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CAPE COD
COMMISSION

DRI MINOR MODIFICATION TYPE #2 DECISION

DATE: AUGUST 4, 2016

**PROJECT APPLICANT/
PROPERTY OWNER:** WATERHOUSE PROPERTIES LLC

PROJECT: ATLANTIC SUBARU FKA SUBARU OF NEW ENGLAND
(CCC NO. 99025)

**PROJECT SITE/
LOCATION:** 122 & 124 WATERHOUSE ROAD, BOURNE, MA 02532

TITLE INFORMATION: DEED BOOK 28594 PAGE 56
PLAN BOOK 454 PAGE 48, LOT 1

DEED BOOK 28401 PAGE 169
PLAN BOOK 407 PAGE 83, LOT 3

ASSESSOR'S ID: MAP 27 PARCELS 152 and 153

SUMMARY

Pursuant to Section 13 of the Cape Cod Commission DRI Enabling Regulations (Revised Nov. 2014), the Cape Cod Commission's Committee on Planning and Regulation (CPR) hereby approves the Applicant's request to further modify the Development of Regional Impact (DRI) decision for the Project dated April 13, 2000 as a Minor Modification Type #2, by vote at its August 4, 2016 meeting. This modification is granted to authorize changes to the Project previously approved in the DRI Decision.

FINDINGS

The CPR hereby finds and determines the following:

Atlantic Subaru, Bourne, MA
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GENERAL FINDINGS

GF1. The Project/ Project Site is subject to a Development of Regional Impact decision dated April 13, 2000 (as modified by decisions dated March 26 and May 21, 2001) (“DRI Decision”). The DRI Decision authorized a new 12,600 sq ft auto dealership and ancillary development such as parking and outdoor display areas, subject to satisfaction of conditions contained in the DRI Decision.

GF2. The Commission issued a Certificate of Compliance to the Project in July 2001.

GF3. The Applicant is the original DRI permittee’s successor in interest, and has submitted the current application requesting modification to the DRI Decision to authorize changes to the approved Project.

GF4. The Applicant’s proposed changes to the Project include:

- An 8,500 square foot +/- addition to the existing service facilities including 8 new service bays, drive thru check-in, customer lounge and showroom;
- Revised site landscaping; and,
- Addition/ reconfiguration of parking for the dealership for a net increase of 84 new parking spaces, consisting of:
 - A new vehicle parking/display area is proposed an adjoining lot, which lot is incorporated into the Project Site; and
 - The leaching field for the existing I/A septic system is also proposed to be re-located below this new parking/ display area.

GF5. The Applicant’s DRI modification application and supplemental application materials submitted to and reviewed by the Commission consist of the following:

- Site Plan Set entitled “Atlantic Subaru Improvements Permitting Plans, Bourne Massachusetts,” prepared by Horsley Witten Group Inc., 90 Route 6A, Sandwich, MA 02563 for Atlantic Subaru, 124 Waterhouse Road, Bourne, MA, consisting of the following twelve sheets:
 - C-1: *Cover Sheet*, dated June 2016
 - C-2: *Existing Conditions*, dated 6/17/16
 - C-3: *Erosion Control and Demolition Plan*, dated 6/17/16
 - C-4: *Overall Site Plan*, dated 7/25/16
 - C-5: *Grading and Drainage Plan 1*, dated 6/13/16
 - C-6: *Grading and Drainage Plan 2*, dated 7/25/16
 - C-7: *Utility Plan*, dated 7/25/16
 - C-8: *Construction Details 1*, dated 6/17/16
 - C-9: *Construction Details 2*, dated 6/17/16
 - LA-1: *Landscape Plan 1*, dated 7/25/16
 - LA-2: *Landscape Plan 2*, dated 7/25/16
 - LA-3: *Landscape Details*, dated 3/31/16

- *Atlantic Subaru Site Lighting*, prepared by Omnilite, dated 6/29/2016 (**photometric plan*)
- Lighting specifications sheets of proposed exterior lighting fixtures prepared by Omnilite for Atlantic Subaru, Bourne, MA, consisting of 42 pages, received by the Commission 07/01/16
- *Elevations* [of Proposed Building], Sheet A2.0, for Atlantic Subaru, 124 Waterhouse Road, Bourne, MA, prepared by Creative Designs/ Scott Rapoza, 12 Pratt Street, Mansfield, MA, dated 8/12/2015
- *Perspective Rendering* [proposed building from Waterhouse Road], prepared by HFA| Allevato Architects for Atlantic Subaru, dated June 30, 2016
- Project Narrative, Atlantic Subaru Improvements, 124 Waterhouse Road, Bourne, Massachusetts, revised July 6, 2016, prepared by Horsley Witten Group Inc.
- Natural Resources Inventory, Assessor's Map 27Parcel 152, Bourne, Massachusetts, dated June 2016, *Prepared for:* Levon Semerjian, Atlantic Subaru, 124 Waterhouse Road, Bourne, MA 02532, *Prepared by:* Horsley Witten Group, Inc. 90 Route 6A, Sandwich, MA 02563
- Stormwater Analysis and Drainage Report, Atlantic Subaru Improvements, 124 Waterhouse Road, Bourne, MA prepared for Atlantic Subaru by the Horsley Witten Group, Inc., Revised March 2016, Revised June 2016 (**including Nitrogen Loading Calculations Appendix H therein*)
- Site Context Study (revised), Atlantic Subaru Improvements, 124 Waterhouse Road, Bourne, Massachusetts prepared by the Horsley Witten Group Inc., consisting of eight pages, received 6/21/2016
- Letter from Eliza Cox, Esq., Nutter, Supplemental Application Information on behalf of Applicant, dated April 6, 2016
- Existing and Proposed Wastewater Flow Memorandum and Table 1, Existing Wastewater Design Flow Calculation (Based on Title 5), dated 1/6/2016, and Table 2 Revised Wastewater Design Flow Calculation (Based on Title 5), dated 1/13/2016, Atlantic Subaru, Bourne MA, All prepared by the Horsley Witten Group, Inc.,
- Letter from Eliza Cox, Esq., Nutter, Supplemental Application Transportation Information on behalf of Applicant, dated December 15, 2016 with Attachment, Supplemental Transportation Analysis prepared by Ron Muller & Associates on behalf of Applicant, dated December 14, 2015
- Letter from Eliza Cox, Esq., Nutter, DRI Minor Modification request dated November 5, 2015 on Behalf of Applicant, with Exhibits A through I, including Exhibit E Transportation Memorandum from Ron Muller & Associates dated October 6, 2015, and Exhibit I Design Narrative for Atlantic Subaru from HFA| Allevato Architects dated October 30, 2015

GF6. The current proposal involves a substantially similar proposal to the original Project approved in the DRI Decision but involves minor changes which are consistent with and do not affect the intent or outcome of the DRI Decision.

- the principal use is the same as originally approved;
- the proposed changes do not meet or exceed a mandatory threshold for new DRI review;
- changes to the building and site are consistent with current, approved development;
- the Project changes are consistent with the applicable RPP and impacts to protected resources are minimized or mitigated in the design of the proposed changes, subject to the Conditions of this modification decision;
- such impacts are not different in kind than those addressed in the DRI Decision; and,
- the proposed changes are not contrary to the findings and conditions contained in the DRI Decision, or to the Certificate of Compliance issued for the Project.

GF7. Pursuant to Section 13 of the Commission's Enabling Regulations Governing Developments of Regional Impact (DRI Enabling Regulations), the proposal was reviewed in light of the 1996 Regional Policy Plan (RPP), which was the version of the RPP in effect when the original DRI Decision was issued, and references herein are to the 1996 RPP.

GF8. The Commission's Committee on Planning and Regulation (CPR) held public meetings at Cape Cod Commission offices to consider the modification request on July 21 and August 4, 2016. To assist in its review, Commission staff provided the CPR with a staff report and Power Point presentation on the Applicant's modification request, both dated July 21, 2016.

RPP ISSUE AREA FINDINGS

WATER RESOURCES

WRF1. The Project is located in a watershed that drains to the Back River Estuary, a nitrogen-sensitive system. Mitigation of nitrogen additions to nitrogen-sensitive coastal waters is required by RPP MPS 2.1.1.2.C.

WRF2. The Project Site is not located in a mapped Wellhead Protection Area or Potential Public Water Supply Area.

WRF3. The Project will add a total of 8,493 square feet of building gross floor area to 12,600 sf approved by the Commission in 2000. Of the additional floor area, approximately 3,333 sf will generate wastewater flows. Through a reallocation of retail and office space, the modification will not increase wastewater design flows of 740 gallons per day (gpd) approved by the Commission in 2000. The 740 gpd system previously approved by the Commission provided excess capacity over and above the design flow demands for the existing development. The reallocation of space is detailed in updated Table 2 submitted by the applicant on January 14, 2016. The Applicant proposes to re-use the existing FAST I/A system required under the original DRI approval. Therefore, project's site-wide nitrogen loading concentration will remain below the 5 ppm-N limit (MPS 2.1.1.1), with no new addition of nitrogen to the Back River estuary. Wastewater design flows shall be limited to 740 gpd to ensure that the Project remains

consistent with MPS 2.1.1.1, and 2.1.1.2.C which standards would otherwise require mitigation of nitrogen additions to the watershed.

WRF4. The addition of parking area includes a stormwater management design that is consistent with MPS 2.1.1.6, i.e. the design provides for best management practices including bioretention, involves no new direct discharges to surface waters, and is sized to manage the 25-year, 24-hour storm.

NATURAL RESOURCES/ OPEN SPACE PROTECTION

OSF1. The proposed Project changes include incorporating an adjoining, vacant, undeveloped .94 ac. lot into the Project Site, and constructing additional vehicle parking/ display on this lot. The lot is fully treed, and in order to construct the new parking/ display/ area, the Applicant proposes to clear and grade a portion of the new lot. The RPP requires open space mitigation for this new disturbance.

OSF2. The open space mitigation calculation set out in the DRI Decision requires \$1.46 per square foot at 50% of the area of the entire new lot, resulting in a required cash Open Space Mitigation payment of **\$29,891** (0.94 x 43,560 x 50% x \$1.46). No on-site open space was provided under the original DRI Decision. A payment in lieu is appropriate under the circumstances and is consistent with the DRI Decision. Under the 1996 RPP, the Project Site is not mapped Significant Natural Resource Area.

OSF3. Though the Project Site is located in the geographic extent of Bourne's Back River ACEC, local regulations associated with the ACEC are wetlands regulations, and do not apply to the Project because the Project Site does not contain wetlands or areas within the jurisdictional buffer zone to wetlands. The proposed work is not located within a special flood hazard zone.

OSF4. A portion of the adjoining lot on which parking is proposed is mapped for priority habitat by the Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (MESA). The Commission has been provided correspondence from NHESP dated April 12, 2016 that the proposed changes to the Project will not result in a prohibited 'take' of rare or endangered species listed under MESA.

OSF5. A Natural Resources Inventory (NRI) was prepared and submitted consistent with RPP requirements. The NRI did not identify wetlands or specimen trees; it noted that the site contains Priority Habitat, but also noted the 'no take' letter from NHESP. The NRI identified some small areas containing non-native invasive species. The proposed work requires the preparation, submission and implementation of an invasive species plan to manage these invasive species, and to establish construction protocols so no further invasive species are introduced to the Site.

TRANSPORTATION

TF1. As described in the modification application materials, the purpose of the expansion is "*to meet demand and to provide the necessary branding, service and amenities that Subaru of America requires of its dealerships.*" The drive-thru and expansions to the customer lounge and showroom relate to modernizing the Subaru dealership and will not result in new trips to the facility.

TF2. The proposed additional services bays will result in additional trips to the facility. The service wash bay and the inspection bay will not result in additional trips. Vehicle washing is an amenity provided to customers already on site for other services and, in itself, will not generate trips. The inspection bay would allow new vehicles to be inspected on-site and used primarily to serve those who have already traveled to the site, rather than having an employee drive to an off-site facility for inspection services. Overall, based on the Applicant's description and Commission's understanding of how the new facility will be utilized, the increase in trips will be 75% of what would normally be anticipated for an increase in eight service bays.

TF3. Using these assumptions, the estimated trip generation estimate for the facility, based on trip generation data in *Institute of Transportation Engineers' (ITE) Trip Generation*, 9th Edition, for Land Use Code (LUC) 942 (Automobile Care Center) is as follows:

Table 1: Estimated Increased Trip Generation

Time Period	Estimated New Trips	Trip Reduction Required (20%)	New Net Trips ³
Weekday Daily Trips	89 ¹	18	71
Saturday Peak Hour Trips	10 ²	2	8

Note:

¹ Based on Weekday PM Peak Hour trips ITE Land Use Code 942 (Automobile Care Center) for 3,360 sf (8 bays) multiplied by the Weekday/Weekday PM Peak Hour ratio for ITE Land Use Code 941 (Quick Lubrication Vehicle Shop) to convert to Weekday trips. Multiplied by 0.75 to adjust to an effective increase of 6 bays.

² Based on Saturday trips ITE Land Use Code 942 (Automobile Care Center) for 3,360 sf (8 bays) multiplied by the Saturday Peak Hour/Saturday ratio for ITE Land Use Code 941 (Quick Lubrication Vehicle Shop) to convert to Saturday Peak Hour trips. Multiplied by 0.75 to adjust to an effective increase of 6 bays.

³New Net Trips = Estimated New Trips – Trip Reduction Required

TF4. The landscaping and other changes to Site are designed so that no signs, vegetation, or other visual obstructions will be placed in a manner that would create an obstruction to safe sight distance at the Site drive, which will be confirmed by Commission staff's site visit after the Project changes have been constructed and implemented to determine that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TF5. Applying the same methodology as in the original DRI Decision, as part of the modification, the Applicant must mitigate 18 daily vehicle trips, less the credits associated with its ongoing implementation of its Travel Demand Management (TDM) plan required in the DRI Decision. With the total number of employees increasing from 20 to 24, the total credit for the TDM plan would be 9 vehicle trips (24 employees x 3 daily trips/employee x 12% trip reduction value of plan). As credit for 7 vehicle trips was given in the DRI Decision, the additional 2 trip credit can be applied to this modification. Applying the trip reduction rate from the original decision, \$1,026 per trip, the revised trip reduction mitigation for 16 trips (20% x 89 weekday daily trips – 2 weekday daily trips) results in a required mitigation payment of **\$16,416**.

TF6. Applying the same methodology as in the original DRI Decision, congestion mitigation would be \$100 per regional roadway and regional intersection impacted. For 8 peak hour trips (80% of the 10 Saturday peak hour trips) on Waterhouse Road (regional roadway) and through

the Waterhouse Road at Route 28 intersection (regional intersection), the required congestion mitigation payment is **\$1,600**.

TF7. Based on a review of the Bourne zoning by-law's use schedule, the site use falls under the "Other Uses" category, so the parking requirement would be "*individually determined by the Building Inspector, except that determination will be by the Planning Board in cases referred to that Board by the Inspector of Buildings for site plan review.*" In general, the RPP seeks to minimize the number of parking spaces associated with development to the minimum number of spaces required for the operation of the facility. Reviewing the modification application materials, the number of spaces per square foot of building area as proposed is less than what currently exists. The number of spaces proposed is appropriate in terms of site demand and is consistent with the DRI Decision, subject to the zoning approval and determination of the Bourne Building Inspector or Planning Board.

COMMUNITY CHARACTER

CCF1. The Commission asserted mandatory DRI jurisdiction over the original Project after it had been substantially completed. In its DRI Decision for the Project, the Commission required that a front landscape buffer and berm be installed and maintained along Waterhouse Road to visually buffer the building and parking from roadways and public view, especially where the Commission found that the building was not consistent with RPP building design standards. The Applicant has requested approval from the Commission to change this required landscaping approved in the DRI Decision, and requested some sightlines from the roadway be retained for the remodeled building. The proposed remodeled building is generally consistent with RPP building design standards. The Applicant's planting plan utilizes a drought-resistant, native, non-invasive mix of plant species for the main frontage along Waterhouse Road that largely buffers the site from view, including a significant amount of parking, but retains the sightlines to the building from MacArthur Boulevard.

CCF2. Changes to the Project also entail the construction of a new parking field on a lot to the north of and adjoining the existing Project Site, which new lot is expressly incorporated into the Project Site by virtue of this modification decision. Opportunities for alternative site layouts, which may have been preferred under RPP standards, are limited by the existing, permitted site configuration. The Applicant proposes to maintain a natural vegetated buffer, augmented by additional evergreen trees, deep enough to screen this new vehicle parking/ display area from Waterhouse Road. The buffer varies in width, but is at least 30 feet at its narrowest point. The Applicant has requested the ability to remove dead or diseased trees within this vegetated buffer as necessary. To avoid potential excessive clearing of this required buffer, the Applicant shall provide a report from a certified arborist on any dead or diseased trees proposed to be removed for review and approval by Commission staff prior to any removal. Any trees approved by Commission staff for removal shall also be flagged by the certified arborist and verified in the field by Commission staff prior to removal.

CCF3. The proposed modifications to site landscaping meet RPP requirements, and specifically, the planting plan is consistent with the "adequate landscaped buffer" requirements under RPP MPS 6.2.3 and 6.2.4.

CCF4. While the proposed building is of a modern appearance, proposed jogs along the front façade minimize the visual width of the building, the building is of modest height, and the building modifications are consistent with existing building. Given that the proposed building

modification is generally consistent with RPP building design standards, Waterhouse Road is not an area with a distinctive architectural style, and the Project Site is not within or proximate to any historic districts or historic properties, the building modifications meet RPP MPS 6.2.1 and 6.2.3 related to building design.

CCF5. Proposed lighting consists of 90-degree cutoff LED luminaires mounted to walls and posts. Lighting levels are consistent with Commission Technical Bulletin guidelines for exterior lighting. Post-top luminaires have been specified with “adjustable arm” mounts, which potentially allow luminaires to be pivoted upwards as opposed to “direct arm” (90-degree fixed) mounts. The proposed lighting is consistent with RPP MPS 6.2.7 as conditioned to require that all adjustable arm luminaires are installed and maintained at a 90-degree angle from the post.

CCF6. The Applicant provided correspondence from the Massachusetts Historical Commission dated April 14, 2016 that the Project changes are unlikely to impact significant historic or archaeological resources.

CCF7. Project modification plans do not depict any new signage; no new signage is proposed as part of the modification. If any new signage is indeed proposed, the Applicant shall provide prior to installation signage plans and specifications to the Commission (including any associated lighting) for review and approval, including a determination of its consistency with the RPP’s applicable Community Character standards and guidance in the Commission’s Design Technical Bulletin.

CONCLUSION

Based on the above Findings and determinations, the Commission’s Committee on Planning and Regulation hereby approves Waterhouse Properties LLC’s requested modification of the DRI Decision for the Project changes described herein as a Minor Modification Type#2, subject to the following Conditions:

CONDITIONS

GENERAL CONDITIONS

GC1. All findings and conditions in the DRI Decision continue to apply as written except as expressly modified herein. To the extent there is conflict or ambiguity between this modification decision and the DRI Decision, this modification shall control.

GC2. The DRI Decision, as previously modified and further modified by this decision, shall be appurtenant to and run with the property which is the subject Project Site, and shall bind and be enforceable against, and inure to the benefit of, the Applicant/Owner, its heirs, successors, and assigns.

GC2a. 122 Waterhouse Road (Map 27 Parcel 152) is hereby incorporated into the DRI Decision and made part of the Project Site.

GC3. This decision shall be effective upon its recording by the Commission at the Barnstable Registry of Deeds. The Applicant shall have three years from the date of recording to obtain

necessary local permits, licenses and approvals for the proposed Project changes pursuant to and in accordance with this decision.

GC4. Failure to comply, and remain in compliance, with all terms and conditions stated herein and in the original DRI Decision, and with all related Commission laws and regulations, shall be deemed cause to revoke or further modify the DRI Decision.

GC5. The Project, as modified herein, shall be undertaken, constructed and maintained in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents reviewed, approved and referenced herein under Finding GF5, which plans, documents and other information shall either substitute or supplement, as the context allows, for plans, documents and other information previously reviewed and approved in the DRI Decision. The site, building, planting and lighting plans referenced in Finding GF5, shall constitute the approved plans for the Project, as modified. Any further changes to the approved Project or on the Project Site, as modified herein, shall require further modification to the DRI Decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All other plans, information and documents required to be submitted as conditions of this decision shall hereby be incorporated into this decision as and when received, reviewed, and approved by Commission staff.

GC6. Prior to and as a condition to issuance of a Building Permit for and commencement of the Project, as modified herein, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in the DRI Decision, as modified herein, required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with the DRI Decision, as modified herein.

GC7. Prior to and as a condition to issuance of the Certificate of Use and Occupancy by the Town for the Project as modified herein, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in the DRI Decision as modified herein have been satisfied prior to issuance of a Final Certificate of Compliance and that the Project is in compliance with the DRI Decision, as modified herein.

GC8. Commission staff shall undertake a review of the Project's compliance with the DRI Decision, as modified herein, upon the Applicant's request to the Commission for issuance of a Preliminary or Final Certificate of Compliance. At the time the Applicant requests such a Certificate, it shall provide to Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its review of the Certificate request, Commission staff may make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

GC9. The Applicant shall obtain all necessary federal, state, and local permits for the Project, as modified herein. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall obtain all necessary discretionary municipal permits, licenses and approvals for the Project as modified herein, including but not limited to a zoning determination and approval about the proposed number of parking spaces, and provide to the Commission a copy of such approvals and copies of final plans approved therein to determine consistency with the plans approved herein. Simultaneously, the Applicant shall also provide the Commission copies of any necessary state or federal licenses, permits or approvals.

GC9a. If Commission staff determines that the final plans are not consistent with those modified Project plans approved, referenced in Finding GF5 herein and hereby incorporated into the DRI Decision, the Commission shall require that the Applicant seek a further modification to the DRI Decision for such plans in accordance with the “*Modification*” section of the Commission’s *Enabling Regulations* in effect at the time the modification is sought.

GC9b. This decision does not permit any other work or development at the Project Site, except as specifically authorized in the DRI Decision and modified herein.

GC10. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide written proof to the Commission that a copy of this decision and approved Project plans have been received by the Project general contractor(s). A copy of this decision and approved Project plans shall be kept on site through completion of the approved work, and distributed to Project sub-contractors.

RPP WATER RESOURCES CONDITIONS

WRC1. The Project, as modified herein, shall be limited to a wastewater design flow of no more than 740 gallons per day (gpd).

RPP TRANSPORTATION CONDITIONS

TC1. Prior to and as a condition to issuance of the Final Certificate of Compliance by the Commission, the Applicant shall pay to the Barnstable County Treasurer \$16,416 which shall be held for the benefit of, and released upon request, to the Town of Bourne for town initiatives intended to support alternatives to automobile travel.

TC2. Prior to and as a condition to issuance of the Final Certificate of Compliance by the Commission, the Applicant shall pay to the Barnstable County Treasurer \$1,600 which shall be held for the benefit of, and released upon request, to the Town of Bourne for town initiatives intended to advance congestion mitigation measures or to support alternatives to automobile travel.

TC3. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, Commission staff will conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the Site drive.

RPP COMMUNITY CHARACTER CONDITIONS

CCC1. Prior to and as a condition to issuance of the Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to Commission staff for review and approval a draft landscape maintenance agreement for the approved site landscaping covering a minimum three growing seasons after landscape installation. The provisions in the landscape maintenance agreement shall be consistent with Community Character Findings herein as well as applicable Community Character MPS from the RPP, including but not limited to; water conservation provisions; replacement provisions for dead or diseased plantings; and integrated pest management.

CCC1a. Prior to and as a condition to issuance of the Final Certificate of Compliance by the Commission, the Applicant shall provide a signed copy of the landscape maintenance agreement, as reviewed and approved by Commission staff. Thereafter, the Project, as modified herein, shall be subject to said agreement.

CCC2. Notwithstanding Condition GC5 herein, the building elevations plan sheet, entitled *Elevations Sheet A2.0* dated 8/12/2015 and referenced in Finding GF5, does not reflect the required front façade variation that is accurately depicted on the rendered elevation plan sheet entitled *Perspective Rendering*, dated 6/30/2016, referenced in Finding GF5, which shows a rendering of the building from Waterhouse Road.

CCC2a. Prior to and as a condition to issuance of the Preliminary Certificate of Compliance by the Commission, the Applicant shall provide the Commission updated architectural (elevation and floor) plans of the proposed building, matching the required front building façade variation depicted on the plan sheet entitled *Perspective Rendering*, dated 6/30/2016, approved herein. The proposed building shall be constructed and maintained according to these updated architectural plans to be prepared and submitted to the Commission.

CCC3. Prior to and as a condition to issuance of the Final Certificate of Compliance by the Commission, the Applicant shall perform the landscaping as depicted in the approved landscaping/planting plans.

CCC4. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, Commission staff will conduct a site visit to confirm that the site, landscaping, exterior lighting and building have been constructed and installed according to the terms and conditions of the DRI Decision, as modified herein, including the approved project plans referenced herein. The Project shall be maintained in accordance with said approved project plans referenced in Finding GF5.

CCC5. The proposed adjustable arm luminaire exterior lighting shall be installed and maintained at a 90-degree angle from the post.

CCC6. Should the Applicant desire at any time to remove dead or diseased trees within required naturally vegetated buffer to Waterhouse Road, the Applicant shall first, prior to any removal, request approval for the same from Commission staff and provide Commission staff a supporting report from a certified arborist on any trees proposed to be removed. Any trees proposed for removal shall also be flagged by the certified arborist prior to removal. As part of its review of any such request, Commission staff shall make, and the Applicant hereby authorizes, a site inspection, as needed, at reasonable times and upon reasonable notice to the Applicant to review trees flagged for removal. In its discretion, Commission staff may require further plantings in the buffer in addition to those identified in the approved landscaping/ planting plans if staff determines that removal of dead or diseased trees would make the buffer insufficient to fully screen the new vehicle parking/ display area from Waterhouse Road.

CCC7. No new exterior signage is proposed or has been approved as part of this modification. If any new signage is proposed in the future, the Applicant shall provide signage (and any associated lighting) plans and specifications to the Commission staff for review and approval, including for a determination of consistency with the RPP's applicable Community Character standards.

RPP NATURAL RESOURCES/ OPEN SPACE PROTECTION CONDITIONS

OSC1. Prior to and as a condition to issuance of the Preliminary Certificate of Compliance by the Commission, the Applicant shall prepare for Commission staff review and approval an invasive species management plan (ISMP) to manage invasive plant species currently on-site, and to establish construction protocols so no further invasive species are introduced to the Site. Thereafter, the Applicant shall implement the ISMP and the Project, as modified herein, shall be subject to the ISMP.

OSC2. Prior to and as a condition to issuance of the Final Certificate of Compliance by the Commission, the Applicant shall pay to the Barnstable County Treasurer \$29,891 which shall be held for the benefit of, and released upon request, to the Town of Bourne for town initiatives intended to advance open space land protection in the Town.

Signature page follows

SIGNATURE

Executed this _____ day of _____ 2016.

Signature

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____, 2016

Before me, the undersigned notary public, personally appeared _____, in his/her capacity as _____ 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.

Notary Public

My Commission Expires:

SEAL