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CAPE COD
COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT SCOPING DECISION

DATE: OCTOBER ____, 2016

TO: ATTY. ELIZA COX, NUTTER MCCLENNEN AND FISH
1471 IYANNOUGH ROAD, PO BOX 1630, HYANNIS, MA 02601

PROJECT APPLICANT/
PROPERTY OWNER: BOURNE TECHNOLOGY PARK REALTY TRUST
JOHN P. FLETCHER, TRUSTEE
PO BOX 790, BUZZARDS BAY, MA 02532
&
CONVENTION DATA SERVICES, INC.
107 WATERHOUSE ROAD, BOURNE, MA 02532

PROJECT NUMBER: LR16018

PROJECT: CONVENTION DATA SERVICES HEADQUARTERS

PROJECT SITE/LOCATION: 3 & 4 TECHNOLOGY PARK DRIVE, BOURNE, MA

TITLE INFORMATION: BOOK 13817 PAGE 63
PLAN BOOK 581 PAGE 28

ASSESSOR'S ID: MAP 27 PARCELS 184 & 185

SUMMARY

The Cape Cod Commission (Commission) hereby determines that the Project, involving construction of a proposed 27,210 square foot office building located at 3 & 4 Technology Park Drive in Bourne, MA (Project), does not involve substantial deviation from the minimum performance standards of the Regional Policy Plan (RPP) and does not have significant impact upon the purposes and values identified by Section One of the Cape Cod Commission Act (Act), as conditioned herein, and that the Bourne Technology Park Realty Trust (Applicant) may proceed with local permitting without further DRI review, subject to the conditions herein.

PROJECT DESCRIPTION

The Applicant proposes the redevelopment of a 4.49-acre site, including the removal of an existing partially-constructed building, the modification of the cul-de-sac road layout, the combination of lots 2 and 3 (into proposed "Lot 7"), and construction of an approximately 27,210 square foot headquarters to be used by Convention Data Services. The redevelopment also includes 153 parking spaces, consisting of both pervious and impervious surfaces, an innovative/alternative denitrifying wastewater treatment system, roof-mounted solar panels, new storm-water management facilities, including bioretention components, for both the on-site development as well as for Technology Park Drive, a new sidewalk along Technology Park Drive, interior pedestrian connections, substantial vegetation and plantings, an outdoor patio and recreation area for employees, and other site improvements.

PROCEDURAL HISTORY

The Applicant filed a DRI Scoping application with the Commission on August 12, 2016. The DRI Scoping application was deemed complete on September 16, 2016.

At its public meeting on September 29, 2016, the Committee on Planning and Regulation (CPR) reviewed a draft DRI Scoping decision, in which the Executive Director of the Commission recommended that no further DRI review be required for the Project. The CPR recommended this draft decision to the full Commission for its consideration and a determination that no further DRI review is required for the Project. At its meeting on October 13, 2016, the full Commission voted to ...

JURISDICTION

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(e) of the Commission's *Enabling Regulations* (revised November 2014) as "*New construction of any building or buildings ... with a Gross Floor Area greater than 10,000 square feet.*"

In accordance with Section 5(a) of the *Enabling Regulations*, "[f]or any Project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review."

Pursuant to Section 5(e)(v) of the *Enabling Regulations*, upon submission and after review of such application, "*In the event of a finding that no DRI review is required, the Executive Director shall make the recommendation to the full Cape Cod Commission which shall render a final decision whether to allow a development to proceed without further DRI review ...*"

FINDINGS

GENERAL FINDINGS

The Commission hereby finds as follows:

GF1. The Applicant submitted an application to scope DRI review on August 11, 2016; the Scoping application was deemed complete on September 16, 2016.

GF2. The DRI Scoping application for the Project was reviewed subject to the 2009 Regional Policy Plan, as amended in August 2012 (RPP).

GF3. The Executive Director considered the Limited DRI Scoping Checklist for Redevelopment/ Change of Use (Scoping Checklist) in its review and deliberations on the DRI Scoping application.

