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CAPE COD
COMMISSION

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DRI Permit Extension Decision- Canalside Commons, Bourne

Date: July 20, 2017

To: Rotary Development LLC (Applicant/ Owner)
c/o Michael Scott, Esq.
Nutter McClennen & Fish LLP
1471 Lyannough Road, P. O. Box 1630
Hyannis, Massachusetts 02601-1630

Re: Development of Regional Impact- Permit Extension

Project/ Canalside Commons (CCC File No. 98032)
Project Site: Bourne Rotary, MacArthur Boulevard and Sandwich Road, Bourne, MA

Assessors Information: Map 25 Parcels 2, 3 and 4; Map 24 Parcel 13.1

Title Information: BCRD Book 27740 Page 218

Cape Cod Commission DRI decision recorded in BCRD Book 21324 Page 132

1. The above-referenced Project has the benefit of a Cape Cod Commission Development of Regional Impact decision, TR98032, dated July 27, 2006 (the "DRI Permit").
2. By virtue of the terms and conditions of the DRI Permit and the Commonwealth's Permit Extension Act, the DRI Permit will expire July 27, 2017.
3. The DRI Permit approved construction of up to 78,500 square feet of retail floor area and 6,500 square feet of restaurant floor area on the ~152-acre Project Site, together with associated landscaping, parking, drainage and other site improvements.
4. Rotary Development LLC ("Rotary") is the successor in interest to the owner referenced in the DRI Permit, having purchased the Project Site and development rights therein on October 4, 2013.
5. Pursuant to Section 7 of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact*, Rotary has requested a five-year extension to the DRI permit by letter dated January 23, 2017, and in June 2017, requested a hearing on the matter.

6. Rotary maintains that the requested extension will allow it sufficient time to plan and construct the Project, pursuant to the terms and conditions set out in the DRI Permit.

7. After issuance of the DRI Permit and prior to Rotary acquiring all right, title and interest in the Project Site, there had been a protracted legal dispute about rights in and over the Project Site between the prior owner and applicant referenced in the DRI Permit that prevented development of and local permitting for the Project within the initial, effective period of the DRI permit.

8. The Bourne Board of Selectmen, by letter dated June 20, 2017, expressed its support for extension of the DRI Permit, reflecting its meeting and vote on the matter on June 20, 2017, and citing the importance of productively developing and using the Site for the town and region. The DRI Permit allows the Site to be developed in a predictable manner while also ensuring that important regional resources are protected and necessary supporting infrastructure is provided. The Selectmen note in the letter that they feel productive development and use of the Site could be hampered if another lengthy DRI permitting process, with an uncertain outcome, is required. The letter also notes that the extension of the DRI Permit provides the town a good opportunity to better coordinate local permitting and Site and infrastructure development efforts with Rotary.

9. The *Enabling Regulations Governing Review of Developments of Regional Impact* (Enabling Regulations) authorize the Commission's Committee on Planning and Regulation, upon appropriate request and after public hearing, to grant an extension of a DRI Permit for up to five years.

10. The DRI Permit contains Conditions requiring Project mitigation, and Cape Cod Commission staff review of Project construction details. As such, when the proposed building and program are finalized and construction is about to commence, Commission staff will review the proposed construction to ensure its consistency with terms and conditions of the DRI Permit.

11. The requested extension will not result in any changes to the findings or conditions of the DRI Permit, other than extension of the effective period of the DRI Permit.

12. The Conditions and mitigation required in the DRI Permit are sufficient to address changes in circumstances that have occurred since the time the DRI Permit was issued.

13. Though the 1996 version of the Regional Policy Plan (RPP) is the one applicable to the Project, the Project, as conditioned in the DRI Permit, is substantially consistent with the current, 2009 RPP.

14. Because of the delay in undertaking local permitting and construction for the Project, Rotary may be required to, among other things, file a Notice of Project Change under the Massachusetts Environmental Policy Act, and provide updated traffic information to MA DOT as a prerequisite to mitigation and other work within roadways. For these reasons and others, if changes to the Project or to the findings or conditions of the DRI Permit are necessary or desired, then Rotary shall apply and obtain from the Commission, according to the *Modifications* section of the *Enabling Regulations* then in effect, modification to the DRI permit as a prerequisite to undertaking any such changes.

15. The Committee on Planning and Regulation (CPR), after public hearing and for good cause shown by the Applicant, hereby grants a five-year extension to the DRI Permit in accordance with Section 7(c)(xiv) of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact*. Pursuant to this extension, the period for the Applicant to obtain local permits, licenses and approvals pursuant to the DRI Permit, for development authorized under and subject to said DRI Permit, shall now expire **July 27, 2022**.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this 20th day of July 2017.

For the Commission by:
Chair, Committee on Planning and Regulation

Elizabeth Taylor
Signature

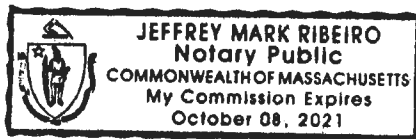
Elizabeth Taylor
Print Name

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

July 20, 2017

Before me, the undersigned notary public, personally appeared ELIZABETH TAYLOR, in his/her capacity as Committee on Planning and Regulation CHAIR 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.



SEAL

[Signature]
Notary Public

My Commission Expires: