot 04/06/99
Fax to Gay Wells from Kathy Connolly 04/08/99
Fax to Gay Wells from Kathy Connolly 04/12/99
Letter to Gay Wells from Douglas McGarrah 04/12/99

Materials Submitted by the Cape Cod Commission:

Application for use of school facility 03/19/99
Letter to Gay Wells from Mark Mello of the Lloyd Center for Environmental Studies 03/03/99
Staff Report March 18,1999
Public Hearing Notice for Tuesday April 13,1999
Phone Note from Herb Olsen 04/15/99
Phone Note from Vickie Bebout 04/15/99
Memorandum to the CanalSide Subcommittee members 04/15/99
Copy of Fed-Ex shipment confirmation to Richard Foster MEPA Unit 04/21/99
Economic Subcommittee Report 04/21/99
Comment letter to Dick Foster MEPA Unit from Robert Deane 04/21/99
Subcommittee Report 04/21/99
Letter to David Sampson from Gay Wells 05/04/99
Invoice from Arrowstreet 05/24/99
Fax to Lucy Edmundson EPA from Gay Wells 6/7/99
Fax to Kathy Connolly From Gay Wells 06/15/99
Staff Report 07/20/99
Memo from Gay Wells to Dorr Fox 09/13/99
Letter to Mike McGinnis from Gay Wells 10/04/99
Fax to Mike McGinnis from Gay Wells 10/21/99
Fax to Matthew Burr from Gay Wells 10/26/99
Fax to Carl Bueller (IHOP Corporation) from Gay Wells 11/23/99

Materials Submitted from Municipal and Other Agencies:
Memorandum of understanding between CCC and the Town of Bourne, dated 5/18/95
Letter to Gay Wells from Mary Pickering Town Planner 08/31/99
Certificate of the Secretary of Environmental Affairs 04/29/99
Bourne Town Meeting announcement and agenda 05/10/99
Letter to Dick Foster MEPA Office from John Lipman and Kurt Gaertner 04/27/99
Letter to Richard Foster MEPA Unit from Barry Johnson Bourne Recreation Authority 04/21/99
Letter to Gay Wells from E.N. Ciccone Department of the Army 04/21/99
Letter to subcommittee members from Roland Dupont 04/15/99
Cc of letter to Richard Foster at MEPA Unit from Peter Tancredi 04/15/99
Testimony from Maria Oliva Director of Cape Cod Canal Chamber of Commerce to Bob Deane 04/13/99
Letter to Gay Wells and Richard Foster from Meredith Pickering 04/13/99
Fax to Len Cubellis from Rick Bourre' 04/07/99
Letter to Dick Foster in the MEPA Unit from Rick Bourre' 04/07/99
Letter to Ms. Wells from James Grady 3/26/99
Gay Wells response to James Grady's letter 03/25/99
Town of Bourne Public Hearing Notice 03/22/99
Letter to Gay Wells from Timothy Sawyer 03/02/99
Fax to Gay Wells from Al Beinor 03/22/99
Letter to the Cape Cod Commission from Kimberly Bradley 03/16/99
Gay Wells' response to Kimberly Bradley's letter 03/16/99
A group of letters to the editor faxed to Gay Wells 03/23/99
Letter to Gay Wells from Edward Boyer 03/14/99
Gay Wells response to Mr. Boyers letter 03/25/99
Letter to the Cape Cod Commission from Kat Matson 04/13/99
Letter to Gay Wells from Lisa Horton 04/13/99
Items from the CanalSide Public hearing 04/13/99
Phone Notes from a conservation between Gay Wells and Jack Farrell 04/13/99
Letter to Gay Wells and Richard Foster from Dick Prince 04/13/99

Materials Submitted by Interested Parties:
Letter to the Cape Cod Commission from Raymond Rose 04/14/99
Letter to the Cape Cod Commission from Harold Ramsden 04/09/99
Letter to Chairman Herb Olsen from Janet Hand 04/08/99
Letter to the Cape Cod Commission from Ruth Concannon 04/08/99
Letter to Gay Wells from Stella Callagee 04/11/99
Letter to Gay Wells from David Dow 04/13/99
Letter to the Cape Cod Commission from Joan Wood 04/12/99
Letter to the Cape Cod Commission from Mr. & Mrs. Seaver 04/12/99
Letter to Gay Wells from Una Fleichmann 04/13/99
Letter to the Cape Cod Commission from Phillis McLaughlin 04/14/99
Letter to Gay Wells from Morton & Eleanor Myerson 12/13/99
Letter to Richard Foster from Katharine Winslow 04/16/99

Letter to Gay Wells from Edward Lavelle 04/16/99
Letter to Gay Wells from Kathy Levelle 04/16/99
Letter to the Cape Cod Commission from Lillian Holmes 04/19/99
Letter to the editor cc to the Commission from William Cowan 01/15/99
Letter to Gay Wells from Susan Benson 04/19/99
Letter to Gay Wells from Anne Marie Walker 04/19/99
Letter to the Cape Cod Commission from Cynthia Goff 04/19/99
Letter to the Cape Cod Commission from Brian Matson 02/22/99
Letter to the editor from Kathleen Donovan no date
Letter to the editor cc to Gay Wells from Mary Montisano no date
Letter to the editor cc to Gay Wells from Victor Montisano no date
Letter to Gay Wells from William Cowan Sr. 04/16/99
Letter to the editor w/cc to Gay Wells from William Hogan no date
Letter to the editor from Catherine Etten no date
Letter to the Cape Cod Commission from John & Joan Masse 04/19/99
Letter to the Cape Cod Commission from Janice Santos 04/16/99
Letter to the Cape Cod Commission from Kenneth Santos 04/16/99
Letter to Gay Wells from Al Beinor 04/18/99
Letter to Gay Wells from Helen Beinor 04/18/99
Letter to the Cape Cod Commission from Doris Froyian 04/17/99
Letter to Gay Wells from Lawrence & Helen Mobilia 04/20/99
Letter to Gay Wells from Al Beinor 04/20/99
Letter to Gay Wells from Kathy Lavelle 04/20/99
Letter to Gay Wells from Edward Lavelle 04/20/99
Letter to Gay Wells from Renaldo Oliveira, Jr. 04/15/99
Letter to the Cape Cod Commission from Beverly Marlow 04/17/99
Letter to Richard Foster MEPA Unit from R. Murdock 04/17/99
Letter to Gay Wells from Stanley Breen & Frances Breen 04/14/99
Letter to Gay Wells from Valerie Stelling 04/14/99
Letter to Gay Wells from Sandia Taitaglione 04/20/99
Letter to Gay Wells from Jim Taitaglione 04/16/99
Letter to Gay Wells from Mary Forbes Singer 04/12/99
Letter to Gay Wells from Kristin Xiarhos 04/16/99
Letter to Gay Wells from David Van Osdol 04/17/99
Letter to Gay Wells from Claire Henkel 04/18/99
Letter to the Subcommittee from Don Macphee 04/19/99
Letter to Gay Wells from Miriam Dubuque 04/19/99
Letter to Gay Wells from Peter Brady 04/14/99
Letter to Gay Wells from Philip Whittaker 04/17/99
Letter to Gay Wells from Barbara Ryan 04/20/99
Letter to Gay Wells from Ruth Walters 04/14/99
Letter to the Cape Cod Commission form Elaine Blair 04/16/99
E-mail to Gay Wells from Joseph Kiebala 04/20/99
Letter to Gay Wells from John Bourne 04/16/99
Postcard to the Cape Cod Commission from George & Alice Fischer 04/19/99

Letter to Gay Wells from Carol Van Osdol 04/14/99
Fax to Gay Wells from several concerned citizens 04/21/99
Letter to Gay Wells from Peggy Almeida 04/19/99
Letter to Gay Wells from John Van Osdol 04/17/99
Letter to the Cape Cod Commission from Don MacNary 04/19/99
Letter to Gay Wells from Margaret Lanza 04/17/99
Letter to Gay Wells from Philip and Maryellen Kozar 04/19/99
Letter to Cape Cod Commission from Maryellen Leveille 04/20/99
Letter to Cape Cod Commission from Joyce Hamblin 04/20/99
Letter to Cape Cod Commission from Jane Hewitt 04/20/99
Letter to Cape Cod Commission from Deborah Silva 04/20/99
Letter to Cape Cod Commission from Veronica Mooney 04/20/99
Letter to Cape Cod Commission from Katie D'Urso 04/20/99
Letter to Cape Cod Commission from Cindy Ramsey 04/20/99
Letter to Cape Cod Commission from Edward O'Connor 04/20/99
Letter to Cape Cod Commission from Kim Evon 04/20/99
Letter to Gay Wells from G.H. Horn 04/21/99
Letter to Cape Cod Commission from Mrs. Joseph Kiebala 04/18/99
Letter to Cape Cod Commission from Frank Callagee 04/19/99
Letter to Margo Fenn from Geary Kaczorowski 04/20/99
Letter to Gay Wells from John Brine 04/21/99
E-mail to Gay Wells from Dan & Betsey Brosnan 04/21/99
Phone Message to Gay Wells from Pat Kianum 04/22/01
Letter to Gay Wells from Caroline & Shy Atchison 04/21/99
Letter to Cape Cod Commission from Lois Cowan 04/21/99
Letter to Bob Mumford from Norman Therriault 04/19/99
Letter to Gay Wells from Susan Carpenter 04/22/99
Letter to the Cape Cod Commission from Spencer Field 04/20/99
Letter to Gay Wells from Donald & Eleanor Marcus 04/20/99
Letter to Cape Cod Commission from Don MacPhee 04/18/99
Letter to the Cape Cod Commission from Leonard & Harriet Schley 04/18/99
Letter to Gay Wells from Joan Baker 04/20/99
Letter to Gay Wells from Nicholas Baker 04/20/99
Letter to the Cape Cod Commission from Joan DeLapp 04/20/99
Letter to the Cape Cod Commission from Shirley Baker 04/22/99
Letter to the Cape Cod Commission from Edward Baker 04/22/99
Letter to the Cape Cod Commission from Michelle Robbins 04/22/99
Letter to the Cape Cod Commission from Tom Baron 04/22/99
Letter to Gay Wells from Dr. Kyriaki Fitzgerald 04/20/99
Letter to Gay Wells from Patricia Finnegan 04/20/99
Letter to Gay Wells from Dr. Thomas Fitzgerald 04/20/99
Letter to Gay Wells from Tula Karidoyanes 04/20/99
Letter to Gay Wells from Herbert Vasconi 04/19/99
Letter to the Cape Cod Commission from Michael Fadel 04/20/99
Letter to the Cape Cod Commission from Debbie Juckett 04/21/99

Letter to the Cape Cod Commission from John Gwynn 04/18/99
Letter to the Cape Cod Commission from Claire V. Benson 04/20/99
Letter to Gay Wells from Marilyn Spaulding 04/25/99
Letter to the Cape Cod Commission from Barbara Lawrence 04/26/99
Letter to the Cape Cod Commission from G.H. Horn 04/21/99
Postcard to the Cape Cod Commission from Mary DeMatteo 04/25/99
Letter to Gay Wells from Kathleen Donovan 04/28/99
Letter to Cape Cod Commission from Jane O'Shaughnessy 04/28/99
Letter to the Cape Cod Commission from Katherine Anderson 04/21/99
Letter to the Cape Cod Commission from Barbara Keith 04/28/99
Letter to the Cape Cod Commission from Marilyn Bassett 04/28/99
Letter to the Cape Cod Commission from Brian Bassett 04/20/99
Letter to the Cape Cod Commission from Michael Bassett 04/21/99
Letter to the Cape Cod Commission from Amy Ballentine 04/27/99
Letter to the Cape Cod Commission from Michael Karidoyanes 04/20/99
Phone notes from a call to Gay Wells from Mrs. Erikson 05/04/99
Letter to Gay Wells from Alan & Elisa Green 05/05/99
Letter to Gay Wells from Reinaldo A. Olivera Jr. 05/02/99
Letter to the Cape Cod Commission from Barbara Wrighter 05/07/99
Letter to Gay Wells from Mary Zawoysky 05/05/99
Letter to the Cape Cod Commission from John Winterle 05/13/99
Letter to Gay Wells from Judith Conron 05/26/99
Fax to Gay Wells from Al Beinor w/ attached newspaper article 05/21/99
Letter to Gay Wells from David Belluche 03/20/99
Gay Wells' response to Mr. Belluche's letter 03/22/99
Fax to Gay Wells from Al Beinor 07/26/99
Letter to Margo Fenn from Lincoln Robbins 07/22/99
Letter to the Cape Cod Commission from Jane Heald 07/26/99
Letter to Gay Wells from Robert Sicina 04/06/99
Letter to Herb Olsen from Janet Hand 04/08/99
Letter to the Cape Cod Commission from Ruth Concannon 04/08/99
Letter to Gay Wells from Stella Callagee 04/11/99
Phone Notes for phone call to Gay Wells from Jack Farrell 04/13/99
E-mail to Gay Wells from Kim Sanvbourne 04/12/99
Fax to Gay Wells from Al Beinor 08/31/99
Letter to Margo Fenn from Linda Robbins 09/07/99
E-mail to Gay Wells from Stella Callagee 09/30/99
Fax to Gay Wells from S. Ballentine 10/ 1/99
Fax to Gay Wells from Al Beinor 10/14/99
Fax to Gay Wells from Richard LaFarge 10/13/99

CANALSIDE FILE #3:

Materials Submitted by the Applicant:

Letter to Gay Wells with attached maps 09/13/99
Memorandum w/ attached report (preliminary response) from Vanasse Associates 10/14/99

Flyers promoting CanalSide Commons
Conceptual Analysis w/ attached maps of CanalSide Commons 11/15/99
Letter to Jay Wickersham MEPA Unit cc to CCC from Douglas McGarrah (with Foley Hoag & Eliot) 11/15/99
Letter to Janet Hutchins MEPA Unit cc to CCC from Douglas McGarrah 11/24/99
Memorandum to Douglas McGarrah from Kristine M. Sheehy 12/02/99
Letter to Tom Broidrick w/ cc to CCC from Douglas McGarrah 12/03/99
Cc of letter to Arthur Hyland from Kenneth Cram from Vanasse Associates 12/13/99
Letter to Jay Wickersham w/ cc to CCC from Douglas McGarrah 12/16/99
Letter to Gay Wells w/ attached plan from Kathy Connolly 12/16/99
Fax to Margo Fenn from Kathy Connolly from Cubellis Associates 12/22/99
Memorandum to Gay Wells from Len Cubellis 01/03/99

Materials Submitted by the Cape Cod Commission:
Request for proposals for Economic Consultants
Mathew J. Amorello (Mass. Highway Dept.) from Margo Fenn 09/07/99
Letter from Gay Wells to Douglas Storrs 11/19/99
Letter to Mike McGinnis from Gay Wells 10/04/99
Letter to David Sampson from Gay Wells 11/19/99
Memorandum to the subcommittee from Gay Wells 11/19/99
Memorandum to the subcommittee from Gay Wells 11/29/99
Fax to Carol Lee Rawn from Gay Wells 12/03/99
Fax to Meredith Pickering from Gay Wells 12/08/99
Fax to Meredith Pickering from Gay Wells 12/09/99
Letter to Len Cubellis from Margo Fenn 12/09/99
Fax to Don Keeran APCC from Gay Wells 12/10/99
Memorandum to the subcommittee from Gay Wells 12/10/99
Fax to Len Cubellis Meredith Pickering, Carol Lee Rawn, and Al Beinor from Gay Wells 12/10/99
Staff Report December 10, 1999
Letter to Len Cubellis from Gay Wells 12/13/99
Fax to Dick Foster MEPA Unit from Gay Wells 12/13/99
Fax to Len Cubellis from Gay Wells 12/14/99
Fax to Secretary Durand from Gay Wells 12/15/99
Fax to Bob Deane from Gay Wells 12/15/99
Fax to John Nicholson (Bourne Enterprise) from Gay Wells 12/15/99
Memorandum from Patty Daley to Gay Wells 12/16/99
Letter to Pat Butler from Gay Wells 12/16/99
Public hearing agenda and attendance sheet 12/16/99
Fax to Eric Wodlinger from Gay Wells 12/20/99
Fax to Eric Wodlinger from Patty Daley 12/20/99
Letter to Douglas McGarrah from Eric Wodlinger 12/20/99
Letter to Katherine Connolly from Robert Mumford 12/22/99
Fax to Dick Foster MEPA Unit from Gay Wells 12/23/99
Letter to Secretary Robert Durand from Bob Deane 12/21/99
Fax to Kathy Lavelle from Andrea Adams 12/28/99

Letter to Margo Fenn from Richard Conron 12/17/99
Land Area Requirements under Town of Bourne Zoning for CanalSide Commons Distributed by the Association for the Preservation of Bourne 01/18/00
Minutes from Bourne Selectmen's meeting 01/18/00
Subcommittee report on Draft Environmental Impact Report (DEIR) 04/21/99
Staff Report December 10, 1999

Materials Submitted from Municipal and Other Agencies:
Fax to Gay Wells from Al Beinor 06/21/99
Letter to Margo Fenn from Kevin Sullivan 10/25/99
Letter to Secretary Durand from Don Provost, (Association for the Preservation of Bourne) Steve Ballentine (Bourne Conservation Trust) and Carol Lee Rawn (Conservation Law Foundation) 11/01/99
Letter to Kevin J. Sullivan from Senator Therese Murray 11/15/99
Letter to Bob Deane from William Shay11/17/99
Letter to Gay Wells from John P. Howarth 12/02/99
Letter to Gay Wells from G.Arthur Hyland Jr.12/02/99
Letter to Thomas Broidrick from Patrick Butler 12/13/99
Memo to Gay Wells from Patty Daley 12/16/99
Letter to G Arthur Hyland w/ cc to Gay Wells from Kenneth Cram 12/13/99
Letter to Cape Cod Commission from Richard DeBenedictis 12/13/99
Letter to Margo Fenn from Patrick Butler 12/14/99
Letter to Bob Durand w/cc to Gay Wells from Donald Angus, Esq. 12/15/99
Letter to Margo Fenn from Richard LaFarge 12/15/99
Bourne Planning Board memorandum March 16,1996
Statement of Conservation Law Foundation/ Cape Cod Commission hearing 12/16/99 (Carol Lee Rawn)
Fax to Gay Wells from G. Arthur Hyland 12/17/99
Letter to Gay Wells from Patrick Butler 12/21/99
Letter to Margo Fenn from Susan Nickerson (APCC) 12/21/99
Letter to Richard Foster (MEPA Unit) w/cc to Gay Wells from Steven Burlington and Carol Lee Rawn of the Conservation Law Foundation 12/22/99
Letter to Gay Wells from Alan P. Jurista, Esq.
Letter to Robert Durand and Margo Fenn from Glen A. Wood Esq. 12/23/99
Letter to Margo Fenn from Marie Oliva Cape Cod Canal Chamber of Commerce 12/28/99
Letter to Dick Foster MEPA Unit w/cc to CCC from Richard Bourre' 12/30/99

Materials Submitted by Interested Parties:
Petition to oppose the CanalSide Project 11/05/99
Letter to the Cape Cod Commission from H. Crow 01/01/00
Letter to the Editor sent to the Cape Cod Commission from Elizabeth Parsons 02/18/99
Letter to local radio station forwarded to Gay Wells from Renaldo Oliveira 06/09/99
Various letters to the Editor and newspaper articles
Fax w/ attached news article to Gay Wells from Al Beinor 09/23/99
Fax w/ attached news article to Gay Wells from Al Beinor 09/27/99

Fax/ attached news article to Gay Wells from Al Beinor 09/23/99
Letter to the Cape Cod Commission from Alan Green 09/21/99
E-mail to Gay Wells from Stella Callagee 09/30/99
Fax to Gay Wells from Al Beinor w/ attached articles 10/07/99
Several articles and letters to the editor of the Cape Cod Times
E-mail to Gay Wells from Richard Conron 10/22/99
Fax to Gay Wells from Al Beinor 11/04/99
E-mail to the Cape Cod Commission from Marsha Bissonette 11/05/99
Fax to Gay Wells from Al Beinor 11/09/99
Fax to Gay Wells from Al Beinor 11/12/99
Letter to Gay Wells from Elizabeth Parsons 11/10/99
E-mail to Gay Wells from Stella Callagee 11/15/99
Letter to Bob Deane from Ann Olive Bruni 11/28/99
Letter to Bob Deane from Priscilla Koleshis 11/28/99
Letter to Bob Deane from Peter Brown 11/28/99
Letter to Bob Deane from James R. McMahon Jr. 11/30/99
Fax to Gay Wells from Al Beinor 11/30/99
Letter to Gay Wells from Louis Fougere 11/30/99
Article from LANDPLANNER Magazine by John Lipman
Letter to Bob Deane from Mark DeCicco 12/06/99
Letter to Gay Wells from Richard Conron 12/14/99
Letter to Gay Wells from Kyriaki Fitzgerald 12/13/99
Letter to Gay Wells from Rev. Dr. Thomas Fitzgerald 12/13/99
Letter to Gay Wells from David P. Van Osdol 12/12/99
Letter to Gay Wells from Kristin Xiarhos 12/12/99
Letter to Gay Wells from Carol A. Van Osdol 12/13/99
Letter to Gay Wells from Margaret Lanza 12/11/99
Letter to Margo Fenn from Judith Conron 12/14/99
Letter to Margo Fenn from Stella Callagee 12/14/99
Letter to Margo Fenn from Helen Beinor 12/14/99
Letter to Margo Fenn from Albert Beinor 12/14/99
E-mail to Gay Wells from Stella Callagee12/15/99
Letter to Margo Fenn from Stella Callagee 12/16/99
Letter to Gay Wells from Joseph Carrara Jr. 12/20/99
Fax to Gay Wells from Judith Conron 12/17/99
Letter to Richard Foster w/ cc to Gay Wells from Richard Conron 12/21/99
Letter to Gay Wells from Edward Baker 12/21/99
Fax to Gay Wells from Al Beinor w/ attached news articles 12/27/99
Letter to the Editor w/cc to the CCC from Peter & Ellen Brown 01/03/99
Letter to the Cape Cod Commission from Anne S. Concannon 01/06/00
E-mail to Gay Wells from Stella Callagee 01/04/00

<u>Comment Letters from Attorneys:</u>
Letter to Margo Fenn from James T. Grady 03/26/99
Letter to Gay Wells from Richard E. LaFarge 04/19/99

Letter to Margo Fenn from Patrick T. O'Regan, Jr. 04/21/99
Letter to Margo Fenn from Glenn A. Wood 04/22/99
Letter to Margo Fenn from Allen R. Larson 04/22/99
Model By Laws and Regulations November 1998
Town of Sandwich Protective Zoning by-law

Comment Letters from Groups:
Letter to Bob Deane from Kat Matson from Sportsmen Against Habitat Destruction 04/19/99
Letter to Gay Wells from George W. Tennian United Food and Commercial Workers Union (UFCU) 04/20/99
Press Release from Committee for Smart Growth in Bourne 05/03/99
Letter to the State Ethics Commission from Michael Bassett, Kathleen Donovan and Kathleen Matson 05/17/99
Letter to Margo Fenn from Susan Nickerson Association for the Preservation of Cape Cod 04/20/99
Fax from Al Beinor regarding MASSPRIG
Letter to Richard Foster from F.N.Ciccone Army Corp. of Engineers 04/21/99
Letter to Gay Wells from the Association for the Preservation of Bourne 04/17/99
Letter to Margo Fenn from the BSC Group Barry S. Porter Director 04/22/99
Fax to Margo Fenn & Gay Wells from Steve Burrington Conservation Law Foundation 04/21/99
Letter to Armando Carbonell from Mark Rasmussen Coalition for Buzzards Bay 04/20/99
Letter to Margo Fenn from Susan Nickerson Association for the Preservation of Cape Cod 04/20/99
Open letter to Bourne residents from the Committee for Smart Growth in Bourne
Information sent to Gay Wells from the Association for the Preservation of Bourne, Inc. 03/22/99

Petitions:
Fax to Gay Wells from Richard LaFarge w/ Petition 05/18/99
Fax to Gay Wells from Richard LaFarge w/ Petition 05/14/99
Fax to Gay Wells from Richard LaFarge w/ Petition 05/29/99
141 pages (976 signatures) opposed to the project
Support Petition with 28 signatures in favor

Postcards:

Robert Nickerson	112 Seabrook Village, Mashpee
Kasey Souza	Vista Circle, Mashpee
Sandy Souza	Vista Circle, Mashpee
Larry Souza	Vista Circle, Mashpee
Kirk Souza	215 Onset Boulevard, Onset
V. Temple	Union Street, Onset
Louise Gottozzi	1225County Road, Bourne
Andrea Drolette	26 Shaker Drive, Bourne
John Callaha	187 Whitman Road, Barnstable
Dan Dunlavy	26 Lincoln Avenue, Bourne
Donna Foster	88 Waterhouse Road, Bourne
Nancy Athanas	5 Sherry Lane, Bourne
Gary Grant	21 Bayview Avenue, Monument Beach