GF4. The Applicant is proposing the redevelopment of a 4.49-acre site (Project Site), including the removal of an existing partially-constructed building, the modification of the cul-de-sac road layout, the combination of lots 2 and 3 (into proposed "Lot 7"), and the construction of an approximately 27,210 square foot, single story headquarters for Convention Data Services, which will be comprised of 85% office space and 15% warehouse (Project).

GF5. The Project is proposed to be implemented and constructed in accordance with the following plan sets and other information and documents referenced herein:

Convention Data Services, Technology Park Dr., Bourne, Massachusetts, prepared by Rescom Architectural, Inc.:

Sheet A1.0: *Proposed Floor Plan*, dated 7/12/2016

Sheet A1.1: *Elevations*, dated 7/12/2016

Sheet A1.2: *Roof Plan*, dated 7/12/2016

Sheet A1.3: *Colored Front Elevation*, dated 7/12/2016

Sheet L1.1: *Landscape Plan*, dated 7/12/2016, revised 9/8/2016

Sheet L1.2: *Drainage Basin & Rain Garden Planting Plans*, dated 7/12/2016, revised 9/8/2016

Sheet AS1: *Signage Plan & Details*, dated 9/22/2016

CDS Site Lighting REV 01, Lithonia, 07-06-2016, prepared by Robert J. Lindstrom, dated 7/6/2016

CDS of Lot 7, Technology Park Drive, Bourne, MA, prepared by J.E. Landers-Cauley, P.E.:

Sheet 1 of 6: *Proposed Site Plan*, dated 6/29/2016

Sheet 2 of 6: *Septic System Detail Sheet*, dated 6/29/2016

Sheet 3 of 6: *Detail Sheet*, dated 6/29/2016

Sheet 4 of 6: *Detail Sheet*, dated 6/29/2016

Sheet 5 of 6: *Detail Sht – Hydraulic Grade*, dated 9/6/2016

Sheet 6 of 6: *Detail Sht – Drainage Basins*, dated 9/6/2016

Sheet 1 of 1: *Erosion Control Plan*, dated 9/22/2016

Landscape Operations and Management Plans, Lot 7 Technology Park Drive, prepared by J.E. Landers-Cauley, P.E., dated 8/1/2016

Nitrogen Loading and Title V Design, Prepared for CDS, Lot 7 Technology Park Drive, Bourne, MA, prepared by J.E. Landers-Cauley, P.E., undated

Stormwater Management Report for Lot 7 Technology Park Dr., Bourne, Ma, prepared by J.E. Landers-Cauley, P.E., dated 8/1/2016

Memorandum, *Re: Drainage Calculations, Lots 2 and 3 (aka-Lot 7) Technology Park Drive, Bourne, MA*, prepared by J.E. Landers-Cauley, P.E., dated 9/7/2016

Traffic Impact and Access Study, Proposed Office Building, Bourne, Massachusetts, prepared by VHB, Inc., dated 8/2016

Memorandum, *Supplemental Transportation Materials, Pending Limited Review Application, Proposed CDS Office Building*, prepared by VHB, Inc., dated 9/9/2016, including detailed Transportation Demand Management (TDM) plan

Memorandum, *CDS Bourne CCC Requirements*, prepared by Glynn Solar, dated 7/12/2016, including calculations evidencing 25% of energy use from renewable sources and supporting documentation

RPP FINDINGS

LAND USE

LUF1. There is not an approved Land Use Vision Map (LUVV) for the Town of Bourne south of the Cape Cod Canal, thus Minimum Performance Standard (MPS) LU1.1 (Development Location) does not apply.

LUF2. While the Project does not involve multi-story development, the Applicant has stated that use of a one-story structure is important to daily business operations. The Project has been clustered to the extent possible, given the operational demands of the Applicant. Further, the Project proposes to highly utilize the building with a number of employees per square foot, as shown on approved Project plans, considerably above the national average for similar uses. Thus, the Project does not involve substantial deviation from MPS LU1.2 (Compact Development).

LUF3. As the Project does not propose any capital facilities or infrastructure and is not on or adjacent to agricultural lands, the standards under Goals LU2 (Capital Facilities and Infrastructure) and LU3 (Rural Lands) do not apply.

LUF4. The Project neither involves substantial deviation from nor would have significant impacts upon the Land Use Goals of the RPP and standards thereunder, and thus does not

require substantive DRI review for the RPP issue area of Land Use, which is hereby scoped out of DRI review.

ECONOMIC DEVELOPMENT

EDF1. While there is not an approved Land Use Vision Map (LUV) for the Town of Bourne south of the Cape Cod Canal, the area has been zoned for business and commercial uses by Town planning activities. The Project redevelops an existing disturbed site located in a commercially developed area and thus maximizes infrastructure efficiency, and minimizes adverse impacts associated with development generally. The Project proposes a use consistent with local zoning; it is a technology use that promotes a balanced regional economy, supports year-round, quality employment opportunities, and supports economic activity that retains and attracts income to the region and benefits residents, thus increasing economic opportunity for all. Thus the Project does not involve substantial deviation from MPS ED1.1 (Location in Economic Centers).

EDF2. The Project is not located on agricultural, waterfront or recreational lands. Therefore, MPS ED1.4 (Resource-based Economic Areas) does not apply.

EDF3. The Project does not involve gaming. Therefore, MPS ED2.1 (Gaming) does not apply.

EDF4. As the Project does not propose any capital facilities or infrastructure, the standards under Goal ED4 (Infrastructure Capacity) do not apply to the Project.

EDF5. The Project neither involves substantial deviation from nor would have significant impacts upon the Economic Development Goals of the RPP and standards thereunder, and thus does not require substantive DRI review for the RPP issue area of Economic Development, which is hereby scoped out of DRI review.

WATER RESOURCES

WRF1. The Project Site is not located within any Commission-mapped areas for Water Resources, including Wellhead Protection Areas, Potential Water Supply Areas, Freshwater Recharge Areas. Therefore, standards under Goals WR2 (Drinking Water Quality and Quantity), WR3 (Marine Water Embayments and Estuaries), WR4 (Freshwater Ponds and Lakes), and WR5 (Water Quality Improvement Areas) do not apply to the Project.

WRF2. The Project is subject to the minimum performance standards under the RPP's Water Resources Goals WR1 (General Aquifer Protection), WR6 (Wastewater Treatment Facilities), and WR7 (Stormwater Quality).

WRF3. The area around the Project Site is commercially-zoned and served by public water. The Project will be serviced by public water. Based on information available to the Commission, there are likely no private wells within 400 feet of the proposed development. Therefore, MPS WR1.2 (Identification of Drinking Water Wells) does not apply to the Project.

WRF4. For treatment of wastewater, the Applicant will install a denitrifying wastewater treatment system (though the Applicant has not chosen the specific type of system) capable of

treating the project design flow of 2,250 gpd. The Applicant has acknowledged that in order to meet the MPS WR1.1 (Five-ppm Nitrogen Loading Standard), the wastewater treatment system must achieve treatment to 23 ppm-N in the effluent.

WRF5. The Applicant has provided site wide nitrogen loading calculations assuming 22.5 ppm in the effluent, resulting in a site nitrogen load of 4.92ppm. Because this Project requires wastewater treatment beyond the 25 ppm-N traditionally recognized by DEP for such systems in order to meet MPS WR1.1, and the Project's wastewater design flow is greater than 2,000 gpd, MPS WR6.9 (Operation, Monitoring and Compliance Agreement) requires creation of an Operation, Monitoring, and Compliance Agreement (OMCA) between the local Board of Health, the Applicant and the Cape Cod Commission to ensure that such systems operate at required levels of nitrogen treatment. In lieu of an OMCA, the Commission may consider other measures to ensure that nitrogen limits are met.

WRF6. As a condition of this decision, the Applicant shall provide a protocol for Commission staff's review and approval that sets out how the Applicant intends to achieve the required limits on site-wide nitrogen loading discussed herein, which protocol may include information on the specific wastewater system selected for the project and other alternatives set out in finding WRF5.