Marion Goss	39 Linclon Avenue, Bourne
Stephen Flagg	39 Harrison Avenue, Bourne
Paula Smitt	21 Chapel Avenue, Bourne
Robert Zak	21 Chapel Avenue, Bourne
Lisa Kirkwood	5 Linden Road, Sandwich
James F. Goss	39 Lincoln Avenue, Bourne
Jim McBride	28 Fox Run, Barnstable
Carol Goss	39 Harrison Avenue, Bourne
Charles Andrews	10 Nye Lane, Bourne
J.A. Smith	21 Chapel Avenue, Bourne
Dana Lovett	27 Wallace Point Road, Bourne
Judith Andrews	10 Nye Lane, Bourne
Julio Pomar	17A Village Green Drive, Bourne
Minoque DeCoste	Catumet/Bourne
Al Saliba	8 Windy Hill Lane, Orleans
Matt Caponi	15 Pine Street, Bourne
Marybeth Karras	27 Sou'West Drive, Dennis
Krista Eliot	15 Pine Street, Bourne
Kyle Lomba	38 Commonwealth Avenue, Bourne
Brian Wetzenberg	15 Pine Street, Bourne
Darrell Moore	32 Spruce Street, Pocasset
Kathy Burgess	4 Knob Lane, Bourne
Jim Burges	4 Knob Lane, Bourne
Marty Ryan	341 County Road, Bourne
Polly Ryan	341 County Road, Bourne
Marion Huff	Sagamore
John Stowe	6 Carver Street, Bourne
Wm. Locke	22 Kennebec Avenue, Bourne
Charles Lindberg	52 Nye Lane, Bourne
William J. Hayes III	CanalSide Apartments, Bourne
Tracey Spencer	19 Carlton Road, Monument Beach
Max Young	10 Cherry Street, Bourne
Joanne Neri	5 Harbor Place, Bourne
Buzz Bruni	10 Cherry Street, Bourne
Mary H. Shay	21 Beacon Point Road, Bourne
Ann Bruni	10 Cherry Street, Bourne
Cristoff Shay	2 Coach Road, Bourne
William E. Shay	2 Coach Road, Bourne
Sunrya	Bourne Oaks, Bourne
Joseph Carrara	58 Bourne Neck Drive, Bourne
Adalaide Carrara	58 Bourne Neck Drive, Bourne
Joseph Carrara Jr.	58 Bourne Neck Drive, Bourne
Debbie Juckett	23 Laura Lane, Bourne
Pat Molberg	Monument Beach, Bourne
Sheila Bradley	41 Cedar Drive, Pocasset

Ellen Brown	8 Shaker Drive, Monument Beach
Pete Brown	8 Shaker Drive, Monument Beach
Wm. Bradley	Cedar Point, Bourne
Mark DeCicco	11 Rollins Oak Drive, Bourne
David Molberg	Monument Beach, Bourne
N. Fougere	4 Pheasant Lane, Bourne
L. Fougere	4 Pheasant Lane, Bourne
Mark Hebb	11 White Cliff Road, Bourne
Suzanne Hebb	11 White Cliff Road, Bourne
Ron Eldridge	75 Tara Terrace, Bourne
Robert Eldridge	168 Shore Road, Bourne
Tom Hathaway	168 Shore Road, Bourne
Shauna MacKenzie	6 Whitecliff Road, Bourne
Pat Molberg	Monument Beach, Bourne
Joe Scena	3 Hairh Road, Bourne
Jim Nelson	6 Rowine Road, Bourne
Peter Simpson	Hunters Brook Condo's, Bourne
Debbie Holmes	Bourne
Sidney	60 Clubhouse Road, Bourne
Phillis Grandbey	Bourne
Robert Allen	Pocasset
Linda Zinter	10 Shaker Drive, Bourne
Donald Zinter	10 Shaker Drive, Bourne
Matt Hawarth	Bourne
Laura Akerblom	60 Clubhouse Drive, Bourne
Frances Anderegg	55 Old Head of the Bay Road, Bourne
John Averett	Bourne
Sarah Howarth	Bourne
Gini Howarth	Bourne
George Higging	Bourne
Jack Howarth	Bourne
Anna Howarth	Bourne
Jackie Salft	29 Sunderling Road, Bourne
Jay Coughlin	8 Alpine Circle, Bourne
Richard Coughlin	8 Alpine Circle, Bourne
John S. Aordergoth	35 Old Head of the Bay Road
Ann Locke	22 Kennebec Avenue, Bourne
Patrick Willett	341 County Road, Bourne
Janice Watterson	21 Westerly Drive, Bourne
Shirley Akerblom	1 Westerly Drive, Bourne
Rev. Sidney P. Akerblom	1 Westerly Drive, Bourne
D. Moccia	19 Williams Avenue, Bourne
James Cowan	25 Cardlyn Drive, Manomet
Robert Seena	5 Gale Lane, Falmouth
Marilois Shauman	5 Loop Road, Falmouth

J. E. Broadhurst	503 Ter Heun Drive, Falmouth
Tudor Garland	328 West Falmouth Highway, West Falmouth
Trish Hinds	Falmouth
Olive Garland	328 West Falmouth Highway, West Falmouth
Shirley Barkley	73 Kompass Drive, Falmouth
John Barkley	73 Kompass Drive, Falmouth
Lori Ross	324 Boxberry Hill Road, Falmouth
Fred Poba	79B Woodview Drive, Falmouth
Mia Phelan	718 Sandwich Road, Falmouth
Sally Lynch	592 Sandwich Road, East Falmouth
Daniel Lynch	592 Sandwich Road, East Falmouth
E. Plante Jr.	4 Crestville Drive, East Sandwich
Retavarek	5 Little Lane, Sandwich
David Lonerga	20 Nantucket Trail, Sandwich
Patricia Bryant	19 Earl Road, Sandwich
Louis Bryant	19 Earl Road, Sandwich
Joyce Bronstein	37 Crestview Drive, East Sandwich
Kathy Wilson	Jansuit Street, Sandwich
Edward Simpson	2 Center Hill Road, Plymouth
Joan Simpson	2 Center Hill Road, Plymouth
Jerome Baird	Plymouth
Derek A. Griffin	174 Packard Street, Plymouth
P.J. Nouise	300 Falmouth Road, Mashpee
Patty Langan	300 Falmouth Road, Mashpee
Jack Langan	300 Falmouth Road, Mashpee
Antoniette Brooks	8 Redwood Circle, Mashpee
Gail Casassa	32 Whidah Way, Barnstable
Pat Litteroux	75 Elm Street, Hyannis
Edith Neeld	59 Main Street, Dennis
Pam Phillips	58 Seaside Avenue, Dennis
M. Araba	2175 M. Street, Brewster
R.W. Neitz	11 General Holway Road, Yarmouth
Brent Sawagean	188 Swifts Beach Road, Wareham
LeighHurd	24 Monument Square, Charlestown
Pam Brian	Charlestown
Doug Hurd	24 Monument Square, Charlestown
Michelle	10 Livingston Road, Sharon
Craig Phillips	270 Quarry Street #43, Quincy
John Cornish	18 Tupola Lane, Mattapoisett
Henry Gould	Box 3261, Bourne
Marty Greene	3B Babes Way, Bourne
Jeanne Plante	11 Warren Road, Bourne
Dan Dupuis	9 Colony Avenue, Bourne
Charles J. Perry	3 Midway Road, Bourne
Bob Smith	2 Rainbow Circle, Bourne

Laurel Ronayue	3 Midway Road, Monument Beach
Jacquelin Murray	2 Maple Street, Buzzards Bay
Martha Linclon	1 Ships Way, Bourne
Gerald Plante	11 Warren Road, Bourne
Philip & Kathryn Tura	122 County Road, Bourne
Anne Lonergan	117 Williston Road, Bourne
Richard Koleshis	35 Cliff Road, Bourne
William Palmer	166 Herring Pond Road, Bourne
Mark Taylor	120 Williston Road, Sagamore Beach
Candy Cliff	Buzzards Bay
Michael Henry	28 Bourne Oaks, Buzzards Bay
Mary Shephardson	Bourne
Cindy Chapman	67 Academy Drive, Bourne
Richard Musiul	42 Wilson Avenue, Bourne
James E. Murray Jr.	2 Maple Street, Bourne
Harry E. Shepardson	6 Little Bay Lane, Bourne
Eileen Shea	52 Cedar Point Drive, Bourne
Steve Fannder	4 Maple Street, Buzzards Bay
James Brown	26 Wall Street, Bourne
Jacqueline Joselyn	11 Surrey Lane, Bourne
Priscilla Koleshis	35 Cliff Road, Bourne
JR Hegarty	36 Route 6A, Yarmouthport
Gilbert Taylor	24 Briggs Avenue, Bourne
Alyce Hunt	70 Old Head of the Bay, Bourne
George Hunt	70 Old Head of the Bay Road, Bourne
Lane Gaulay	67 Academy Drive, Bourne
Linda McAnney	16 Pine Street, Bourne
Elaine Esip	Bourne
Priscilla Dunlavy	26 Linda Avenue, Buzzards Bay
Lorraine Burgess	7 Putnam Road, Bourne
Loretta Snowet	4 Carl Gardner Road, Monument Beach
Curtice Hathaway	245 Main Street, Bourne
Sharon Britto	27 Ocean Pines Drive, Bourne
Kate Cotto	Head of the Bay Road, Bourne
Matt Mills	34 County Road, Bourne
Robert Berry	3 Sherry Lane, Bourne
Paul Neri	7 Buzzards Bay Avenue, Bourne
Mary Di Christofaro	54 Academy Drive, Bourne
Geraldine Dobbins	783 County Road, Pocasset
Ralph McDougall	38 Bourne Neck Road, Bourne
William Meier	27 Catskill Road, Bourne
Geraldine Coechione	Bourne
Thomas Drake	50 Pequot, Pocasset
L.F. Fougere	4 Pheasant Lane, Bourne
Renee' Ziegner	9 Plaza Lane, Bourne

Kyle Lomba	Commonwealth Avenue, Bourne
Dan Chaplin	9 Chester Road, Bourne
Tom Moccia	17 Williams Avenue, Bourne
Charles Cahill	10 Tara Terrace, Bourne
Cheryl Chapin	9 Chester Avenue, Bourne
Robert Oliver	3 Edith Avenue, Bourne
John Gattozzi Sr.	225 Country Road, Buzzards Bay
Kathleen Cristadoro	197 Old Plymouth Road, Bourne
Carol A. Rogers	7 Shaker Drive, Bourne
Julie Drake	50 Pequot Avenue, Pocasset
John Snover	4 Carl Gardner Road, Bourne
Sylvia Enhessia	6 Fairway Circle, Pocasset
Philip Jacobs	36 Laffayette Circle, Buzzards Bay
Evelyn Inman	Bourne
Brian Reynolds	14 Cypress Street, Bourne
Barbara Lawrence	21 Deacons Lane, Bourne
Teddy Sanford	8 Everett Road, Bourne
Carol Robert	4 Fifth Avenue, Pocasset
Donna Beers	16 Thom Avenue, Bourne
Bob Parady	Bourne
Diana Palmer	#2 Palmer Circle, Bourne
Ellen Savage	30 Washington Avenue

CANALSIDE FILE #4:

Application and Submittals from Petitioner:

Tanger Outlet Brochure
Memorandum from James McComb to Mr. Cubellis January 11, 2000
Statement from the Bourne Building Inspector February 4, 2000
Motion from the Board of Selectmen supporting the concept of the 2A scheme 06/06/00
Roadway Improvements maps 1-5A-1-5Q
Retail Comparison Chart
Canal Chamber of Commerce endorsement (by letter) of Canalside
Various newspaper articles regarding CanalSide

Correspondence from Petitioner:

Fax to Gay Wells from Len Cubellis 02/29/00
Letter to Thomas Broidrick from Douglas McGarrah 03/08/00
Letter to Jack Howarth (Board Planning Board) from Mr. Cubellis 05/09/00
Delivery of service receipt to Gay Wells from Epsilon Associates 05/15/00
Fax transmission to Gay Wells from Kathy Connolly 05/17/00
Letter to Gay Wells from Katherine Connolly 05/30/00
Fax to Gay Wells from Kathy Connolly 06/15/00
Fax to Gay Wells from Len Cubellis 06/19/00
Fax to Gay Wells from Doug McGarrah 06/20/00
Fax to Gay Wells from Kathy Connolly 06/23/00

Letter to Bob Deane from Scott Thornton Vanasse Associates 06/26/00
Letter to Bob Deane from Mr. Cubellis 06/29/00
Letter to Gay Wells from Katherine Connolly 06/29/00
Letter to Robert Durand from Douglas McGarrah 07/03/00
Letter to Margo Fenn from Mr. Cubellis 07/31/00

Materials Submitted by the Cape Cod Commission:
Memo to Katherine Connolly w/ enclosed Cape Cod Regional Transportation Plan from Bob Mumford 12/03/99
Report to Mr. Cubellis from Jim O'Connell outlining Economic Impacts 11/10/99
Staff Report 12/10/99
Memo to Subcommittee from Gay Wells re: Notice of Project Change 11/19/99
Letter to Mr. Cubellis from Gay Wells 12/13/99
Letter to Kathy Levelle from Margo Fenn 01/19/00
Letter to Mr. & Mrs. Callagee from Margo Fenn 01/19/00
Letter to Secretary Durand from Robert Deane 01/26/00
Fax to Dick Foster from Gay Wells 01/26/00
Letter to Patrick Butler from Gay Wells 01/27/00
Fax to Kathy Lavelle from Gay Wells 01/28/00
Fax to Roland Dupont from Gay Wells 02/02/00
Fax to Bob Deane from Gay Wells 02/02/00
Correction letter to the editor of the Cape Cod Times from Margo Fenn 02/17/00
Memo to Staff from Gay Wells 09/13/99
Letter to Patrick Butler
Letter to the editor of the Bourne Enterprise from Margo Fenn 03/07/00
Letter tot Douglas McGarrah from Thomas Broidrick 03/21/00
Fax to Carol Lee Rawn from Gay Wells 03/23/00
Fax to Ernest Duquette from Gay Wells 04/04/00
Letter to Douglas McGarrah from Eric Wodlinger 04/19/00
Fax to David Sampson From Gay Wells 05/11/00
Memo to staff from Gay Wells 05/24/00
Memo to the Subcommittee from Gay Wells 05/25/00
Memo to the CCC Planning Committee from Gay Wells 06/05/00
Memo to Subcommittee from Gay Wells 06/09/00
Staff Report 06/09/00
Fax to Len Cubellis from Gay Wells 06/09/00
Letter to Mr. Cubellis from Gay Wells 06/09/00
Letter to Carol Anne DeLuca from Robert Mumford 06/12/00
Letter to Mr. Cubellis from Margo Fenn 08/11/00
Letter to Patrick Butler from Gay Wells 01/27/00
Memo/Fax copy to Heather McElroy from Gay Wells 02/11/00
Cc of letter to Heather McElroy from (Matthew Hare) Gay Wells 02/23/00
Letter to Douglas McGarrah from Thomas Broidrick 03/21/00
Staff Report 06/22/00

Correspondence and Referral from Municipal/Other Agencies:
Letter to Richard Foster and Armando Carbonell from Mark Rasmussen 04/20/99
Bourne Board of Selectmen meeting minutes 01/11/00
Letter to Secretary Durand from Richard Bourre'(Mass. Highway) 01/28/00
Letter to Thomas Barlow from Steven Tanger 01/27/00
Fax to Gay Wells from Al Beinor 02/04/00
Fax to Gay Wells from Al Beinor 02/15/00
Letter to Gay Wells from Matthew Hare 02/23/00
Fax to Gay Wells from Carol Lee Rawn 02/25/00
Letter to Robert Durrand from Richard Bourre' 02/29/00
Letter to Gay Wells from Mark Mello 03/02/00
Fax to Gay Wells from Al Beinor 03/06/00
Letter to Mr. Cubellis from Carol Lee Rawn w/cc to Gay Wells 03/02/00
Bourne enterprise article 03/03/00
Fax to Gay Wells from Carol Lee Rawn 03/09/00
Fax to Gay Wells from Carol Lee Rawn 03/03/00
Letter to Margo Fenn from James T. Grady 03/26/00
Letter to the Bourne Board of Selectmen from Glenn A. Wood 04/04/00
Letter to Bob Deane from Bourne Board of Selectmen 08/06/98
Fax to Gay Wells from Al Beinor 04/11/00
Fax to Gay Wells from Al Beinor 04/27/00
Article from Bourne Enterprise 04/28/00
Fax to Gay Wells from Al Beinor 05/11/00
Fax to Gay Wells from Al Beinor 05/23/00
Town of Bourne Planning Board Agenda for meeting 05/25/00
Letter to Jay Wickersham from Patrick O'Regan 05/26/00
Memorandum to CCC Staff from Glenn A. Wood 06/07/00
Fax to Gay Wells from Glenn Wood 06/09/00
Review of Land Development Regulations by BSC Group 03/00
Letter to Margo Fenn from John A. Ford Bourne Chief of Police 06/07/00
Letter to Gay Wells from Patrick O'Regan 06/09/00
Letter to Partick O'Regan from Mark Bobrowski w/cc to Gay Wells 06/13/00
Comments of the Conservation Law Foundation 06/15/00
Hearing Comments from Jack Howarth 06/16/00
Hearing Comments from John Greene Finance Committee 06/15/00
Letter to Bob Deane from Brian Currie Town of Falmouth 06/15/00
Letter to the Board of Selectmen from Roger Laport 06/15/00
Letter to Robert Durand from Coreen Moore 06/15/00
Letter submitted to the record from Therese Murray 06/15/00
Letter to Gay Wells from Daniel Doucette 06/15/00
Letter submitted for the record from Sandra Besse Onset Bay Association 06/15/00
Statement given by Davis Sampson at public hearing 06/15/00
Letter to Secretary Durand from Hanni Dinkeloo 06/26/00
Letter to Robert Deane from Margaret Geist 06/12/00

Letter to Frank Shephard from Thomas Moccia 06/12/00
Letter to Patrick O'Regan from Marl Bobrowski cc/ Gay Wells 06/13/00
Letter to Margo Fenn from Shirley Bull 06/21/00
Letter to Secretary Durand w/cc to Gay Wells from Bourne Board of Selectmen 06/21/00
Letter to Gay Wells from F.N. Ciccone (Dept. of Army) 06/22/00
Letter to Tom Cambareri From Ralph Marks (Bourne Water district) 06/23/00
Letter to Gay Wells from Richard LaFarge 06/22/00
Letter to Gay Wells from Ellen Gugel 06/22/00
Letter to Gay Wells from Patrick O'Regan 06/22/00
Letter to Margo Fenn from Carol Lee Rawn 06/23/00
Letter to Thomas Broidrick from Daniel Doucette 06/23/00
Letter to Secretary Durand from Carol Lee Rawn (Conservation Law Foundation) 06/23/00
Letter to Secretary Durand from Margaret Geist APCC 06/23/00
Letter to Margo Fenn from William Burt 06/22/00
Letter to Gay Wells from Patrick O'Regan 06/22/00
Letter to Robert Durand from Glenn Wood 06/23/00
Letter to Richard Foster from William Scully MS Transportation 06/23/00
Letter to Jay Wickersham cc/ Gay Wells from Donald Angus 06/23/00
Fax to Margo Fenn from Carol Lee Rawn 06/23/00
Letter to Dick Foster w/ cc to Gay Wells from Hanni Dinkeloo 06/26/00
Letter to Dick Foster w/ cc to Gay Wells from Richard Bourre' 07/10/00
Letter to the upper Cape Codder Editor from Robert W. Parady 07/25/00
Statements from the Town of Sandwich 07/27/00
Letter to the Cape Cod Commission from Robert S. Troy 08/07/00
Letter to Margo Fenn from David Sampson 10/06/00
Letter to Gay Wells from Daniel Doucette 10/11/00
Correspondence from Abutters & Interested Parties:
Letter to Margo Fenn from Stella Callagee 12/14/99
Letter to Margo Fenn From Stella Callagee 12/16/99
Letter to Margo Fenn from Stella Callagee 01/13/00
News article from the Upper Cape Codder 02/24/00
Article from the Cape Cod Times 03/02/00
Letter to Bob Mumford from A. Johnson 04/17/00
E-mail to Gay Wells from Stella Callagee 05/31/00
E-mail to Gay Wells from Stella Callagee 06/02/00
Letter to the Editor Boston Globe by Kurt Johnson and Verena Wieloch 06/03/00
Letter to the Editor (To Cape Cod Commission) from Barbara Lawrence 06/05/00
Letter to Cape Cod Commission from Frank Callagee 06/09/00
Letter to Gay Wells from Mr. David Belluche 06/08/00
Letter to Margo Fenn from Tom Moccia 06/13/00
Letter to Gay Wells from Dr. Kyriaki Fitzgerald 06/13/00
Letter to Gay Wells from Dr. Thomas Fitzgerald 06/13/00
Letter to Margo Fenn from Susan Pommrehn 06/13/00
Letter to Gay Wells from Carol A. Van Osdol 06/15/00
Letter to Bob Mumford from Frank DeLuca 06/14/00

E-mail to Gay Wells from Cynthia Hallowell 0614/00
E-mail to Gay Wells from Stella Callagee 06/12/00
E-mail to Gay Wells from Edward Baker 06/11/00
E-mail to Planners from Abigail Titus 06/11/00
E-mail to planners from Joshua Lombard 06/12/00
E-mail to planners from Gail Farris 06/11/00
E-mail to CCC From Al Fortune 06/12/00
E-mail to CCC from Lise Schickel Goddard 06/12/00
E-mail to CCC from Steve Potter 06/12/00
E-mail to CCC from Jonathan Nash 06/12/00
E-mail to CCC from Anna van Heeckeren 06/12/00
E-mail to CCC from Bonnie Pohlig 06/12/00
E-mail to CCC from Moon EE 06/12/00
E-mail to CCC from Robert & Margo Titus 06/15/00
Letter to the Commissioners from Roger & Carol Rec 06/15/00
E-mail to CCC from Toby Baker 06/15/00
E-mail to CCC from Loren Mann 06/15/00
E-mail to CCC from Eleanor Shaver 06/14/00
E-mail to CCC from Kristen Hollenbeck 06/13/00
E-mail to CCC from David Curtin 06/14/00
E-mail to CCC from Edith Sweeney 06/14/00
Letter to CCC from Raymond Rose 06/14/00
Letter to the CCC from John Greene 06/16/00
E-mail to CCC from N.J. Baker 06/15/00
Newspaper articles sent to Gay Wells from John Carpenter 06/20/00
Letter to Margo Fenn from Elizabeth Minear 06/22/00
Letter to Margo Fenn from Patricia Jazlz 06/21/00
Letter to Margo Fenn from Kitty Brown 06/21/00
Letter to the Cape Cod Commission from Howard Crow 06/22/00
Letter to Margo Fenn from David Dow 06/23/00
Letter to Margo Fenn from Caroline & Harold Goldstein 06/23/00
Letter to CCC from Elizabeth Parsons 07/03/00
E-mail to CCC from Al Beinor 07/05/00
E-mail to CCC from Stella Callagee 07/06/00
Letter to CCC from Raymond Rose 06/14/00
Letter to the Cape Cod Commission from Carol Van Osdol 06/15/00
Letter to CCC from Cape Cod Sportsmen Club 06/14/00
Letter to CCC from Nick Baker 06/15/00
Fax to gay Wells from Al Beinor 07/14/00
E-mai to Mr. Schofield from Stella Callagee 07/15/00
Phone note from Al Beinor 07/17/00
Phone note from Mr. Balluche 07/18/00
Fax to Gay wells from Al Beinor 07/19/00
Letter to the Cape Cod Commission from Dale Coggeshall 07/24/00
Fax to Gay Wells from Al Beinor 07/20/00

Letter to Margo Fenn fromJoyce Gallagher 07/24/00
Letter to Cape Cod Commission from Theresa Rodriques 07/24/00
Letter cc/ to CCC from Frank Callagee 07/24/00
Letter to Richard Bourre' w/cc to CCC from Frank Callagee 07/26/00
Letter to Margo Fenn from Louise Vieira 07/27/00
Fax to Gay Wells from Al Beinor 07/26/00
Fax to Gay Wells from Al Beinor
Letter to Margo Fenn from Susan Peterson 07/28/00
Letter to Margo Fenn from Joyce Nicholson 07/31/00
Letter to Margo Fenn from Lucy Wood 08/04/00
E-mail to CCC from Richard Crawford 08/04/00
Letter to Margo Fenn from Martin White 08/07/00
E-mail to Gay Wells from Stella Callagee 08/04/00
Cc of letter to Richard Bourre' From Frank Callagee 08/09/00
E-mail to Gay Wells from Richard Crawford 08/04/00
Fax to Gay Wells from Al Beinor 08/08/00
E-mail to Gay Wells from Richard Gerace 08/08/00
Fax to Gay Wells from Al Beinor 08/11/00
Commentary by Kathy Lavelle for the Association for the Preservation of Bourne 08/01/00
Letter to Margo Fenn from Jean Thomas 08/14/00
E-mail to Clay Schofield from Stella Callagee 08/17/00
Letter to CCC from Dorothy Erickson 08/22/00

CANALSIDE FILE #5:

Application and Submittals from Petitioner:

Memorandum to Mr. Cubellis from James McComb re: Retail Traffic Generation 09/07/00
Memorandum to Len Cubellis from James B. McComb re: Retail Component09/12/00
Cape Cod Chamber of Commerce "Bourne Committee" Agenda 09/13/00
Letter w/ attached slides to Kathy Connolly from Clay Schofield 08/24/00
Project Highlights from Mass. Office of Dispute Resolution 01/16/01
Traffic Analysis prepared by MS Transportation Systems April 2001

Correspondence from Petitioner:

Letter to Thomas Broidrick from Douglas McGarrah 120/03/99
Letter to Thomas Broidrick from Douglas McGarrah 03/08/00
CanalSide Commons response to the Cape Cod Commission Staff Report 06/15/00
Letter to Gay Wells from Len Cubellis 11/01/00
Letter to Robert Deane from Mr. Cubellis 12/04/00
Letter to Bob Deane from Douglas McGarrah 11/30/00
Letter to Robert Deane from Douglas McGarrah 01/09/01
Letter to Jane Wells (Dispute resolution) from Douglas McGarrah 01/30/01
Letter to Jane Wells from Douglas McGarrah 02/02/01
Letter to Gay Wells from Douglas McGarrah 02/02/01
Fax to Glenn Cannon from Scott Thornton 02/28/01
Fax to Gay Wells from Scott Thornton 03/23/01

Letter to Steve Barrington w/cc to Bob Deane from Douglas McGarrah 05/15/01
Letter to Robert Deane from Douglas McGarrah 05/23/01

Materials Submitted by the Cape Cod Commission:
Agenda for Public Hearing June 15, 2000
Site Generated Traffic Graph June 2000
Fax to Subcommittee from Gay Wells 06/21/00
Letter to Mr. Don Provost from Gay Wells 07/07/00
Fax to Don Provost from Gay Wells 07/13/00
Letter to Stella Callagee from Clay Schofield 07/17/00
Fax to Glenn Wood from Gay Wells 07/20/00
Small Build Alternative chart re: traffic 07/20/00
E-mail to Gay Wells from Stella Callagee 07/23/00
Fax to Kevin Dennehy from Gay Wells 06/23/00
Fax to Carol Lee Rawn from Gay Wells 06/23/00
Fax to Dick Foster (MEPA) from Gay Wells 06/23/00
Fax to Glenn Wood from Gay Wells 06/23/00
Letter to Stella Callagee from Bob Mumford 07/24/00
Memorandum to Subcommittee from Gay Wells 08/22/00
Fax to Kathy Lavelle from Gay Wells 08/28/00
Letter to Mr. Cubellis From Gay Wells 09/18/00
Memorandum to Gay Wells from Clay Schofield 10/06/00
Memorandum to Gay Wells from Clay Schofield 10/20/00
Memorandum to Gay Wells from Steve Tucker RE: Bourne Flood Hazard 11/09/00
Letter to Robert Vanasse from Paul Tilton 12/29/00
Fax to Kathy Lavelle from Gay Wells 01/03/01
Fax to Don Provost from Gay Wells 01/05/01
Memo to Gay Wells from Bob Deane 01/06/01
Memorandum to Subcommittee from Gay Wells 01/12/01
Fax to Eric Wodlinger from Gay Wells 01/17/01
Memo to Subcommittee from Gay Wells 01/24/01
Memo and news articles sent to Susan Podziba 02/09/01
Letter to Douglas McGarrah from Gay Wells 03/16/01
Letter to Len Cubellis from Gay Wells 01/29/01
Letter to Jane Wells from Margo Fenn 01/31/01
Memo to Susan Podziba from Bob Mumford 02/12/01
Fax to Douglas McGarrah from Gay Wells 03/16/01

Correspondence and Referral from Municipal/Other Agencies:
Letter to Margo fenn from David Sampson 10/06/00
Letter to gay Wells from Glenn Wood 11/22/00
Letter to Margo Fenn from Matthew Trask 11/28/00
E-mail to gay Wells from Tom Moccia 11/22/00
Letter to the CCC from Steven Ballentine 11/28/00
Cc of letter to Douglas McGarrah from Allen Larson 11/28/00

Statement of the Conservation Law Foundation for CCC Hearing 11/28/00
Letter to Bob Deane from Brian Currie 11/28/00
Letter to Robert Deane from Marie Oliva 11/28/00
Letter to Bob Deane from Therese Murray 11/28/00
Letter to the Cape Cod Commission from Coreen Moore 11/28/00
Letter to Robert Durand from Hanni Dinkeloo 12/05/00
Letter to Margo Fenn from Margaret Geist 12/08/00
Letter to Gay Wells from Patrick O'Regan 12/08/00
Fax to Paul Tilton from Bill Scully 12/11/00
Letter to Margo Fenn from Board of Selectmen Town of Truro 12/15/00
Letter to Robert Durand from Richard Bouree' 12/18/00
Letter to Frank Shephard from Mary Lou Smith Falmouth Historic District 01/22/01
Newsletter from the Association for the Preservation of Cape Cod 04/10/01
Letter to the CCC from Joyce Johnson 02/27/01
Fax to Martha Twombly from Daniel Doucette 02/28/01
Letter to Margo Fenn from Paul F. Olenick 03/22/01
Letter to Frank Shephard from Jack Howarth 04/06/01
Letter to Gay Wells from Glenn Wood 04/25/01
Cc of Letter to Mr. Cubellis from Kevin Sullivan 04/27/01
Letter to frank Shephard from Jack Howarth 05/21/01
Letter to Frank Shephard from David Sampson 05/08/01
Letter to Bob Deane from Brian Currie 05/09/01
Letter to CCC from Bourne Board of Selectmen 05/09/01
Letter to the CCC from Helen Warren League of Women Voters 05/10/01
Letter to Matthew Amorello Mass Highway Dept. from David Belluche 05/12/01
Letter to Margo Fenn from Carol Chittenden 05/14/01
Letter to Gay Wells from Kathy Levelle 05/15/01
E-mail to Gay Wells from George Woodwell 05/16/01
Letter to Bob Deane from Peter Tancredi 05/16/01
Letter to Bob Deane from Paul Tilton sandwich Town Engineer 05/18/01
Letter to CCC from Kathy Lavelle 05/17/01
Letter to Margo Fenn from Glenn Wood 05/17/01
Letter to Margo Fenn from Stephen Barrington and Bennet Heart 05/17/01
Letter to Cape Cod Commission staff from Therese Murray State Senator 05/17/01
Letter to the Cape Cod Commission from Roger Laport 05/17/01
Letter to Cape Cod Commission from William Scully 05/17/01
Letter to Bob Deane from Allen Larson 05/23/01
Letter to CCC from Sylvia Laffin 05/24/01
Letter to CCC from MS Transportation Systems, Inc. 05/23/01
Letter to Bob Deane from Allen Larson 05/23/01

<u>Correspondence from Abutters & Interested Parties:</u>
Fax to Gay Wells from Carol Van Osdol 06/14/00
Postcards from the following residents:
Ray Souza Richard Adams

David Pelonzi
Maureen Prior
Claudia Pelonzi
Ken Pelonzi
G. Fuller
William Cowan
Brian Cullity
Nancy Cullity
Cynthia Hallowell
Clarence Boucher
Beatrice Boucher
Lee Frank
Kathleen Lavelle
Peter Brady
Marie Brady
J.A. Walters
Elizabeth Burns
Joan R. Bolton
Jane Dalton
Paul LeFort
Eileen LeFort
Carole Adams
Robert Fitzpatrick
Gloria Ryan
Jane Nam
Rachel Mullen
Mary Ciampa
Eva Quinn
Joan White
Richard White
Edward Lavelle
Edythe Collins
Ann Marie Walker

Letter to CCC from Dorothy Chaulk 10/12/00
Letter to Gay Wells from Stella Callagee 05/13/00
E-mail to Gay Wells from Stella Callagee 06/13/00
E-mail to Gay Wells from Richard Crawford 08/07/00
E-mail to CCC from Richard W. Crawford 07/27/00
E-mail to Gay Wells from Stella Callagee 07/29/00
E-mail to Gay Wells from Shannon Tracey 08/22/00
Letter to Margo Fenn from Rosaleen Egan 08/24/00
E-mail to Gay Wells from Irma Ruckstuhl 08/28/00
E-mail to Gay Wells from Nancy Caffyn 08/28/00
E-mail to Gay Wells from Martine Meijering 08/28/00
Fax to Gay Wells from Al Beinor 08/29/00
Letter to Margo Fenn from Michael DiPierro 08/29/00
E-mail to Gay Wells from Kevin Mcgonagle 08/30/00
Letter from Margo Fenn from Judy Hamilton 08/30/00
E-mail to Gay Wells Tom Moccia 08/30/00
Letter to Margo Fenn from Doris Dahman 08/31/00
Letter to Margo Fenn from Jane Heald 09/00
Letter to Margo Fenn from Mr. & Mrs. Jospeh Prezioni 08/31/00
Letter to Margo Fenn from Sid Kovnick 08/31/00
Letter to Margo Fenn from Caroline Graham 09/05/00
Letter to CCC from Priscilla Gleam 09/02/00
Letter to Margo Fenn from Karen Jaworski 09/05/00
E-mail to Margo Fenn from Kathleen Haynes 09/05/00
Letter to Margo Fenn from Peter Flaherty 09/05/00
Letter to Therese Murrayw/cc to CCC from Lorraine Linn 09/04/00
Fax to Gay Wells from Al Beinor 09/05/00
Letter to Margo Fenn from Robert Paul 09/06/00

Fax to Gay Wells from Al Beinor 09/08/00
Letter to Margo Fenn from Doris Reade 09/11/00
Letter to Margo Fenn from George Bennett 09/11/00
Fax to Gay Wells from Al Beinor 09/13/00
E-mail to Gay Wells from Tom Moccia 09/11/00
E-mail to Gay Wells from Shannon Tracey 08/24/00
Letter to Margo Fenn from Helen Stearn 09/14/00
Phone call note 09/14/00
Fax to Gay Wells from Al Beinor 09/14/00
E-mail to Gay Wells from Catherine Berkey 09/18/00
Fax to Gay Wells from Al Beinor 09/18/00
Note to Margo Fenn from Arthur Crowley 09/18/00
E-mail to Gay Wells from Carol Lee Rawn 09/20/00
E-mail to Gay Wells from Elizabeth Keller 09/20/00
E-mail to Gay Wells from Richard Gerace 08/08/00
E-mail to Gay Wells from N.J. Baker 09/20/00
E-mail to Gay Wells from Judy Hamilton 09/19/00
Letter to Margo Fenn from Bill & Louise Collins 09/19/00
Letter to CCC from Orrin Wood Jr. 09/21/00
Letter to Margo Fenn from Betsey and Richard Wheeler 09/25/00
Fax to Gay Wells from Al Beinor 09/21/00
Letter to Margo Fenn from Barbara Kern 09/23/00
Letter to CCC from Werner & Barbara Deuser 09/25/00
Letter to Margo Fenn from Mary Jameson 09/26/00
E-mail to Gay Wells from Carolyn Corcoran 09/26/00
Petition opposing the project signed by 61 residents
Letter to Margo Fenn from Hope Stretton 09/24/00
Fax to Gay Wells from Al Beinor 09/27/00
Fax to Gay Wells from Al Beinor 09/27/00
Letter to Gay Wells from Richard Conron 09/27/00
E-mail to Gay Wells from William Telfer 09/29/00
E-mail to Gay Wells from John Andrews 09/29/00
Fax to Gay Wells from Al Beinor 09/29/00
Letter to CCC from Alan Greene 09/29/00
Letter to the CCC from Newton & Evelyn Gesser 10/01/00
Fax to Gay Wells from Al Beinor 10/03/00
Letter to Commission from Roger Rec 10/10/00
Letter to CCC from Howard Crow 10/06/00
Letter to CCC from Joan Wood 10/07/00
Letter to the Commission from Alice Van Buren 10/09/00
E-mail to Gay Wells from Cynthia Norkin 10/10/00
E-mail to Gay Wells from Colleen Kilfoil 10/12/00
Letter to the Commission from Arthur and Elizabeth Milliken 10/12/00
Letter to the Commission from Admont Clark 10/12/00
E-mail to Gay Wells from Alan Shoolman 10/16/00

Fax to Gay Wells from Al Beinor 10/17/00
E-mail to Gay Wells from Jane & Bret Carlson 10/18/00
Letter to the Commission from Lawrence Brennan 10/18/00
E-mail to Gay Wells from Bob & Peg Wineman 10/19/00
Letter to the Commission from Barbara & Robert Berger 10/19/00
E-mail to Gay Wells from Elizabeth Buck 10/20/00
E-mail to Gay Wells from Peter & Sally Lobo 10/20/00
Letter to the Commission from John Entwistle 10/23/00
Letter to the Times Editor w/cc to CCC from Mary Herberick 10/23/00
Letter to the Commission from Norman & Sally Cross 10/25/00
Letter to the Commission from Susan Boni 10/25/00
Fax to Gay Wells from Al Beinor10/24/00
Letter to Gay Wells from Al Banior 10/24/00
Letter to the Commission from Sonya Davis 10/27/00
E-mail to Cape Cod Commission from Kristine Fisher 10/30/00
E-mail to Gay Wells from Linda Hewitt 10/30/00
E-mail to Gay Wells from Sylvia Hobbs 10/30/00
Letter to the Commission from Elizabeth Pratt 10/30/00
Letter to the Commission from Don Hayward 10/27/00
Fax to Gay Wells from Al Beinor 10/28/00
E-mail to Gay Wells from Mary Keller 10/30/00
Letter to Robert Deane from Jack Elwood 10/31/00
E-mail to Gay Wells from Stella Callagee 11/01/00
Note to Cape Cod Commission from Bill Bradsh 11/06/00
Letter to the Cape Cod Commission from Elizabeth Mooney 11/15/00

CANALSIDE FILE #6:
Materials Submitted by Applicant:
4.0 Economic Development, September 7, 2000
Photos of model
CanalSide Commons color flyer
Fig. 1-7, DRI Phasing Plan
Elevations/Architectural Character
Drawing Number 1, Conceptual Improvement Plan Scheme B, Mod./Alt-1
Roadway Grading Limits Plan
Phasing Plans, Phase 1A
Fig. 1-7, DRI Phasing Plan
Detailed Building Use Summary Alternative 2A Variant, 22-Mar-01
CanalSide Commons Project Benefits/Detriments Analysis, May 17, 2001
Transmittal Letter to Gay Wells from Scott Thornton, P.E.
Fax Transmittal to Gay Wells from Kathy Connolly, 11/20/00
Letter to Margo Fenn from Douglas M. McGarrah, 11/28/00
Letter to Douglas M. McGarrah from Stephen H. Burrington, 11/28/00
Letter to Robert Deane from Lenord G. Cubellis, 11/30/00
Letter to Robert Deane from Robert D. Vanasse, P.E., 11/30/00

Letter to Robert Mumford from Robert D. Vanasse, P.E., 11/30/00
Note to Gay from Kathy, 12/4/00
Letter to Gay Wells from Katherine Connolly, 3/26/01
Letter to Gay Wells from Katherine Connolly
Email to Gay Wells from Kathy Connolly, 4/25/01
Email to Gay Wells from Kathy Connolly, 5/1/01
Email to Gay Wells from Kathy Connolly, 5/1/01
Letter to Margo Fenn from Victoria Fletcher, 5/2/01
Fax to Heather McElroy from Kathy Connolly, 5/701
Email to Gay Wells from Kathy Connolly, 5/7/01
Email to Gay Wells from Tom Moccia, 5/10/01
Email to Maggie Geist from Kathy Connolly, 5/11/01
Email to Gay Wells from Kathy Connolly, 5/14/01
Email to Gay Wells from Kathy Connolly, 5/15/01
Email to Gay Wells from Len Cubellis
Emails to Gay Wells from Kathy Connolly, 5/18/01, 5/31/01, 6/11/01
Letter to Robert D. Deane from Douglas M. McGarrah, 6/12/01
Letter to Robert Deane from Lenord Cubellis, 6/4/01
Letter to Robert Deane from Douglas M. McGarrah, 6/4/01
Letter to Robert Deane from Douglas M. McGarrah, 6/7/01
Letter to Robert D. Deane from Douglas M. McGarrah, 6/12/01
Letter to Gay Wells from Douglas M. McGarrah, 6/15/01
Email to Gay Wells from Kathy Connolly, 6/19/01

Materials Submitted by the Cape Cod Commission:
Agenda, 6/15/00
Sign In Sheet, Public Hearing, 6/15/00
Fax to Carol Lee Rawn from Gay Wells, 9/15/00
Floor Plan Wrentham Village Premium Outlets
Fax to David Sampson from Gay Wells, 10/15/00
Fax to David Sampson from Gay Wells, 10/15/00
Memorandum to Interested Parties from Gay Wells, 11/3/00
Letter to Lenord G. Cubellis form Gay Wells, 11/17/00
Agenda, 11/28/00
Sign In Sheet, Public Hearing, 11/28/00
Addresses for Comments
Faxes to Dick Foster from Gay Wells, 11/27/00, 12/8/00
Memo to Kathy Lavelle form Gay Wells, 12/13/00
Faxes to Subcommittee from Gay Wells, 12/5/00
Fax to Kathy Connolly from Gay Wells, 12/8/00
Fax to Donald Provost, 12/8/00
Fax to Richard Foster from Gay Wells 12/11/00
Fax to Kathy Lavelle from Gay Wells, 12/18/00
Welcome to the Athens Real-Time Traffic Map, 3/29/01
Letter to Lenord G. Cubellis from Gay Wells, 3/20/01

Extension Agreement, 3/20/01
Fax to David Sampson from Gay Wells, 3/30/01
Email to Len Cubellis from Gay Wells, 4/9/01
Comment Letter Received on FEIR, 1/22/01
Comment Letters Received on FEIR, 4/25/01
Email to Robert Deane from Tom Moccia, 4/27/01
Email to Kathy Connolly from Gay Wells, 5/1/01
Letter to Lenord G. Cubellis from Robert D. Deane, 5/3/01
Memo to Subcommittee from Gay Wells, 5/4/01
Memo to File from Lev Malakhoff, Ph.D., 5/10/01
Memo to Subcommittee form Gay Wells, 5/11/01
Memo to Interested Parties from Gay Wells, 5/14/01
Staff Comments of various CanalSide Plans, 5/16/01
Public Hearing Presentation, Gay Wells, 5/17/01
Sign In Sheet, Public Hearing, 5/17/01
Email to Kathy Connolly from Gay Wells, 5/21/01
Letter to Kathy Connolly from Gay Wells, 5/23/01
Sign In Sheet, Subcommittee Meeting, 5/24/01
Memo to Subcommittee from CCC Staff, 6/1/01
Fax to Lenord G. Cubellis and Subcommittee, 6/1/01
Sign In Sheet, Subcommittee Meeting, 6/4/01
Fax to Subcommittee from Margaret Callanan, 6/6/01
Fax to Subcommittee from Margaret Callanan, 6/6/01
Agenda, Subcommittee Meeting, 6/7/01
Letter to Douglas M. McGarrah from Robert D. Deane, 6/8/01
Memo to File from Lev A. Malakhoff, Ph.D., 6/8/01
Fax to Douglas McGarrah w/6/8 letter from Gay Wells, 6/8/01
Email to Kathy Connolly from Gay Wells, 6/12/01
Fax to Subcommittee from Gay Wells, 6/12/01
Fax to Lenord Cubellis, 6/13/01
Memo to Subcommittee from Gay Wells, 6/13/01
Fax to Gay Wells from Frank Shephard, 6/14/01
Agenda, Subcommittee Meeting, 6/15/01
Minutes Approved by Subcommittee, 6/15/01
Memo to CCC from Gay Wells, 6/15/01
Materials Provided to the Full Cape Cod Commission, 6/15/01
Letter to Douglas M. McGarrah from Gay Wells, 6/19/01
Email to Kathy Connolly from Gay Wells, 6/20/01

<u>Correspondence from Municipalities and Other Agencies:</u>
Letter to Frank Shephard from Brian A. Currie, June 20, 2001

<u>CanalSide Commons Letters from Residents on the FEIR:</u>
<u>Group 1:</u>
Marion McConnell Russell Cookingham

Mrs. Armstrong
Christine Bockmann
Phillip Goodwin
Robert Wing/George Wing/Marjorie Wing
Eugene R. Curry
Janet H. Hand
Elizabeth B. Hnrley
Lorinda J. Feingold
Mary S. Kingsberry
Gloria Ryan
Edward & Shirley Baker
Lee Drescher
Richard & Judith Conron
Margaret & Richard Gigger
Eugene R. Curry
Irma Ruckstuhl
Maryellen & Philip Kozar
David W. Rego
Bill & Sally Cody
Walter F. Phillips
Janet & William Robbins
Bill O'Brien, Jr.
Judith & Frank Corliss
John & Ethel Naugle
John Gwynn
Dorothy Erickson
Marcia Campbell
Talbot Baker, Jr.
Peter B. Doeringer
Helen Warren
E. Boudrot
R. Thumith
Morton & Eleanor Myerson
Peter & Barbara Sloane
Maurice & Nancy Roy
W. S. Malcom
Janet H. Hand
James Crider Ph.D.
Pete & Ellen Brown
Nancy Rego Collis
Kathy & Tim Andrade
Margot Jenkins
Margaret P. Lanza
David Dow
Deborah Siegal
Gary Hayward
Nancy Hayward
Mr. & Mrs. Francis Gotovich
Patricia E. Keoghan
Phyllis E. M. Laughlin
Edward V. Bush
Michael H. Sherwood
Irma Ruckstuhl
Stella A. Callagee
Margaret A. Douglas
John Bourne
Diane Romero & Wm. Romero
Marilyn J. Spaulding
Joan C. Muller
Ron Paolo Sr.
Lillia Frankin
Dr. Scott Farrow
Dr. Elaine A. King
Judith Conron
Lee Drescher
Donald E. Ellis
No Name
Carol A. Van Osdol
Carol Van Osdol
Lou Fougere
Joe Remillard
Daniel S. Gregory, Jr.
Christian King
Babs Wrighter/Mike Wrighter/
Chris Wrighter/Bette Tiede/
Claudine Poutre
Peter Hall
Pamela Truesdale
Susan E. Crider
Robert M. Hacking
Elizabeth L. Hacking
John & Susan Carpenter
Elizabeth P. Heald
Mrs. Charles E. Hartshorn, Jr.
Prof. Gilbert S. Hynes
Elizabeth C. Mooney
cc: from Lenord Cubellis to
Dale Coggeshall
Richard FJ Williams, Ph.D.
Joseph Kiebala Jr.

Dr. Owen Calderwood
T. W. Osler Abbott
Jayne B. Abbott
Norman Therriault
Mary E. Makela
Carol A. Van Osdol
Carol A. Van Osdol
Brice K. Leonard
Robin C. Singer/Norina Reif/
Unlegible Signature/Tom Clark
John B. Tracey
Rosamond L. Murdock
Barbara B. Tracey
Charlotte L. Soucy
Matthew Berestecky
Charles Hoeft
Edward B. Baker
Barbara & John F. Waters
Charles F. Batchelder, III
H. Austin Starr
Janet Fredericks
Janet Fredericks
Mary Zawoysky
Bill Bradshaw
Geoff Green
Nicholas J. Baker
David B. Jenkins
Sherry Moran
Tom & Claire Moccia
L. Mark DeCicco
Charle & Florence Fosgate
Harold & Caroline Goldstein
Charles F. Batchelder, III
Janet Hand
Richard M. Warner/Leouie Warner
Arthur Kane
Kathy Clobridge
Margo J. Mancinelli
Elaine Allen M.D.
Stanley R. Morton/Julia J. Morton
Janet Mandigo
Raymond Hogan
Pat Manning
Richard W. Conron
O Stuart Chase

Laura Garner
John B. Buck
Bill Bradshaw (illegible signature)
Nelva Powell
Valerie C. Stelling
Erik Zettler
Edith S. Bingham
Martha Hassell
R. Michael McNaught
Harold C. Cunningham
James Ryan
William K. Bradshaw
Bill & Louise Collins
Mary Zawoysky

Group 2:

William F. Grant
Dr. A. V. Farman
Pat Manning
George H. Sherrerd
Charles D. Johnson M.D./
Joyce A. Johnson
Sherry Moran
E. S. Goldman
Peter & Sally Lobo
Elisabeth Buck
Jane & Bret Carlson
Colleen Kilfoil
Nancy Hayward
Bill & Sally Cody
Eugene R. Curry
Michele Ann Leete/James Foster
Harold S. van Buren, Jr.
Edward J. Boyer
Gerald Feldman
Milo E. Webster
Lara Terry
Harriet W. Schley
Diane Boretos
Peter B. Doeringer
Judith G. Stetson

Susan V. Walker
Virginia Valiela
Virginia Valiela
Pamela A. Polloni
Jan Maudigo
Harriet Longley
Arlene Brown
Douglas J. Fletcher
John N.F. Harris, Jr.
Constance E. Calderwood
Klorothy Dimock
Edward J. Boyer
Carl G. Rideout
Joseph A. Walters
Diane Cesero
Ed Ladetto
Ed Ladetto
Debbie Gates Senft
Anne S. Concannon
Ruth A. Walters
Gordon Adams
Dr. A. V. Farman
Florence D. Prince
Pamela Marchard
B. Leonard
James R. Campbell
Constance C. Calderwood
Lisa C. Horton
Joyce A. Johnson/Judy G.Stetson
John J. O'Neil
Richard A. Jenkins & Doris P. Jenkins
Gordon Adams
Pamela J. Barry
Al Chamillard
Kate Scott
William K. Bradshaw
Mary Higgins
William G. Locke
Kimya F. Harris, Ph.D.

Debbie Juckett
John & Janet Norton
Allen R. Larson
Stephen & Rosemary Fassett
Debbie Juckett
Judith G. Stetson
Russell E. Burns & Elizabeth A. Burns
Ann A. Grosslein/Marvin D. Grosslein
Joseph J. Speroni
Janice L. Flibotte
Joseph W. DeVerna
Kathleen Cover
Joan Vosburgh
Malcolm R. Lloyd
Donald R. Provost/Virginia M. Provost
Robin Pierson

<u>CanalSide Commons Postcards/FEIR:</u>
<u>Group 1:</u>
John M. Quinn/Eva S. Quinn
James R. McMahon, Jr.
Mr. J. L. Fraser

Paul Curley
Lisa Broderick
Patricia C. Purall

Ernest A. Plante
Daniel Donovan
Dave Kingsbury
Philip W. Tura
James A. Smith
Daza Dupuis
Cheryl-Bruto-Chapin
Paul C. Weeks
P. J. Nourse
Julie Drake
Stephen E. Swinamer
Louis F. Fougere
Nancy S. Fougere
Dona Swinamer
Sally Snell/Sarah Snell
Robert Rodrick
Janna J. Nolan
Barbara DeCicco
Edward F. Simpson
John P. Simpson
Paula J. Smith
Thomas Zak
Don Lonergan
Joan T. Simpson
Anne Lonergan
Donna Foster
James E. Murray, Jr.
Thomas F. Drake
Sheila Bradley
Debra Lonergan
Darryl E. Brito
Susan Mullaney
Antoinette Clapp
Judith Andrews
Deanne L. Murray
Stephen Arnold
Jacqueline J. Murray
Michael Broderick

Martin Greene
Jacqueline A. Josselyn
Ruth Wedge
Shirley M. Robbins
Kyle D. Mobilia
William J. Bradley
George D. Robbins
Sylvia Embrescia
Debra M. Lonett
Chief Charles W. Klueber
Eileen Shea
Thomas J. Moccia
Janice Finton
Joseph J. Carrara, Jr.
Carl M. Finton
Stephen E. Flagg
Donna Foster
Joanne Ner
Harry Shepardson
Carol M. Goss
Joseph J. Carrara, Sr.
Shirley A. Kerblom
Rev. Sidney P. Akerblom
Mary Shepardson
Dana W. Lovett
Henry Gould
James A. Brown
Emilio John Cubellis II
Jeanne M. Plante
Gerald J. Plante
Emilio John Cubellis II
Emilio John Cubellis II
Denise Brown
Christine M. Gould
Melissa Koleshis
Diane Moccia
John Direzo (unlegible)
Robert P. Lowe

Group 2 (Postcards):
Ann A. Grosslein/Marvin D. Grosslein
Ellen DiRenzo
Ralph Wheatherbee
Richard A. Lavoie
John J. Harrington

Willliam G. Locke
Wayne C. Inlaw
David R. Marshall
Harriet Longley
Glenn Cardoza

Edmond W. LaFleur
Laura E. Akerblom
Mary-Jo Coggeshall
Ann Maioglle (unlegible)
Craig Poirier
Kathy Burgess
Ruth C. Brennan
Robert S. Barry
Lawrence E. Brennan
Ronald Alvarez
Mrs. Ronald Alvarez
Pamela J. Barry
Esther D. Whitham
Walden G. Whitham
Geraldine Dobbins
Robert J. Berry
Ronald H. Eldridge
Heather Gallo
Jay & Shelley McMahon
George Mullen
Harriet Longley
Melvin J. & Marjorie D. Burns
Joan L. Sawyer
Timothy M. Sawyer
Wayne C. Inlaw
James Goss
Caryn G. White
Steven Johnson
Michael W. Hodge
Donna Foster
Ann Locke
Marina M. Goss
John E. Curry

CANALSIDE FILE #7:

Materials Submitted by the Applicant:

Plans submitted to the DRI Subcommittee from Lenord Cubellis, demonstrating materials filed with MEPA from the DEIR through the FEIR, 6/4/01:

Section 11 of the DRI filing
Appendix C of the DRI filing
Volume IA of the FEIR filing, figures 1-8, 1-9, 1-10, 1-11, 1-12, 2-44,
Volume IB of the FEIR filing, figures 3-6, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13
Volume IIA of the FEIR filing, figures A-1 through A-21
Appendix A of the DEIR filing, Lighting and Architectural Guidelines
Volume I of the DEIR filing, plans L-1 through L-11, A-1 through A-5, five "views of the Commons," PH-1 through PH-4, C-1 through C-27, T-1, Contextual Aerial View, Existing conditions.

Materials Submitted by the Cape Cod Commission:

Plans submitted to the DRI Subcommittee from Commission Staff, demonstrating the types of materials required of other DRIs, 6/7/01:

Communica, Wastewater Treatment and Stormwater Management systems plan
Communica, Building Elevations
Site Plans for Cape Cod Mall Renovation; key plan, existing property line plan, existing conditions plans 1-6, layout plans 1-6, grading plans 1-6, utility plans 1-6, drainage structure schedule, sewage pump station plan, force main profile, sewer profiles, drainage profiles, site details 1-7, site lighting plan, planting plans, preliminary exterior elevations, preliminary exterior wall sections, preliminary façade details.

Press release on final Commission public hearing, 6/15/01
Minutes from DRI Subcommittee meeting, 6/7/01
Minutes from DRI Subcommittee meeting, 6/4/01

Memorandum to DRI Subcommittee from Commission staff, 6/1/01
Minutes from DRI Subcommittee meeting, 5/24/01
Minutes from DRI Subcommittee Public Hearing, 5/17/01
Public hearing notice on DRI review, 5/17/01
Staff report to DRI Subcommittee from Commission staff, 5/11/01
Public hearing notice on DRI review, 4/11/01
Minutes from pro-forma public hearing, 4/11/01
Public hearing notice on DRI review, 1/23/01
Public meeting notice on DRI review, 1/11/01
Comment letter on the FEIR to MEPA from DRI subcommittee, 12/7/00
Minutes from DRI Subcommittee meeting, 12/1/00
Minutes from DRI Subcommittee Public Hearing, 11/28/00
Public hearing notice on Joint DRI/MEPA review, 11/28/00
Comment letter on the Supplemental DEIR to MEPA from DRI Subcommittee, 6/22/00
Subcommittee report on the Supplemental DEIR to MEPA from DRI Subcommittee, 6/22/00
Minutes from DRI Subcommittee meeting, 6/22/00
Minutes from DRI Subcommittee meeting, 6/19/00
Minutes from DRI Subcommittee Public Hearing, 6/15/00
Minutes from pro-forma public hearing, 2/23/00
Public hearing notice on Joint DRI/MEPA review, 2/23/00
Staff report to DRI Subcommittee from Commission staff, 12/10/99
Subcommittee report on the DEIR to MEPA from DRI Subcommittee, 4/21/99
Minutes from DRI Subcommittee meeting, 4/15/99
Minutes from Joint Commission/MEPA Public Hearing, 4/13/99
Minutes from Public Hearing/Scoping Session 8/6/98
Staff report to DRI Subcommittee from Commission staff, 7/30/98

Materials Submitted by Secretary of Environmental Affairs:
Certificate of Secretary of Environmental Affairs on the Supplemental DEIR, 7/5/00
Certificate of Secretary of Environmental Affairs on the DEIR, 4/29/99
Draft Record of Decision of Secretary of Environmental Affairs on the Phase 1 Waiver Request, 11/23/99
Certificate of Secretary of Environmental Affairs on the Notice of Project Change, 12/20/99

Correspondence received on DRI from January 18 to June 11, 2001 on DRI:

Fred and Shirley Bull	J. West Roosevelt
Audrey J. Dorsey	Edward J. Boyer
Len Cubellis	Bob Kerr
Malcomb Oliver	Unidentified woman
Peter Loomis	Warren Goddard
Barbara and John Ross	Susan K. Malcolm
Todd Bidwell	Constance and Owen Caldeerwood
Jane Downing	Howard Crow
Susan Brita	Tom Moccia
Frank Wilson	Brice K. Leonard

Howard and Anita Chilson
Mr. and Mrs. Clifford Corbett
Gordon P. Adams
Stanley R. and Dorothy A. Carpenter
Richard W. Conron
Margaret P. Lanza
Douglas J. Fletcher
Bill Bradshaw
William K. Bradshaw
Georgia Conlon
Robert W. Scott
Ted DeFelice
Bob and Ann Richards
Mary E. Makela
C.H. and M.L. Erikson, and D. Peterson
Jack O'Neil
Donald Thimas
Len Cubellis
Katharine Stover
Carolle White
Barbara Cross, Phd
Bill and Karen Goggins
Scott and Sue Jenkins
Kate Shaw
Irma Ruckstuhl
Olive G Beverly
Margareta Swain
Mary Zawoysky
Mary S. Kingsbery
Anne S. King
Elizabeth and Joseph Kiebala
Mike and Babs Wrighter
Elizabeth K. Matthys
Edward F. Lavelle, Jr.
Pamela Rothstein
Ronald and Barbara Stutzman
Peter Robbins
Sheila R. Weathers
Walter and Mary Robbins
Unidentified woman
Ed O'Connor
George R. Hampson
Frank Savarese
Ellen Gugel
Ann Cleary

Francis P. Field
Mary J. Little
Charles F. Batchelder
Ronald and Barbara Stutzman
Carol A. Van Osdol
William K. Bradshaw
William K. Bradshaw
Lon F. Bonczek
Cindy Moor
Ronald Mashaud
John and Eva Gurnn
Margaret Sabin and Robert Sabin
Janet Hand
William J. Brown
Len Cubellis
Charles D. Johnson
Elinor O'Neil
Dr. Thomas FitzGerald
David and Cynthia Fitton
Joan C. and Robert T. Koosa
Chris Kapsambelis
Jane Crawford
Edward J. Boyer
Marina Hantzes
T.W. Osler and Jane B. Abbott
William K. and June C. Machey
John. E. King
Harriet and Leonard Schley
Tom Stone
Mr. and Mrs. Dickenson
Helen J. Beinor
Carolyn Baker
L. Feingold and M. Feingold
Rachel and David Stein
Andrea R. Bucheoa
Lindsey Robbins
David Wald
Peter Frazer
Robert M. Hacking
Carolle White
Eugene R. Curry
Barbara Little
Albert J. Birmingham

Anne W. Sawyer
Eugenia Frothingham Lombard, Jr.
Gloria Ryan
Edward A. Jr. and Wendy Rose
Christine A. Odiaga
Susan Holcombe
Mr. and Mrs. Miller
Maureen Egan
Barrbara Clark
Ian M. MacLeod
Maggie Geist
Maggie Geist
Marylou Robins
Ian M. MacLeod
Edgar Lockwood
Roger and Carol Thurston
Allan B. Griswold
Barbara and Norman Rosenblatt
Eleanor Bronson-Hodge
Mary E. LaFarge
Nancy C, McCann
Maureen Conroy
Gloria Sparta
Edward and Shirley Baker
Dorothea Hanson
Russell Cookingham
Kathleen Redmond
Sue Pradley
Kelle Aflaeque
Katherine Seranisenn
Diane Anastasia
Dave Noone
Carol Schachinger
Milton and Susan Williamson
John A. Nicholson
Ronald B. and Ellen S. Held
George P. Hampson
William K. Mackey
Harold Ramsden, Jr.
John and Sarah Gwynn
Allen Griswold
Richard Crawford
Roger and Carol Thurston
Allen B. Griswold
Don Hayward

Katherine L. Gotovich

Marilyn Spaulding
Judith W. Conron
Tony Cave
Donald and Nancy M. Craig
Russell Cookingham
Robin Singer
Fred Carbone
Susan Brita
Susan Brita
Unidentified woman
M. Brooke Maxwell
Gladys M. Burgess
Nicholas J. Baker
Terry Hammar
Frank W. DeLuca
Sandra L. Botbol
Charles D. Howell
Heather Conroy
James T. Conroy
Pamela J. Barry
Jeannine Conroy
Harriet Longley
Elizabeth and Joseph Kiebala
John J. Crowley
Martha Stasey
Pamela Shay
Janet Gardener
Linda LaRocea
Caryl Banasch
Patricia A. Eath
Al Beinor
Lincoln Robbins
John A. Nicholson
Gordon P. Adams
Sean Bercaw
Dana L. Franchitto
Edward B. Baker
Bob and Peg Wineman
Katherine Scott
George R. Hampson
Terry Hammar
Sean Bercaw
Barbara Clark

John Flynn
Joseph Storer Warner
Paul and Mary Kranz
Ellen Gugel
Edward N. Dahlborg
Mr. J.L. Fraser
Anonymous letter
Robert Francis Murphy (Rev.)
Collete A. Farrell
Susan Holcombe
Stuart Chase
Rebecca Mendible
Al Beinor
Christine D. Scott
Laurie J. White
Mary D. Herberich
Mr. Albert J. Hill
Al Beinor
Andrew Paven
Frances Mace
Barbara MacLean
Estelle Duncan
David Chilson
Bob Finnegan
M.E. Webster
Lillia Frantin
Eleanor Baldic
Susan Brita
Cannot read signature
Janu & Louis DeGagne
Nicholas T. Baker
Jack O'Neil
Robert M. Hacking
Mr. and Mrs. L. Michael Pruett
Frances D. Weiffenbach
Joseph and Helen Preziosi
Allison B. White
Judith W. Conron
William L. Banks
Tony Cave
Christine A. Odiaga
Charles D. Johnson
Anonymous letter
David R. Palmer
Duane and Corinne Bellingham
Robert Deane
Judith West
Ed Karcher
Marjorie Lino
Margaret Carlson
Daniel MacLean
Charlotte Heart
Ruth Kelly
Jean Charette
Louis F. Foougere
Anonymous letter
Theresa Rodrigues
Jack O'Neil
Mr. & Mrs. Corderwood

Other Submittals by the Applicant:
Draft Environmental Impact Report dated 2/16/99
Supplemental Draft Environmental Impact Report dated 5/15/00
Final Environmental Impact Report dated 10/31/00

CANALSIDE FILE #8 (Materials Submitted after June 21, 2001 – January 17, 2005):

Materials Submitted by the Applicant:
CanalSide Commons DRI—Small Build Analysis Tables, dated 7/23/01
Letter re: consideration of alternatives by Lenord Cubellis to Margo Fenn, dated 7/24/01
Memo re: meeting with CCC staff on 1/30/01 from Douglas McGarrah, Foley Hoag, to Len Cubellis, dated 7/31/01
E-mail re: small build alternative from Lenord Cubellis to Margo Fenn, dated 8/1/01
E-mail re: small build alternative from Lenord Cubellis to Gay Wells, dated 8/8/01

E-mail re: land use and traffic from Katherine Connolly to Margo Fenn, dated 8/16/01
Discussion of small build alternatives, author unknown, dated received 8/23/01
Letter re: extension request from Douglas McGarrah, Foley Hoag, to Robert Deane, CCC Subcommittee, dated and received 9/5/01
Letter re: signature authorization from Douglas McGarrah, Foley Hoag, to Gay Wells, CCC, dated 9/10/01
Letter forwarding copy of Extension Agreement from Katherine Connolly, Cubellis Associates, Inc., to Gay Wells, dated 9/10/01 received 9/12/01
E-mail re: Extension Agreement from Katherine Connolly, Cubellis Associates, Inc., to Gay Wells, dated 9/11/01
Letter forwarding original Extension Agreement from Katherine Connolly, Cubellis Associates, Inc., to Gay Wells, dated 9/13/01 received 9/17/01
Memo re: Option 5 traffic impacts (with analysis) from Scott W. Thornton, Vanasse & Associates, Inc., to Len Cubellis, Cubellis Associates, Inc., dated 10/3/01
Tables of estimated land use based on VAI development scenario (see 10/3/01 Thornton memo), author unknown, dated 10/4/01
Letter forwarding Extension Agreement from Katherine Connolly, Cubellis Associates, Inc., to Gay Wells, dated 10/15/01 received 10/17/01
Letter forwarding Extension Agreement from Katherine Connolly, Cubellis Associates, Inc., to Gay Wells, dated 11/5/01 received 11/13/01
E-mail confirming meeting from Katherine Connolly, Cubellis Associates, Inc., to Gay Wells, dated 11/6/01
Site Plan for Rotary Option #1 and #2, dated 11/26/01
Letter from Len Cubellis, Cubellis Associates, Inc., to Luisa Paiewonsky, Massachusetts Highway Department, dated 12/4/01 received 12/7/01
Tables of CanalSide Commons Estimated Land Use and Traffic for Options 1-8, author unknown, estimated as received in 2001
Option #2B Site Plans, dated 2/1/02
Letter forwarding Extension Agreement from Katherine Connolly, Cubellis Associates, Inc., to Sharon Rooney, CCC, dated 4/8/02 received 4/11/02
Letter re: traffic analysis of by-pass road from Edward Pesce, Cubellis Saivetz Associates, to Robert Mumford, CCC, dated 7/18/02
Traffic Impact and Access Memo from Kenneth Cram, Vanasse & Associates, Inc., dated 5/21/02 received 7/22/02 (submitted to CCC, Charles Sterling, MassHighway, and Edward Pesce, Cubellis Saivetz Associates)
Fax forwarding Table 2 Trip Generation Summary from Cubellis Saivetz Associates to Glenn Cannon, CCC, dated and received 7/29/02
Vernal Pool Locus Plan, dated 10/23/02
Letter re: proposed by-pass road with attachment from Edward Pesce, Cubellis Saivetz Associates, to Sharon Rooney, CCC, dated 10/22/02 received 10/24/02
Preliminary Plan Option #3A by Cubellis Saivetz Associates, dated 10/30/02, transmitted by Nichole Dunphy, Cubellis Saivetz Associates, to Glenn Cannon, CCC, on 11/7/02
Letter re: fee waiver from Lenord Cubellis, Cubellis Associates, Inc., to Sharon Rooney, CCC, dated 11/28/02

Letter forwarding extension fee from Lenord Cubellis, Cubellis Associates, Inc., to Sharon Rooney, CCC, dated 10/30/02 received 11/1/02
Letter forwarding Extension Agreement from Lenord Cubellis, Cubellis Associates, Inc., to Sharon Rooney, CCC, dated 10/31/02 received 11/4/02
Letter and attachment re: small build roadway from Lenord Cubellis, CanalSide Commons, LLC, to Margo Fenn, CCC, dated 12/18/02 received 12/19/02
Trip Generation Summary, generated by Vanasse & Associates, Inc. on 5/11/03
Trip Generation Summary Table 1, completed, dated 5/03
E-mail with traffic tables from Roland Dupont to Cannon and Rooney, CCC, dated 5/27/03
E-mail with trip generation and rotary level of service info. from Roland Dupont to Cannon and Rooney, CCC, dated 6/10/03
Summary of Level-of-Service Results Table 2, received 6/16/03
Letter re: traffic analysis for Option #3A, from Kenneth Cram, Vanasse & Associates, Inc., to Lenord Cubellis, dated 7/30/03 received 8/8/03
Letter forwarding Traffic Impact and Access Memo from Roland Dupont, Canal Project Management Corp., to Margo Fenn, CCC, dated 8/7/03 received 8/8/03
E-mail re: timeframes from Roland Dupont to Sharon Rooney, CCC, dated 8/14/03
E-mail re: remaining issues from Roland Dupont to Glenn Cannon, CCC, dated 9/12/03
E-mail re: traffic issues from Roland Dupont to Glenn Cannon, CCC, dated 9/19/03
Letter re: supplemental traffic analysis for peak-month Saturday midday conditions, by Kenneth Cram, Vanasse & Associates, Inc., to Lenord Cubellis, dated 10/15/03 received 10/22/03
Letter forwarding Extension Agreement and fee from Lenord Cubellis, Cubellis Associates, Inc., to Sharon Rooney, CCC, dated 10/20/03 received 10/23/03
Letter forwarding Extension Agreement and fee from Lenord Cubellis, Cubellis Associates, Inc., to Sharon Rooney, CCC, dated 10/31/03 received 11/3/03
Proposed Grading Plan dated 12/16/04
Letter re: project withdrawal from Len Cubellis, Cubellis Associates, Inc., to Dorr Fox, CCC, dated 2/17/04 received 2/20/04 and 2/27/04
Traffic Impact and Access Study (with Executive Summary) prepared by Vanasse & Associates, Inc., dated 3/04
Booklet containing information on proposed Local Initiative Plan, dated 5/4/04
Fiscal Analysis of Local Initiative Program—Planned Production, by GLC Development Resources, LLC, dated 6/10/04
Fax of draft letter on trip reduction from Kenneth Cram, Vanasse & Associates, Inc., to Glenn Cannon, CCC, dated 8/28/04 received 8/30/04
Letter from Patrick Butler, Nutter, to Sharon Rooney, CCC, dated and received 11/1/04
Comparative RPP Impact Analysis, received 11/1/04
Letter re: trip generation from Vanasse and Cram, Vanasse & Associates, Inc., to Glenn Cannon, CCC, dated 11/2/04
E-mail re: signature authorization from Len Cubellis, Cubellis Associates Inc., to Rooney, CCC, dated 11/2/04
Letter from Patrick Butler, Nutter, to Glenn Cannon, CCC, dated 11/12/04 received 11/15/04
Letter re: trip generation calculations from Jeffrey Dirk, Vanasse & Associates, Inc., to Glenn Cannon, CCC, dated 11/9/04, received 11/17/04

Memo enclosing Extension Agreement and fee from Patrick Butler, Nutter, to Sharon Rooney, CCC dated 11/16/04 received 11/17/04
Draft letter re: Trip Distribution/Study Area Calculations from Kenneth P. Cram, Vanasse & Associates, Inc., to Glenn Cannon, CCC, dated 12/17/04
Letter requesting extension of time from Butler and Cox, Nutter, to Sharon Rooney, dated and received 1/25/05
Memo re: proposed residential development review status from Kenneth Cram, Vanasse & Associates, Inc., to Lenord Cubellis, Cubellis Associates, Inc., dated and received 1/28/05
Conceptual 40B Site Plan (reduced), dated 1/28/05 received 1/31/05
CanalSide Chronology, prepared by Nutter, submitted to CCC Subcommittee on 1/31/05
Letter re: issues with extension denial from Patrick Butler, Nutter, to Rooney, Lipman and Fenn, CCC, dated 2/4/05
Letter re: upcoming hearing on 2/17/05 (with attachments) from Patrick Butler, Nutter, to CCC, dated 2/11/05

Materials Submitted by Commission staff:
Memo re: Bourne Planning Board meeting notes from Martha Twombly to Gay Wells, dated 5/27/01
E-mail re: Cubellis E-mail of 7/10/01 from Margo Fenn to project staff, dated 7/10/01
E-mail re: small build project from Margo Fenn to Lenord Cubellis, dated 7/13/01
E-mail re: Cubellis E-mail of 8/1/01 from Margo Fenn to project staff, dated 8/1/01
E-mail response of Margo Fenn to Cubellis, dated 8/2/01
Letter re: Extension Agreement deadline from Gay Wells to Cubellis, dated 8/7/01
Fax re: small build options from Margo Fenn to Cubellis, dated 8/8/01
E-mail re: land use and traffic analysis from Margo Fenn to Cubellis, dated 8/14/01
Memo re: request for Extension Agreement from Gay Wells to Subcommittee, dated 9/6/01
Fax re: Extension Agreement from Gay Wells to Cubellis, dated 9/10/01
Letter re: 45 day time frame from Gay Wells to Cubellis, dated 9/27/01
Letter re: meeting follow-up from Gay Wells to Cubellis, dated 10/9/01
Letter re: small build transportation mitigation from Bob Mumford to Cubellis, dated 10/23/01
Letter re: Extension Agreement from Gay Wells to Cubellis, dated 11/1/01
Letter re: staff review of by-pass road/access options from Margo Fenn to Cubellis, dated 1/10/02
E-mail re: response to correspondence sent to Robert Deane from Sharon Rooney to Thomas Moccia, The Tom Moccia Group, dated 1/31/02
Letter re: time deadline from Sharon Rooney to Cubellis, dated 3/27/02
Letter re: proposed conceptual by-pass road/access options from Glenn Cannon to Edward Pesce, Cubellis Saivetz Associates, dated 9/11/02
Letter re: follow-up to conversation from Margo Fenn to Barry Motta, Upper Cape Cod Regional Technical School, dated 11/7/02
Letter re: access plan alternatives from Sharon Rooney to Cubellis, dated 1/24/03
Newspaper article sent to Margo Fenn from Robert Deane, Subcommittee, 7/11/03
E-mail re: Commission list from Sharon Rooney to Cubellis, dated 10/6/03
Letter re: Traffic Impact and Access Memo from Glenn Cannon to Roland Dupont, dated 10/6/03
Letter re: 45 day time frame from Sharon Rooney to Cubellis, dated 10/7/03

Memo re: Subcommittee meeting from Sharon Rooney to Commission Subcommittee, dated 10/21/03
Memo re: Access review from Glenn Cannon to Rooney, dated 12/9/03
Memo re: file materials from Sharon Rooney to Commission Subcommittee, dated 12/10/03
E-mail from Margo Fenn responding to general correspondence received by William Held, dated 2/24/04
E-mail from Margo Fenn responding to general correspondence received by Ann Olim Bruni, dated 2/25/04
Memo re: information for Subcommittee meeting from Sharon Rooney to Commission Subcommittee, dated 10/28/04
Letter re: trip generation from Glenn Cannon to Jeffrey Dirk, dated 11/24/04
Letter re: 45-day time frame from Sharon Rooney to Patrick Butler, dated 1/3/05
Memo re: Subcommittee meeting from Sharon Rooney to Commission Subcommittee, dated 1/13/05
Memo re: traffic information from Sharon Rooney to Commission Subcommittee, dated 1/20/05
Memo re: project update and supplemental materials from Sharon Rooney to Commission Subcommittee, dated 1/21/05
Letter re: ANR Plan from Sharon Rooney to Patrick Butler, dated 1/28/05
Letter re: ANR Plan from Sharon Rooney to Joan Simpson, Fiddlers Green LP, dated 1/28/05
Letter from Sharon Rooney to Patrick Butler, Esq. dated 2/11/05

Materials Received from Other Parties:
Approval Not Required Plan, Fiddlers Green LP, dated 12/1/04
Letter re: ANR Plan from Joan Simpson, Fiddlers Green LP, to Sharon Rooney, dated 2/14/05
Letter re: ANR Plan from Joan Simpson and affidavit, Fiddlers Green LP, to Sharon Rooney, dated 2/3/05 received 2/7/05

Materials Received from Robert Deane, former Subcommittee Member:

Fax to Margaret Callanan, CCC, copy of e-mail received and sent by Robert Deane from Tom Moccia, dated 1/30/02
Fax to Sharon Rooney, CCC, copy of e-mail received by Robert Deane from Tom Moccia, dated 2/1/02

General Correspondence Received:
Form letters of support of the CCC review process signed by residents or tax-payers of Bourne (115 received), undated
Letter re: opposition from Al Duester, received 6/22/01
E-mail re: opposition from Valerie Butcher, received 6/22/01
E-mail re: opposition from Carol Schachinger, received 6/22/01
E-mail re: support from Deirdre Greelish, received 6/22/01
E-mail re: opposition from Bonnie Hempel, received 6/23/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 6/24/01
E-mail re: disapproval with CCC from Duane and Corinne Bellingham, received 6/25/01

Letter re: opposition to project from Jack O'Neil, received 6/25/01
Letter to Gay Wells from Frank Shephard forwarding correspondence received, received 6/10/01
Note of phone call: Dennis Enos called in opposition to project, received by Gay Wells 7/11/01
Letter re: support from Joseph Carrara, received 7/12/01
Note of phone call: Marie Cook called in opposition to project, received by Gay Wells 7/13/01
Fax forwarding newspaper article from Association for the Preservation of Bourne, Inc., received 7/16/01
Letter re: opposition from Brian Cullity, received 7/20/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 7/22/01
E-mail re: negative reaction to article from Richard LaFarge, received by 7/25/01
E-mail re: concerns from Sirry Roustom, received 7/25/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 7/30/01
Note of phone call: Bob Black called to thank CCC, received by Gay Wells 7/30/01
Letter re: thanking CCC from Phyllis McLaughlin, received 7/31/01
Note of phone call: David Chilson called to thank CCC, received by Gay Wells 7/31/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 8/2/01
Letter with attached article re: support for CCC, from Col. Robert Black, received 8/2/01
Letter re: support for CCC from Jack O'Neil, received 8/8/01
Letter with attached article re: opposition from Richard (name illegible), received 8/14/01
Letter re: opposition from Edward Dahlborg, received 8/30/01
Letter re: support of small build with questions to the Commission from Maggie Geist, received 9/10/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 9/23/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 9/29/01
Letter re: concerns and questions with small build from Glenn Wood, Fasanella & Wood LLP, on behalf of the Bourne Conservation Trust, received 10/1/01
Letter re: concerns with traffic and handling by CCC by Lex Coates, received 10/12/01
Letter re: opposition from Jack O'Neil, received 12/10/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 12/6/01
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 12/7/01 and 12/13/01
Fax re: costs to Town of Bourne from Tom Moccia, received 1/23/02
Letter re: support for traffic improvements from Scott Fitzmaurice, received 2/6/02
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 5/10/02
Letter re: concerns and attached article from Constance Roustom, received 6/14/02
Fax re: response to Rooney letter to Moccia dated 1/31/02, from Tom Moccia, received 1/31/02
Fax forwarding newspaper articles from Al Beinor, Association for the Preservation of Bourne, Inc., received 1/6/03

E-mail re: against housing on-site from Ann Olim Bruni, received 2/2/04
E-mail re: against housing on-site from William Held, received 2/19/04
Letter re: thanks to CCC from Edward Dahlborg, received 2/24/04

CANALSIDE FILE #9 (Received from 2/18/05 – present):

Materials from the Applicant:
E-mail from Vanasse & Associates, Inc. on Tuesday, February 22, 2005
E-mail from Vanasse & Associates on Wednesday, February 23, 2005
Memorandum from Nutter McClennen & Fish on March, 7, 2005
Memorandum (with attachments) from Nutter McClennen & Fish on April 1, 2005
Architectural plan from Cubellis Associates, Inc. on April 1, 2005
Memorandum from Nutter McClennen & Fish on April 14, 2005
Memorandum from Nutter McClennen & Fish on April 15, 2005
Letter from Cubellis Saivetz Associates on May 3, 2005
Memorandum from Nutter McClennen & Fish on May 5, 2005
Memorandum from Nutter McClennen & Fish on May 16, 2005
Memorandum from Vanasse & Associates, Inc. on May 17, 2005
Memorandum from Nutter McClennen & Fish on May 18, 2005
Memorandum from Nutter McClennen & Fish on June 19, 2005
Copy of E-mail (with attachments) from Cape Cod Commission to GLC on July 1, 2005
Memorandum from Vanasse & Associates, Inc. on July 13, 2005
Memorandum from Nutter McClennen & Fish on July 11, 2005
Memorandum from Nutter McClennen & Fish on July 18, 2005
Conceptual Site Plan from Cubellis Associates, Inc. on July 19, 2005
Memorandum from Nutter McClennen & Fish on July 21, 2005
Miscellaneous site plan from Cubellis Associates, Inc. with no date
E-mail from Vanasse & Associates, Inc. on August 10, 2005
Memorandum from Nutter McClennen & Fish on September 8, 2005
Preliminary Conceptual Improvement Plan from Cubellis Associates/Vanasse & Associates, Inc. on September 8, 2005
Memorandum from Nutter McClennen & Fish on September 8, 2005
Preliminary Conceptual Improvement Plan from Cubellis Associates/Vanasse & Associates, Inc. on September 15, 2005
Letter from Bourne Water District on September 26, 2005
Document beginning with 1. Water Usage and Nitrogen Loading Calculations – Correspondence Bourne Water District on September 30, 2005
Document (Table 1 – Canalside Commons – Water Usage/Septic Sizing Calculations) from Cubellis Saivetz Associates with no date
Document (Nitrogen Loading Calculations for Canalside Commons – Alternative October 2005 DRI Submisssions – Bourne, Massachusetts) with no date
Memorandum from Nutter McClennen & Fish on September 30, 2005
Fax from Vanasse & Associates, Inc. on October 4, 2005
Memorandum from Nutter McClennen & Fish on October 5, 2005
Memorandum from Nutter McClennen & Fish on October 20, 2005

Letter from Vanasse Associates, Inc. on October 24, 2005
Copy of Section 2220. Regulation Schedule, Town of Bourne, undated
Memorandum from Nutter McClennen & Fish on November 17, 2005
Document (Sustainable Building Strategies…) on November 21, 2005
Document (Conceptual Septic System Sizing) from Cubellis Saivetz Associates on November 21, 2005
Memorandum from Nutter McClennen & Fish on November 21, 2005
Memorandum from Nutter McClennen & Fish on November 22, 2005
Document (Retail Sales 2002) with no date
Document (2.5 Solid Waste Management) on November 22, 2005
Document (Sustainable Building Strategies…) on November 22, 2005
Document (Executive Summary) on November 22, 2005
Memorandum from Nutter McClennen & Fish on November 23, 2005
Memorandum from Nutter McClennen & Fish on November 29, 2005
Memorandum from Nutter McClennen & Fish on November 28, 2005
Memorandum from Nutter McClennen & Fish on December 5, 2005
Memorandum from Nutter McClennen & Fish on December 7, 2005
Memorandum from Nutter McClennen & Fish on December 9, 2005
Memorandum from Nutter McClennen & Fish on December 20, 2005
Proposed Wastewater Treatment Facility Plan from Cubellis Salvetz Associates on December 21, 2005
Memorandum from Nutter McClennen & Fish on January 6, 2006
Letter and documents (including site plans) from Vanasse & Associates, Inc. on January 24, 2006
Memorandum from Nutter McClennen & Fish on February 1, 2006
Site Plans (Figure 19A – 30A) from Vanasse & Associates, Inc. on March 10, 2006
Fax (with attachments) from Cubellis Associates, Inc. on February 7, 2006
E-mail from Nutter McClennen & Fish on February 13, 2006
Fax (Standard Form Purchase and Sale Agreement) from Cubellis Associates, Inc. on February 16, 2006
E-mail from Cubellis Associates, Inc. on March 14, 2006
Fee Waiver Request Application from Cubellis Associates, Inc. with no date
Memorandum from Nutter McClennen & Fish on March 20, 2006
Memorandum from Nutter McClennen & Fish on April 11, 2006
Memorandum from Nutter McClennen & Fish on April 12, 2006
Memorandum from Nutter McClennen & Fish on April 19, 2006
Memorandum from Nutter McClennen & Fish on April 26, 2006
Spreadsheet (Table 1 - Proposed Mitigation Summary) on April 27, 2006
Memorandum from Nutter McClennen & Fish on April 27, 2006
Letter from Nutter McClennen & Fish on April 28, 2006
Memorandum from Nutter McClennen & Fish on May 4, 2006
Proposed Findings and Conditions from attorney Patrick Butler received on May 16, 2006
Memorandum from Nutter re: receipt of extension fee dated May 23, 2006
Memorandum from Nutter re: revised findings/conditions, project benefits dated May 26, 2006
Memorandum from Nutter re: updated project benefits, lighting and economic data dated May 30, 2006

Memorandum from Nutter re: revised findings dated May 30, 2006
Memorandum from Cynthia McGrath, Nutter re: proposed phasing received May 31, 2006
Memorandum from Nutter re: minutes dated June 1, 2006
Memorandum from Nutter received June 9, 2006
Memorandum from Nutter re: fee waiver application dated June 15, 2006
E-mail from Nutter re: CanalSide phasing received June 19, 2006
E-mail from Patrick Butler to Sharon Rooney re: revisions to draft decision dated July 18, 2006
E-mail from Ken Cram, Vanasse & Associates, Inc. re: revisions to draft decision dated July 18, 2006
Memorandum from Nutter re: final document submission dated July 18, 2006
Cover Memorandum from Patrick Butler to Sharon Rooney dated July 18, 2006
E-mail from Eliza Cox, Nutter re: proposed revision to Barlow's Landing/Shore Road intersection safety improvements, received July 25, 2006

Reports/Plans from the Applicant:

Trip-distribution/Study Area Calculations from Vanasse & Associates, Inc. on March 25, 2005
Development of Regional Impact (DRI) Alternative Site Plan Submission for Canalside Commons (Sheets A6 – A8), dated September 28, 2005
Development of Regional Impact (DRI) Alternative Site Plan Submission for Canalside Commons (Maps C1 through A5), 18 sheets, dated September 30, 2005
Village Green Detail and Typical Building Landscape Plan, dated 9/30/05
Key sheet, Landscape and Lighting Plan, dated October 3, 2005
Drainage Report & Hydrologic Analysis from Cubellis Saivetz Associates on November 4, 2005
Landscape and Lighting (C9) from Cubellis Saivetz on December 6, 2005
Village Green Detail and Typical Building Landscaping (C9A) from Cubellis Saivetz on December 6, 2005
Development of Regional Impact (DRI) Alternative Site Plan Submission for Canalside Commons (Maps C1 through A7) from Cubellis Saivetz on December 7, 2005
Wastewater Treatment Facility Location Plan from Cubellis Saivetz on December 15, 2005
Development of Regional Impact/Traffic Impact and Access Study (TIAS) from Vanasse & Associates, Inc. on November 28, 2005
Canalside Commons, LLC (overheads from Cape Cod Commission Public Hearing) from Nutter McClennen & Fish on February 16, 2006
Canalside Commons, LLC (Modified Current Project Summary) from Nutter McClennen & Fish with no date
Canalside Commons, LLC (RPP/MPS (1996) Consistency Summary – ODRP Benefits Only)
Canalside Commons, LLC (Accident Data) from Nutter McClennen & Fish with no date
Development of Regional Impact (DRI) Alternative Site Plan Submission for Canalside Commons (Maps C1 through A7) on March 20, 2006
Preliminary Conceptual Improvement Plan for Proposed Bypass Road, Vanasse & Associates, dated March 21, 2006
Development of Regional Impact (DRI) Alternative Site Plan Submission for Canalside Commons (Maps C1 though A7) on March 20, 2006 (Revised March 22, 2006)

Development of Regional Impact (DRI) Alternative Site Plan Submission for Canalside Commons (Maps from C1 through A8) from Cubellis Saivetz revised on April 18, April 27, May 18, 2006, June 12, 2006, and July 14, 2006
Appendix – Capacity Analysis Worksheets, undated
Drainage Report and Hydrologic Analysis from Cubellis Associates, Inc. revised May 16, 2006
Section through site, received May 19, 2006
CanalSide Commons Conceptual Site Plan, revised May 25, 2006, May 30, 2006, and June 1, 2006
Construction Phasing Plan, Cubellis Associates, Inc. received June 7, 2006
Proposed Grading Plan, Cubellis Associates, Inc. revised June 9, 2006
Open Space Analysis Plan, Cubellis Associates, Inc. revised June 12, 2006
Conceptual Improvement Plan, Sandwich Road at Adams Street, Cubellis Associates, Inc., dated June 8, 2006 and revised 7/10/06
CanalSide Commons Phased Parking Plan, Cubellis Associates, Inc., dated July 24, 2006

From Cape Cod Commission staff:
Letter to Nutter McClennen & Fish from Glenn D. Cannon on April 14, 2005
E-mail to Nutter McClennen & Fish from Sharon Rooney on April 21, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on April 22, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on May 18, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on June 13, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on July 15, 2005
Letter to Nutter McClennen & Fish from Jessica E. Wielgus on July 19, 2005
Letter to Nutter McClennen & Fish from Jessica E. Wielgus on July 19, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on October 14, 2005
Memorandum to McClennen & Fish from Sharon Rooney on October 31, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on November 28, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on December 21, 2005
Letter to Nutter McClennen & Fish from Sharon Rooney on January 4, 2006
Letter to Nutter McClennen & Fish from Sharon Rooney on January 18, 2006
Memorandum to Subcommittee Members from Sharon Rooney on February 2, 2006
Cape Cod Commission Staff Report on February 9, 2006
Memorandum to "File" from Sharon Rooney on February 13, 2006
Memorandum to Cubellis Associates, Inc. from Sharon Rooney on April 14, 2006
Presentation board with photos of landscaped buffers dated May 22, 2006
Memorandum to Patrick Butler, Esq. W/attachment from Sharon Rooney on June 1, 2006
E-mail from Sarah Korjeff to Sharon Rooney re: archaeological resources received June 19, 2006
Memorandum from staff counsel Jon Witten to subcommittee members dated June 19, 2006

From Cape Cod Commission:
Copy of memo from subcommittee member Susan Kadar re: fee waiver request on March 29, 2006 and June 4, 2006

Correspondence from Public/Town:
Copy of letter from William R. Griffin on May 6, 2004
Letter from Ralph M. Marks on November 9, 2005

E-mail from Constance Adam Roustom of Monument Beach, MA on February 23, 2006
Letter from Edward N. Dahlborg of North Falmouth, MA on February 2, 2006
E-mail to Sharon Rooney from Ann Olim Bruni on February 13, 2006
E-mail from Alison Robb on February 13, 2006
E-mail from Brian Kaminer on February 13, 2006
E-mail from J.K. Milliken on February 13, 2006
Letter from Rosamond Murdock on February 13, 2006
E-mail from Ann Olim Bruni on February 15, 2006
E-mail from Elizabeth R. Kiebala on February 15, 2006
Letter (Statement for the Cape Cod Commission Hearing – February 16, 2006) from Sallie K. Riggs of BFDC on February 16, 2006
Letter from Maggie Geist and Don Keeran on February 16, 2006
E-mail from Ann Olim Bruni on February 16, 2006
Letter from Kathleen Lavelle on February 16, 2006
E-mail from Brian Nickerson on February 17, 2006
Letter from Elizabeth K. and Leon T. Matthys on February 19, 2006
Letter from Kathleen Lavelle on February 22, 2006
Letter from Dr. Thomas Fitzgerald and Dr. Kyriaki Fitzgerald on April 30, 2006
Letter from Coreen V. Moore on April 26, 2006
E-mail from Capt. Buzz Bruni received June 7, 2006
E-mails from Ann Olim Bruni received June 7, 2006 and two on July 17, 2006
E-mail from William G. Locke received June 7, 2006
E-mail from Linda Cubellis received June 8, 2006
E-mail from Barry Motta received June 8, 2006
Two e-mails from Laurel Ronayne received June 8, 2006
Letter from Michelle Freeman dated June 8, 2006
E-mail from Joe Carrara received June 8, 2006
E-mail from Kim Barnocky-Grossman received June 8, 2006
Forwarded e-mail from Linda Cubellis received June 8, 2006
E-mail from Debbie Juckett received June 9, 2006
E-mail from David Crane received June 9, 2006
E-mail from Coreen Moore, Bourne town planner received June 12, 2006
E-mail from Barry Motta received June 12, 2006
Letter from L. Reneau with attachment received June 13, 2006
E-mail from Charles Klueber, Bourne Fire Chief, received June 13, 2006
Forwarded e-mail received from Rickie Tellier, Bourne DPW, received June 13, 2006
E-mails from Marie Oliva, Executive Director, Cape Cod Canal Region Chamber of Commerce, received June 14, 2006 and June 29, 2006
E-mails from Don C. Hayward received June 15, 2006, two on June 26, 2006, July 5, 2006 and July 24, 2006
E-mail from Helen Bresnahan received June 19, 2006
Letter from Robert and Austin Mortensen received June 22, 2006
Letter from Maj. Edward W. Dahlborg, Jr. (Ret.), received June 22, 2006
Letter from Ruth Ranton dated June 21, 2006
Letter from Nicholas J. Baker received on July 10, 2006

E-mail from Richard Lafarge received on July 17, 2006
Letter from Coreen Moore, Bourne town planner re: zoning compliance dated July 17, 2006
Five petitions submitted in opposition to the project received July 18, 2006, July 25, 2006 and July 26, 2006
Two e-mails from attorney Michael Princi received on July 25, 2006E-mail from Tom Moccia, Buzzards Bay Village Association received July 26, 2006
Facsimile w/attachments from attorney Michael Princi received on July 27, 2006
Letter from attorney Glenn Wood, Rubin and Rudman. Received on July 27, 2006

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

August 6, 1998 – Public Hearing on ENF/Scoping Session:
Lenord Cubellis, architect and project applicant, stated that the project would create another village in Bourne and noted that the site is zoned appropriately for the proposed development. Mr. Cubellis showed overheads of existing conditions and noted that parts of the site are heavily forested. He noted that the site is important because of the tremendous volume of traffic passing through Bourne. He said the project would improve traffic flow in the area. He showed a preliminary site design. Mr. Cubellis addressed the traffic issues, noting that his team understands the existing traffic problems and will try to find ways to solve them. In terms of the environment, Mr. Cubellis said that there is a proposal to include wind turbines in the project to provide up to 10% of the project's energy. He discussed open space and landscaping, and also discussed the wastewater treatment facility. Mr. Cubellis said that the project would create about $1 million in annual taxes to the Town and about 1,500 jobs.

The Subcommittee asked questions of Mr. Cubellis. The staff then presented the Staff Report, with Gabrielle Belfit addressing Water Resources noting that the project site is the last remaining large undeveloped potential wellfield outside of the Town's existing well sites. Paul Tilton addressed Transportation and noted that the ENF described 25,000 vehicle trips on a weekday and 30,000 trips on the weekend as a result of the project. He said there would be significant impacts to the bridges. Sharon Rooney addressed Community Character issues and noted that the height and scale of the project, as well as the signage and parking are important community character concerns. Ms. Rooney noted that 65% of the portion of the site within a Significant Natural Resource Area is required to be open space. Ms. Rooney also addressed economic impacts. Comments from the public were received. See minutes in File 7 for more detailed information.

April 13, 1999 – Public Hearing on DEIR:
This hearing was held to receive public comment on the DEIR. Lenord Cubellis made a one-hour presentation of the project using a site map as well as a computer-generated series of overheads. Mr. Cubellis said that the proposed new traffic solution would benefit Bourne. He noted the Massachusetts Highway Department's (Mass Highway) support for the project. Mr. Cubellis discussed open space and noted the Massachusetts Military Reservation adjacent to the site. He

mentioned his programs to help revitalize Buzzards Bay. Mr. Cubellis described the existing traffic/transportation problems in the Bourne Rotary area in detail. He noted the village-style design of the proposed project and said that it would be pedestrian-friendly. He discussed jobs that would be created. Mr. Cubellis also discussed water resources, landscaping, and parking issues. Mr. Cubellis concluded by saying he believes that the project is "smart growth."

The Commission staff followed with the Staff Report and Gay Wells presented the staff's recommendation that a Supplemental Draft Environmental Impact Report (SDEIR) be required due to: 1) the need to further analyze transportation issues with regard to the access scheme and mitigation plans; 2) the need for further analysis of water resources based upon the build-out of Bourne in this area of Town and the delineation of well sites and contributing zones, plus other potential well site analyses; 3) the need for further study of the habitat and possible presence of state-listed rare species; and 4) the need for information on avian impacts, or potential bird deaths from the proposed wind generators. The issue areas in the Regional Policy Plan ("RPP") were discussed by various staff with regard to the project. Staff also discussed construction phasing. Public comments followed. See the minutes in File 7 for more detailed information.

June 15, 2000 – Public Hearing on SDEIR:
This hearing was held to receive public comment on the Supplemental DEIR. Lenord Cubellis gave a visual presentation while describing the proposed project. He noted that there are three key issues regarding the project: 1) traffic problems at the rotary; 2) protection of the environment and character of Cape Cod; and 3) providing economic benefits to Cape Cod and the Town of Bourne. He described the project as offering businesses, retail, entertainment, residential, and housing. Robert Vanasse, CanalSide transportation consultant, presented the transportation report on the project proposal. Tori Hoffman, consultant for CanalSide, discussed the open space for the project. Alex Krieger, Land Planning consultant for the applicant, stated that the currently proposed project is "smart growth" because of the uses and the compact use of space. Mr. Cubellis discussed job creation and economic benefits. Tim Downey with the Great Lakes Companies described a first-class, full-service resort hotel proposed for the project. Roger Laporte, Bourne Building Inspector, stated that at this point all of the proposals are allowed by special permit under the zoning bylaws.

Gay Wells explained the role of the Commission staff in reviewing a DRI. Ms. Wells discussed staff concerns and project alternatives. Other staff members gave summaries of the Staff Report with regard to issue areas in the RPP. Comments were received from state officials, local officials, and the general public. See the minutes in File 7 for more detailed information.

November 28, 2000 – Public Hearing on FEIR:
The purpose of the meeting was to review the FEIR. Lenord Cubellis described the project as having many desirable uses including a hotel and conference center, office and technology space, rental housing, daycare center, fitness center, and a maritime museum. He spoke about the scale of retail and the proposed housing units, as well as the provision of 120 acres of open space. Robert Vanasse, CanalSide Traffic Consultant, reported on transportation issues, stating that there are differing opinions from the Commission staff with respect to traffic and gave several examples of his disagreement with the Staff Report. Mr. Vanasse gave a visual presentation illustrating the proposed mitigation, and stated that there will be $8 million spent in traffic mitigation. He

concluded with his belief that the project meets all of the standards in the RPP. Victoria Fletcher, Epsilon Associates, reported on the environmental impacts of the proposed project. Alan Monchoy from Kreiger & Associates reported that he believes that the CanalSide project corresponds and conforms to the RPP in the areas of Land Use and Community Character. He gave a detailed description of the project and explained the planning benefits of mixed-use development.

Gay Wells, Commission project manager, began the Staff Report presentation by outlining the major remaining issues of concern and noting that there are several other areas that require further information or analysis that are discussed in detail in the Staff Report. Ms. Wells explained the fundamental problem of locating such a large project that generates considerable traffic in the Bourne Rotary area. She stated that the staff recognizes that there are favorable aspects of the project, but added that it is important to note that there are also continuing concerns with regard to building a 900,000 square foot project at the point of entrance to the Cape. She stated that the project as currently proposed does not meet ten (10) RPP Minimum Performance Standards ("MPS") for transportation. James O'Connell spoke about Economic Development and Paul Tilton gave the Transportation report.

Comments were received from state and local officials, and the general public. See the minutes in File 7 for more detailed information.

May 17, 2001 – Public Hearing on DRI:
This public hearing was held on the DRI. Lenord Cubellis expressed frustration with the review process and the time and cost involved. Mr. Cubellis noted his demonstrated track record for reinvesting in the community. He recommended that the Bourne Conservation Trust purchase the property for open space if they wish to see it remain undeveloped.

Mr. Cubellis made comments concerning proposed traffic mitigation and believed that the mitigation would improve Level of Service on major roadways. Robert Vanasse, CanalSide transportation consultant, noted that Mass Highway and MEPA have approved the project. Mr. Vanasse said that he is perplexed at the transportation information still requested by the Commission and cited $7 million in proposed roadway improvements. He also cited ten transportation benefits from the project.

Douglas McGarrah, attorney from Foley Hoag & Eliot, discussed the Commission's review criteria and expressed concern regarding the level of detail requested by staff.

Gay Wells, project manager for the Commission, began the Staff Report presentation by noting a number of positive aspects of the proposed project. Ms. Wells discussed the Commission's DRI review requirements and the many unresolved issues with respect to CanalSide. Ms. Wells also stated that the project is not consistent with some RPP MPSs in the areas of Transportation, Capital Facilities and Infrastructure, and Heritage Preservation and Community Character. She also noted that in the areas of Water Resources and Solid Waste Management, in particular, the materials submitted have not adequately demonstrated consistency with other MPSs.

Ms. Wells said that detailed site plans, engineering plans, grading plans, and other pertinent plans were needed because of the size and complexity of the project, and that it was not possible to adequately address the potential impacts of the project without this information. Ms. Wells also noted staff concerns with the phasing proposal, stating that the amount of development proposed for Phase 1 would not allow for the incremental monitoring of traffic impacts that phasing should provide.

Ed Eichner, Water Scientist for the Commission, provided the Water Resources report. James O'Connell gave the economic development report. Robert Mumford, Transportation Program Manager; Lev Malakhoff, Senior Transportation Engineer; and Glenn Cannon, P.E., gave the transportation report.

Mr. Mumford stated that this project projected the largest increase in traffic generation of any DRI reviewed to date by the Commission, with 20,000 trips per weekday and more on weekends. He noted that for a project of this size, mitigation would have to rely heavily on road and intersection changes. He discussed traffic generation and mitigation requirements and noted that there is inadequate mitigation proposed at certain locations, including the Sagamore Bridge. Mr. Mumford said that unmitigated traffic impacts would result in safety and congestion problems. He commented that CanalSide Commons also proposes to use fair-share mitigation funds designated for many other locations and spend them on the proposed loop ramp and bypass road. Mr. Mumford said that CanalSide's proposed use of mitigation funds would leave the Commission, the Army Corps of Engineers, MassHighway, and the Towns of Barnstable, Sandwich, Falmouth, and Bourne responsible for mitigating project impacts at as many as 29 locations without any funds to do so.

Mr. Cannon addressed traffic safety and the project's proposed access scheme, and identified unmitigated locations in several communities. Mr. Cannon explained that although CanalSide Commons had previously identified 22 locations with high accident rates, it had eliminated fifteen (15) high crash locations from their report, and had not provided information sufficient to allow Commission staff to substantiate that these fifteen high-crash locations should be eliminated from the analysis. For other high-crash locations, no mitigation is proposed.

Mr. Malakhoff noted that the staff analysis was based on knowledge of the regional road network and land use patterns. Mr. Malakhoff discussed the Cape Cod Canal area regional transportation network and discussed the capacity limitations of the Bourne Bridge, which could not be increased. Mr. Malakhoff noted that the highly congested bridges were built in the 1930s and cannot safely accommodate increases in traffic. Public comment was received. See the minutes in File 7 for more detailed information.

<u>June 21, 2001 Full Commission hearing:</u>
Based on the project's inconsistency with the RPP in several issue areas and incomplete information and plans for other issue areas, the Subcommittee unanimously recommended on June 7, 2001 that the project as proposed in the DRI/FEIR be denied. On June 21, 2001 the Commission held a final public hearing to review a draft denial decision as unanimously recommended by the DRI Subcommittee.

At this hearing, Mr. Cubellis proposed a 90-day extension for the purpose of working out the remaining issues with the Commission. Mr. Cubellis stated that he would agree to this extension if the Commissioners agreed to active participation in the process and agreed that the improvements proposed at the Bourne Rotary, i.e., the loop road behind the State Police barracks and the by-pass road, are viable.

Frank Shephard, Commission Chair, asked if Mr. Cubellis was considering a smaller project. Mr. Cubellis stated that a smaller mid-build project is a viable solution and it is his belief that his proposed Phase One project is a smaller build project. Commission member Robert Deane noted that the Subcommittee had asked Mr. Cubellis on June 7, 2001 if he was interested in a six-month extension; he further stated that if Mr. Cubellis were granted an extension, he would need to provide the Subcommittee with a statement describing the purpose of an extension and a detailed outline of his plans. Mr. Deane then polled the Subcommittee as to whether they were interested in pursuing a six-month extension. The Subcommittee was not in favor of an extension based on a lack of agreement on the scope of the project and the number of outstanding issues on which no progress had been made. Mr. Cubellis discussed a phased approach to approval of the project, proposed traffic mitigation and community character concerns. He also discussed a potential affordable housing proposal if the project was not approved.

Planner Gay Wells noted that the project has gone through a joint review process with MEPA and that the Commission's RPP is more stringent than requirements of the Commonwealth in many areas. She explained that for a project to be approved by the Commission it must meet all of the applicable RPP standards and the project's benefits must be greater than its detriments. She discussed the findings in the draft decision and the Subcommittee recommendation to deny the project because it does not comply with a number of the RPP standards. In addition, Ms. Wells noted that insufficient information was submitted for some issue areas.

Robert Mumford, Commission Transportation Program Manager, summarized the transportation findings in the draft decision. He described the amount of traffic CanalSide Commons would be expected to generate and identified some of the locations that would be impacted as a result. He stated that CanalSide Commons failed to comply with numerous MPSsin the transportation section of the RPP. These include standards for safety, congestion and adequate mitigation of project impacts. There was discussion of the proposed loop road and its impact on community character and an increase in delay for some drivers. There was also discussion of level of service deterioration at the Bourne Rotary as a result of the project. Commission staff explained the difficulties of phasing the approval of the project and the problems involved in monitoring traffic generation.

Public comments included a statement from Jack Howarth, former Chair of the Bourne Planning Board. Mark Tirrell, Selectmen for the Town of Bourne, expressed support for the project and an extension of the decision. Clem DiFabrio spoke in favor of the project. Correen Moore, Bourne Town Planner, requested that an extension be considered. John Ford, Chief of Police for the Town of Bourne, stated that Sandwich Road creates gridlock. He noted that the alternative to CanalSide is

residential development and he feels that the proposed project would be the best use of the land. Mark DiCicco, Chamber of Commerce, stated that the Chamber unanimously supported the project.

Maggie Geist, Executive Director for the Association of the Preservation of Cape Cod (APCC), was convinced that traffic problems will increase locally and regionally as a result of the project and urged the Commission to deny it. Patrick O'Reagan, Association for the Preservation of Bourne, also reminded Commission members that they are charged to evaluate the project with respect to the MPSs of the RPP. . Bob Ordinley of Bourne Village thanked the Commission for all their hard work and asked them to vote "no" on the project. Dick Connor, Bourne resident, commented that local officials who spoke to the Commission today did not reflect the voice of local residents. He asked the Commission to do its job and not approve a project that does not meet the MPSs. Linda Cubellis stated that there is no property for sale elsewhere in Bourne where her brother could build this project. Richard Lafarge stated that the Commission couldn't negotiate the MPSs. Jean Crocker suggested further study and reevaluation of the project. She asked that the Commission either postpone a vote, or vote to approve the project. Kate Scott, Falmouth resident, questioned the point of further extensions and asked who holds title to the property. Elizabeth DiCicco responded that her husband, Mark DiCicco, holds the title to the property; her mother stated that she used to hold the property and feels the project is appropriate for the site, but the applicant should also consider an affordable housing proposal. Susan Bonny expressed support for the RPP standards.

Sylvia Laffin, Selectman from Harwich, appreciated the concept behind the project but also the need to uphold the RPP standards. She asked that if the Commission does not vote to grant the extension that it deny the project, which would allow the project applicant to come back with an alternative proposal. Dick Driscoll, Town of Bourne, asked the Commission to grant the extension. Scott Souza, Onset resident, read a letter in support of the project. Peg Wyman, Orleans resident, felt Cape Cod has been degraded by over-development. Don Provost, Vice President of the Association of the Preservation of Bourne, believed the project should be denied. Judy Conran, Town of Bourne, feels the project is in the wrong location and that it would not ever be possible for traffic to be mitigated to meet the MPSs. A Chatham resident stated that the MPSs have not been met.

Mr. Cubellis expressed a willingness to take Phases Two and Three off the table. He would like the opportunity to document what the vehicle trips really are because he believes they are substantially lower than what is projected. He reported that the CCJTC voted to support his proposal. Ms. Wells spoke to the draft decision's findings and said that the decision was not based upon lacking information, but on a number of MPSs having not been met.

Ms. Fenn addressed the issue of an extension and the Subcommittee's belief that Mr. Cubellis did not intend to substantially modify his proposal. She also discussed mediation efforts and the lack of agreement on a proposal. Mr. Cubellis proposed a 30-day extension. Discussion ensued regarding the length of the extension, whether it would be at least six months with a statement of the purpose of the extension or a 30-day extension to explore common ground. Alan Platt suggested that with any extension, the idea of a new project would need to be discussed. Joe Travelo stated that this proposal does not meet the MPSs. Ms. Kadar proposed a 90-day extension and noted that if after

the first few meetings there is no common ground then the Subcommittee can recommend a denial; Mr. Schlaikjer said he seconded that.

Subcommittee members agreed that a new proposal would have to be brought forward. Ms. Wells stated that Mr. Cubellis has had many discussions with the staff and has not been willing to reduce the size of his project and that she believes any further discussion would not be fruitful. Ms. Kadar withdrew her motion. Mr. Schlaikjer withdrew his second on the motion. Ms. Taylor moved that the Commission deny the project. Mr. Randolph seconded the motion. Ms. Fenn stated that the applicant should have an opportunity for one final chance at presenting an approvable project. Ms. Taylor withdrew her motion to deny. Mr. Deane moved to grant a 90-day extension. Mr. Travelo seconded the motion. The motion passed with two members in opposition.

February 16, 2006 Subcommittee hearing:
Attorney Patrick Butler, representing the applicant, described the project history, its background, the application completion process, and compared the original project proposal to what was currently being proposed. He described the way the applicant believed the project met the Development of Regional Impact (DRI) standards and review criteria. He noted the modified proposal proposes all of the development in areas of the site not mapped as a Significant Natural Resources Area. Attorney Butler described the Simpson parcels and how they had been added to the site during the Commission's review. He noted the Purchase & Sale Agreement for these parcels had expired in 2005. He discussed the estimated number of vehicle trips per day from the modified project and from the original project. Attorney Butler noted the proposed bypass road and the area of the proposed 40(B) project. He showed a new sketch plan of the new proposed site access eliminating a connecting driveway from Sandwich Road to the bypass road, which dealt with staff concerns related to transportation issues and community character.

Attorney Butler discussed the project's transportation impacts, suggesting that it represented a net traffic increase with 2,550 weekday vehicle trips and 4,142 Saturday vehicle trips. He noted the proposed transportation-related mitigation parcel accounted for 1,994 daily vehicle trips.

Lenord Cubellis, project applicant, discussed the need for additional retail in Bourne. He noted that non-automobile related retail comprised 36% of commercial development in Bourne, compared to 61%-91% elsewhere on Cape Cod. He said the proposed project was a major opportunity for additional retail development and would serve local needs. Mr. Cubellis said the proposed project had been divided into eight stores on a smaller scale. He showed a series of slides illustrating different activities including a farmers' market, retail kiosks and proposed 40(B) project.

Attorney Butler concluded the applicant's presentation by stating that he welcomed public input on the project and was working towards a DRI approval recommendation by the subcommittee.

Ms. Rooney, Commission senior planner, discussed the criteria for a DRI approval. She noted because of the filing of an Environmental Impact Report in 1998 on the original project, and several extensions of the project decision period, the project was required to be consistent with the Minimum Performance Standards of the 1996 RPP. Ms. Rooney said the staff report focused on those areas where the project was not yet consistent with the 1996 RPP.

Mr. Cannon, Commission transportation engineer, commented on the three RPP transportation goals of trip reduction, congestion mitigation and safety. Mr. Cannon expressed a concern with the proposed driveway connecting Sandwich Road to the development. He said the driveway had a limited transportation benefit, and a significant amount of environment disturbance. Because of these factors, Mr. Cannon said staff recommended this driveway be eliminated. Mr. Cannon expressed a concern with the overall width of the by-pass road. He noted that the function of the by-pass road was to allow travel from Route 28 northbound to Sandwich Road eastbound. Mr. Cannon said this movement could be accomplished by a single travel lane, and noted that the by-pass road was currently proposed to be 64 feet wide, to accommodate turning lanes for the project. He said Commission staff recommended that the by-pass road width be reduced.

Ms. Linda Zuern of the Bourne Board of Selectmen but speaking as an individual testified in favor of the proposed project. She noted Bourne needed more local shopping opportunities, so that residents could shop in town. Ms. Zuern said the land was zoned for commercial use. She said the proposed project was too small and suggested that a project with a hotel component was more appropriate. She said Bourne would benefit from room taxes if a hotel were part of the project.

Mr. Chris Farell, representing the Bourne Police Department, spoke in favor of the proposed bypass road. He also favored leaving the bypass at 64 feet and the one-way connector to Sandwich Road. He said queuing at the rotary could be addressed, and did not support sidewalks on Sandwich Road. Mr. Farell also spoke in favor of adding a hotel component to the project.

Mr. Barry Motta, Superintendent of the Upper Cape Regional Technical School, spoke to the need for safety mechanisms at the bottom of the school's driveway onto Sandwich Road, even though crash data did not bear this out. He said that without a police detail, there would be more serious accidents. He spoke in favor of the "big build/Plan A" alternative. He also spoke in favor of a tie-in to the project's proposed wastewater treatment plant for the school, and said he believed the project was a benefit to Bourne.

Mr. Richard LaFarge, of the Bourne Board of Selectmen, said he was speaking for himself. He noted the DRI test that a project's benefits had to outweigh its detriments. He noted that Sandwich Road and the rotary were major roads. He expressed concern about additional uses on site, such as possible apartments. He said the proposed bypass was not a true "bypass," in that it served the proposed project. He expressed concern about transportation safety issues, and the mixing of school and project-related traffic. He said police officer control at the school's driveway was not adequate to address the issues. Mr. LaFarge said he did not think the project's benefits outweighed its detriments.

Ms. Ann Bronti spoke in favor of the project. She noted the proposed bypass as a key feature, and suggested that a development between the size of the original proposal and current proposal be considered.

Mr. Andrew Cooney asked to speak as a member of the Bourne CanalSide Task Force, which was established to investigate possible acquisition of the site as open space. He noted the need to look at

open space purchases, and future uses of the site. He expressed concern about the traffic impacts at the rotary and on the road network.

Ms. Maggie Geist, Executive Director of the Association for the Preservation of Cape Cod (APCC), said APCC was pleased to see a smaller retail proposal, but was still concerned about traffic impacts. She said the unadjusted trip generation numbers should be used, without consideration of "internal capture" rates. She noted the traffic mitigation did not address trips from the proposed 40(B) project, some 3,000 estimated trips. Ms. Geist said the proposed bypass had limited benefits, and that many vehicles would still end up passing through the rotary. She recommended the number of site driveways be reduced.

Mr. Patrick Shelly expressed support for the original project. He said that residential development was a major traffic contributor. He did not think sidewalks or the commuter lot were appropriate.

Mr. Michael Fravich said Bourne was a difficult place to do business in. He said the town had limited infrastructure, and expressed concern that the local government did not have a commerce department, to assist businesses. Mr. Fravich expressed support for the original project.

Mr. John Schmidt expressed concern that the project was proposed adjacent to the landfill and transfer station. He expressed concern about project traffic, including whether the traffic studies had been done during peak times.

Ms. Kathy Lavelle, President of the Association for the Preservation of Bourne, said the project was not consistent with the RPP or local zoning. She questioned whether MassHighway had granted the proposed project curb cut permits. She said a police officer was preferred to a signal at the technical school driveway. She expressed concern about traffic safety issues. Ms. Lavelle expressed concern about the amount of proposed clearing and grading. She questioned whether the potential tax revenues were worth the traffic impacts, safety issues, and community character impacts.

Ms. Linda Cubellis said it was worth considering the number of trips going through Bourne and not stopping. She suggested the project would attract many people interested in the retail employment.

Ms. Sallie Riggs read a portion of a comment letter on behalf of the Bourne Financial Development Corporation in support of the project contingent on the project showing the economic benefits, over-55 and workforce housing benefits, open space preservation, and traffic/safety mitigation as presented.

Mr. Joseph Carrara, of the Assembly of Delegates, said he was speaking as a private citizen. He commended the Commission as a regional agency. At the same time, he said impacts and benefits to Bourne should be considered. He questioned the staff report comment that the project would not result in an economic benefit. Mr. Carrara expressed support for the original project concept.

FINDINGS

The Commission has considered the application of Lenord Cubellis for the proposed CanalSide Commons project, and based on consideration of such application and upon the information presented at the public hearings 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 development of a 78,500 s.f. retail complex and a 6,500 s.f. restaurant on an approximately 153-acre site located on Sandwich Road and the Bourne Rotary in Bourne, MA. The applicant proposes to construct the project in two phases of 50,820 s.f. (Buildings A, B, G, & H) and 34,180 s.f. (Buildings C, D, E, & F), as described on a Construction Phasing Plan, Cubellis Associates, Inc. received June 7, 2006. The applicant has proposed to construct a bypass road behind the Bourne Rotary from Route 28 (MacArthur Boulevard) to Sandwich Road to provide access to the site. The project plans also include an approximately 5.3 - acre area (portions of Assessor's Map 24, Lot 13.1, Book 13688, Page 241, and portions of Assessor's Map 25, Lot 3, Book 13688, Page 241), to the front of the site and adjacent to the proposed bypass road that has not been designated for any specific use.

G2. The proposed project has been revised from an approximately 1,000,000 s.f. mixed-use development previously reviewed under MEPA regulations. The applicant agreed to proceed with a joint DRI/MEPA review pursuant to a Memorandum of Understanding between the Commission and EOEA.

G3. The majority of the site is undeveloped and wooded, with the exception of an area that contains a former motorbike track, and is currently occupied by unauthorized recreational activities. The Upper Cape Regional Vocational Technical High School is adjacent to and north of the site. The Massachusetts Military Reservation (MMR) forms the eastern boundary of the project site and the Bourne landfill is approximately 3/4-mile south of the project site. The site is currently zoned B2 and B3 Business. The proposed project would require a special permit from the Bourne Planning Board.

G4. During prior joint DRI/MEPA review, the project site increased to approximately 183 acres with the addition of an approximately 5-acre former motel site immediately west of the original project site, and 25 acres of land immediately south of the original CanalSide property. The applicant has demonstrated through the submission of affidavits that this additional 30 acres of land is no longer under the applicant's control and therefore the project site totals 153 acres.

G5. The project was subject to review under the 1996 RPP. The Commission and the Barnstable County Assembly of Delegates adopted a new RPP in 2002. However, extension agreements allowed the applicant to continue to be reviewed under the 1996 RPP.

Land Use

LU1. MPS 1.1.1 encourages *compact forms of development such as cluster development, redevelopment within certified growth/activity centers, and, where appropriate, mixed-use residential/commercial development in order to minimize further land consumption and protect open space*. The proposed project is clustered on a portion of the site that was previously disturbed by unauthorized recreational activities, consistent with this MPS. The applicant has provided information concerning the potential future construction of 75 to 150 apartments to be located on the second level of the retail buildings proposed for the project. The applicant has provided architectural design of the buildings in the event construction of such "above the shop" apartments should occur in the future. Such addition of multifamily use to the project site would require review as a new DRI pursuant to Section 12 of the DRI Enabling Regulations (Barnstable County Ordinance 90-12[as amended]).

Water Resources

WR1. The proposed CanalSide Commons site is located within a Potential Public Water Supply Area (PPWSA) and within the watershed to the Cape Cod Canal.

WR2. The applicant is proposing 78,500 square feet of retail space and 150 restaurant seats; these uses will result in a Title 5 wastewater flow of 9,200 gallons per day. A standard Title 5 septic system will be used to treat wastewater on the site.

WR3. The majority of the proposed CanalSide Commons site is located within a Potential Public Water Supply Area (PPWSA) as defined in the RPP and shown on RPP Water Resources Classification Map I. In addition, the Priority Land Acquisition Assessment Project (CCC, 2001) identified the CanalSide Commons site as the only high ranked parcel in Bourne south of the Cape Cod Canal and outside of the MMR because MMR-associated contaminant plumes do not intersect it, as are other available properties in the town. Previous analyses indicate that preservation of the eastern portion of the site would allow the site to host a future public water supply well with a DEP-required 400 ft protective radius or provide a protected, undeveloped area for public water supply wells that have been considered within the MMR. The applicant has proposed to preserve the eastern portion of the site with a conservation restriction that will allow future use of that area for public water supply development.

WR4. Projects in PPWSAs are required to meet a 5-ppm nitrogen-loading limit under MPS 2.1.1.2.F.2. and MPS 2.1.1.1. of the 1996 RPP. Use of a standard Title 5 septic system to treat the proposed wastewater flows, along with the consideration of proposed fertilized landscaping and impervious surfaces, will result in a nitrogen loading concentration of 2.4 ppm, below the 5-ppm limit.

WR5. The stormwater minimum performance standard (MPS 2.1.1.6) in the 1996 RPP requires the use of best management practices (specifically mentioning vegetated swales) to minimize runoff and maximize treatment, development of a system maintenance schedule, and design based on a 25 year-24 hour storm.

WR6. The applicant has proposed a stormwater design and plan that meets MPS 2.1.1.6 of the 1996 RPP.

Natural Resources/Open Space

NR1. The applicant filed an application for joint review with MEPA and the Cape Cod Commission in July 1998. In that application, the applicant described the project area as 152 acres. The open space requirement was determined to be between 76 and 91.2 acres, depending on the size of the site areas located in and outside of the area mapped as Significant Natural Resource Area (SNRA).

NR2. In the DEIR filed in February 1999, the applicant's calculation of the project area increased to 157.6 acres, with a consequent increase in the approximate open space requirement to 96.5 acres.

NR3. In the FEIR filed on October 31, 2000, the applicant added approximately 25 acres to the site area, bringing the total to 183.3 acres, and provided calculations that the project would be required to provide 103.5 acres of open space. Commission staff's calculation of the open space requirement at the time of the November 21, 2000 staff report was 110.2 acres.

NR4. At the July 7, 2005 subcommittee meeting, the applicant presented a conceptual CanalSide Commons retail site plan, dated January 28, 2005 and received by the Commission on May 31, 2005, in which the entire 183.3-acre site was shaded.

NR5. In the most recent changes to the site plan, the applicant has documented that approximately 30 acres of the site area (owned by Fiddler's Green Limited Partnership, also known as the Simpson parcels) are no longer under the applicant's control, and consequently the site area is now 152.2 acres. Based on the applicant's calculations of site area located in and out of SNRA, the open space requirement for the project is 93.1 acres.

NR6. The applicant and the owners of the Simpson parcels submitted affidavits in July 12, 2005 and February 3, 2005, respectively, which state that there is no longer any common ownership or control between the parties.

NR7. It is appropriate to require open space based on the applicant's statement of the current project size, 152.2 acres, noting that should the applicant add one or both of the Simpson parcels to the project site in the future, that open space for this land should be required based on the requirements of the 1996 RPP based on the anti-segmentation provision in Section 2(a)(iii) of the DRI Enabling Regulations.

NR8. A 93.1-acre area proposed to be protected open space on the site is located to the east (rear) and southern boundaries of the site. These portions of the site are the most sensitive, including a narrow valley, or "frost bottom", and rare species habitat located to the east, and are proximate to a growing band of protected land to the south. Consequently the proposed open space is consistent with the requirements of MPS 2.4.1.2, 2.4.1.3, 2.5.1.1, 2.5.1.2, 2.5.1.5, and 2.5.1.6.

NR9. The applicant intends to protect the open space through a conservation restriction held by an appropriate conservation entity. The land willbe made publicly accessible, while providing for the habitat protections discussed below on the 93.1-acre parcel, subject to addressing the concerns of Massachusetts Military Reservation officials.

NR10. Since a portion of the site is located in mapped rare species habitat, the applicant submitted a request for comments from the Natural Heritage and Endangered Species Program (NHESP). NHESP responded on June 26, 2000 that based on the original project (which is consistent in terms of the area of the site to be impacted by development with the current proposal), that they did not anticipate adverse impacts to state listed species. NHESP recommended that the recreational activities within the open space area be limited to avoid adverse impacts to state listed wildlife, and requested that provisions for habitat management be allowed for in the conservation restriction.

NR11. While the Bourne Water District has stated that they do not intend to develop a new water supply on this property, the conservation restriction will allow for development of a water supply on the 93.1- acre parcel.

NR12. The present proposal locates development away from potential vernal pools located in the southern corner of the site adjacent to the proposed bypass road, and thus is consistent with MPS 2.4.1.5.

NR13. The proposed clearing and grading at the front of the site near Sandwich Road/MacArthur Boulevard associated with the bypass road will significantly alter the slope approaching the project development site, which is inconsistent with MPS 2.4.1.2, and which may have significant impacts on views of the site from the Bourne Bridge. The applicant has proposed to revegetate these slopes with erosion control mix, conservation mix and a variety of native tree and shrub saplings to mitigate the natural resources impacts to this area.

Economic Development

ED1. Goal 3.1 of the RPP is to *promote businesses that are compatible with Cape Cod's environmental, cultural, and economic strengths in order to ensure balanced economic development.* DRP 3.1.2 instructs the Commission to *evaluate the impact of the project relative to the information provided.* The following findings are based on the analysis of information provided by the applicant:

1. Net job creation: According to the applicant, the project is estimated to generate 126 full-time equivalent positions. The percentage of employment that will be full-time, part-time, or seasonal is unknown.

   Also unknown is the total payroll to be generated, the average wages to be paid, the types of jobs expected, or the potential benefits associated with those jobs. On average, 2003 average weekly wages for retail trade in Barnstable County were $467/week, compared to the average for all industries of $636/week. Only the Accommodation & Food Service and

Other Services industries have lower average weekly wages than retail ($346/week and $464/week respectively). [1]

2. Services/products provided: The project as currently proposed consists of retail and restaurant trade and no specific tenants have been identified to date. The proposed sizes of commercial space set forth below are approximations only based on gross square footage. The exact size of particular leased commercial space will be determined based upon final negotiation of tenant leases.

Estimated Commercial Activity		
Industry	***Square Footage***	***Establishments***
Retail	78,500	*Not Provided*
Restaurant	6,500	150 Seats
Total	85,000	*Not Provided*

Proposed Commercial Space[2]	
Size	***Units***
1,000 – 2,000 square feet	6
2,000 – 2,500 square feet	25
2,500 – 3,000 square feet	6
Over 3,000 square feet	4
Total	41
Maximum Size Proposed	3,622 square feet

Within the context of the Commission's charge to ensure a balanced regional economy, the addition of 78,500 square feet of retail and 6,500 square feet of restaurant space will serve to further concentrate commercial development in the region's two largest employment sectors. Bourne's share of the region's retail development is currently 7.6% overall, while Bourne's share of the region's population is slightly higher at 8.4%. It is worth noting that in terms of sales, Bourne generates 8.9% of the regional sales, greater than their share of the population, and while a healthy share of this is from auto sales, approximately 50% of retail sales and 75% of retail employment in Bourne comes from other, non-auto related retail activity[3]. The applicant has argued that this development will reduce sales leakage from Bourne to surrounding towns. Using standard calculations of local sales surplus and leakage[4], Bourne actually shows a surplus for total retail sales relative to both the county and the state In fact, with the exception of the town of Barnstable, Bourne retail sales surplus is greater than all the other towns on the Cape for which data is available (Brewster, Dennis, Falmouth, Harwich, Mashpee, Sandwich, and Yarmouth). When auto-related sales are removed,

[1] Source: Covered Employment & Wages (ES202), US Bureau of Labor Statistics, 2003
[2] Source: Plans submitted December 7, 2005
[3] Source: US Economic Census, 2002, US Bureau of Census
[4] (County per-capita retail sales * Town population)(Town per-capita income / County per-capita income) – (Retail Sales by Town) = Surplus (Leakage)

Bourne shows some sales leakage relative to the county's total non-auto related sales but still fares better than both Falmouth and Yarmouth, two of the three comparison locations provided by the applicant, Therefore, given the structure of the regional economy, this project will not advance economic diversity or add balance to the regional economy, nor will the local impact on consumer choice be significant enough to be considered a regional benefit.

3. Local ownership and resident employment: Information indicating how or if the project would house locally owned businesses or seek to employ Cape residents was not provided.

4. Other: The applicant provided the following additional information on the project:
   a. Total Investment: $19 Million with approximately $10 – 12 Million in total construction costs, to be spent over an estimated 18-month construction period.
   b. Estimated increase in property tax payment: expected payment ($159,737) minus current payment ($11,500) equals $148,237 per year. Property tax revenue in 2006 was $29,448,172 for the Town of Bourne. This addition would represent a .5% increase of the Town's tax base.

The project has not demonstrated benefits relative to the remaining DRPs under Goal 3.1 that are relevant to this project:

- DRP 3.1.3: Encourage enterprises with the greatest economic potential (essential or emerging industries)
- DRP 3.1.4 Encourage tourism activities that enhance natural and cultural qualities of Cape Cod and that promote year-round activity.
- DRP 3.1.5: Encourage development of local business.

ED2. Goal 3.2 of the RPP is to *locate development so as to preserve the Cape's environment and cultural heritage, minimize adverse impacts, and enhance the quality of life*. The section provides only one MPS focused on incentives for projects within certified growth/activity centers. This project is not in a certified growth/activity center and therefore MPS 3.2.1 does not apply. In terms of the DRPs under Goal 3.2, the project has not demonstrated benefits relative to the following:

- DRP 3.2.2: Development should be concentrated in growth centers
- DRP 3.2.3: Village centers should be maintained and restored by concentrating small-scale retail, office, home-based industry, and community activities in these areas.
- DRP 3.2.4: Large-scale commercial activities should be concentrated where adequate infrastructure is available
- DRP 3.2.7: Redesign, revitalization, and infill of existing strip commercial developments.

ED3. Goal 3.3 of the RPP is to *encourage the creation and diversification of year-round employment opportunities*. The project has not demonstrated regional benefits to year-round employment, access to health and retirement benefits, employment of local workers, higher than minimum pay levels, or financial support of training programs and/or affordable housing, as

specified under DRP 3.3.1. The project has not demonstrated benefits relative to the other DRP's in this section:

- DRP 3.3.2: Encourage projects providing permanent, well-paying, year-round jobs & training opportunities
- DRP 3.3.3: Encourage projects that employ Cape Cod contractors, workers, and use local suppliers
- DRP 3.3.4: Encourage projects to hire minority and women contractors and employ minorities, disabled, elderly, unemployed and underemployed in permanent positions.

Transportation

T1. As stated in the Traffic Impact and Access Study, the proposed development is expected to generate 6,110 vehicle trips on an average weekday. The expected net increase in traffic from the project, after allowing for the retail/residential internal capture rate, a 20% trip reduction (as required under MPS 4.1.2.1) and 25% pass-by rate, is as follows:

	Unadjusted trips	Internal capture trips	20% trip reduction	25% pass-by trips	Net increase in trips
Ave weekday	6,110	428	1,136	1,138	3,408
Ave evening peak hr	562	28	108	108	318
Ave Saturday	8,340	668	1,534	1,536	4,602
Ave Saturday peak hour	779	23	152	152	452

T2. The Regional Policy Plan requires Developments of Regional Impacts to identify all year-round and summer transportation impacts caused by the development on all regional road links and intersections where the project is expected to add 25 new trips during the project's peak hour. This threshold is increased to 50 trips for regional intersections and road links within certified growth centers.

Based on the trip generation and trip distribution information provided by the applicant in the Traffic Impact and Access Study, thirty-six (36) regional intersections and forty (40) regional links were identified and analyzed in accordance with the Regional Policy Plan. The appropriate regional intersections and regional links are included in the traffic study.

T3. MPS 4.1.1.7 requires that *regardless of project size or traffic generation, there shall be no degradation in public safety as a result of a DRI.* Based on the applicant's traffic report, five (5) of the intersections impacted by more than 25 peak hour trips from this project have three or more crashes per year and/or a crash rate higher than the state average. All of these intersections are within the Town of Bourne.

The applicant has offered safety mitigation at all five high crash locations to offset the degradation in public safety caused by the development. The applicant's safety mitigation is outlined in the table below.

	Safety Mitigation
Sandwich Road/Adams Street	Design and Installation of a traffic signal as outlined in the Conceptual Improvement Plan, Sandwich Road @ Adams Street, by Vanasse Associates dated June 8, 2006 and revised July 10, 2006.
Belmont Circle	Implement the Canal Area Transportation Information System as outlined in the CanalSide Commons DEIR/DRI, dated February 16, 1999, Vol. III, pg. 1-133 & Fig. 1.7-48 by Coler & Colantonio, Inc. and Cubellis Associates, Inc.
Otis Rotary	Install "Rotary Ahead" warning signs in advance of the rotary on all approaches and upgrade all signs and pavement markings within the rotary and on the rotary approaches to current design standards, as outlined in the plan by Vanasse Associates, Inc. titled Preliminary Conceptual Plan dated April 4, 2006. This plan was submitted on April 21, 2006 by Attorney Patrick Butler.
Bourne Circle	Design and construction of the Bypass Road connecting Route 28 northbound with Sandwich Road eastbound. The Bypass Road construction will include signalization of the existing Upper Cape Technical School driveway. In addition, the Bypass Road conceptual plan includes new signage and pavement marking on the rotary and stanchions on the Bourne Bridge approach to the rotary. These improvements are shown on the Preliminary Conceptual Improvement Plan dated March 21, 2006 by Vanasse Associates, Inc.
Barlows Landings Road/Shore Road	Modify the northeast corner between Barlow's Landing Road and Shore Road to reduce the radius from 60 feet to 35 feet. Modify crosswalks across Barlow's Landing Road (westbound) and Shore Road (southbound) to match the reduced radius. Relocate the stop sign on the Barlow's Landing approach to reflect the revised crosswalk location.

T4. The applicant has proposed design and signalization of the Sandwich Road/ Upper Cape Technical School driveway as part of the Bypass Road construction. Although this intersection was not identified as a high crash location, this mitigation is the most significant safety improvement proposed by this project. A new intersection off the Bypass Road will provide access to the Upper Cape Technical high school.

T5. MPS 4.1.1.6 requires all new driveways on regional roads to operate at Level of Service (LOS) C or better as defined in the Highway Capacity Manual. Based on the Highway Capacity intersection analysis submitted by the proponent, the proposed Bypass Road driveways will operate at better than LOS C under build conditions.

T6. As stated in Transportation Finding T3, thirty-six (36) regional intersections and forty (40) regional links were identified and analyzed in accordance with the Regional Policy Plan. The applicant has compiled and submitted to the Commission a fair share cost analysis following Technical Bulletin 96-003, Part 2 – Fair Share Overview and Methodology Guidelines. The applicant must mitigate 452 Saturday midday vehicle trips to comply with MPS 4.1.1.1 of the RPP. The fair share cost to offset 452 Saturday midday peak trips has been calculated by Vanasse Associates, Inc., at $1,895,740. The applicant has proposed to apply the fair share cost to the Bypass Road as shown on the Vanasse Associates Plan titled Preliminary Conceptual Improvement Plan dated March 21, 2006. The proposed Bypass Road structural mitigation planned is outlined in the safety mitigation table (Transportation Condition T1) listed underneath the Bourne Circle.

T7. Prior to CanalSide Commons constructing mitigation at these locations, if any other parties (public or private) construct traffic improvements or traffic mitigation at any of these locations that makes the applicant's proposed mitigation unnecessary or impractical, the applicant shall pay an amount equivalent to that proposed mitigation cost at those locations to the County of Barnstable/Cape Cod Commission. Such payments in lieu of in-kind traffic mitigation are necessary to comply with MPS 4.1.1.1 and shall be used to support transportation improvements in the Town of Bourne.

T8. The applicant has agreed to commit $104,500 for the roadway mitigation as allowed by Regional Policy Plan ODRP 4.1.1.20. These funds will be held in a mitigation account at the Barnstable County/Cape Cod Commission and shall be applied towards transportation improvements in the Towns of Bourne, Falmouth, Sandwich and Barnstable (study area towns impacted by this project) as outlined in Transportation Condition T3.

T9. All DRIs are required to reduce or offset new vehicle trips in and out of the site by 20% over what is typically expected for the land use (MPS 4.1.2.1). Based on the increase in average daily traffic of 5,682 trips per day adjusted for internal capture with the proposed 40B development, the trip reduction requirement for this project is 1,136 daily vehicle trips. As part of the overall trip reduction plan, the applicant has proposed an employee/patron trip reduction program as provided under Transportation Condition T6.

T10. The applicant has proposed to donate approximately 90,978 square feet of vacant developable land (approximately 2.0 acres) off Sandwich Road in Bourne, in excess of open space requirements, to a conservation land trust to meet the remaining trip reduction requirements and as a benefit to offset the existing traffic congestion in the area. The parcel of land is identified on Open Space Analysis Plan, Cubellis Associates, revised June 12, 2006. This vacant developable land has the potential to generate 2,466 daily trips, more than the 1,136 (5,682 x 20%) trips required under the RPP. The donation of vacant developable land in excess of open space requirements as an offset to the trip reduction requirements of the RPP is allowable under DRP 4.1.3.2.

T11. MPS 4.1.1.11 requires in part that *road widening, intersection widening or new traffic signalization be consistent with community character and not have an adverse impact on historic, scenic or natural resources*. The existing topography immediately surrounding and including the CanalSide site varies from a low of approximately 50' (adjacent to the Old Sandwich

Road/Sandwich Road intersection) to over 125' in the center of the proposed development area. Construction of the bypass road, a secondary one-way access along Renaissance Drive, and the proposed drainage design for the project will all result in a significant amount of clearing and grading between Sandwich Road, MacArthur Boulevard and the project site. As noted in finding NR13, the applicant has proposed to revegetate these slopes with erosion control mix, conservation mix and a variety of native tree and shrub saplings to mitigate the natural resources impacts as a result of construction of the proposed bypass road.

T12. To mitigate the community character impacts as outlined in MPS 4.1.1.11, the applicant has agreed to provide ornamental mast arms and/or ornamental signal heads, and related ornamental signal equipment at all new signalized locations, and alternative paving treatment for any crosswalks.

T13. The applicant has agreed to provide an easement across the applicant's property from the Simpson parcel, Assessor's Map 24, Lots 13 and 13.2, Book 13315, Page 84, traveling south to allow for access to the bypass road for development of the Simpson parcel. Such an easement shall be at a location mutually agreed upon by the applicant and Simpson and shall be subject to the reasonable terms and conditions to be negotiated by and between the applicant and the owner of the Simpson parcel.

T14. The applicant has agreed to clear and maintain a 1200' long by 15' wide pathway between the Gallo Arena and the proposed entrance driveway on Sandwich Road.

T15. In accordance with condition T-4, the applicant is required to design and construct a bypass road as shown on the preliminary conceptual improvement plan dated March 21, 2006 by Vanasse Associates, Inc. The applicant shall, in order to dedicate the bypass road as a public way, prepare, file and record a subdivision plan in accordance with Massachusetts General Law Chapter 41, Section 81-L. A copy of the subdivision plan as endorsed by the Planning Board of the Town of Bourne shall be submitted to the Cape Cod Commission for the record. The applicant shall consult with the Bourne Board of Selectmen and MHD regarding acceptance of the road as a public way and/or state road prior to dedication.

T16. The applicant has agreed to fund a study for the Town of Bourne regarding the feasibility and design of sidewalks from the Bourne High School to the project site. The applicant may seek to utilize portions of the funds identified in finding #T9 for actual construction of sidewalks as outlined in the feasibility study.

T17. MPS 4.1.1.14 requires developments *to provide adequate parking* and MPS 4.1.1.15 requires that *parking facilities for DRIs be limited to the needs identified in a Commission approved parking study or the requirements of local communities, whichever is greater*. According to an analysis prepared by the Bourne town planner on July 17, 2006, the Bourne zoning bylaw requires a minimum of 491 parking spaces for the proposed retail and restaurant uses on the site. The applicant has proposed a total of 538 parking spaces, including 47 spaces as reserve parking for potential future apartments above the retail uses. This reserve parking area exceeds the town

requirement of 491 spaces. The reserve parking area will remain as a grassed or landscaped area unless and until a DRI approval is granted for proposed apartments over the retail uses.

Solid Waste

SW1. MPS 4.2.1.1 requires the applicant to *address how waste will be diverted, to the maximum extent possible, away from disposal facilities (landfills and incinerators) and be composted and/or recycled, per the integrated solid waste management system outlined in the standard.* According to information supplied by Epsilon Associates, a Solid Waste Management Plan has been prepared (refer to Volume II, Section 2.5 of the Draft Environmental Impact Report) that details the manner by which waste will be diverted from disposal facilities and recycled. As such, the applicant has met this solid waste standard.

SW2. MPS 4.2.1.2 requires the applicant to *allocate adequate storage space for interim storage of recyclable materials.* As outlined in the Management Plan, an on-site recycling coordinator will ensure that the retail complex will provide the necessary infrastructure for the recycling of all recyclable materials. In particular, the retail complex will be required to recycle waste cardboard and will provide the infrastructure for the collection and disposal of plastic and tin containers. As such, the applicant has met this solid waste standard.

SW3. MPS 4.2.1.3 requires the applicant to *manage construction wastes (asphalt, brick, concrete, wood, sheetrock and metals) in a manner consistent with the integrated solid waste management system outlined in MPS 4.2.1.1.* A Solid Waste Management Plan has been prepared that addresses the types and amounts of construction wastes that will be generated during the construction phase of the proposed project. The Management Plan details how the materials will be stored on site, how the materials will be separated into separate zones for recycling, and those materials that cannot be recycled will be disposed of in a permitted landfill. As such, the applicant has met this solid waste standard.

Hazardous Materials/Waste

HAZ1. MPS 2.1.1.2.F.2 restricts *commercial and industrial development and redevelopment that involves the use, treatment, generation, storage or disposal of hazardous wastes or hazardous materials* in Potential Public Water Supply Areas (PPWSAs). According to 1996 RPP maps, part of the site is located in a PPWSA. However, based on plans submitted by the applicant, the revised project will be located entirely outside of the PPWSA-mapped area. The applicant has also agreed that fueling and re-fueling of construction equipment will occur on designated areas that are outside of the PPWSA.

HAZ2. 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 DEIR for the original project stated that hazardous materials attributable to construction would include diesel fuel, hydraulic oil, lubricating oil and grease. The DEIR, FEIR and SFEIR did not address methods to <u>reduce</u> hazardous waste generation from construction.

HAZ3. MPS 4.2.2.2 requires that *development and redevelopment shall be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.00.* The DEIR for the original project described methods to collect, handle, store and dispose or recycle hazardous materials and hazardous waste attributable to construction activities. To be consistent with MPS 4.2.2.2, servicing of construction equipment should be limited to greasing of fittings and joints, and on-site "heavy" maintenance should be prohibited. Any equipment fueling should occur on an impervious surface with spill containment. A May 3, 2001 submission from the applicant states that requirements like these will be incorporated into construction bid documents. This is sufficient to address MPS 4.2.2.2 for the project's construction phase(s).

HAZ4. Regarding management of hazardous materials and wastes in the project's post-construction phase, the applicant has indicate that building heating will be provided by natural gas, and that the applicant will address MPS 4.2.2.1 and 4.2.2.2 through lease restrictions and by providing tenants with educational materials.

Air Quality

AQ1. MPS 2.6.1.1 requires that DRIs *shall be in compliance with the Massachusetts State Implementation Plan (SIP) and DEP's Air Pollution Control Regulations, 310 CMR 7.00.* For the revised project, noise sources are likely to include construction/site clearing activities, building mechanical equipment, emergency generators (if any), and noise related to tenant businesses, including the proposed restaurant. Noise attributable to site traffic has also been a concern during the DRI review. The revised project configuration eliminates a previously proposed loop road, with site access provided solely by a bypass road from Route 28 (MacArthur Boulevard) and Sandwich Road.

AQ2. The DEIR and a November 29, 2005 Memo from Cubellis Associates, Inc. addresses noise impacts from construction activities, and describes ways to attenuate sound from these activities and HVAC equipment through a combination of mufflers, building design, acoustical treatments and restricting hours of construction. These actions, and elimination of the loop road, are sufficient to address MPS 2.6.1.1 for this project.

Affordable Housing

AH1. The applicant on December 29, 2005 filed its application with MassHousing for a Chapter 40B site eligibility letter for a 300-unit ownership development on the site. Per Section 13J of the Act, the Commission is considered a local board for Chapter 40B permit applications.

Heritage Preservation/Community Character

CC1. The Massachusetts Historical Commission (MHC) found on July 21, 1998 that the CanalSide Commons project was unlikely to impact significant archaeological resources. An intensive (locational) archaeological survey was conducted by PAL, Inc. in consultation with the

Massachusetts Historical Commission (MHC) and the Wampanoag Tribe of Aquinnah. The survey concluded that the site does not support any significant archaeological resources.

CC2. The proposed project includes 8 buildings, labeled A through H, all fronting on a proposed "village green" and along the proposed Bypass Road. The applicant submitted a complete set of building plans and elevations, including roof plans, dated 9-29-05 (Buildings A through F) and 9-28-05 (Kiosk and Building G). All buildings are proposed to be single story, with multiple entrances for commercial tenants, and glass display windows on the front facades. Rear facades have primarily clapboard walls with service entrance doors.

CC3. The proposed design is consistent with RPP Performance Standard 6.2.1, which requires the height and scale of new buildings to be compatible and harmonious with its site. This standard also requires that no new development have a single structure with a footprint greater than 50,000 square feet. None of the structures in the proposed Canalside Commons exceeds a footprint of 50,000 square feet. The largest buildings, Buildings A and B, have a footprint of approximately 26,000 square feet. Buildings C and D each have a footprint of approximately 12,000 square feet. Buildings E and F are each approximately 5,600 square feet. The kiosk and Building G are approximately 2,000 square feet each.

CC4. In reviewing larger buildings with facades over 100 feet long, the Commission has used a rule of thumb that calls for at least 10 feet of façade variation for every 50 feet of façade length. The long façades of Buildings A, B, C, and D do not have this level of variation in their building footprint. Buildings A and B provide approximately 30 feet of façade variation for façades of 190 feet and 250 feet in length. Buildings C and D provide approximately 20 feet of façade variation for façades approximately 170 feet long. Addition variation in the roof forms of the proposed buildings, as well as in the building materials and display windows, will help to break down the building mass. As final building plans are prepared to accommodate incoming tenants, any design modifications should include additional footprint and façade variation and should not lessen the amount of variation shown in the approved plans.

CC5. The proposed design is consistent with RPP Performance Standard 6.2.2, which requires the mass and scale, roof shape, roof pitch, and proportions and relationships between doors and windows to be consistent with traditional Cape Cod architectural styles. The style of the proposed buildings, and the use of hip and gable roof forms, wood clapboard and shingle siding, and wood architectural detailing is consistent with this standard, and also with Review Policy 6.2.18 which recommends the use of traditional building materials for new construction.

CC6. 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 project plans include a total of 542 parking spaces broken up into smaller lots. The majority of the parking is provided to the side or rear of the buildings, consistent with MPS 6.2.10. A total of 64 spaces are proposed to the front of proposed retail buildings, which is inconsistent with MPS 6.2.10.

CC7. Traditional village design is characterized in part by on-street parking to provide safe and convenient pedestrian access to storefronts. The intent of the applicant's design is to promote traditional village design through a series of smaller-scaled retail buildings connected by one-way internal streets with on-street parking and small parking lots.

CC8. Access to the project site is proposed by construction of a bypass road that is primarily automobile-oriented, with limited pedestrian activity due to the lack of other surrounding development. Three of the proposed retail buildings are located immediately along the new bypass road. The provision of a limited amount of on-street parking directly in front of these buildings would promote a more village-style design.

CC9. The applicant has provided a 16 to 36-foot vegetated buffer and 3 to 4 - foot earthen berm between the 64 parking spaces and the bypass road in order to mitigate the visual impact of the parking from this new regional roadway. The location of this parking in front of the buildings will not be more detrimental to the protected resource than would be allowable under MPS 6.2.10.

CC10. MPS 6.2.5 requires *landscaping that integrates buildings with their environment, enhances architectural features and provides amenities for pedestrians shall be provided by all new development.* MPS 6.2.6 also requires *all development to implement a landscape plan which addresses the functional aspects of landscaping, such as drainage, erosion prevention, and screening.* The applicant proposes to create a walkable, compact, urban form of development through a cluster of eight buildings connected by a series of walkways and surrounding a central green with gazebo and benches. The proposed landscape plan includes a variety of trees and shrubs that are suitable to the site. The applicant also proposes movable landscape planters throughout the development site.

CC11. The landscape plan includes benches, bike racks and other site amenities consistent with MPS 6.2.5. The applicant also proposes to revegetate areas disturbed as a result of clearing and grading for the proposed bypass road with native grasses and tree/shrub saplings, and has implemented some LID design techniques into the project design. While not a requirement under the 1996 RPP, the applicant has agreed to provide a 3-year maintenance agreement for all proposed landscaping, including revegetated slopes associated with construction of the proposed bypass road.

CC12. MPS 6.2.7 of the 1996 RPP states that *exterior lighting...shall comply with standards including design, light source, total light cutoff and foot-candle levels as defined in...Technical Bulletin 95-001.* A *Landscape & Lighting Plan* (sheet C-9, Cubellis Associates, dated 10/3/05) shows the approximate location of pole-mounted site lighting. Later submissions indicate that the proposed pole-mount lights are consistent with Technical Bulletin standards 2.1 to 2.4. This information also indicates some lights (denoted as *BB*) will have a 25-foot mount height. Standard 2.5 of Technical Bulletin 95-001 sets a 20-foot limit on pole-mounted lights for developments that abut residential areas, regional roadways, or are visible from public roads. This pole height was increased to a 25-foot height to reduce the number of light poles and light fixtures. The 25-foot pole height may also provide some long-term benefits by reducing energy use. The application did not address whether any other fixtures will be used as part of the project, including but not limited

to lights that would be attached to proposed buildings (wall-packs), any recessed fixtures, landscaping accent lights or bollards.

CC13. Technical Bulletin standard 2.6 sets a maximum foot-candle level of 8.0 as measured directly below the luminaire at grade. Foot-candle plans submitted by the applicant to date appear to indicate compliance with this standard, except that these plans may overly reduce the fixtures' maximum light output.

CC14. The applicant has submitted schematic signage information and a design narrative indicating that proposed building and pylon signs will be painted wood or carved and externally illuminated or back-lit as required by MPS 6.2.8. The proposed building elevations indicate the location of building signs along a sign band placed below the eave, which is acceptable to staff. Detailed signage plans including materials, placement on the site and proposed method of illumination should be required prior to issuance of any building permits for staff review and approval.

CONCLUSION

Based on the findings above, the Commission hereby concludes:

The probable benefits of the proposed project outweigh the probable detriments as supported by findings #WR4, T4, T10, T13, T14, T16, NR9, NR11, and CC11, and condition # T1 (traffic counting equipment only).

The project, as proposed, is consistent with the Minimum Performance Standards of the Regional Policy Plan.

Based on a letter from the Bourne town planner dated July 17, 2006, the proposed project is consistent with the Bourne zoning bylaws provided that the project obtains a special permit as required by the Town.

The town of Bourne does not have a certified Local Comprehensive Plan (LCP).

The proposed project is not located within a District of Critical Planning Concern (DCPC).

The Cape Cod Commission hereby approves the application of Lenord G. Cubellis, for the CanalSide Commons project in Bourne, MA, provided 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 after notice to the applicant.

G3. The applicant shall obtain all necessary 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. Any development, re-division, or reconfiguration of the locus other than that authorized by this decision, including the 2.0 – acre parcel, the 5.3 – acre parcel which includes portions of Assessor's Map 224, Lot 13.1, Book 13688 Page 241, and Assessor's Map 25, Lot 3, Book 13688 Page 241, the 14.8 – acre parcel, and the 93.1 – acre parcel, all as shown on Sheet C – 15, Open Space Analysis Plan, prepared by Cubellis Associates, Inc., dated June 12, 2006,shall be reviewed as a Development of Regional Impact or as a modification to this DRI decision in accordance with Chapter A, Section 12 of the DRI Enabling Regulations.

G6. The applicant shall provide the Commission with an annual progress report to be submitted on or before the anniversary of the date of this decision. The annual progress report shall describe the status of local development permitting and project construction, including the expected date of commencement of site preparation work. The applicant shall report changes to the annual progress report. The requirement to file annual progress reports shall be terminated upon the receipt of a Final Certificate of Compliance.

G7. The proposed CanalSide Commons project shall be constructed in accordance with the following final plans:

• Development of Regional Impact Alternative Site Plan Submission for CanalSide Commons, revised July 14, 2006, sheets C1 – C15, and A1 – 8
• Construction Phasing Plan, Cubellis Associates, Inc. received June 7, 2006
• CanalSide Commons Phased Parking Plan, Cubellis Associates, Inc., dated July 24, 2006
• Initial and Maintained Light Levels, sheets #L1 and #L2, Cubellis Associates, Inc., drawn by BLS, dated 5/12/06
• Conceptual Improvement Plan, Sandwich Road @ Adams Street, by Vanasse Associates, Inc., dated June 8, 2006 and revised July 10, 2006
• Preliminary Conceptual Improvement Plan (Bypass Road plan), Vanasse Associates, Inc., dated March 21, 2006 and revised March 22, 2006
• Conceptual Building and Pylon Sign Plans, received July 27, 2006

G8. Prior to issuance of a building permit for any phase of construction, the applicant shall submit final plans as approved by local boards for review by Commission staff to determine their consistency with this decision and/or information submitted as part of the DRI review. Any deviation during local review or during construction from the approved plans, including but not limited to changes to the building design, building location, lighting, landscaping or other site work,

shall require approval by the Cape Cod Commission through a modification process, pursuant to Section 12 of the Commission's Enabling Regulations. The applicant shall submit to the Commission any additional information deemed necessary to evaluate any modifications to the approved plans.

G9. Prior to issuance of a building permit for any phase of construction, the applicant shall obtain a Preliminary Certificate of Compliance from the Commission. All conditions of this decision required before issuance of a building permit shall be met prior to issuance of a Preliminary Certificate of Compliance for such phase.

G10. Prior to receiving a permanent or temporary Certificate of Occupancy for Phase 1 of the proposed project, the applicant shall obtain a Partial Certificate of Compliance from the Cape Cod Commission. Prior to receiving a permanent or temporary Certificate of Occupancy for Phase 2 of the proposed project, the applicant shall obtain a Final Certificate of Compliance from the Commission. All conditions of this decision shall be met prior to issuance of a Final Certificate of Compliance.

G11. No new building area within a phase shall be open for business to the public until a Certificate of Compliance is received from the Cape Cod Commission for such phase.

G12. The applicant shall notify Commission staff of the intent to seek a Certificate of Compliance at least sixty (60) days prior to the anticipated date of seeking 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 that is the subject of this decision for the purpose of determining whether the conditions contained in the decision are met.

G13. The applicant shall demonstrate that a copy of this decision has been provided to the general contractor and all tenants (if applicable) prior to the start of construction.

Water Resources

WR1. The stormwater and wastewater systems shall be designed and constructed as shown on sheets C6 – C8, Grading and Drainage and Utility Plans, and Sheet C12, Detail sheet, DRI Alternative Site Plan Submission for CanalSide Commons, revised July 14, 2006.

WR2. CanalSide Commons, LLC, a Massachusetts limited liability company, shall be responsible for the implementation of the stormwater system management plan listed in Drainage Report and Hydrologic Analysis for CanalSide Commons, prepared by Cubellis Associates, Inc., November 4, 2005, revised May 16, 2006.

WR3. The conservation restriction proposed for the eastern portion of the site shall include provisions allowing the activities associated with public water supply development.

Natural Resources/Open Space

NR1. In order to address the significant habitat values found within portions of the proposed open space area due to the presence of rare species habitat, the applicant shall coordinate preparation of a conservation restriction for the 93.1 - acre conservation area with the NHESP, allowing them to review and comment on the document. The conservation restriction shall allow, as appropriate and as recommended by the NHESP, the conservation grantee, and the Commission, for monitoring and management of the conservation restriction area for rare species habitat.

NR2. Prior to issuance of a Preliminary Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall provide the Cape Cod Commission with a draft conservation restriction of a form and substance satisfactory to the Commission or its designee and consistent with Massachusetts General Laws Chapter 184, § 31 – 33 and accompanying plan which provides that 93.1 acres located to the east and south on the CanalSide Commons site and identified as open space on the plan titled "Open Space Analysis" as prepared by Cubellis Associates, Inc. and dated 3/20/06 shall be preserved as permanent open space. The conservation restriction shall be held by an appropriate conservation entity to be approved by Commission counsel. The restriction and site plan shall be approved by Commission counsel, executed and recorded at the Registry of Deeds or Registry District of the Land Court, and proof of recording shall be provided to the Commission prior to the applicant's request for a Partial Certificate of Compliance for Phase 1 of the proposed project. In order to preserve the significant habitat values of the open space areas protected through this conservation restriction, the land subject to this conservation restriction shall remain undisturbed for conservation and wildlife habitat preservation purposes. Notwithstanding the habitat preservation interests, the conservation restriction shall provide for public access via walking/running trails, and for the possible development of a public water supply contingent upon protection of the rare species habitat interests of the site and the receipt of permit approvals for a public water supply.

NR3. Prior to recording the conservation restriction, the applicant shall install permanent concrete bounds demarcating the conservation restriction area.

NR4. Should the applicant expand the CanalSide Commons project area to include the referenced Simpson parcels located to the west and south of the project site, open space for these parcels shall be provided in an amount required by the 1996 RPP, or 65% of the site area for the southerly parcel, and 50% of the site area for the westerly parcel.

Economic Development

ED1. Prior to the issuance of a Final Certificate of Compliance, the applicant shall provide a report to the Commission detailing the number of Cape Cod contractors, local suppliers, and workers employed during the construction phase of the project. The applicant shall note those businesses that are women or minority owned.

ED2. Within one year from the date of issuance of a Final Certificate of Compliance, the applicant shall provide a report to the Commission detailing the number of new full-time and part-time jobs created, the position titles, wages and benefits to be paid, and the number of minorities, disabled, elderly, unemployed or underemployed persons expected to fill the new positions.

Transportation

T1. Prior to issuance of a Preliminary Certificate of Compliance for Phase 1 of the CanalSide Commons project, the Applicant shall provide to the Commission staff for review and approval (including 25%, 75% and 100% submissions) all necessary plans and permits (including all MassHighway and town of Bourne permits) to implement the following mitigation, in accordance with Transportation Findings T3 and T12.

Intersection	Safety Mitigation
Sandwich Road/Adams Street	Design and Installation of a traffic signal as outlined in the Conceptual Improvement Plan, Sandwich Road @ Adams Street, by Vanasse Associates dated June 8, 2006 and revised July 10, 2006.The Sandwich Road/Adams Street traffic signal shall incorporate ornamental mast arms and/or ornamental signal heads and related ornamental signal equipment, opticom (or equivalent) emergency access equipment, traffic monitoring devices with remote access connecting to the CCC office, and alternative paving treatment for any crosswalks.
Belmont Circle	Implement the Canal Area Transportation Information System as outlined in the CanalSide Commons DEIR/DRI, dated February 16, 1999, Vol. III, pg. 1-133 & Fig. 1.7-48 by Coler & Colantonio, Inc and Cubellis Associates.
Otis Rotary	Install "Rotary Ahead" warning signs in advance of the rotary on all approaches and upgrade all signs and pavement markings within the rotary and on the rotary approaches to current design standards, as outlined in the plan by Vanasse Associates, Inc titled Preliminary Conceptual Plan dated April 4, 2006. This plan was submitted on April 21, 2006 by Attorney Patrick Butler.

Bourne Circle	Design and Construction of the Bypass Road connecting Route 28 northbound with Sandwich Road eastbound. The Bypass Road construction will include signalization of the existing Upper Cape Technical School driveway. In addition, the Bypass Road conceptual plan includes new signage and pavement marking on the rotary and stanchions on the Bourne Bridge approach to the rotary. These improvements are shown on the Preliminary Conceptual Improvement Plan for the Bypass Road dated March 21, 2006 by Vanasse Associates, Inc. The Sandwich Road/Bypass Road east terminal traffic signal shall incorporate ornamental mast arms and/or ornamental signal heads and related ornamental signal equipment, opticom (or equivalent) emergency access equipment, traffic monitoring devices with remote access connecting to the CCC office, and alternative paving treatment for any crosswalks.
Barlows Landings Road/Shore Road	Modify the northeast corner between Barlow's Landing Road and Shore Road to reduce the radius from 60 feet to 35 feet. Modify crosswalks across Barlow's Landing Road (westbound) and Shore Road (southbound) to match the reduced radius. Relocate the stop sign on the Barlow's Landing approach to reflect the revised crosswalk location.

T2. Prior to the issuance of a Partial Certificate of Compliance for Phase 1 of CanalSide Commons project, the applicant shall implement the required projects in accordance with the mitigation table in Transportation Condition T1. As specified in Findings T6 and T7, implementation of these projects is the sole responsibility of the Applicant. If any other parties (public or private), prior to the Applicant's constructing mitigation at these locations, construct traffic improvements at any of these locations that make the Applicant's proposed mitigation unnecessary or impractical, the Applicant shall pay an amount equivalent to that proposed mitigation cost at those locations to the County of Barnstable/Cape Cod Commission. Such payments in lieu of in-kind traffic mitigation are necessary to comply with MPS 4.1.1.1 and shall be used to support transportation improvements in the town of Bourne.

T3. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall pay a total of $104,500 for roadway mitigation. These funds shall be held in a mitigation account at Barnstable County/Cape Cod Commission and shall be applied to transportation improvements in the Towns of Bourne, Sandwich, Barnstable, and Falmouth (study area towns impacted by this project), as follows:

Bourne	$36,400
Sandwich	$39,400
Barnstable	$6,100

Falmouth	$22,600
	Total $104,500

T4. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall implement and maintain the following employee based trip reduction program.

- Assemble information regarding carpooling and its benefits to be distributed to tenants and their employees.
- Designate an area where carpool information will be posted for all employees of the project.
- Implement a guaranteed ride home program (taxi service) for use in the case of an emergency for program participants.
- Designate preferential parking spaces for employees that carpool.
- Provide secure bicycle storage areas to accommodate bicycles for both employees and patrons.
- Work with tenants to provide on-site services to decrease employee midday trip making. The on-site services would include a lunchroom, microwave, refrigerator, and prepared foods.
- Provide an on-site transportation coordinator. The transportation coordinator would be responsible for ensuring that the complete rideshare program, including car/vanpools; accommodating work shifts; promotions; incentives; preferential parking; and guaranteed ride home program, is consistently promoted and provided.
- Provide flexible work hours for employees that car/vanpool.
- Work with tenants to develop employee work hours to match transit schedules for transit riders.
- Implement a transportation fair to be held at least once a year and invite the CCC, the Town of Bourne and other area tenants.
- Distribute to all employees a new employee information packet that will include information about the various travel demand management (TDM) programs that are available and the ways in which employees can participate.
- Provide a quarterly bulletin or newsletter reminding employees about the TDM programs and making the employees aware of any new or modified services.
- Install commuter information centers or bulletin boards at one or more location(s) that would include up-to-date information about the various TDM programs that are available, as well as transit schedules and maps, ride matching forms and promotional fliers.
- Provide bicycle maps indicating the location of bicycle facilities in the area, posted in central locations within the development to encourage bicycle commuting.
- Provide a reference in all promotional materials or link, in the case of a website, to the Cape Cod Commission transportation information center Travel Demand Management services at www.gocapecod.org/tdm. In addition, website based materials and advertising developed for the project would include listing and links to available public transportation services serving the project site.
- Each tenant shall provide daily incentives for any employee who commutes to work using alternative methods that reduce automotive trips such as bicycling, walking, carpooling or transit. These incentives may include free meals through coupons/discount cards for use toward

the purchase of goods and services within the development or at adjacent retailers and entries for weekly raffle for prizes such as movie tickets, free meals and/or goods and services.

- Provide one transit stop within the development.

T5. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall donate approximately 90,978 square feet of vacant developable land off Sandwich Road in Bourne, in excess of open space requirements, to a conservation land trust. The parcel of land is identified on Open Space Analysis Plan dated June 12, 2006.

T6. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the Applicant shall provide legal motor vehicle and pedestrian access, in the form of an easement, across the Applicant's property from the Simpson parcel (Assessor's Map 24, Lots 13 and 13.2, Book 13315, Page 84) to the Bypass Road for development of the Simpson parcel. Such an easement shall be at a location mutually agreed upon by the applicant and Simpson and shall be subject to the reasonable terms and conditions to be negotiated by and between the applicant and the owner of the Simpson parcel.

T7. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the Applicant shall clear and maintain a 1200-foot long by 15-foot wide pathway between the Gallo Arena and the proposed entrance driveway on Sandwich Road.

T8. Prior to issuance of a Preliminary Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall submit a recorded subdivision plan to the Cape Cod Commission in accordance with Massachusetts General Law Chapter 41, Section 81-L for the proposed bypass road as shown on the preliminary conceptual improvement plan dated March 21, 2006 by Vanasse Associates, Inc. The applicant shall dedicate the bypass road as a public way to either the Town of Bourne or MHD as outlined in finding #T15 prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project.

T9. Prior to issuance of Preliminary Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall conduct a study regarding the feasibility and design of sidewalks from the Bourne high school to the project site. The applicant may seek to utilize portions of the funds identified in condition #T3 for actual construction of sidewalks as outlined in the feasibility study.

T10. The applicant shall construct a maximum of 491 parking spaces for the proposed retail uses on the project site in accordance with the CanalSide Commons Phased Parking Plan, Cubellis Associates, Inc. dated July 24, 2006. Areas designated on the Phased Parking Plan for future parking (47 spaces) shall remain as grassed or landscaped areas unless and until a DRI approval is granted for potential apartments over the retail uses.

Solid Waste

SW1. Prior to issuance of a Preliminary Certificate of Compliance for Phase 1 of the proposed CanalSide Commons project, the applicant shall provide to staff a site plan of the proposed 78,500 square foot specialty retail complex and a 6,500 square foot restaurant that details the location of the infrastructure for the recycling of used cardboard, vegetable food wastes, as well as tin cans, glass bottles and plastic containers.

Hazardous Materials/Waste

HAZ1. The applicant shall demonstrate that a copy of this decision has been provided to the general contractor(s) prior to the start of construction.

HAZ2. On-site servicing of construction equipment shall be limited to greasing of fittings and joints during construction of any phase of the project. On-site engine repairs and similar "heavy" maintenance shall be prohibited. On-site storage of fuel and any fueling and refueling activities shall be done on a designated part of the site which is located outside the area designated by 1996 RPP maps as a PPWSA. On-site fueling shall be done, at a minimum, on an impervious surface and with spill containment and response supplies available.

HAZ3. Prior to any development on the site, and prior to issuance of a Preliminary Certificate of Compliance by the Cape Cod Commission for Phase 1 of the proposed project, the applicant shall submit for Commission staff review and approval:

a. Specifications for and plans showing the location of on-site areas for equipment fueling, overnight storage of construction equipment, and storage areas for any hazardous materials or hazardous waste associated with or generated by construction activities.

b. Examples of construction bid documents that incorporate hazardous materials and waste minimization and management provisions.

HAZ4. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed project by the Cape Cod Commission, prior to issuance of a Final Certificate of Compliance, and prior to any Certificates of Use/Occupancy issued by the Town, the applicant shall submit proof that fuels other than liquid petroleum (*i.e.* natural gas) will be used for building heating and emergency power generation. The applicant shall also submit for Commission staff review and approval examples of lease restrictions and tenant education plans to address MPS 4.2.2.1 and 4.2.2.2. for the project's post-construction phase.

Heritage Preservation/Community Character

CC1. The proposed CanalSide Commons buildings shall be constructed consistent with approved floor plans, roof plans and elevations drawings dated 9-29-05 (Buildings A through F) and 9-28-05 (Kiosk and Building G).

CC2. Any proposed changes to the design of the CanalSide Commons buildings shall be submitted to Commission staff for review to determine if they are consistent with RPP Performance Standards. Any changes to building design shall maintain or increase the amount of building variation reflected in the footprints and elevations of the approved plans.

CC3. All proposed exterior building materials that are not traditional materials shall be submitted to Commission Staff to review for consistency with RPP Performance Standards.

CC4. Existing vegetation outside the limit of work shall be protected during construction with flagging or construction fencing. Existing wooded buffers on the project site shall remain in their natural state without alteration over the life of the project.

CC5. Slopes adjacent to the bypass road, except for areas noted otherwise, shall be revegetated with the New England Erosion control/Restoration mix from New England Wetland Plants, or a similar mix of erosion control species and warm season grasses. In addition, these areas shall be planted with native tree saplings and bare root or 1-gallon shrubs at a rate of 1 per 500 sq ft. The trees and shrubs shall be planted in groupings placed throughout the restoration area in such a fashion that they may provide visual interest and some habitat cover when mature. At a minimum, 40% of the required plantings shall consist of the following: *Juniperus virginiana* (Eastern Red Cedar), *Quercus rubra* (Red Oak), or *Pinus strobus* (White Pine); at a minimum, 25% of the required plantings shall be *Myrica pensylvanica* (Bayberry), *Aronia arbutifolia* (Red Chokeberry), *Prunus maritima* (Beach Plum), *Acer ginnala* (Amur Maple), *Viburnum trilobum* (American Cranberry). The remaining 35% of the plantings shall be some combination of these specified species.

CC6. Prior to issuance of a Preliminary Certificate of Compliance for Phase 1 of the proposed project, the applicant shall submit a draft maintenance contract for all proposed landscaped areas based upon guidelines provided by Commission staff. Prior to issuance of a Partial Certificate of Compliance for Phase 1 of the proposed project from the Commission and prior to issuance of a Final Certificate of Compliance, the applicant shall provide a fully executed landscape maintenance contract for 3 full growing seasons. A growing season is defined as the period between March 15th and October 31st.

CC7. Plant materials specified by this decision may be substituted with prior written approval of Commission staff.

CC8. If all required site work and/or landscape improvements associated with Phase 1 of the proposed project are not complete at the time a Partial Certificate of Compliance is sought from the Commission, any work that 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 the cost 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 check 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 prior to issuance of a Final Certificate of Compliance from the Commission.

CC9. Prior to issuance of a Preliminary Certificate of Compliance for Phase 1 of the proposed project, the applicant shall submit final plans for any proposed pylon signs and their location on the site plan for staff approval to ensure their consistency with MPS 6.2.8 and the concept sign plan dated July 27, 2006. Such plans shall include proposed materials, method of illumination and dimensions.

CC10. All exterior lighting for the project shall be installed consistent with the proposed Landscape & Lighting Plan, sheet #C13, prepared by Cubellis Associates, Inc. dated 3/20/06, revised 6/12/06. Exterior lighting for the project shall also be consistent with the design described in finding CC12. Should conditions arise during project construction that require adjustments to site exterior lighting fixtures, including substitutions of fixture heads, the applicant shall obtain written approval from Commission staff prior to their installation and/or use consistent with Commission's procedures for modifications in the *Enabling Regulations*. Modifications to the project's exterior lighting design made during construction that are in accordance with the Commission-approved lighting information shall be considered as Minor Modifications #1 and may be approved by Commission staff.

CC11. Prior to issuance of a Partial Certificate of Compliance by the Commission for Phase 1 of the proposed project, prior to issuance of a Final Certificate of Compliance, and prior to issuance of any Certificate of Use and Occupancy at the local level, the applicant shall clarify whether any on-building, recessed fixtures, landscape accent, bollards or other non-pole mounted fixtures are to be used as part of the project. Prior to issuance of the Final Certificate of Compliance, Commission staff shall conduct a site visit to verify conformance of the project's final exterior lighting design with MPS 6.2.7, Technical Bulletin 95-001, finding #CC12 and condition #CC10 of this decision. The applicant shall submit as needed information about the project's final exterior lighting design consistent with Section 3.0 of Technical Bulletin 95-001 so that the site visit can be based on the most current information. No Final Certificate shall be issued until Commission staff issues a written assessment of the project's final exterior lighting design indicating that it is consistent with MPS 6.2.7, Technical Bulletin 95-001 and condition #CC10.

The Commission hereby approves with conditions the application of Lenord G. Cubellis for the proposed CanalSide Commons project in Bourne, MA as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended.

W. Bradford Crowell, Chair

7-27-06
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. 7/27, 2006

Before me, the undersigned notary public, personally appeared W. Bradford Crowell, in his capacity as 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.

Gail P. Hanley
Notary Public

My Commission Expires:

10/13/11