WRF7. All stormwater runoff will be managed and infiltrated on site. The proposed stormwater management system consists of several drainage areas, most of which ultimately drain to drainage basins equipped with sediment forebays. Roof runoff is treated separately and is directed in to leaching catch basins and to landscape swales. Stormwater management design for a majority of the parking area and roadways employs rain gardens, a section of porous pavement, a grassed swale, and infiltration equipped with sediment forebays. The system is designed to bioinfiltrate the first inch of stormwater, achieve 80% TSS removal, and accommodate the 25-year, 24-hour storm. The system achieves 44% TSS removal prior to infiltration to the greatest extent practicable. The Stormwater Maintenance section in the application states inspections and basic maintenance tasks that will be performed for the stormwater management system. Based on these findings, the Project is consistent with the MPS under Water Resources Goal WR7 (Stormwater Quality).

WRF8. As conditioned herein, the Project neither involves substantial deviation from nor would have significant impacts upon the Water Resources Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Water Resources, and this issue area is hereby scoped out of DRI review.

NATURAL RESOURCES

NRF1. The Project Site is not mapped as a Significant Natural Resource Area (including areas mapped Priority Habitat by the Commonwealth, Wellhead Protection Areas, or Potential Public Water Supply Areas), does not contain and is not proximate to wetlands or wetland buffer zones, and is not located on the coast or offshore. The Project does not propose to disturb or alter more than two acres of previously undisturbed land; thus the Project neither involves substantial deviation from nor would have significant impacts upon the Open Space and Recreation, Coastal Resources, Marine Resources, Wetlands, and Wildlife and Plant Habitat Goals of the RPP and

standards thereunder, and the Project does not require substantive DRI review under these RPP issue or sub-issue areas, which are hereby scoped out of DRI review.

TRANSPORTATION

TRF1. The Applicant provided a Traffic Impact and Access Study (TIAS) for the Project, dated August 2016, prepared by VHB, Inc. and incorporated herein under Finding GF5. The TIAS provides an analysis of the Project including responses to the Scoping Checklist for the issue area of Transportation. The TIAS includes some actual data and analysis about the Applicant’s current location, which is located on Waterhouse Road directly adjacent to the Project Site.

TRF2. Commission transportation staff reviewed the trip generation calculations as detailed in the TIAS. The TIAS states that the trip generation estimates are based on trip generation data in *Institute of Transportation Engineers’ (ITE) Trip Generation*, 9th Edition, for ITE LUC 715 (Single Tenant Office Building) with adjustments based on the operating characteristics of the current Convention Data Services building and presented in Table 1 below.

Table 1: Estimated Project Trip Generation

Time Period	(A) Proposed Office Trip Generation¹	(B) Trip Reduction based on CDS Operational Data²	(C=A-B) Anticipated New Trips
Weekday Daily	350	172	178
Weekday Morning Peak Hour	72	35	37
Weekday Evening Peak Hour	80	39	41

¹ Based on ITE LUC 715 (Single Tenant Office Building) for 30,000 square feet

² Reduction of 49% based comparison of 599 daily trips anticipated based on ITE LUC 715 (Single Tenant Office Building) for 162 employees versus 293 trips measured at the CDS building in March 2016

TRF3. As presented in the application and the TIAS, and conditioned herein, the Applicant has committed to implementing the following:

- Transportation Demand Management (TDM) Plan
- Safety Analysis of Effectiveness of Safety Improvements at the Bourne and Otis Rotaries

TRF4. Based on the data provided in the TIAS, Convention Data Services has significantly reduced vehicle trips to their current location through implementation of a comprehensive TDM

strategy, incorporated herein under Finding GF5. As conditioned herein, these TDM strategies will similarly be implemented at the Project Site.

TRF5. The Massachusetts Department of Transportation (MassDOT) is in the process of implementing a number of short-term safety improvements at the Bourne and Otis Rotaries. As conditioned herein, the Applicant has committed to conducting a follow-up safety analysis three years after the completion of these improvements to assess their effectiveness, which will provide valuable information to the Commission, the Town of Bourne, and MassDOT as they consider long-term plans for these locations.

TRF6. The Scoping Checklist contains three transportation-related questions. Based on the specifics of the Project contained in the application, the following responses to the scoping questions suggest that substantial adverse impacts to regional Transportation resources are unlikely.

Table 2: Scoping Questions - Transportation

<i>Will the project generate more than 250 new daily trips?</i>	No , the proposed project is not anticipated to generate more than 250 new daily trips; 178 new daily trips are anticipated.
<i>Will the project generate more than 25 new peak hour trips at a high crash location?</i>	No , the Project will not generate more than 25 new peak hour trips at a high crash location. The Bourne Rotary is anticipated to experience 25 new trips during the PM peak hour; the Applicant has committed to safety analysis at this location.
<i>Does the project have direct access on or does the project abut a regional roadway?</i>	Yes , the Project abuts MacArthur Boulevard (Route 28) but no access/egress is proposed.

TRF7. As conditioned herein, the Project neither involves substantial deviation from nor would have significant impacts upon the Transportation Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Transportation, and this issue area is hereby scoped out of DRI review.

WASTE MANAGEMENT

WMF1. The Project is neither located in nor contains any resource area prohibiting the storage or generation of hazardous wastes. The Project will not generate or store a significant quantity of hazardous waste. Further, the Project will not create significant amounts of solid waste during the construction phase aside from wastes produced by the dismantling of the partially constructed building on site, and thus does not require the preparation of a construction and demolition waste plan.

WMF2. The Project neither involves substantial deviation from nor would have significant impacts upon the Waste Management Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Waste Management, and this issue area is hereby scoped out of DRI review.

ENERGY

EF1. The Project proposes to generate 25% of its projected total energy usage from a roof-mounted solar photovoltaic system, meeting MPS E1.6 (Alternative Method of meeting MPS E1.1 through E1.5) and therefore complying with Goal E1 (Emissions and Energy Use).

EF2. The Project neither involves substantial deviation from nor would have significant impacts upon the Energy Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the RPP issue area of Energy, and this issue area is hereby scoped out of DRI review.

AFFORDABLE HOUSING

AHF1. While there is not an approved Land Use Vision Map (LUVV) for the Town of Bourne south of the Cape Cod Canal, the area has been zoned for business and commercial uses by Town planning activities, the proposal is consistent with such zoning, and the area is currently developed with uses similar to the proposed. Thus the Project's impacts to Affordable Housing are not significantly different than those for projects located within mapped Economic Centers, and the Project can be treated as located within an Economic Center for the purposes of review under the RPP issue area of Affordable Housing.

AHF2. MPS AH3.1 (Mitigation Standard) currently requires a payment of \$4.03 for "Office" uses within mapped Economic Centers.

AFH3. Convention Data Services falls under the NAICS code 541500 (Computer Systems Design), which is a high wage sector according to the Bureau of Labor Statistics Occupational Employment Statistics (OES). While roughly 89% of jobs within the sector pay above average wages according to the OES, roughly 11% of jobs within the sector pay below average wages. The OES average wage (\$23.23/hour nationally and \$23.20/hour for Barnstable County) is similar to income limits for affordable housing for those making 80% of Area Median Income (\$22.86/hour for Barnstable County).

AFH4. Due to the small number of below-average wage jobs in Convention Data Services' sector, the calculation for the use of "Other" more accurately captures the impacts to the demand for affordable housing created by the Project. MPS AH3.1 currently requires a payment of \$0.57 per square foot for the use of "Other" for the Project.

AFH5. The Applicant has agreed to make a payment in the amount of \$15,510 to be used toward the development of Affordable Housing in the Town of Bourne, and thus, as so conditioned herein, the Project neither involves substantial deviation from nor would have significant impacts upon the Affordable Housing Goals of the RPP and standards thereunder. The Project

does not require substantive DRI review under the issue area of Affordable Housing, and this issue area is hereby scoped out of DRI review.

HERITAGE PRESERVATION/ COMMUNITY CHARACTER

HPCCF1. The Applicant submitted a Project Notification Form (PNF) to the Massachusetts Historical Commission (MHC), and MHC certified in writing on August 15, 2016 that the Project is unlikely to impact historic or archaeological resources, meeting MPS HPCC1.3 (Archaeological Sites). The Project complies with HPCC1.1 (Historic Structures) and HPCC1.2 (Cultural Landscapes) because the Project will not impact any historic structures or cultural landscapes.

HPCCF2. The Project meets MPS HPCC2.1 (Strip Development), MPS HPCC2.2 (Protection of Existing Roadway Character), and MPS HPCC2.3 (Avoid Adverse Visual Impacts) as it is redevelopment that does not extend strip development in the area and protects the existing character of the roadway. By providing the entrance to the Project off of Technology Park Drive, the Project does not create additional curb cuts off of Waterhouse Road, consistent with the aforementioned standards.

HPCCF3. The Project combines several metal buildings with varied roof slopes and contemporary forms in one large structure of approximately 27,000 square feet. The Project is not entirely consistent with the traditional regional building context in terms of proposed materials and design as articulated by MPS HPCC2.4 (Consistency with Regional Context or Surrounding Distinctive Area). However, as allowed under MPS HPCC 2.7 (Non-traditional Materials and Designs), the materials and design are consistent with Community Character concerns of the RPP as the Site is not located within a distinctive area and buffering adequate to screen the building and parking is proposed, as such buffering is depicted in the landscape plan incorporated herein under Finding GF5. The existing building to the southwest of the Project Site also assists in buffering the Project Site from potentially adverse visual impacts associated with the Project.

HPCCF4. While the Project's parking lot is not located to the side or rear of the building, there is sufficient buffering provided in the landscape plan, incorporated herein under Finding GF5, along MacArthur Boulevard and on adjacent properties to effectively minimize visual impacts of the Project, meeting MPS HPCC2.8 (Parking to the Side or Rear of Buildings) and MPS HPCC2.9 (Landscape Improvements for Redevelopment).

HPCCF5. The Project meets MPS HPCC2.10 (Landscape Plan Requirements) by providing landscaping that integrates buildings with their environment, fosters sustainable practices, clearly divides parking lots into smaller areas, includes tree planting, and addresses the functional aspects of landscaping. The proposed landscaping improves the existing visual character of the Site.

HPCCF6. Proposed exterior lighting and signage are consistent with MPS HPCC2.11 (Exterior Lighting) and MPS HPCC2.12 (Signage).

HPCCF7. The Project neither involves substantial deviation from nor would have significant impacts upon the Heritage Preservation/ Community Character Goals of the RPP and standards thereunder. The Project does not require substantive DRI review under the issue area of Heritage Preservation/ Community Character, and this issue area is hereby scoped out of DRI review.

CONCLUSION

Based on the foregoing findings, the Commission hereby further finds and determines that the Project as described in this decision does not involve substantial deviation from the minimum performance standards of the RPP, does not have significant impact upon the purposes and values identified by Section One of the Act, does not require further DRI review and that the Applicant may proceed with local permitting for the Project without further DRI review, subject to the conditions below.

CONDITIONS

C1. The Applicant may undertake and obtain local permitting for the Project without further DRI review, pursuant to and consistent with this terms and conditions of this decision, within a period of seven years from the date of this decision, which time may be extended by the Commission, upon good cause shown by the Applicant.

C2. This decision shall be appurtenant to and run with the property which is the subject Project Site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C3. Failure to comply, and remain in compliance, with all findings and conditions stated herein shall be deemed cause to revoke or modify this decision.

C4. The Applicant shall obtain all necessary federal, state, and local permits for the Project.

C5. This decision shall not be valid and effective until a copy of the same has been recorded with the Barnstable Registry of Deeds. The Commission shall record a copy of this decision with the Barnstable Registry of Deeds, with recording costs borne by the Applicant, after the decision's appeal period pursuant to Section 17 of the Cape Cod Commission Act has elapsed, or if such an appeal has been filed, after the appeal has been finally dismissed, settled or is adjudicated or otherwise disposed of in favor of the Applicant. No local development permit that might be issued for the proposed development approved herein shall be valid or effective until the Commission has so recorded a copy of this decision.

C6. The Project 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 referenced herein under Finding GF5. Changes to the approved Project and to the approved project plans shall require modification to this decision, in accordance with the *Modification* section of the Commission's *Enabling Regulations* then in effect when such modification is sought. All plans 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 the Commission.

C7. Prior to and as a condition to issuance of a Building Permit or undertaking any development as approved herein, including but not limited to site work and installation of foundations or footings, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in this decision 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 this decision.

C8. Prior and as a condition to issuance of any Preliminary Certificate of Compliance by the Commission for development as approved herein, the Applicant shall submit copies of final project plans as approved, and permits, licenses and approvals issued, by state, federal, and local authorities (except for a Building Permit) for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with those project plans approved, referenced and incorporated herein, the Applicant shall be required to seek a modification to this decision for further review and approval of the project plan changes by the Commission in accordance with the "*Modification*" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

C9. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been received by the Project general contractor. This decision and a copy of approved plans for the project shall be maintained on the Project Site throughout project construction.

C10. Prior to and as a condition to issuance of a Certificate of Use/Occupancy for the Project by the Town, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

C11. Commission staff will undertake a review of the Project's compliance with this decision, including the applicable conditions hereof, 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 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 compliance review, 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.

C12. The Commission's approval of the Project hereunder assumes the Town of Bourne Planning Board's approval to modify the subdivision layout of Technology Park Drive, as depicted in the project plans approved hereunder. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide Commission staff: the recorded subdivision modification plan for Technology Park Drive, consistent with the plans approved under this decision, as approved and endorsed by the Bourne Planning Board, which plan shall depict drainage systems and other improvements in and proximate to the modified road layout, which are required under this decision; and shall provide copies of any recorded easements or similar instruments necessary and sufficient to confer rights to authorize the Applicant to implement such drainage and other improvements required and approved under this decision.

C13. As depicted on the approved landscape plan referenced in Finding GF5 and Condition C6 hereunder, the Applicant is required to install and maintain a vegetated buffer along MacArthur Boulevard on the property abutting the Project Site to the south. Consent to install and maintain this required buffer on the abutting property has been provided in the application by its owner, who also owns the Project Site and is the Applicant hereunder. Should the southerly property be conveyed into ownership separate that of the Project Site, the Applicant shall, prior to or simultaneous with any such conveyance reserve an easement over the southerly property, appurtenant to the Project Site, allowing the Applicant to install and maintain such vegetated buffer according to the terms and conditions of this decision, and in such case, the Applicant shall thereafter provide the Commission a copy of such recorded easement.

C14. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Project shall pay to the Barnstable County Treasurer in care of the Commission an affordable housing mitigation payment of \$15,510, which payment shall be held for and made available to the Town of Bourne to support projects or strategies that increase the availability of affordable housing in the Town.

C15. The Applicant shall implement the Transportation Demand Management (TDM) plan set out and discussed in the Transportation Findings and incorporated herein under Finding GF5. Prior to and as a condition to issuance of a Final Certificate of Compliance, the Applicant will provide evidence to Commission staff that such TDM plan has been implemented in accordance with this decision.

C16. The Applicant shall conduct a timely follow-up safety analysis of the short-term safety improvements at the Bourne and Otis Rotaries within three years after the completion of these improvements to assess their effectiveness, and the Applicant shall report the findings of said analysis to the Commission, the Town of Bourne, and MassDOT.

C17. The Project shall be limited to a total site wide nitrogen load of no more than 5 ppm, as calculated under the Commission's Nitrogen Loading Technical Bulletin. The Project shall be constructed with and serviced by a wastewater treatment system with denitrification technology. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide Commission staff a written protocol concerning how it proposes to meet such

nitrogen limitation, which protocol shall include but is not limited to plans, details, and specifications for the denitrifying wastewater treatment system selected by the Applicant for the Project, and proposed methods, procedures, agreements and controls to limit site-wide nitrogen loading to 5 ppm. When reviewed and approved by Commission staff, the Project shall be constructed, operated and maintained in accordance with such protocol.

SEE NEXT PAGE FOR SIGNATURES

DRAFT

SIGNATURES

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

SEAL

My Commission Expires: