MACARTHUR BLVD REDEVELOPMENT
MAJOR MODIFICATION
340 MacArthur Blvd., Bourne, MA

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Application Cover Sheet

Cape Cod Commission
3225 Main Street, PO Box 226
Barnstable, MA 02630
Tel: (508) 362-3828 • Fax: (508) 362-3136

For Commission Use Only

Date Received:
Fee ($):
Check No:
File No:

A Type of Application (check all that apply)

- ☐ Development of Regional Impact (DRI)
- ☐ DRI Scoping
- ☐ DRI Exemption
- ☐ Hardship Exemption
- ☐ Jurisdictional Determination
- ☐ Request for Joint MEPA/DRI Review
- ☐ Decision Extension
- ☑ Decision Modification

B Project Information

Project Name: MacArthur Blvd Redevelopment Major Modification

Total Site Acreage: 7.9

Project/Property Location: 340 MacArthur Blvd., Bourne, MA

Zoning: B-4 (Business Zone)

Brief Project Description:

Include total square footage of proposed and existing development, gross floor area, number of lots existing or to be created, specific uses, description of existing conditions, as applicable (attach additional sheets if necessary).

Applicant requests modification of 2003 Development of Regional Impact approval (TR#02018) in connection with its proposed change in tenancy of existing ~24,000 sf building from amusement park to marble / granite countertop manufacturing with small showroom, and proposed change in outdoor use and reduction in area from previously approved amusement uses to bulk storage on approximately 2.35 acres. Bulk storage uses include marble/granite slabs on racks and approximately 50 container storage trailers.

C Owner(s) of Record

List the following information for all involved parcels. Provide copies of each Deed and Purchase and Sale Agreement and/or evidence of leasehold interest, if applicable, for all involved parcels. Proof of ownership/legal rights for Applicant(s) to proceed with the proposed development must be documented prior to the Commission deeming any application complete. List the local, state, or federal agencies from which permits or other actions have been/will be filed (attach additional sheets if necessary).

Map/Parcel	Owner's Name	Lot & Plan	Land Court Certificate of Title #	Registry of Deeds Book/Page #
31.4-15-0	MacArthur Park Place LLC	Lots B and A-1 Plan Book 198, Page 35		35390/41

There **ARE/ARE NOT** (circle one) court claims, pending or completed, involving this property (if yes, please attach relevant information).

Is there an existing CCC Decision for the Property? ☑ yes ☐ no (if so, recording information for decision, please attach relevant information).

D Certification

I hereby certify that all information provided on this application form and in the required attachments is true and accurate to the best of my knowledge. I agree to notify the Cape Cod Commission of any changes on the information provided in this application, in writing, as soon as is practicable. I understand failure to provide the required information and any fees may result in a procedural denial of my project.
NOTE: For wireless communication facilities, a licensed carrier should be either an applicant or a co-applicant.

APPLICANT

Applicant(s) Name: MacArthur Park Place LLC Tel: _____ Fax: _____

Address: 100 Independence Drive, Suite 11, Hyannis, MA 02601

Signature: _____ Date: _____

CO-APPLICANT

Co-Applicant(s) Name: _____ Tel: _____ Fax: _____

Address: _____

Signature: _____ Date: _____

CONTACT

Contact: Eliza Cox, Esq. Tel: 508-255-2133 Fax: 508-255-3786

Address: LaTanzi,Spaulding & Landreth, PO Box 2300, Orleans, MA 02653

Signature: _____ Date: _____

PROPERTY OWNER

Property Owner: MacArthur Park Place LLC Tel: _____ Fax: _____

Address: 100 Independence Drive, Suite 11, Hyannis, MA 02601

Signature: _____ Date: _____

BILLABLE ENTITY

Name: Eliza Cox, Esq. Tel: _____ Fax: _____

Address: (see above)

340 MacArthur Boulevard Redevelopment

Modification Application

Executive Summary

MacArthur Park Place, LLC (hereafter, the "Applicant") seeks to reuse/redevelop the approximately 7.9 acre developed property addressed 340 MacArthur Boulevard, Bourne (the "Property"), which has the benefit of a 2003 Cape Cod Commission development of regional impact approval.[1] As set forth in this Summary and the application materials submitted, the proposed redevelopment/reuse of the Property (hereafter, the "Project") is anticipated to reduce impacts as compared to those approved for the Property pursuant to the DRI Decision.

The Property is located on the western side of MacArthur Boulevard, a 4-lane divided highway running north / south. There is a densely vegetated median separating the north and southbound lanes of the highway. The Property has approximately 550 feet of frontage along the highway's southbound lanes, and there is an acceleration/deceleration lane that extends directly in front of the Property providing safe, right-turn only access/egress to and from the Property to the southbound highway lanes. The Property is located within a Business-zoning district as designated by the Town of Bourne Zoning Map, and nearby land uses include: a gas station, convenience store, car dealerships, boat and marine dealer, bank, self-storage facility and other auto-oriented commercial developments.

The Property is developed with an approximately 24,000 square foot building, approximately 144 paved parking spaces, a right-in, right-out curb-cut, stormwater infrastructure, and remnants of the outdoor amusement park use, including a go-cart track, bumper boat pool, lighting by the former mini-golf area, and storage sheds. This existing development was permitted by the DRI Decision, which authorized construction of the main building for various amusement uses and modifications to the outdoor amusement park uses. The DRI Decision was approved by the Cape Cod Commission in

[1] See Cape Cod Commission File No. TR#02018, dated October 23, 2003, hereafter the "DRI Decision," a copy of which is included in Tab 4 of these application materials.

October of 2003, and all necessary compliance certificates were issued, including a Final Certificate of Compliance on August 20, 2004.[2]

The predominant issue areas reviewed in the DRI Decision were Water Resources, Transportation, Community Character and Open Space. The key points of that review are summarized below:

Water Resources. The Property is within a nitrogen sensitive embayment. The pre-existing nitrogen load on the Property was 3.3ppm, and to accommodate an increase of wastewater flows resulting in total flows of approximately 3,000 gpd while maintaining the pre-existing nitrogen load, the amusement park proponent agreed to install waterless toilets. The DRI Decision also required an approximately $500 nitrogen mitigation payment. Stormwater infrastructure, including vegetated swales, were approved on the site.

Transportation. According to the Vanasse & Associates TIAS[3], the total trip generation authorized by the DRI Decision at the site was 207 weekday PM peak hour trips and 237 Saturday midday peak hour trips. The DRI Decision conditioned an approximately $150,000 payment to mitigate those trips generated by the Property.

Community Character. The DRI Decision approved the location, design, and massing of the approximately 24,000 square foot building, noting that non-traditional materials were appropriate for the site and use. Additionally, full screening was not required for the site or building. The approved landscape plan included plants along the Property's frontage (which are proposed with the Project) as adequate and the parking layout with several landscape parking islands.

Natural Resources / Open Space. The DRI Decision notes that the Property is not within a significant natural resources area, and that it is within an existing densely developed commercial area, isolated from other protected open space. Pursuant to the 2002 RPP, the DRI Decision required approximately 2.77 acres of open space but authorized those areas to be fragmented on-site and simply deed restricted (and not subject to a conservation restriction). The DRI Decision notes that the quality of the open space "is limited by the pre-developed nature of the site." In August of 2004, a deed restriction was recorded with the Barnstable County Registry of Deeds; a copy of the deed restriction and referenced plan are included in Tab 5 of the application materials. The deed restriction indicates, in multiple places, that the areas of the Property proposed to be restricted are those portions shown as "Open Space" on the plan referenced in the restriction. However, the plan referenced in the deed restriction does not depict any portion of the Property as "Open

[2] See Tab 4 for copies of these documents.
[3] October 2002, found in the DRI Decision project files.

Space." Accordingly, the deed restriction is ambiguous at best and now, 21 years and multiple property owners later, likely unenforceable.

In connection with this modification request, the Applicant proposes to re-use and remodel the existing building, converting it to a granite and marble manufacturing use with a small (approximately 4,600 sf) showroom. The project also includes outdoor uses, though on a smaller footprint than the approved outdoor amusement uses. Specifically, an approximately 102,500 square foot area that includes the existing rear parking lot and areas behind the building will be used for outdoor storage of containers and marble/granite slabs on stands. This storage area is setback over 200 feet from MacArthur Boulevard and will be screened by the building, and proposed plantings.

As depicted on the landscape plan, the project re-introduces hundreds of new plantings along the Property's MacArthur Boulevard frontage which will provide screening and also dramatically improve the Property's visual appearance along the regional roadway. The existing mature trees and vegetation along the southerly property line will be retained, with pruning as needed to repair any stormwater infrastructure. As detailed in the Landscape Design Narrative (Tab 9), the project also includes restoring the open areas north and east of the building with a low maintenance seed mix that does not require significant water use or mowing and that provides habitat value and a more naturalized appearance.

As part of the reuse of the building, the tenant proposes to refresh and reface the building façade. This includes installing a new energy efficient and weather-resistant barrier and sheathing system. The selected façade materials create visual interest and a more modern aesthetic, appropriate for the proposed use.

As detailed in the supporting application materials and summarized in the chart below, the proposed change of use and changes to the site plan are expected to reduce impacts to the applicable resources.

Issue Area	Pre-Existing / Approved Use	Proposed Impacts	Difference
Water Resources / Septic Flows	3,000 gpd	520 gpd	Reduction of ~2,480 gpd
Water Resources / Nitrogen Calculations	3.3ppm	1.96 ppm	Reduction of ~1.34 ppm

Issue Area	Pre-Existing / Approved Use	Proposed Impacts	Difference
Water Resources / Stormwater	CCC-approved stormwater system	Repair and re-use CCC-approved stormwater system	Project reduces impervious coverage, and previously approved stormwater system, with minor repairs, will adequately treat run-off. Project proposes Stormwater Management and Pollution Prevention Plan
Transportation	207 trips in weekday PM peak hour 237 trips in Sat. midday peak hour	133 trips in weekday PM peak hour 40 trips in Sat. midday peak hour	Reduction of approximately 74 fewer trips in weekday PM peak hour and 197 fewer trips in Saturday midday peak hour
Natural Resources / Open Space	~2.8 acres of "open space" "restricted" by likely unenforceable deed restriction	Restoration of significant portions of property	Improved habitat and reduced impacts

Consistent with the Commission's Regional Policy Plan and Technical Bulletin, the proposed project re-uses an existing building and infrastructure, while improving Property's visual appearance along MacArthur Boulevard with façade improvements and new plantings, and reduces vehicular and environmental impacts.

340 MacArthur Boulevard Redevelopment

Modification Application

RPP and Technical Bulletin Consistency

The following provides an overview of the Project's compliance with the Goals and Objectives of the Regional Policy Plan and associated Technical Bulletins. Additional detail on applicable key issue areas is included in other sections of the application materials. This redevelopment project is a modification of a previously approved 2003 Cape Cod Commission Development of Regional Impact (TR#02018) and, as set forth in these application materials, this modification seeks to reuse the existing building and infrastructure, and re-purpose portions of the former outdoor amusement uses for storage. As described in the application materials, the proposed modification is a significantly less intensive use of the property as compared to the uses permitted in the 2003 DRI decision. Section 11(b)(iii) of the Commission's Enabling Regulations confirms that major modification review is focused on areas where there are different or increased impacts. As set forth in this application materials, the proposed redevelopment's impacts are anticipated to be decreased in the applicable issue areas as compared to the 2003 DRI Approval.

Water Resources

Objective WR1 *- Protect and preserve groundwater*

RESPONSE: The proposed modification will reduce wastewater flows and nitrogen loading as compared to the prior use approved in the 2003 DRI Approval. Specifically, wastewater flows are reduced from approximately 3,000 gpd to just 520 gpd. Additionally, the pre-existing nitrogen load for the property, based on the 2003 Bennett & O'Reilly calculations, was 3.3ppm. The proposed modification reduces the nitrogen load to just 1.96 ppm.

Objective WR2 *– Protect, preserve and restore fresh water resources*

RESPONSE: Not applicable.

Objective WR3*- Protect, preserve and restore marine water resources*

RESPONSE: Please see response to WR1 above.

Objective WR4 *– Manage and treat stormwater to protect and preserve water quality*

RESPONSE: The 2003 approved stormwater infrastructure will be re-utilized. Maintenance will be performed as needed. A new Stormwater Management and Pollution Prevention Plan is included in the application materials.

Objective WR5 *– Manage groundwater withdrawals and discharges to maintain hydologic balance and protect surface and groundwater resources*

RESPONSE: The modification will reduce groundwater withdrawals and discharges as compared to the 2003 approval.

Ocean Resources

Objective OR1 *– Locate development away from sensitive resource areas and habitats*

RESPONSE: N/A

Objective OR2 *– Preserve and protect ocean habitat and the species it supports*

RESPONSE: N/A

Objective OR3 *- Protect significant human use areas and vistas*

RESPONSE: N/A

Wetlands Resources –

Objective WET1 *- Protect wetlands and their buffers from vegetation and grade changes*

RESPONSE: N/A

Objective WET2 *– Protect wetlands from changes in hydrology*

RESPONSE: N/A

Objective WET3 *– Protect wetlands from stormwater discharges*

RESPONSE: N/A

Objective WET4 *– Promote the restoration of degraded wetland resource areas*

RESPONSE: N/A

Wildlife and Plant Habitat

Objective WPH1 *– Maintain existing plant and wildlife populations and species diversity*

RESPONSE: As described in the enclosed landscape design narrative, the existing site, a former amusement park, is predominantly barren, composed of exposed dirt, weeds and pavement, with the exception of the southern and western boundaries. The property's frontage along MacArthur Boulevard is proposed to be planted with significant quantities of native plants to provide screening and curb appeal. The former go-cart track and outdoor amusement areas are proposed to be seeded with a low-maintenance seed mix that will not require significant water use and will provide habitat value.

Objective WPH2 *– Restore degraded habitats through use of native plant communities*

RESPONSE: As described in the enclosed landscape design narrative, and consistent with this objective, the former go-cart track and outdoor amusement uses will be cleaned up, scarified, and naturalized with a suitable seed mix that requires minimal maintenance and water and provides habitat value.

Objective WPH3 *– Protect and preserve rare species habitat, vernal pools, 350-buffers to vernal pools*

RESPONSE: N/A

Objective WPH4 *– Manage invasive species*

RESPONSE: Invasive species management will be a component of the land management strategy for the redevelopment of the site. Details can be found in the landscape design narrative.

Objective WPH5 *– Promote best management practices to protect wildlife and plant habitat from the adverse impacts of development*

RESPONSE: N/A. There is no new construction proposed with the project.

Open Space –

Objective OS1*- Protect and preserve natural, cultural and recreational resources*

Objective OS2 *– Maintain or increase the connectivity of open space*

Objective OS3 *– Protect or provide open space appropriate to context*

The 2003 DRI Decision recognized that the subject property was not in a "significant natural resource area" and because of its location within a densely developed commercial area, isolated from other protected open space, and owing to the already disturbed nature of the property, the decision permitted 2.77 acres of on-site "open space" mitigation to be deed restricted. Referring back to the unrecorded CCC-approved plans from 2003, the areas of "open space" were dispersed and fragmented around the site, including within the former go-cart track. It is noted that the RPP in effect at the time of the 2003 approval calculated open space differently, and under the current RPP no open space would have been required for the expansion of the amusement park.

In accordance with NR1 of the 2003 Decision, a deed restriction was recorded against the property.[1] A copy of the Deed Restriction is included in Tab 5 of the application materials. The Deed Restriction refers to the plan recorded with the Registry in Plan Book 586, Page 79 as the "Plan" for purposes of showing the restricted open space. The referenced Plan is also included in Tab 5 of the application materials. The 3rd Whereas clause in the Deed Restriction indicates that restricted open space is shown on the Plan. Section 1 of the Deed Restriction contains restrictions on "those portions of the Premises designated as Open Space on the Plan…" However, notwithstanding the foregoing language, the referenced recorded Plan in the Deed Restriction does not depict any

[1] See restriction recorded with the Barnstable County Registry of Deeds (the "Registry") in Book 18939, Page 336 (hereafter, the "Deed Restriction").

"Open Space" on any portion of the subject property. Accordingly, in that there is no recorded plan depicting the areas of Open Space that correspond to the restrictions, the Deed Restriction, which was imposed 21 years ago prior a predecessor in title, is ineffective, ambiguous, and impossible to enforce.

With this current proposal, the applicant seeks to either: (1.) eliminate the open space mitigation, as it would not be required under the current RPP and, as memorialized in the 2003 decision, the property does not provide for high quality open space, or (2.) amend the deed restriction to reference a new plan that will consolidate the deed restricted land to a contiguous portion of the property.

Community Design

Objective CD1 *- Promote context sensitive building and site design*

RESPONSE: Complies. The design, context, scale and siting of the existing building were already approved by the Commission in the 2003 DRI Decision. Now, 22 years later, the façade is looking tired and the Applicant's tenant proposes façade materials improvements to enhance the aesthetic of the existing structure. This is detailed in the Façade Improvements narrative.

Objective CD2 *– Minimize the amount of newly disturbed land and impervious surfaces*

RESPONSE: Complies. The proposed redevelopment will allow a significant portion of the previously approved outdoor amusement use to naturalize with native, low-maintenance seed mixes.

Objective CD3 *– Avoid adverse visual impacts from infrastructure to scenic resources*

RESPONSE: Complies. The design and scale of the building were already reviewed and approved by the Commission. With this redevelopment, a generous buffer, similar to what was approved in 2003, will be re-installed along the property's frontage. In addition to re-using the building, which is consistent with this objective, the proposal also re-utilizes portions of the previously approved outdoor areas, and proposes to seed and naturalize unused portions of the site previously used as outdoor amusement uses (e.g., bumper boats and go-cart). The proposed storage areas will be screened by the building and plantings from MacArthur Boulevard.

Coastal Resiliency –

Objective CR1 *– Minimize development in the floodplain*

RESPONSE: N/A

Objective CR2 *– Plan for sea level rise, erosion, and floods*

RESPONSE: N/A

Objective CR3 *– Reduce vulnerability of built environment to coastal hazards*

RESPONSE: N/A

Capital Facilities and Infrastructure –

Objective CAP1 *– Ensure capital facilities and infrastructure promote long-term sustainability and resiliency*

RESPONSE: N/A

Objective CAP2 *– Coordinate the siting of capital facilities and infrastructure to enhance the efficient provision of services and facilities that respond to the needs of the region*

RESPONSE: N/A

Transportation –

Objective TR1 *– Improve safety and eliminate hazards for all users of Cape Cod's transportation system*

RESPONSE: Complies. A Transportation Assessment for the redevelopment is included in Tab 12 of the application materials. With respect to access, the redevelopment will reuse the existing right-in/right-out curb-cut onto MacArthur Boulevard. It is also noted that there is a separate deceleration/acceleration lane that provides safe and easier access/egress to and from this site and abutting properties onto MacArthur Boulevard.

Objective TR2 *– Provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users*

RESPONSE: The existing layout includes a pedestrian connection from the subject property to the immediately abutting property to the south (currently a Mobil gas station). A photograph of this connection is included in Tab 7 of the application materials. This connection is proposed to be retained.

Objective TR3 *– Provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people*

RESPONSE: As part of the 2003 DRI Decision, substantial payments ($150,000 +/-) were made as mitigation to offset vehicle trips generated at the subject property. The proposed redevelopment project will significantly reduce vehicle trips as compared to what has already been approved and mitigated for at this property.

Energy

Objective EN1 *– Support renewable energy development that is context-sensitive*

Objective EN2 *– Increase resiliency of energy generation and delivery*

Objective EN3 *– Minimize energy consumption through planning and design (including energy efficiency and conservation measures)*

Energy was not an issue area considered in the 2003 DRI Decision. Notwithstanding, consistent with this goal, the building is served by an underground electric service. In addition, the building improvements will be designed to Energy Star certification, energy efficient LED lighting fixtures are proposed inside the building as well as for exterior lighting; energy efficient appliances will be utilized for all working displays in the showroom and the re-use of the building incorporates "smart" temperature controls. In addition, as part of the fabrication process, the tenant proposes to recycle the water from the production line inside the building on a closed loop system which efficiently minimizes the overall water consumption for the fabrication process.

Waste Management

Objective WM1 *– To reduce waste and waste disposal by promoting waste diversion and other Zero Waste initiatives*.

RESPONSE: Consistent with this objective, the proposal involves re-using/re-purposing the existing approximately 24,00 square foot building.

Objective WM2 *– Support an integrated solid waste management system*

RESPONSE: Construction waste associated with the proposed façade improvements will be properly managed.

Climate Mitigation

Objective CM1 *– Promote low or no carbon transportation alternatives and technologies*

Objective CM2 *– Promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation and cooling (HVAC) systems*

Objective CM3 *– Promote carbon sequestration and other emissions removal practices and technologies as appropriate to context*

Objective CM4 *– Promote low or no carbon energy generation technologies as appropriate to context*

RESPONSE: Climate Mitigation was not an issue area considered as part of the 2003 DRI Decision. Notwithstanding, the redevelopment of the site incorporates numerous methods in furtherance of the goal, including: significant reduction in vehicle trips entering/exiting the site, maintaining the pedestrian interconnection to the immediately adjacent property to the south, energy efficiency improvements to the existing building, designing to Energy Star certification, energy efficient lighting, "smart" temperature controls, energy efficient appliances for all working displays in the showroom area, significant new plantings, and restoration of the former go-cart track and bumper boat pool with low-maintenance seed mix.

Cultural Heritage

Objective CH1 – *Protect and preserve forms, layouts, scale, massing and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods*

RESPONSE: N/A. This is not an historic structure and is not considered new development.

Objective CH2 *– Protect and preserve archaeological resources and assets from alteration or relocation*

RESPONSE: N/A

Objective CH3 *– Preserve and enhance public access and rights to and along the shore*

RESPONSE: N/A

Objective CH4 *– Protect and preserve traditional agricultural and maritime development and users*

RESPONSE: N/A

Economy

Objective EC1 *– Protect and build on the Cape's competitive advantages*

RESPONSE: Consistent with this objective, the project is an adaptive re-use of an existing building and site.

Objective EC2 *– Use resources and infrastructure efficiently*

RESPONSE: Consistent with this objective, the project is an adaptive re-use of an existing building and site located outside of a Natural Area.

Objective EC3 *– Foster a balanced and diverse mix of business and industry*

RESPONSE: Consistent with this objective, the redevelopment creates fabrication and manufacturing opportunities to support Cape homeowners and contractors.

Objective EC4 *– Encourage industries that provide living wage jobs to a diverse workforce*

RESPONSE: The proposed tenant anticipates hiring between 5-10 full-time employees. Benefits include sick time, vacation time and disability insurance. The rate of pay varies between $20-50 per hour.

Objective EC5 *– Expand economic activity and regional wealth through exports, value added, import substitution, and local ownership*

RESPONSE: Consistent with this objective, the proposed use manufactures imported marble and granite slabs and then sells the custom cut/manufactured product to homeowners and contractors.

Housing –

Objective HOU1 – *Increase in Housing Diversity and Choice*

RESPONSE: N/A

Objective HOU2 *– Promote an Increase in Year-Round Housing Supply*

RESPONSE: N/A

Objective HOU3 *- Protect and Improve Existing Housing Stock*

RESPONSE: N/A

Objective HOU4 *- Increase Housing Affordability*

RESPONSE: N/A

EXISTING CAPE COD COMMISSION DECISION SUMMARY

A. October 23, 2003 DRI Decision (TR02018)

B. December 8, 2003 Preliminary Certificate of Compliance

C. June 16, 2004 Modification of DRI Decision

D. June 17, 2004 Partial Certificate of Compliance

E. August 20, 2004 Final Certificate of Compliance

A

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
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E-mail: frontdesk@capecodcommission.org

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Bk 17998 Pg284 #137883
12-04-2003 @ 02:46p

Date: October 23, 2003

To: Tom Sousa, Esquire
Carter & Associates
509 Falmouth Road, Suite 5
Mashpee, MA 02649

From: Cape Cod Commission

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

Applicant: Dan DeLuca
Adventure Isle
21 Buckthorne Path
Forestdale, MA 02664

Project: Adventure Isle Redevelopment
343 MacArthur Boulevard
Bourne, MA

Project #: TR # 02018

Book/Page: Book 2002, Page 338; Book 3094, Page 061

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the DRI application of Dan DeLuca, owner of the Adventure Isle Amusement Center in Bourne, MA 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 Adventure Isle Redevelopment (Project). The decision is rendered pursuant to a vote of the Commission on October 23, 2003.

PROJECT DESCRIPTION

The proposed Project is located on a 7.9-acre site at 343 MacArthur Boulevard in Bourne, MA. The site is currently developed for the seasonal Adventure Isle amusement park, which currently

extends onto leased land at 320 MacArthur Blvd. The proposed redevelopment plan will vacate its lease on 320 MacArthur Blvd. and consolidate all elements onto 343 MacArthur Boulevard. The proposed Project consists of demolition of an existing building, construction of a single story 23,452 square foot building to house a new roller skating rink, snack bar, and party rooms. With the construction of the new building, and the bumper car ride, arcade, and laser tag arena amusements will move indoors, and will be able to operate year-round. Outdoors, the go-cart track will be modified, and several existing amusements, including miniature golf course, bumper boat lagoon, superslide and kiddie rides will remain. The mini bikes and batting cages will be removed.

COPY COPY

The site is zoned B-4, "business development along arterial routes with careful control of environmental and traffic impacts". The property abuts a driving range to the north (currently leased by the Applicant), MacArthur Boulevard on the east, business condominiums on the west, and mixed use commercial-residential, and a gas station on the south.

PROCEDURAL HISTORY

The Project was referred to the Commission by the Bourne Planning Board on April 23, 2002. The Commission received the referral on April 29, 2002. A procedural hearing was opened on June 25, 2002 by a hearing officer and continued. The hearing was closed by a hearing officer on September 20, 2002. Extensions for project review until November 18, 2002, and then to November 18, 2003 were granted by the Regulatory Committee on October 3, 2002 and May 18, 2003 respectively. A duly noticed public hearing was conducted pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on August 6, 2003 at the Bourne Public Library. The public hearing was closed on July 23, 2003 and the record was left open for submission of written materials.

The subcommittee held a public meeting after the close of the public hearing to deliberate on this project on September 29, 2003. At the September 29, 2003 meeting, the subcommittee voted unanimously to recommend to the full Commission that the Project be approved as a DRI, subject to conditions. A final public hearing was held before the full Commission on October 23, 2003. At this hearing, the Commission voted unanimously to approve the Project as a DRI, subject to conditions.

MATERIALS SUBMITTED FOR THE RECORD

Materials submitted by the Town:

- Letter from Bourne Board of Health dated September 18, 2003
- Letter from Cape Cod Canal Region Chamber of Commerce dated July 30, 2003
- Project referral from Bourne Planning Board – April 29, 2002

Materials submitted by the Applicant:

- Revised site plan received October 15, 2003

• Revised landscape plans received October 14, 2003 via fax
• Revised elevations - October 9, 2003
• Fax from F. Graham to P. Dascombe re: revised elevations – October 9, 2003
• Revised site plan – October 7, 2003
• Revised site plans – October 7, 2003
• Fax from M. Judd of Davis & Davis to P. Dascombe regarding parking – October 2, 2003
• Letter from Carter & Association dated September 29, 2003
• Letter from Bourne Board of Health dated September 18, 2003
• Lighting specifications from Davis & Davis – September 17, 2003
• Revised site plans – September 15, 2003
• Letter from Clivus New England – September 12, 2003
• Draft maintenance plan – September 9, 2003
• Letter from D. DeLuca including supplemental drainage calculations, and EPA application for hazardous waste generation – September 8, 2003
• Letter from Warwick & Associates dated September 5, 2003
• Fax from Davis & Davis dated September 4, 2003 – September 5, 2003
• Letter from Nauset Environmental Services dated August 27, 2003 re: asbestos inspection
• Letter from Lead Paint Inspections dated August 23, 2003
• Hazardous Materials and Waste Management Plan – August 15, 2003
• Property listing for satisfying transportation mitigation – August 14, 2003
• Revised entrance elevations – August 6, 2003
• Letter from M. Herlihy, P.E., to Warwick & Associates dated July 9, 2002 re: stormwater design – July 16, 2003
• Letter dated July 16, 2003 from Vanasse & Association to G. Cannon – July 16, 2003
• Revised grading and drainage plans by Warwick & Associates, dated July 10, 1002 – July 16, 2003
• Revised initial site lighting plans by RUDD dated June 27, 2003 – July 2, 2003
• Revised lighting plans by RUDD dated June 27, 2003 – July 2, 2003
• Fax from Frank Graham, Davis & Davis, dated June 16, 2003, to P. Dascombe re: design changes – June 16, 2003
• Fax from Frank Graham, Davis & Davis, dated June 16, 2003, to Phil Dascombe re: rough dimensions – June 16, 2003
• Letter from Vanasse & Associates to Glenn Cannon, dated June 11, 2003 – June 16, 2003
• Abutters list from Falmouth Assessors office – June 7, 2002
• Letter from Tom Sousa, Attorney for the Applicant, to Tana Watt – June 4, 2002
• Narrative from Applicant to Commission staff – May 20, 2003
• Lighting, Open Space Plans dated April 23, 2003 – April 28, 2003
• Letter from D. DeLuca – April 28, 2003
• Feasibility Report, Shumaker Products & Services, dated September 6, 2001 – April 9, 2003
• Extension letter – March 25, 2003
• DRI consistency narrative report and application – March 7, 2003
• Traffic Impact Study dated October 2002 from Vanasse & Associates – March 7, 2003
• Existing conditions plan (9/10/02), proposed master site plan (1/27/03), lighting plan (1/27/03), grading and drainage plans (1/31/03), floor plans and elevations (10/28/02), proposed landscaping plan (1/27/03) – March 7, 2003

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- Letter from T. Sousa, Attorney for the Applicant, re: MHC review – March 4, 2003
- Extension letter – September 24, 2002

Materials submitted by Cape Cod Commission:

- Memo from A. Adams to M. Twombly dated October 8, 2003
- Email from P. Dascombe to M. Judd regarding dock configuration – October 8, 2003
- Subcommittee memo from M. Twombly – September 23, 2003
- Meeting notes for September 9, 2003 meeting
- Meeting notes for August 15, 2003 meeting
- Staff Report – July 31, 2003
- Letter to D. DeLuca from M. Twombly summarizing façade, design and landscaping issues – June 11, 2003
- Meeting minutes to T. Souza from April 18, 2003 meeting – April 23, 2003
- Meeting notes to T. Sousa from April 9, 2003 meeting
- Memo dated March 27, 2003 from Gay Wells to T. Sousa – April 3, 2003
- Letter to T. Souza from M. Twombly – April 1, 2003
- 45-day letter to T. Souza – March 3, 2003
- 45-day letter to Tom Souza – September 9, 2002

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

Hearing #1- August 6, 2003

Jeremy Carter, attorney representing Delknap, Inc., introduced Dorothy and Dan DeLuca, owners of Adventure Isle, Ken Cram, traffic engineer from Vanasse & Associates, and attorney Tom Sousa from Carter & Associates. Mr. Carter described the history of the use on site, and emphasized that the business has always been a family-oriented one. He explained the current owners want to enlarge, improve and modernize the facility with minimum impact on town services, and noted that the expansion will contribute to local taxes and wages. Mr. DeLuca said that the activities currently housed in two other buildings within the leased area would be moved inside the new building.

Ken Cram noted that the roller skating use is not listed in the ITE manual, so they obtained traffic data from other sources, with a resulting traffic generation statistic of 302 daily trips. He found no significant change in the level of service (LOS) on MacArthur Boulevard, but noted that the Applicant will have to file for a new permit with Mass. Highway.

Planner Martha Twombly submitted a letter of support from the Cape Cod Canal Region Chamber of Commerce. She reviewed the generally positive economic impacts and stated that open space requirements would be met on site.

Gabrielle Belfit, staff hydrologist, noted that the site is located in a nitrogen sensitive marine embayment and also the ACEC for Eel River and Back Bay. She discussed wastewater flow, nitrogen loading and several alternative options for nitrogen removal, including: a cash contribution, the installation of water-less toilets, or proposing a system accepted by DEP into a pilot program.

Glenn Cannon, staff transportation engineer, stated that the Applicant's traffic study had been calculated according to the 1996 RPP, not the 2002 RPP, and that it needed to be updated regarding trip generation, study area, trip reduction plans, safety at the Bourne and Otis Rotaries, and traffic congestion. He stated that staff was only looking at the net change in trip generation as a result of new uses on the site. He also discussed the need to offset traffic congestion, and discussed methods such as the purchase and protection of vacant developable land to offset impacts in all these areas.

Ms. Twombly stated that more specific details were needed to complete the requirements for hazardous materials/wastes management, and discussed remaining community character issues.

Mr. Aitchison asked the Applicant what their response to the nitrogen-loading options may be. Mr. Carter answered that would consider Ms. Belfit's suggestions to comply with the regulations.

Mr. Hogan asked how far away the embayments were. Mr. Carter said about two miles "as the crow flies."

Ms. Kadar asked for clarification of the size of the skating arena. Mr. DeLuca explained that the rink itself was 6200 sf.

Mr. Deane asked where the deceleration lane starts, and if there were problems with access or egress into the current parking area. Mr. Cannon answered that he believes the entrance will be an actual improvement from current conditions. Mr. Deane asked about the location of the U-turns on Rte. 28. Mr. Sousa indicated their locations about 1/4 mile south of the entrance and across from the leased property to the north of the site.

Ms. Kadar asked if the 3000-gpd flow was just for the new skating rink, or for the entire facility. Mr. DeLuca stated there is no classification for this kind of industry regarding wastewater flow. He said he would work with Commission staff and his water consultant to get verifiable figures.

Mr. Aitchison asked about the number of go-carts, and issues of servicing, oil spillage and containment. Mr. DeLuca said the new track would have 20 go-carts, while the current track has 25. Mr. DeLuca stated that servicing would take place in a building further from the track, and that they would build an appropriate containment area requested by staff.

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Mr. Jones asked how stormwater was handled today. Mr. DeLuca said it drained on the property, and that there was no treatment.

Ms. Kadar asked staff if a better arrangement for open space could be found, and questioned whether the inside green of a go-cart track would operate as high-quality open space.

Mr. Hogan asked about the location of the invasive Russian Olive. Ms. Rooney said the Applicant should incorporate a removal plan into the landscaping plan, but noted that Russian Olive was also in the vicinity and may be an ongoing maintenance effort.

Mr. Hogan expressed concern that traffic be mitigated.

Mr. Carter submitted a service contract from Safety Kleen to address a staff request for proper hazardous material/waste disposal.

JURISDICTION

The proposed Adventure Island Redevelopment qualifies as a Development of Regional Impact (DRI) under Section 3(e) of the DRI Enabling Regulations as new commercial space greater than 10,000 sf.

FINDINGS

The Commission has considered the application of Dan DeLuca for the proposed Adventure Isle Redevelopment, and based on consideration of such application and upon the information presented at the public hearing(s) and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

General Findings:

G.1 The proposed Project will consist of demolition of an existing arcade building, construction of a single story 23,452 square foot building to house a snack bar, arcade, party rooms, bumper car ride, laser tag arena, and roller skating rink. Several existing rides will be moved inside the building, and all operations will be consolidated onto a single site owned by Dan DeLuca.

G.2 Based on consultation with the Bourne town planner, the Project is consistent with local zoning.

G.3 The Project is being reviewed under the 2002 RPP.

Water Resource Findings:

WR.1 The Project is located in an identified nitrogen sensitive Marine Recharge Area for Eel Pond and the Back River. Back River has also been designated by EOEA as an Area of Critical Environmental Concern. Eel Pond is currently an impaired coastal embayment with documented levels of low dissolved oxygen and algal blooms.

WR.2 Water quality monitoring and assessment is continuing in this area as part of the Massachusetts Estuaries Project. The town has contributed funds towards completion of a management plan for this area. According to MPS 2.1.1.A.1 if the critical nitrogen load has not been determined, development shall be required to make a monitary contribution to complete the necessary analyses.

WR.3 Nitrogen loading from the Project as designed must meet the general RPP MPS 2.1.1.1. nitrogen-loading standard of 5 ppm. In addition, based on the Project location in a Marine Recharge Area (MRA) the Project must comply with MPS "no net increase" loading policy.

WR.4 The redevelopment plans call for an increase in wastewater flow from about 1000 gallons per day (gpd) to 3000 gpd on the 7.9-acre site. The Project addresses the relevant water resource minimum performance standards through upgrades proposed for the wastewater and stormwater discharge facilities, through the use of Clivus Multrum water-less toilets. By eliminating the "black water" component of the wastewater stream, the Project will remove a significant portion of the nitrogen load and will meet the MPS no net increase loading policy.

WR.5 Stormwater disposal facilities will be upgraded with the creation of a grass lined bioinfiltration swale to handle road runoff from parking areas. Stormwater improvements to the race track area include creating a vegetated swale along the inside of the race track that will be regraded, additional loam added and a thick rooting sod grass planted.

WR.6 Improved wastewater treatment and an improved stormwater disposal design result in a net decrease in nitrogen loading that falls below the MPS 2.1.1.A.1 threshold of 5.00 ppm and meets the RPP stormwater management criteria.

Natural Resource/Open Space Findings:

NR.1 This project is not located in a Significant Natural Resources Area (SNRA) as mapped by the Regional Policy Plan (RPP), nor is it mapped as rare species habitat. Due to the developed and disturbed nature of the site, the preparation of a natural resources inventory was not required.

NR.2 As a redevelopment project located outside of a SNRA, the open space requirement is equivalent to the total developed area of the site, or approximately 120,658 sq ft as shown on the plan dated October 7, 2003. The proponent proposes to meet the open space requirement by preserving 120,663 sq ft onsite.

NR.3 The quality of this open space is limited by the pre-developed nature of the site, but is deemed acceptable because the Project is a redevelopment which largely preserves or improves existing vegetated buffers along the front, north side, and back of the property. The open space is also considered acceptable due to the fact that the Project is not located in a SNRA, and is located in a existing densely developed commercial area, isolated from other protected open space.

NR.4 Given the character and location of the open space, and the fragmentation of the proposed open space due to existing developed areas both onsite and in the vicinity of the site, preservation of the open space will be more appropriately effected through deed restriction in lieu of the typical conservation restriction or donation.

Transportation Findings:

T1. For the purposes of DRI review of transportation mitigation, the existing development and the existing traffic from that development were not included in the review of this project beyond the site driveways. As a redevelopment project, the new traffic generated from the indoor roller skating rink was the basis of the review. Other amusements and uses on the site are existing, and will be incorporated into the new building to allow for year-round operations and to improve the aesthetics, design, and customer safety of the facility.

T.2 Route 28 is a regional road, as defined in the RPP. The Town of Bourne does not have an approved Local Comprehensive Plan; therefore this project is not located within a certified growth center.

T.3 The proponent's traffic engineer has calculated that the proposed indoor roller-skating rink will generate 302 new vehicle trips on an average weekday (151 in/151 out). The expected net increase in traffic on Route 28 from the Project, after complying with the trip reduction (25%) requirements of the Regional Policy Plan (RPP), is as follows:

Average weekday	226 trips
Average morning peak hour	N/A
Average evening peak hour	106 trips
Average Saturday	429 trips
Average Saturday peak hour	111 trips

T.4 MPS 4.1.1.3 requires that *all access and egress locations for development and redevelopment shall meet local, county, and/or state and federal access management bylaws, technical bulletins, standards and/or policies for driveway spacing and separation from the nearest intersections. Development and redevelopment with frontage on more than one street shall be restricted to access and egress via the lower volume road when deemed appropriate by the Commission.* Currently, three (3) site driveways access the existing amusement park. The north and middle site driveways belong to the adjacent property, and all Adventure Isle traffic will enter the main site driveway.

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T.5 MPS 4.1.1.7 states that *acceptable sight distances shall be met and maintained at all access and/or egress locations for development and redevelopment regardless of project traffic volumes. At a minimum, these shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials' standards for safe-stopping sight distances.* The Applicant demonstrated that the existing driveways meet or exceed the minimum stopping sight distance.

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T.6 MPS 4.1.2.1 requires that *all development and redevelopment not located within Growth Incentive Zones shall implement adequate and acceptable measures to reduce and/or offset 25% of the expected increase in summer site traffic resulting from the development on a daily and project peak-hour basis. Employee carpooling, flexible work hours, and incentives for alternatives to automobile travel are strategies consistent with this standard. Trips generated from public transit buses shall not be included in trip generation for purposes of determining the trip-reduction requirement. Truck, tractor/trailer combination, and other non-automobile trips shall be considered as passenger car equivalents based on the ratio of two axles per vehicle. For example, a three-axle truck shall be considered 1.5 vehicles; a five-axle combination unit shall be considered 2.5 vehicles.*

The Applicant has proposed a trip reduction plan that includes the following in-kind strategies:

- Designate an employee to serve as the Transportation Coordinator for the amusement park who will be responsible for promoting the rideshare program and other travel demand management (TDM) measures.
- Designate parking spaces convenient to building entrances, which will be reserved for carpool or vanpool vehicles.
- Provide a guaranteed ride home to carpool participants.
- Provide group discount rate of 20% off admission for carpool/vanpools of five (5) or more patrons.
- Provide a lunchroom within the proposed new building to eliminate the need to travel off-site.

The employee trip reduction program outlined above is not sufficient to comply with standards under Goals 4.1.2 and 4.1.3 of the Regional Policy Plan. Compliance with Goal 4.1.2 is outlined in finding T7.

T.7 The proponent has proposed to mitigate all daily and peak hour traffic through Minimum Performance Standard (MPS) 4.1.2.8, (preservation of vacant developable land). The proponent has demonstrated that a parcel of land within the Project's study area is available for purchase and the proponent is willing to place this land under a conservation restriction. Cape Cod Commission transportation staff has determined that this land has the potential to offset all of the daily and peak hour traffic from the proposed development. The purchase price of this land is $149,900. As allowed under MPS

4.1.2.7 (a) the Applicant has proposed a payment of equivalent funds ($149,900) to be used for transportation purposes or land conservation. This form of mitigation is acceptable for this project at this location.

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T.8 The allocation of the funding based on the trip reduction requirement of the RPP calls for a minimum of 25% of the mitigation funding being reserved for trip reduction (149,900 x .25 = $37,475).

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T.9 MPS 4.1.2.5 states that *development and redevelopment shall consider and accommodate the needs of bicyclists, pedestrians, and other non-automobile users in site planning and roadway and/or intersection changes. Where appropriate, historic footpaths shall be maintained and safe bicycle and walking links shall be created to establish an interconnected regional bicycle and walking path system. Where appropriate, bikeways and footpath connections between commercial and residential neighborhoods and other compatible uses shall be provided to create a safe alternative to travel on or along major roads.*

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The Applicant will create a pedestrian/bicycle way allowing access from the abutting Mobil property located on the south boundary and maintain the existing pedestrian/bicycle way with the property located on the north boundary, consistent with MPS 4.1.2.5.

Economic Development Findings:

ED.1 The Applicant has provided economic data consistent with MPS 3.1.1, including:

• Estimates for an increase of approximately 68,000 customers per year to the improved facility, based on a market feasibility study by Shumaker Products & Services, dated September 6, 2001 (Other Development Review Policy (ODRP) 3.1.8)

• A breakdown of potential customers from primary, secondary and tertiary markets on Cape Cod based on statistics from the Massachusetts Office of Travel and Tourism.

• Also consistent with MPS 3.1.1, and ODRPs 3.1.3 and 3.3.2 regarding job creation, there will be an increase of 15-20 part-time staff, and at least three full-time management positions, drawn from existing staff and the local area. The management positions will have salaries in the range of $15.00 to $20.00 per hour and provide partial health benefits.

• MPS 3.1.1 requires analysis of impacts on local services. The Applicant states that the expansion and redevelopment will contribute approximately $145,000 in local wages, and approximately $10,000-$12,000 in tax revenues to the Town of Bourne. The Applicant also estimates that with improvements to the site and building there will be a reduction in the cost of town services, such as fire and police.

ED.2 The proposed Project is a redevelopment of an existing business, and is not located in a Growth/Activity Center or Growth Incentive Zone. Bourne currently does not yet have a Local Comprehensive Plan or designated Growth Centers, so MPS 3.2.2 does not apply to this project.

ED.3 The proposed redesign and new building will allow the proposed Project to operate on a year-round basis. This is consistent with infill and revitalization of existing strip developments under ODRP 3.2.7.

ED.4 Consistent with ODRP 3.3.3, the Applicant will contract with a firm from Attleboro, MA for the construction of the foundation of the proposed new building, and will work with Cape Cod companies for all remaining construction.

Affordable Housing Findings:

AH.1 Based upon the information submitted, it appears that the proposed Project will have little impact upon net employment at the facility. Therefore, MPS 5.3.1 and 5.3.2 do not apply to the Project.

Hazardous Materials/Wastes Findings:

HM.1 According to information submitted by the Applicant as part of the DRI review, as well as information on the maps produced for the 2002 Regional Policy Plan, the Project site is not located in an existing Wellhead Protection Area/Zone II or a Potential Public Water Supply Area according to the 2002 Regional Policy Plan.

HM.2 Minimum Performance Standard 4.3.1.1 requires that "*development and redevelopment shall make reasonable efforts to minimize their hazardous material use and/or waste generation through source reduction, reuse, material substitution, employee education, and recycling. Applicants shall submit a plan to demonstrate how their project will achieve conformance with this standard.*" MPS 4.3.1.4. requires that "*development and redevelopment shall prepare an emergency response plan that identifies potential threats to employee safety and health and threats of environmental releases and describes ways to reduce those threats.*" On August 15, 2003, the Commission received a Hazardous Materials and Waste Management Plan from the Applicant. Commission staff recommended changes to this Plan in a Memorandum dated October 8, 2003.

HM.3 MPS 4.3.1.2 requires that "*development and redevelopment shall be in compliance with Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. Applicants shall submit a plan to demonstrate how their project will achieve conformance with this standard.*" Based on information provided as part of the DRI review, the facility primarily uses automotive-related hazardous materials (gasoline, motor oil, and parts washer) and as such, it generates these used hazardous materials as hazardous wastes. The facility will also generate a limited number of fluorescent bulbs (a regulated waste). As part of the DRI process, the Applicant submitted evidence of a contract with Safety-Kleen (Clean

Harbors) to remove used oil, used parts washer solvent and fluorescent bulbs. Information received by the Commission on August 15, 2003, indicated that Dan DeLuca was in the process of registering with the Massachusetts Department of Environmental Protection as a Small Quantity Generator of hazardous waste and used oil. Commission staff also recommended changes to the ways in which the proposed Project manages its hazardous waste in a Memorandum dated October 8, 2003.

HM.4 The proposed Project involves the demolition of a 31,000 +/- square foot building which the DRI application narrative states "was built in 1978 without the use of asbestos or lead paint." As part of the DRI review, the Applicant submitted copies of an August 23, 2003 assessment done by Fred Hemmila Inspections for lead-based paint showing that there was no evidence of lead-based paint, and an August 27, 2003 assessment for asbestos conducted by Nauset Environmental Services, Inc.

HM.5 The August 15, 2003 Hazardous Materials and Waste Management Plan and other information submitted as part of the DRI review indicates that activities involving oil and gasoline (primarily go-carts) will be conducted on impervious surfaces. Also, the go-cart storage shed will have a concrete floor without drains. Absorbents and a spill kit will also be kept on site.

Community Character Findings:

Site Design/Landscaping findings

CC.1 MPS 1.1.2 and MPS 6.2.1 state *that the creation or extension of strip development shall not be permitted. Reuse, redevelopment or infill within existing strip developments in a way that does not extend the linear nature of the development or increase traffic conflicts may be permitted.* The existing Adventure Isle business consists of linear roadside development with a large expanse of paved parking in the front of the site and three curb cuts, consistent with strip development patterns. Redevelopment of the site is proposed on already developed areas, and does not extend the linear nature of the development. The Applicant proposes to continue to use an existing curb cut so as not to increase traffic conflicts. Therefore, the Project is consistent with MPS 1.1.2 and MPS 6.2.1.

CC.2 MPS 1.1.4 and MPS 6.2.7 require that *parking shall be located to the rear or the 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 infeasible.* Based on a revised master site plan dated October 2, 2003 prepared by Davis & Davis, Inc., all but 3 parking spaces are located to the side or rear of the proposed building. The three remaining spaces are proposed for delivery vehicles which require access to the front of the building. Therefore, the Project is in conformance to the extent feasible with MPS 1.1.4 and MPS 6.2.7.

CC.3 MPS 6.2.8 requires that *redevelopment of existing strip development shall provide adequate buffers between parking areas and the street, and significant improvement to interior parking lot landscaping, as well as façade improvements and frontage buildings, as necessary, to improve the visual character of the site.* The proposed landscape plan prepared by Davis & Davis, Inc. revised October 16, 2003 provides substantial buffers between the parking areas and MacArthur Boulevard and improvements to parking lot landscaping. The site currently contains a loose collection of structures and outdoor uses that are highly visible from MacArthur Boulevard. The proposed Project will bring both existing and proposed uses into a single structure, improving the visual character of the site. Therefore, the Project is consistent with MPS 6.2.8.

CC.4 MPS 6.2.9 requires that *all development shall implement a landscape plan that addresses the functional aspects of landscaping*, and includes a maintenance agreement for all landscaped areas. The proposed landscape plan revised October 16, 2003 includes plant materials that are adaptable to site conditions and provide buffering from the roadway. Further, the Applicant has agreed to remove invasive species (Rugosa Rose, Russian Olive) from the site during construction. The interior of the existing go-cart track will also be renovated to provide additional organic topsoil and sod to assist in the attenuation of stormwater runoff. The Applicant has submitted a draft maintenance agreement for all landscaped areas. Therefore, the Project is consistent with MPS 6.2.9.

CC.5 The Applicant has provided walkways within the development and connecting to adjacent developments to the south of the Project site, as recommended by Other Development Review Policy 6.2.15.

Building Design

CC.6 MPS 6.2.5 allows redevelopment projects to expand buildings up to 50,000 sq.ft. without full screening (defined as a 200-foot wide buffer), provided the expansion occurs on previously developed impervious or landscaped areas. This standard also requires that the massing, façade and roof configuration be varied to reduce the apparent mass of the building and that the building include a minimum of 10 foot of set-back or projection in the façade footprint for every 50 feet. Full screening (200 foot-wide buffer) is not required for this project as the expansion is occurring on previously disturbed areas. The building footprint shown on the Sheet A1.101 of plans revised with the date 9-12-03 incorporates variation in the façades that exceed the minimums required in this standard. The building elevations show a structure with gable-ends and varying ridge heights that provide a varied roof form that reduces the mass of the building. The Project is therefore consistent with MPS 6.2.5.

CC.7 The south and east facing façades will be finished with a wood clapboard system painted with a non-reflective, muted color and wood trim. This color selection will serve to de-emphasize the building and in combination with the landscape buffer, reduce its visibility from MacArthur Boulevard. The building will use non-traditional (metal) materials for the roof and west and north facing walls. These materials are appropriate given the

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"warehouse" design of the building, its location on Route 28 and its use as an amusement center. Therefore, the proposed materials are consistent with Goal 6.2 of the RPP and Technical Bulletin 96-001 – *"Designing the Future to Honor the Past, Design Guidelines for Cape Cod."*

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CC.8 MPS 6.2.11 prohibits off-site advertising, and internally lit or flashing signs. The Master Site Plan (Sheet AS1.1) of the submitted plans show that the existing sign, that is not internally illuminated or flashing, is to remain in its current location on the subject property. Therefore the Project is consistent with MPS 6.2.11.

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Lighting

CC.9 Minimum Performance Standard 6.2.10 requires that *"exterior lighting in new development or redevelopment shall comply with standards including design, light source, total light cutoff, and foot-candle levels defined in the Exterior Lighting Design Standards, Technical Bulletin 95-001."*

CC.10 Based on the point-to-point foot-candle Lighting Plans (Sheets AS1.2 and AS1.3) by RUUD Lighting (received September 8, 2003), and technical cuts of fixtures received from Davis and Davis on September 5, 2003 and September 17, 2003, the Project will use pole and on-building mounted lights. A September 4, 2003 letter from Davis and Davis also stated the foot-candle plans show all lights proposed for the Project, including any lights as may be required by the Massachusetts Building Code. The lights shown on the plans and in the accompanying technical cuts are consistent with Design Standards 2.1 to 2.6 of Technical Bulletin 95-001 (as amended). In particular, the pole-mounted lights will not exceed 20.0 feet as stipulated by Standard 2.5 and fixtures will not exceed the 8.0 foot-candle maximum set by Standard 2.6

CC.11 The Lighting Plans and Master Site Plan (Sheet AS1.1) by Davis and Davis dated "for review purposes 9-04-03" indicate existing halogen lights on the site will be removed.

Heritage Preservation

HP.1 The proposed Project is not located in a historic district. MHC has determined that the Project is unlikely to affect significant historic or archaeological resources.

CONCLUSION

Based on the findings above, the Commission hereby concludes:

1. The Project is consistent with the Minimum Performance Standards of the Regional Policy Plan as described above.

2. The proposed Project is not within a District of Critical Planning Concern (DCPC).

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3. The benefits of the proposed development based on Findings ED3, ED4, CC1, and T4, outweigh the detriments based in Findings WR4 and T3, which were mitigated by the Applicant.

4. The proposed Project is consistent with local zoning, based on consultation with the Bourne town planner.

The Cape Cod Commission hereby approves the Adventure Isle Redevelopment as a DRI under Sections 12 and 13 of the Act, provided the following Conditions are met.

CONDITIONS

General Conditions

G.2 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.

G.3 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.

G.4 The Applicant shall obtain all state and local permits for the proposed Project.

G.5 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.

G.6 Prior to issuance of a building permit for any phase of proposed 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. If the final plans approved by local boards are inconsistent with this decision and/or supporting information, then they shall be reviewed subject to Section 7 of the Cape Cod Commission Administrative Regulations, Modifications to Approved DRIs, dated 5/30/02 and as amended from time to time.

G.7 Prior to issuance of a building permit for any phase of construction, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission which states that all conditions in this decision pertaining to issuance of a building permit have been met.

G.8 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 any project changes in the annual progress report.

G.9 Prior to receiving a temporary or final Certificate of Occupancy from the Town of Bourne, the Applicant shall obtain a Final Certificate of Compliance from the Commission.

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G.10 The Applicant shall be responsible for providing proof of recording of the Decision prior to issuance of a Preliminary Certificate of Compliance.

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G.11 The Applicant shall demonstrate that a copy of this decision has been provided to the general contractor prior to the start of construction.

G.12 The Project shall be constructed in accordance with the following plans: Master Site Plan dated October 23, 2003, Landscaping Plan dated October 23, 2003, Lighting Plans dated October 23, 2003, Elevation Plans and dated October 21, 2003.

G.13 Prior to issuance of a Preliminary Certificate of Compliance final grading plans based on the Master Site Plan dated October 23, 2003 and the Landscape Plan dated October 23, 2003 shall be submitted for approval by Commission staff.

G.14 The applicant shall notify Commission staff of the intent to seek a Certificate of Compliance at least thirty (30) days prior to the anticipated date of occupancy. Such notification shall include a list of key contact(s) for questions that may arise during the Commission's compliance review. Commission staff shall complete an inspection under this condition within seven (7) business days of such notification and inform the applicant in writing of any deficiencies and corrections needed. The Applicant understands that the Commission has no obligation to issue a Certificate of Compliance unless all conditions are complied with or secured consistent with this decision. The applicant agrees to allow Cape Cod Commission staff to enter onto the property, which is the subject of this decision for the purpose of determining whether the conditions contained in the decision are met.

Water Resources Conditions:

WR.1 The existing standard Title 5 septic system shall be upgraded by incorporating a Clivus Multrum system for toilet waste. The Board of Health shall approve the design prior to issuance of a Final Certificate of Compliance.

WR.2 Prior to issuance of a Final Certificate of Compliance, the Applicant shall make a monetary contribution towards the development of a study to determine the flushing rate of the embayment and the critical nitrogen-loading rate based on MPS 2.1.1.2.C.1. The one time monetary contribution is based on 15 cents per gallon and shall be $494. The funds shall be used for completion of flushing studies or for implementation of appropriate nitrogen management strategies as determined by the town of Bourne and Cape Cod Commission Water Resources staff.

WR.3 Prior to issuance of a Preliminary Certificate of Compliance the Applicant shall submit a management plan for the stormwater system to assure maintenance of the catchbasins and infiltration areas in accordance with guidelines from the CCC staff.

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Natural Resources/Open Space Conditions:

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NR.1 Prior to issuance of a Preliminary Certificate of Compliance, the proponent shall provide the Commission staff with a deed restriction to be approved by Commission Counsel that provides that the 120,663 sq ft open space shown on the plan titled Adventure Isle Master Site Plan and dated October 15, 2003, shall remain as permanent open space. The approved restriction shall be recorded at the Barnstable Registry of Deeds, and re-recorded every thirty years thereafter. Proof of initial recording of the restriction shall be provided to the Commission prior to issuance of the Final Certificate of Compliance.

Transportation Conditions:

T.1 Prior to issuance of a Final Certificate of Compliance, the Applicant shall make a monetary contribution of $37,475 to comply with RPP Goal 4.1.2. These funds shall be held by the County of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director. The funds shall be used to support projects or strategies that encourage alternatives to automobile travel, which may include, but are not limited to, monitoring of traffic volumes, speeds and vehicle classification, planning, design or construction of alternatives to automobile travel such as bicycle paths and sidewalks, supporting, marketing or promoting bus or shuttle services or the purchase of land for the creation of bicycle or pedestrian ways in the town of Bourne.

T.2 Prior to receiving a Final Certificate of Compliance, the Applicant shall make a monetary contribution of $112,425 to comply with RPP Goal 4.1.3. These funds shall be held by the County of Barnstable and will be expended upon the recommendation of the Cape Cod Commission Executive Director to support the planning, design or implementation of transportation improvements in the town of Bourne.

T.3 Prior to receiving a Final Certificate of Compliance, the Applicant shall implement the following trip reduction plan:

- Designate an employee to serve as the Transportation Coordinator for the amusement park who will be responsible for promoting the rideshare program and other travel demand management (TDM) measures.
- Designate parking spaces convenient to building entrances, which will be reserved for carpool or vanpool vehicles.
- Provide a guaranteed ride home to carpool participants.
- Provide group discount rate of 20% off admission for carpool/vanpools of five (5) or more patrons.
- Provide a lunchroom within the proposed new building to eliminate the need to travel off-site.

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The trip reduction plan will remain in place for the life of the Project.

Hazardous Materials/Wastes Conditions:

HM.1 Fluorescent bulbs generated as a result of demolition or construction activities shall be segregated from general construction and demolition wastes. Fluorescent tubes shall be stored and handled consistent with the Massachusetts Hazardous Waste Regulations in a manner such as to prevent breakage. Prior to issuance of the final Certificate of Compliance by the Cape Cod Commission, the Applicant shall submit evidence that a dedicated storage area has been created for fluorescent bulbs which is consistent with the Massachusetts Hazardous Waste Regulations, and/or that those generated as a result of construction or building demolition have been disposed of with Safety-Kleen.

HM.2 Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall submit evidence of efforts to find an alternative, less-toxic product to replace the parts washer solvent to demonstrate compliance with MPS 4.3.1.1.

HM.3 Prior to issuance of the Final Certificate of Compliance, the Applicant shall submit a revised copy of the August 15, 2003 Hazardous Materials and Waste Management Plan, which is consistent with the Commission Memorandum, dated October 8, 2003. Prior to issuance of the Final Certificate of Compliance, Commission staff shall also inspect the Project site for consistency with the Hazardous Materials/Waste findings and conditions of this Decision, and with the 2002 RPP, particularly MPS 4.3.1.2.

Community Character Conditions:

CC.1 The location of plantings in the field shall be approved by Commission staff prior to installation to ensure the most effective placement of plant materials for buffering purposes. The Applicant shall provide Commission staff with a minimum of seven (7) days notice of the commencement of landscape construction.

CC.2 Prior to issuance of a Final Certificate of Compliance, the Applicant shall remove any invasive species (Rugosa Rose, Russian Olive) from the site.

CC.3 Prior to issuance of a Final Certificate of Compliance from the Commission, the Applicant shall submit a fully executed landscape maintenance contract for three (3) full growing seasons based upon guidelines provided by Commission staff. The name and business address of the firm performing the work shall be clearly identified in the maintenance contract.

CC.4 If all required site work and/or landscape improvements are not complete at the time a Final Certificate of Compliance is sought from the Commission, any work which is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150% of 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 within six (6) months of issuance of a Final Certificate of Compliance from the Commission.

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CC.5 Plant materials specified by this decision may be substituted with prior written approval of Commission staff.

CC.6 Prior to issuance of building permit, the Applicant shall submit a paint swatch/sample of the selected paint color for the wood clapboard siding for Commission staff approval.

CC.7 All exterior lighting fixtures shall be consistent with the requirements and standards of Technical Bulletin 95-001 (as amended).

CC.8 Prior to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit an "as to be installed" exterior lighting plan. This plan shall be used in connection with condition CC.9, below, and shall conform to the standards and information submission requirements of Technical Bulletin 95-001, including, if necessary, submission of one or more point-to-point foot-candle plans.

CC.9 Prior to issuance of a Final Certificate of Compliance from the Commission, in-the-field verification of light levels shall be conducted by Commission staff to verify conformance with the requirements of the Technical Bulletin 95-001 and MPS 6.2.7. Should unexpected conditions arise during construction that require redesign or adjustments to site exterior lighting fixtures, including substitutions of fixture heads, the Applicant shall obtain approval from Cape Cod Commission staff prior to the construction or installation of such fixtures consistent with the Commission's regulations governing *Revisions to Approved DRI's*. Modifications made during construction that are in accordance with Technical Bulletin 95-001 may be considered as Minor Modifications #1 and approved by Commission staff.

The Cape Cod Commission hereby approves with conditions the application of Dan DeLuca as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed Adventure Isle Redevelopment located in Bourne, MA.

Susan Kadar

Susan Kadar, Chair

Oct 28, 2003

Date

Commonwealth of Massachusetts

Commonwealth of Massachusetts

Barnstable, ss.

On this 28th day of October, 2003, before me personally appeared Susan Kadar, Chair, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

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Kerien Ann Cahoon
Notary Public
Commonwealth of Massachusetts

My Commission Expires:

OFFICIAL SEAL
KERIEN ANN CAHOON
NOTARY PUBLIC-MASS.
BARNSTABLE COUNTY
My Comm. Expires Nov. 19, 2004

KERIEN ANN CAHOON NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS

THIS ACKNOWLEDGEMENT ATTACHED AND EMBOSSED TO Adventure Isle Redevelopment Decision SIGNED BY Susan Kadar, Chair, DATED 10/28/03.

BARNSTABLE REGISTRY OF DEEDS

B

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

PRELIMINARY CERTIFICATE OF COMPLIANCE

Date: December 8, 2003

Applicant: Dan DeLuca
Adventure Isle
Bourne, MA

RE: Adventure Isle Redevelopment – TR # 02018
Preliminary Certificate of Compliance for Phase 1

I hereby certify that Dan DeLuca, applicant on the above referenced project, properly complies with the Development of Regional Impact decision dated October 23, 2003 and all conditions attached to the decision required prior to issuance of a building permit for have been met (G5, G6, G7, G10, G11, G13, WR1, WR3, NR1, HM2, CC6, CC8).

In regards to the requirements set forth by the decision of the Cape Cod Commission, the Town of Bourne Building Inspector is hereby authorized to issue a Building Permit for the Adventure Isle Redevelopment project in Bourne, MA.

Margo Fenn, Executive Director — 12/9/03 Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 9th day of December, 2003, before me personally appeared Margo Fenn, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that She executed the same as her free act and deed.

Katharine L Peters
Notary Public
Commonwealth of Massachusetts

My Commission expires:

OFFICIAL SEAL
KATHARINE L. PETERS
NOTARY PUBLIC-MASS.
BARNSTABLE COUNTY
My Comm. Expires Nov. 19, 2004

C

Bk 18787 Pg151 #52623

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

07-01-2004 @ 12:27p

Date: June 16, 2004

To: Dan DeLuca
Adventure Isle
21 Buckthorne Path
Forestdale, MA 02649

From: Cape Cod Commission

RE: Modification to Development of Regional Impact Decision dated Oct. 23, 2003
Cape Cod Commission Act, Sections 12 and 13

Project: Adventure Isle Amusement Park MacArthur Blvd.
Bourne, MA 02532

Applicant: Dan DeLuca

Book/Page: Book 2002, Page 338; Book 3094, Page 061

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

SUMMARY

The Development of Regional Impact Decision for Adventure Isle, dated October 23, 2003, is hereby amended by a vote of the Regulatory Committee on June 7, 2004. All conditions attached to the original decision continue to apply except as modified herein.

CONDITIONS

Condition G9. shall read:

Prior to receiving a final or Temporary Certificate of Occupancy for the new Adventure Isle building from the Town of Bourne, the Applicant shall obtain a Final Certificate of Compliance from the Commission. Prior to issuance of a Temporary Certificate of Occupancy for "outdoor rides only", the Applicant shall receive a Partial Certificate of Compliance from the Commission.

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

Signed:

David Ansel, Chairman, Regulatory Committee — Date 6/21/04

Commonwealth of Massachusetts
County of Barnstable

On this 24th day of JUNE, 2004, before me, the undersigned notary public, personally appeared David Ansel, proved to me through satisfactory evidence of identification, which were DAVID J ANSEL, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Dorr Steven Fox
Notary Public
Commonwealth of Massachusetts

My Commission Expires:_____

OFFICIAL SEAL
DORR STEVEN FOX
NOTARY PUBLIC - MASS.
BARNSTABLE COUNTY
My Comm. Expires April 11, 2008

BARNSTABLE REGISTRY OF DEEDS

D

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

PARTIAL CERTIFICATE OF COMPLIANCE

Date: June 17, 2004

Applicant: Dan DeLuca
Adventure Isle
Bourne, MA

RE: Adventure Isle Redevelopment – TR # 02018
Partial Certificate of Compliance

I hereby certify that Dan DeLuca, applicant on the above referenced project, properly complies with the Development of Regional Impact Decision dated October 23, 2004, and modified on June 7, 2004, and all conditions required prior to the issuance of a Temporary Occupancy Permit have been met.

In regards to the requirements set forth by the decision of the Cape Cod Commission, the Town of Bourne Building Inspector is hereby authorized to issue a Temporary Occupancy Permit for the Adventure Isle Redevelopment project in Bourne, MA, for outdoor activities associated with the existing operation of the business only.

Margo Fenn, Executive Director — 6/25/04 Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 25th day of JUNE, 2004, before me personally appeared MARGO L. FENN, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that SHE executed the same as HER free act and deed.

Notary Public
Commonwealth of Massachusetts

OFFICIAL SEAL
DORR STEVEN FOX
NOTARY PUBLIC - MASS.
BARNSTABLE COUNTY
My Comm. Expires April 11, 2008

E

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

COPY

FINAL CERTIFICATE OF COMPLIANCE

Date: August 20, 2004

Applicant: Dan DeLuca
Adventure Isle
Bourne, MA

RE: Adventure Isle Redevelopment – TR # 02018

I hereby certify that Dan DeLuca, applicant on the above referenced project, properly complies with the Development of Regional Impact Decision dated October 23, 2004, and modified on June 7, 2004, and all conditions required prior to the issuance of a Final Certificate of Compliance have been met. (Conditions G14, WR2, NR1, T1, T2, T3, HM1, HM3, CC2, CC3, CC4, CC9, G9).

In regards to the requirements set forth by the decision of the Cape Cod Commission, the Town of Bourne Building Inspector is hereby authorized to issue a Final Certificate of Compliance for the Adventure Isle Redevelopment project in Bourne, MA.

Margaret L. Fenn, Executive Director — 8/26/04 Date

Commonwealth of Massachusetts
County of Barnstable

On this 26th day of August, 2004, before me, the undersigned notary public, personally appeared Margaret L. Fenn, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
Commonwealth of Massachusetts

OFFICIAL SEAL
GAIL A. COYNE
NOTARY PUBLIC - MASS.
BARNSTABLE COUNTY
My Comm. Expires April 11, 2008

My Commission Expires: _____

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RESTRICTIVE COVENANT

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Made this 13 day of August, 2004, by Alfred J. DeLuca and Louise A. DeLuca (hereinafter "Grantors"),

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WHEREAS, Grantors are owners of the real property located in the town of Bourne, Barnstable County, Massachusetts (the "premises") shown on a plan of land entitled "Plan of Land in Bourne, MA, 340 MacArthur Boulevard" dated November 10, 2003, (the "Plan"), recorded at the Barnstable County Registry of Deeds in Plan Book No. 586, Page 79;

WHEREAS, The Cape Cod Commission (the "Commission") has granted to the Grantors an approval for a Development of Regional Impact ("DRI") for the use of the Premises which requires that a certain portion thereof be maintained as permanent open space; and

WHEREAS, The Grantors are willing to grant this Restrictive Covenant imposing certain perpetual Open Space restrictions on the approximately 2.8 acre portion of the premises shown as Open Space ("Open Space") on the plan; and

WHEREAS, the Commission is willing to accept this Restrictive Covenant in satisfaction of the requirement that a portion of the premises be maintained as permanent Open Space.

NOW THEREFORE, in consideration of the granting of the approval for the "DRI" by the Commission, Grantors hereby covenant and agree, for themselves and their successors in title to Premises, to and with the Commission, and its successors and/or assigns, as follows:

1. OPEN SPACE: Except as provided below, no above ground structure shall be constructed within those portions of the Premises designated as Open Space on the Plan, and said Open Space shall be maintained in an open and unimproved condition. In particular, and except as provided below, the following acts and uses shall be prohibited in the Open Space:

   a) Constructing or placing of any buildings or structures, including, without limitation, tennis court, mobile home, swimming pool, fences, asphalt or concrete pavement, parking area, sign, billboard or other advertising display, antenna, utility pole, tower, or other temporary or permanent structure or facility on or above the Open Space;

   b) Mining, excavating, dredging, or removing from the Open Space of soil, loam, peat, gravel, sand or rock, or other mineral resources or natural deposit;

   c) Placing filling, storing or dumping on the Open Space of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or substance or material whatsoever or the installation of underground storage tanks;

   d) Cutting, removing or otherwise destroying trees, grasses or other

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vegetation, except in cases whereby the growth of said vegetation and grasses affects the safety of the individuals participating in activities upon the property;

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e) Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation;

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2. PERMITTED ACTIVITIES: Notwithstanding the foregoing, the activities listed below shall be permitted in the Open Space so long such activities are consistent with the "DRI" approval:

a) Excavation and removal of soil, gravel or other mineral resources or natural deposit as may be incidental to the installation, maintenance or removal of underground tanks (but not fuel tanks), septic systems, conduits, sewers, utilities, storm drains, storm-water structures and other underground structures or for the maintenance of good drainage, soil conservation practices or to other permissible use of the Open Space, so long as the surface is thereafter restored.

b) The cultivation, maintenance, installation, care and replacement of decorative vegetation and shrubbery (including cutting, trimming and removal of the same) and the installation of sprinkler system and appurtenances thereto and other equipment necessary or helpful in connection with any of the foregoing.

c) The installation, maintenance, repair, replacement and reconstruction of fire hydrants, signs, lights, and other equipment necessary or appropriate for the preservation or public safety and all appurtenances thereto.

d) The placing of fences that do not interfere with the purposes of this Restrictive Covenant.

e) Digging or drilling of water or irrigation wells.

3. BINDING EFFECT: This Restrictive Covenant shall be binding upon the successors and/or assigns of the undersigned and the Commission, or its successors and/or assigns, is hereby authorized to unilaterally re-record this Restrictive Covenant without further action of the Grantors. From time to time, upon the prior approval in writing of the Commission, its successors and/or assigns, at the request of the Grantors or their successors and/or assigns, the Open Space may be changed to accommodate municipal regulations and/or the efficient operation of the uses of the Premises consistent with the DRI decision or the Commission regulations. It is anticipated that future re-figuring and/or increasing said amounts of Open Space may be made by the Commission, or its successors and/or assigns, so long as said total area of Open Space remains at 2.8 acres as reflected in the Plan.

4. Covenants Running With The Land: This Restrictive Covenant shall constitute a covenant running with the land included in the Premises and shall operate as a restriction upon said land and the owners pursuant to M.G.L c. 184 §26 as an excepted "other restriction" under

Clause "C". NOT A CERTIFIED COPY NOT A CERTIFIED COPY

5. Remedies: If the Commission, it Successors and/or Assigns: The Commission, its successors and/or assigns, shall have the right to enforce this Restrictive Covenant by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Open Space to its condition prior to the time of the injury complained of (it being agreed that the Commission, or its successors and/or assigns, may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Commission, or its successors and/or assigns. The Commission, its successors and/or assigns, will be entitled to recover its costs and attorney fees if successful in obtaining relief.

6. Estoppel Certificates: Upon request by the Grantors, the Commission, or its successors and/or assigns, shall within twenty (20) days execute and deliver to the Grantors any document, including an estopped certificate, which certifies the Grantors' compliance with any obligation of the Grantors contained in this Restrictive Covenant.

7. Separability: If any provision of this Restrictive Covenant or the application or such provisions to any person to any person or circumstances shall be held invalid, the remainder of this declaration or the application of such provisions to any persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Executed under seal as of this 13 day of AUG., 2004.

Alfred J. DeLuca

Louise A. DeLuca

STATE OF MICHIGAN

COUNTY Kent

On this 13th day of August, 2004, before me, the undersigned notary public, personally appeared ALFRED J. DELUCA, proved to me through satisfactory evidence of identification, which was Drivers License, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Sheryl A. Hamilton
NOTARY PUBLIC, ALLEGAN COUNTY, MICHIGAN
ACTING IN KENT COUNTY, MICHIGAN
MY COMMISSION EXPIRES SEPTEMBER 19, 2006

Sheryl A. Hamilton
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY _____

NOT NOT

On this 16 day of August, 2004, before me, the undersigned notary public, personally appeared LOUISE A. DELUCA, proved to me through satisfactory evidence of identification, which was ~~MA DL~~ COPY to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

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Notary Public
My Commission Expires: My Commission Expires May 10, 2007



BARNSTABLE REGISTRY OF DEEDS

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BOOK 586 PAGE 78

ZONE: B-4
ASSESSORS MAP: 31.4 PARCELS: 15 & 16
FLOOD ZONE: X

PLAN REFERENCE: BOOK 198 PAGE 35
DEED REFERENCE: BOOK 2002+ PAGE 338+
DEED REFERENCE: BOOK 3094+ PAGE 81+

FOR REGISTRY USE ONLY

THE ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REGULATIONS.

APPROVAL NOT REQUIRED UNDER THE SUBDIVISION CONTROL LAW

BOURNE PLANNING BOARD

Date: 11-13-03

AUTHORIZED PLANNING BOARD AGENT

LOCUS MAP
Scale: 1"=2000'

(ASSESSORS MAP 31 PARCEL 31)
N/F
MACARTHUR BOULEVARD LLC

C.B. find — S88°10'37"E 634.47' — C.B. find

(ASSESSORS MAP 31.4 PARCEL 15)

LOT B
(INCLUDES LOT A-1)
TOTAL AREA
343,882 sq.ft.
7.89 Ac.
SHAPE FACTOR = 18.16

EXISTING BUILDING

OLD PROPERTY LINE TO BE REMOVED

(WAS LOT A-1)

(ASSESSORS MAP 31.4 PARCEL 16)

(ASSESSORS MAP 31.4 PARCEL 13)
N/F
ERNEST A. PLANTE JR. ET UX

MACARTHUR (ROUTE 28)
STATE HIGHWAY - VARIABLE WIDTH
BOULEVARD

C.B. find — N88°15'10"W 632.77'

(ASSESSORS MAP 31.4 PARCEL 17)
N/F
SPENCER'S GARDENS & NURSERY INC.

(ASSESSORS MAP 31.4 PARCEL 17.1)
N/F
WAYNE E. MARSHALL, TRUSTEE & EMILE N. CARON ET AL

(ASSESSORS MAP 31.4 PARCEL 18)
N/F
EARLE F. LONG
MARY ANN LONG

(ASSESSORS MAP 31.4 PARCEL 19)
N/F
CAROL C. COUTURE
SUSAN C. SCHLENER

GRAPHIC SCALE
(30 FEET)
1 inch = 40 ft.

PLAN NOTE:

THIS PLAN COMBINES LOTS A-1 & B AS SHOWN ON PLAN BOOK 198 PAGE 35 BARNSTABLE COUNTY REGISTRY OF DEEDS.

PLAN OF LAND IN
BOURNE, MASS

340 MACARTHUR BOULEVARD

OWNER

ALFRED J. DELUCA
LOUISE A. DELUCA

Scale: 1"=40' Date: 10/09/03

Warwick & Associates Inc.
63 County Road Box 801
North Falmouth, Mass 02556
(508) 563 - 7777

DWG: ADVENANR REV: 11/10/03

"I CERTIFY THAT THIS PLAN AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS."

DATE: 11/10/03
GARY S. LABRIE, P.L.S.

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS FOR THE COMMONWEALTH OF MASSACHUSETTS."

DATE: 11/10/03
GARY S. LABRIE, P.L.S.

586-78

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QUITCLAIM DEED

CIRCLE O, LLC, a Massachusetts limited liability company; and **MACARTHUR PARK PLACE, LLC**, a Massachusetts limited liability company, both having and address of 270 Communication Way, Unit 7-B, Hyannis, MA 02601,

For consideration paid in the amount of **ONE** and **00/100 ($1.00) DOLLAR**,

Grant to **MACARTHUR PARK PLACE**, a Massachusetts limited liability company, having an address of 270 Communication Way, Unit 7-B, Hyannis, MA 02601,

with **QUITCLAIM COVENANTS**,

The land with any improvements made thereon located at 340 McArthur Blvd., in the Town of Bourne, Barnstable County, Massachusetts more particularly described as follows:

PARCEL 1

EASTERLY:	by the State Highway, Route 28, Four hundred and 00/100 (400.00) feet;
SOUTHERLY:	by Parcel A, as shown on the hereinafter mentioned plan, Six hundred Thirty and 55/100 (630.55) feet;
WESTERLY	by land now or formerly of Clay Pond Realty Corp., Four hundred and 00/100 (400.00) feet; and
NORTHERLY	by land now or formerly of Henry R. and Louise C. DeForest, Six hundred Twenty-four and 53/100 (624.53) feet.

Containing an area of 5.8 acres of land, more or less, and being shown as **PARCEL B** on a plan of land entitled "land of Henry R. and Louise C. DeForest to be conveyed to Alexander C. Park and Hayden R. Holshouser in Monument Beach, Bourne 1 inch = 60 fee, April 2, 1962, James L. Tyson, C.E." recorded at Barnstable County Registry of Deeds in Plan Book 169, Page 43.

Said parcel is also shown as **PARCEL B** on a plan of land entitled "land of Henry R. and Louise C. DeForest to be conveyed to Alexander C. Park and Hayden R. Holshouser in Monument Beach, Bourne, 1 inch =60 feet, November 15, 1963, James L. Tyson, C.E. recorded at Barnstable County Registry of Deeds in Plan Book 198, Page 35.

Together with a right of way over the "Right of Way" as shown on the plan recorded in Plan Book 169, Page 43 at the Barnstable County Registry of Deeds, as described above.

Property: 340 MacArthur Blvd., Bourne, MA

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Said Right of Way to remain in full force and effect until such time as the Commonwealth of Massachusetts grants an entrance to the property from MacArthur Boulevard.

PARCEL TWO

EASTERLY	by the State Highway, Route 28, sometimes called MacArthur Boulevard, One hundred Fifty and 00/100 (150.00) feet;
SOUTHERLY	by Lot "A-2" on plan hereinafter mentioned, Six hundred Thirty-two and 77/100 (632.77) feet;
WESTERLY	by land now or formerly of Clay Pond Realty Corp., One hundred Fifty and 00/100 (150.00) feet; and
NORTHERLY	by Lot "B" as shown on said plan, Six hundred Thirty and 55/100 (630.55) feet.

Containing in an area of 2.1 acres of land, more or less, and being shown as **LOT A-1** on a plan entitled "Land of Henry R. and Louise C. DeForest to be conveyed to Alexander C. Park and Hayden R. Holshouser in Monument Beach, Bourne," dated November 15, 1965, made by James L. Tyson, C.E. recorded at Barnstable County Registry of Deeds in Plan Book 198, Page 35.

Subject to and together with all matters of record insofar as the same are now in force and applicable.

TITLE NOT EXAMINED.

For title see deed recorded in Book 22357, Page 279.

PROPERTY ADDRESS: 340 MacArthur Blvd, Bourne, MA

This conveyance is made subject to: a Commercial Real Estate Mortgagage granted to Rockland Trust and recorded with Barnstable County Registry of Deeds in Book 22357, Page 282, as modified; and an Assignment of Leases and Rents granted to Rockland Trust and recorded with said Registry in Book 22357, Page 344, as modified.

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EXECUTED as a sealed instrument this 13th day of September, ~~2019~~ 2021

CIRCLE O, ~~LLC~~

By: George Zografos, Manager

COMMONWEALTH OF MASSACHUSETTS
County of Barnstable, ss.

On this 13th day of September, ~~2019~~ 2021, before me, the undersigned notary public, personally appeared George Zografos, Manager as aforesaid, 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, ☑ personal knowledge of the undersigned, to be the person whose name is signed on the preceding Quitclaim Deed, and acknowledged to me that he signed it voluntarily as his free act and deed.

Notary Public:
My Commission Expires: 10/31/2025

COLLEEN M FLEMMING
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
October 31, 2025

EXECUTED as a sealed instrument this 13 day of October, 2021.

MACARTHUR PARK PLACE, LLC

By: J. Bruce MacGregor, Manager

COMMONWEALTH OF MASSACHUSETTS
County of Barnstable, ss.

On this 13 day of October, 2021, before me, the undersigned notary public, personally appeared J. Bruce MacGregor, Manager as aforesaid, 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, ☒ personal knowledge of the undersigned, to be the person whose name is signed on the preceding Quitclaim Deed, and acknowledged to me that he signed it voluntarily as his free act and deed.

Colleen M. Flemming
Notary Public:
My Commission Expires: 10/31/2025

COLLEEN M FLEMMING
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
October 31, 2025

The Commonwealth of Massachusetts

Secretary of the Commonwealth

State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

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NOT AN OFFICIAL COPY
NOT AN OFFICIAL COPY

July 28, 2022

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

CIRCLE O LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **February 17, 2006.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are: **J BRUCE MACGREGOR**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **J BRUCE MACGREGOR, COLLEEN M FLEMMING**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **J BRUCE MACGREGOR**



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

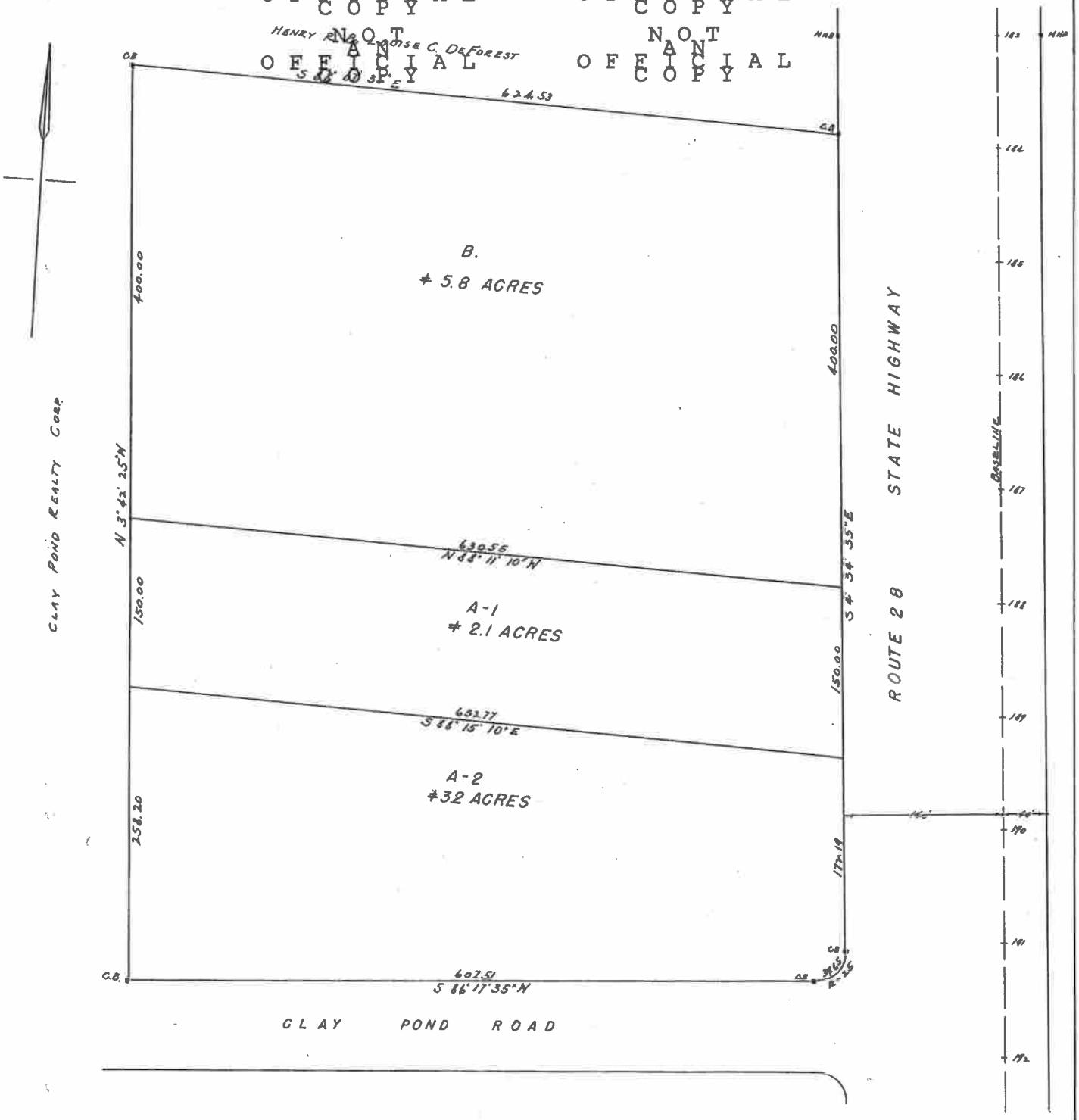
Secretary of the Commonwealth

Processed By:sam

JOHN F. MEADE, REGISTER
BARNSTABLE COUNTY REGISTRY OF DEED
RECEIVED & RECORDED ELECTRONICALLY

198-35

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LAND OF

HENRY R. & LOUISE C. DEFOREST

TO BE CONVEYED TO

ALEXANDER C. PARK & HAYDEN R. HOLSHOUSER

IN

MONUMENT BEACH BOURNE

1 INCH = 60 FEET NOV. 15, 1965

JAMES L. TYSON, C.E.

COMMONWEALTH OF MASSACHUSETTS
JAMES L. TYSON
REGISTERED LAND SURVEYOR

Approval under the Subdivision Control Law is not required
PLANNING BOARD
By Charles W. Kennedy Clerk
Nov. 18 1965

BARNSTABLE REGISTRY OF DEEDS
NOV 29 1965
9H 20M A.M

PLAN BOOK 198 - PAGE 35


Google




Google



Exterior Façade Design

The exterior façade of the Proposed Global Design Group building is conceived to project modern sophistication, durability, and timeless appeal—qualities essential for a high-visibility, high-traffic commercial environment.

Arrival Sequence

The journey onto the site begins with a **welcoming landscape and entry experience** that sets a tone of elegance, inclusivity, and comfort. Arrival pathways are designed with **ADA accessibility in mind**, incorporating **gentle slopes, slip-resistant paving, and barrier-free circulation** that ensure all visitors—regardless of mobility—can approach the building with ease.

The forecourt and pedestrian walkways are framed by **lush planting beds** that blend ornamental beauty with ecological resilience. **Hydrangeas** provide seasonal bursts of color, while **locally sourced robust grasses, shrubs, and trees** ensure year-round greenery and durability in the regional climate.

At night, the approach is softly illuminated by **internally lit LED bollards**, which not only enhance safety but also guide circulation along accessible pathways. Their warm, energy-efficient glow highlights the landscaped edges, welcoming visitors toward the main entrance with both clarity and hospitality.

Main Entrance

At the heart of the façade lies the **elegant main entrance**, clad in **faux marble panels**. These replicate the rich veining and depth of natural stone while offering practical advantages: reduced weight, simplified installation, low maintenance, and superior UV resistance for lasting performance. Subtle tonal variations in the surface create a premium finish that conveys permanence without the cost and upkeep of quarried marble.

To balance the natural stone aesthetic, the marble cladding is paired with **low-sheen anodized aluminum panels**. Their metallic finish introduces contrast and depth while resisting corrosion, fading, and glare. The matte surface minimizes reflectivity—ideal for pedestrian-facing façades—while ensuring enduring color stability and visual refinement.

Signage

Prominently positioned above the main entrance is the **building identity signage**. The word **"GLOBAL"** is fabricated in bold **brushed bronze letters**, projecting warmth, permanence, and prestige. In contrast, **"Design Group"** is rendered in **polished stainless steel**, introducing a sleek, contemporary counterbalance to the bronze.

The letters are **backlit with energy-efficient LEDs**, producing a soft halo effect that ensures visibility at night while highlighting the depth and material richness of the signage. This illumination strategy reinforces sustainability while maintaining a refined, premium character.

Cladding & Substrate System

All cladding elements are supported by a **fiber cement backing system (Hardie Board)**, a non-combustible, moisture-resistant substrate engineered for stability in diverse weather conditions.

- Faux marble panels are adhered with a **low-viscosity, environmentally conscious adhesive**, eliminating the need for mechanical fasteners.
- Anodized aluminum panels are **mechanically fastened with screws**, providing additional structural reinforcement where required.

This system delivers fire resistance, thermal stability, and reduced maintenance—ensuring long-term performance aligned with architectural intent.

Complementary Surfaces

To complement the entrance, **cloud burst concrete quartz panels** are used in large-format slabs, creating smooth, non-reflective surfaces with minimal joint lines. These are direct-adhered over the Hardie Board substrate and aligned to a concealed grid, maintaining a refined, continuous appearance. Expansion joints are subtly integrated to accommodate thermal movement and preserve structural integrity.

On the east elevation, facing the primary customer parking area, **splitface tile** introduces depth, shadow, and texture. Installed in modular coursing with high-performance polymer-modified thinset mortar, the rugged finish contrasts with the sleek quartz and marble. Recessed grout joints emphasize the dimensional quality of the surface, enhancing visual impact.

Secondary Signage

To support wayfinding, the east side incorporates a **smaller wall-mounted sign** fabricated in the same style as the main entrance. The word **"GLOBAL"** appears in bronze letters, while **"Design Group"** is executed in stainless steel. Like the main sign, the letters are **backlit with energy-efficient LEDs**, ensuring clear nighttime visibility while maintaining consistency with the primary identity signage.

Mounted against the textured splitface tile, the smaller sign provides a sophisticated yet practical point of orientation for visitors approaching from the parking area.

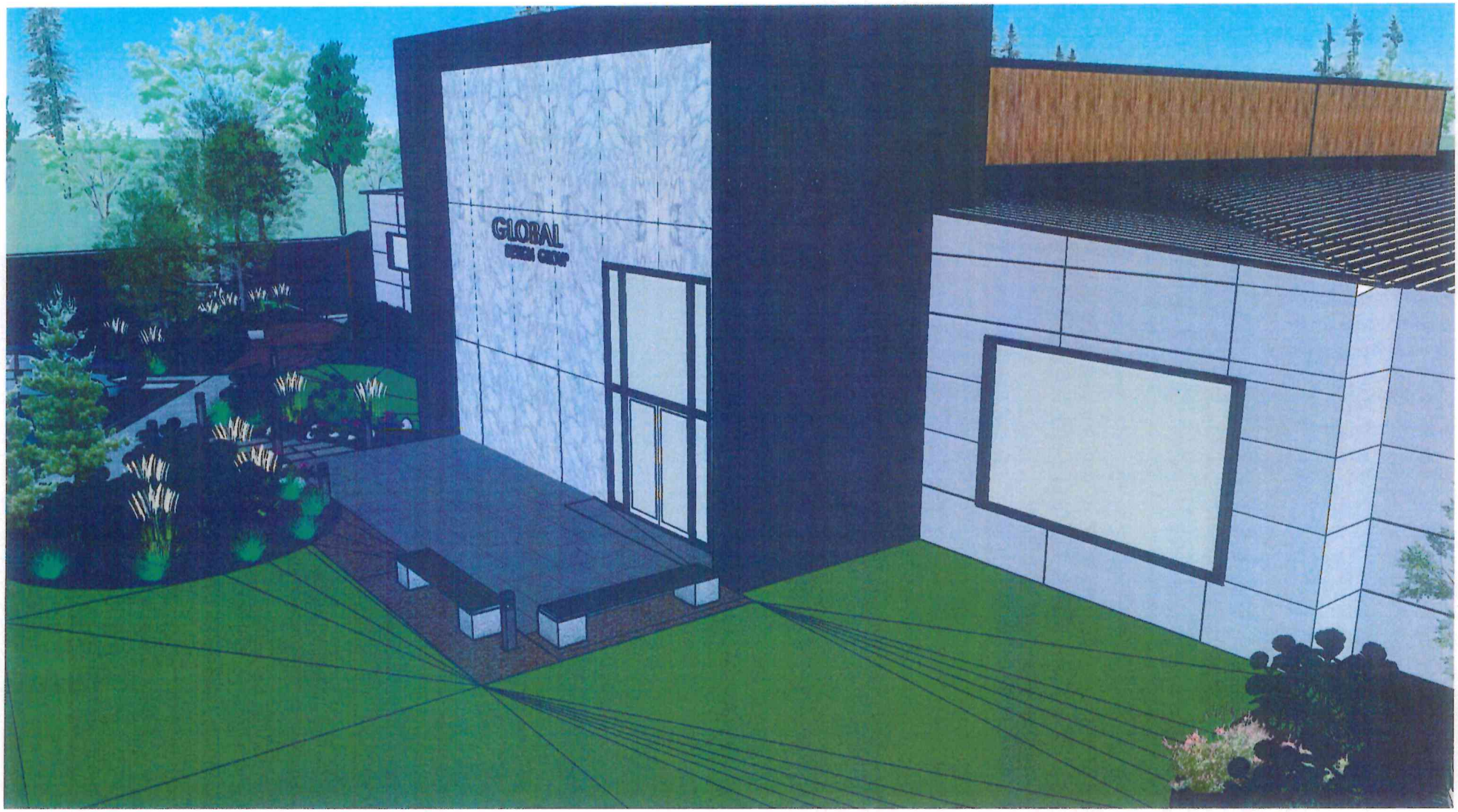
Substrate & Weatherproofing

The façade system is anchored by **exterior-grade Hardie Board**, mechanically fastened over a continuous weather-resistive barrier and sheathing system. This layered assembly ensures

Dimensional stability, moisture protection, and a durable foundation for engineered quartz, tile, and composite cladding.

The result is a **Cohesive, high-performance Façade** that fuses premium aesthetics with construction efficiency –offering fie resistance, thermal durability, and enduring elegance in a contemporary commercial context.

Vacant

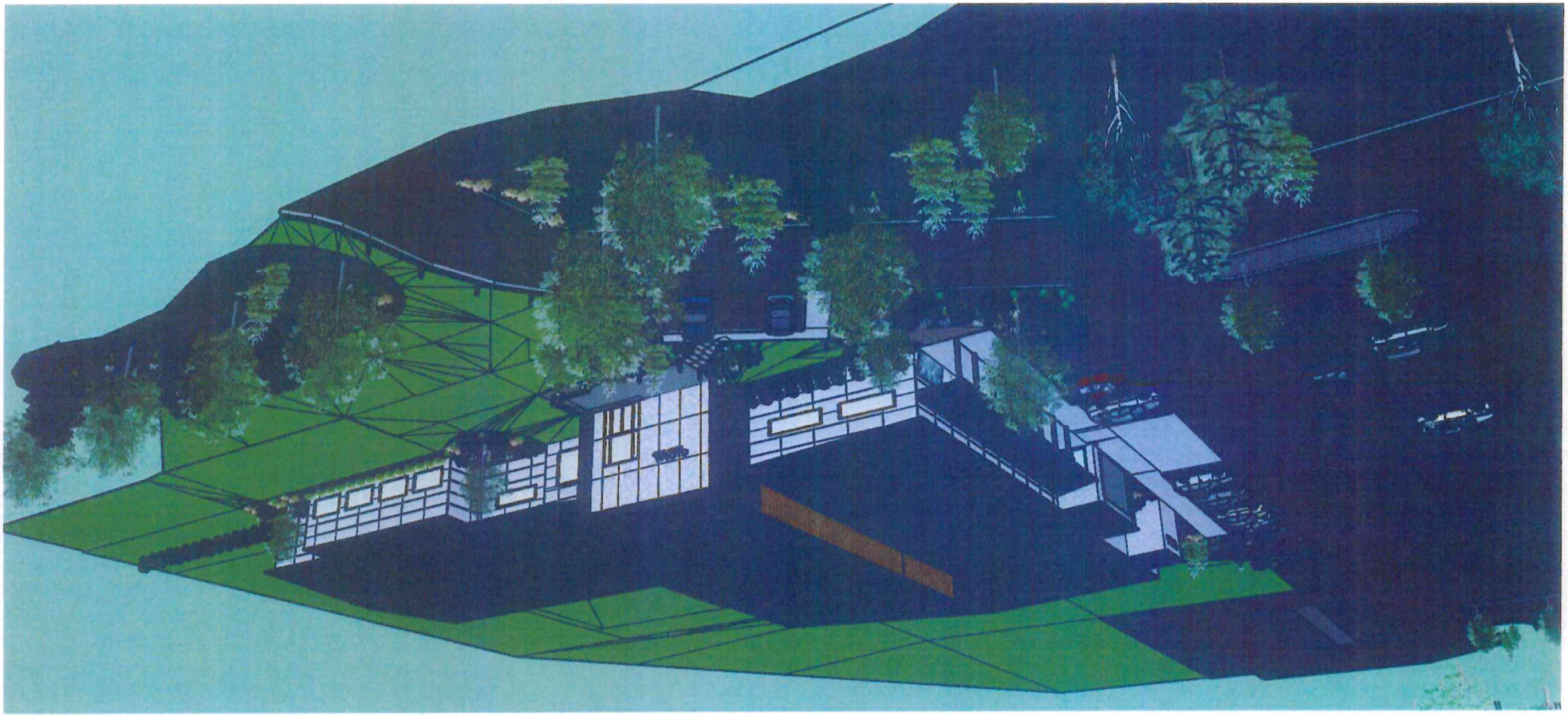

GLOBAL




GLOBAL
DESIGN GROUP

GLOBAL
GROUP

GLOBAL
DESIGN GROUP



HELIOS LAND DESIGN
P.O. Box 100, Brewster, Massachusetts 02631
508.237.9000
www.helioslanddesign.com
jeff@helioslanddesign.com

TO: **Cape Cod Commission**

RE: **Landscape Plan Narrative for Proposed Site Redevelopment**

DATE: **August 6, 2025**

OWNER: **MacArthur Park Place**

PROJECT ADDRESS: **340 MacArthur Boulevard, Bourne**

Dear Cape Cod Commission,

We are pleased to submit this brief narrative description of the proposed landscape plans for 340 MacArthur Blvd., Bourne as part of the property owner's DRI Modification application package for the proposed reuse of the subject property.

Existing Site Conditions



The site is located at 340 MacArthur Blvd., Bourne [Parcel ID: 31.4-15-0]. The 7.894 acre lot is home to a 24,779 s.f. commercial building on a predominantly barren site composed of exposed dirt, weeds, and pavement, including an existing parking area, a former go-cart track, and associated utilities. The interior of the parcel is vegetated with grasses, forbs, and occasional shrubs and trees. The southern and western boundaries are well-vegetated in some sections with mature cedar and other evergreen trees, presumably planted as part of the original planting plan prepared in 2003.

Proposed Site Conditions

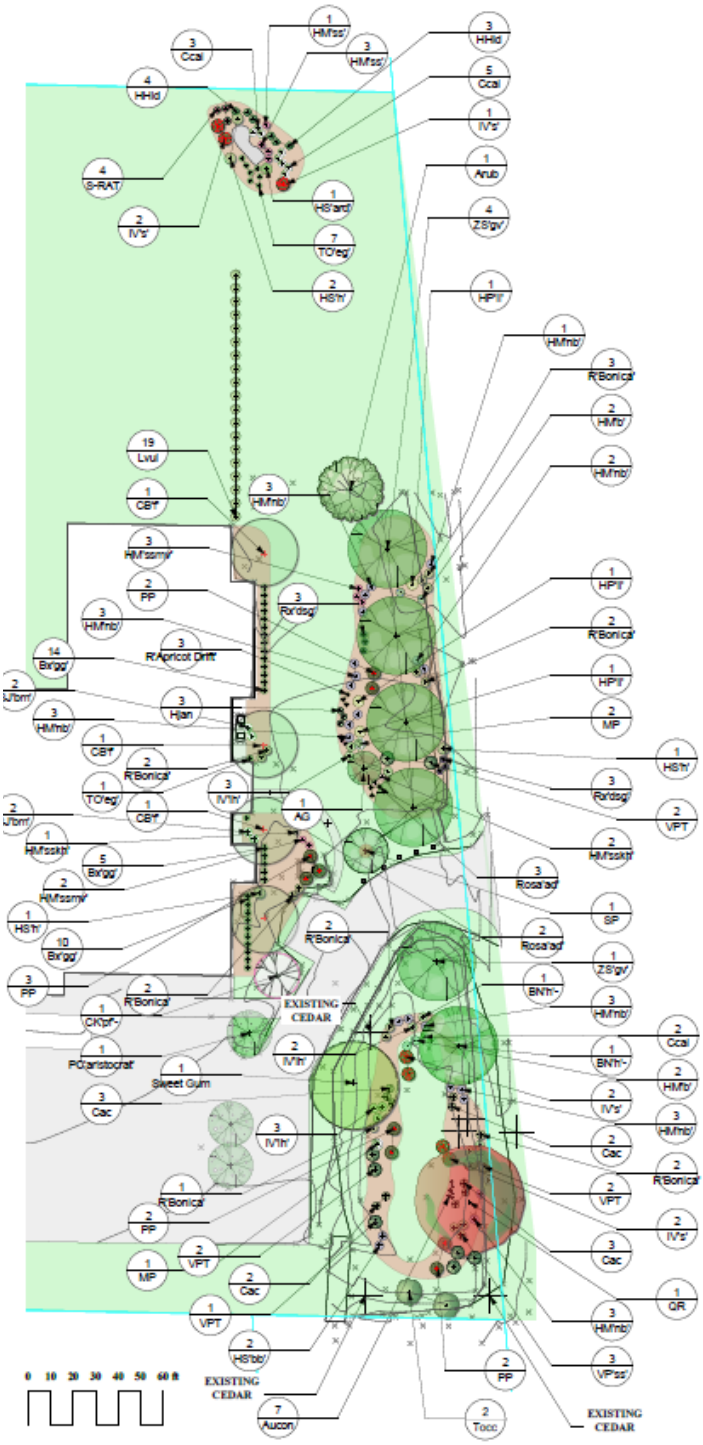
The proposed project involves restoration and reuse of the existing commercial building, parking area and surrounding landscape (see permit application forms and narrative, Site Plan, Architectural Plan(s) and proposed landscape plans [Sheets L3.01 – *Landscape Planting Plan* and L7.01-*Landscape Plan and Front Elevation*] for detailed information). The proposed landscape plans address specific aesthetic, environmental and permitting considerations discussed during preliminary meetings conducted between the owner, owner's representatives, and Cape Cod Commission staff, as briefly described below.

1. Design Concept

The proposed landscape design builds upon and advances the concepts illustrated in the *"Adventure Isle Landscape Plan"*, prepared by Davis & Davis Inc., dated 9-12-03 and approved by the CCC as part of the original DRI permit for this property. The current landscape plans, *"Landscape Planting Plan"*, Sheet L-3.01 and *"Landscape Plan and Front Elevation"*, Sheet L-7.01, prepared by Helios Land Design, incorporate ecological, aesthetic and permitting considerations. Specified plants have been chosen for their diversity, ecological sustainability, aesthetic interest, scale, screening capacity and viability in the challenging environmental conditions of this roadside property. See *Overall Landscape Plan* below.



2. Planting Plan Summary



Hearty Japanese Zelkova street trees, tolerant of most difficult exposed roadside conditions, provide generous shade, beautiful foliage, seasonal interest, excellent screening, a canopy forest layer, and symmetry. They are spaced equidistantly along the roadside, providing an unfolding visual rhythm for passersby. Similarly, the secondary row of smaller, adaptable, fastigiate European hornbeams in front of the building repeat this pattern at a smaller scale, providing additional screening, softening and micro-climate control at the mid story elevation.

A variety of native and naturalized shrubs including Clethra alnifolia (Sweet Pepperbush), Hydrangea spp., Viburnum spp., Highbush blueberry (Vacinnium corymbosum), Chokeberry (Aronia spp.), Winterberry (Ilex verticillata), Bayberry (Myrica pennsylvanica), Rosa spp., and others, are proposed for the planting beds beneath and around the trees and in front of the building, providing ecological and aesthetic values, and screening at the shrub layer. See complete Plant Schedule on Sheet L-3.01 and in the reduced image below.

Open areas north and east of the building will be replaced with lawn (drought, wear tolerant seed mix), providing an attractive, cooling, moisture-retaining, green "front yard" to the refurbished building. The recommended seed mix is low-maintenance *LESCO All Pro Team Mates Plus* (or equivalent), which provides a durable, wear-tolerant turf that will withstand foot-traffic, heat and drought. Composed of *70% Tall Fescues (Bravo 2, Restore, Warrior Tall Fescues), 20% Allsport 5 Perennial Ryegrass, and 10% Jackpot Kentucky Bluegrass*, this mix is suitable for sun and partial shade conditions and especially suited for athletic fields, parks, lawns, roadsides and utility areas.

Plant Schedule

ID	Qty	Common Name	Scheduled Size	Flower Color
AG	2	Paperbark Maple	2" cal.	
Arub	1	Red Maple, Swamp Maple		Red
Aucon	7	Low Scape™ Mound Chokeberry	3 gal.	white
BN'h'-	1	Heritage River Birch (R)	3" cal.	green
Bx'gg'	29	Green Gem Boxwood	3 gal.	White
Cac	10	Vanilla Spice® Summersweet	5 gal.	white
CB'f'	4	Pyramidal European Hornbeam	3" cal.	Yellow
Ccal	10	Vanilla Spice® Summersweet	---	white
CK'pf'-	1	Pink Flame Japanese Dogwood	2" cal.	Pink/white
HHid	7	Hidcote St. John's Wort		Yellow
Hjan	6	Little Lime® Hardy Hydrangea	3 gal.	green
HM'b'	6	Endless Summer® Hydrangea	5 gal.	Blue
HM'cl'	6	Cityline® Paris Bigleaf Hydrangea	3 gal.	Pink
HM'nb'	30	Nikko Blue Hydrangea	3 gal.	Blue
HM'ss'	4	Seaside Serenade Martha's Vineyard Hydrangea		blue
HM'sskh'	5	Seaside Serenade Kitty Hawk Hydrangea	3 gal.	blue
HM'ssmv'	5	Seaside Serenade Martha's Vineyard Hydrangea	3 gal.	blue
HP'll'	6	Limelight Hardy Hydrangea	5 gal.	Green
HS'ard'	1	Ardens Rose Of Sharon	10 gal.	
HS'bb'	2	Bluebird Lacecap Hydrangea	3 gal.	Blue
HS'h'	5	Helene Rose Of Sharon		Multicolored
IV'lh'	13	Little Henry Sweetspire	3 gal.	white
IV's'	7	Sparkleberry Winterberry	5 gal.	White
Lvul	19	Common Privet		White
MP	5	Northern Bayberry		white
PC'aristocrat'	8	Aristocrat® Flowering Pear	2" cal.	White
PP	11	Japanese White Pine	10 gal.	
QR	1	Northern Red Oak	3" cal.	
R'Apricot Drift'	6	Apricot Drift Groundcover Rose		Apricot blush
R'Bonica'	19	Bonica(Tm) Rose	3 gal.	Pink
Rosa'ad'	8	Apricot Drift Groundcover Rose	1 gal.	Apricot blush
Rx'dsg'	9	Double Shot Grape Azalea	2 gal.	Purple
SJ'bm'	4	Berri-Magic® Japanese Skimmia	3 gal	White
SP	1	Japanese Stewartia	2" cal.	White
S-RAT	4		TBC	Floral Color
Sweet Gum	1	American Sweetgum	3" cal.	Yellow
Tocc	2	Eastern Arborvitae		
TO'eg'	9	Emerald Arborvitae	3 gal	No Value
VP'ss'	3	Summer Snowflake Viburnum		white
VPT	12	Popcorn Viburnum		white
ZS'gv'	5	Green Vase Zelkova (R)	3" cal.	

NOTE: SOME ARISTOCRAT PEARS ARE WITHIN THE PARKING AREA ISLANDS. NOT ALL SHOWN ON THIS PLAN

The former go-cart track and surrounding areas on the perimeter of the site will be cleaned up, scarified, and naturalized with a suitable seed mix. Mowing, if needed, will be done periodically. This approach was proposed over lawn for its relatively fast establishment, low maintenance/water use, habitat value, and naturalized look. Recommended seed mix options for the reclaimed track area and drier, less visible, low-maintenance areas of the site are:

A. *New England Conservation/Wildlife Mix* (New England Wetland Plants), composed of: *Virginia Wild Rye (Elymus virginicus), Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Red Fescue (Festuca rubra), Switch Grass (Panicum virgatum), Partridge Pea (Chamaecrista fasciculata), Panicledleaf Tick Trefoil (Desmodium paniculatum), Indian Grass (Sorghastrum nutans), Blue Vervain (Verbena hastata), Butterfly Milkweed (Asclepias tuberosa), Black Eyed Susan (Rudbeckia hirta), Common Sneezeweed (Helenium autunale), Heath Aster (Asterpilosus/Symphyotrichum pilosum), Early Goldenrod (Solidago juncea), Upland Bentgrass (Agrostis perennans);* or,

B. *New England Native Warm Season Grass Mix* (New England Wetland Plants), composed of: *Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Virginia Wild Rye (Elymus virginicus), Indian Grass (Sorghastrum nutans), Red Fescue (Festuca rubra), Switch Grass (Panicum virgatum).*

Proposed stormwater detention area(s) will be rimmed by shrubs tolerant of temporarily inundated, wet-soil conditions and/or non-wetland conditions (Facultative and Facultative Upland) such as Winterberry, Sweet Pepperbush, and others. The central basin(s) will be seeded with an appropriate seed mix such as *New England Erosion Control/Restoration Mix For Detention Basins and Moist Sites (New England Wetland Plants)* [or equivalent] composed of: *Riverbank Wild Rye (Elymus riparius), Creeping Red Fescue (Festuca rubra), Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Switch Grass (Panicum virgatum), Upland Bentgrass (Agrostis perennans), Nodding Bur Marigold (Bidens cernua), Hollow-Stem Joe Pye Weed (Eupatorium fistulosum/Eutrochium fistulosum), New England Aster (Aster novae-angliae), Boneset (Eupatorium perfoliatum), Blue Vervain (Verbena hastata), Soft Rush (Juncus effusus), Wool Grass (Scirpus cyperinus).*

All landscaped areas and plant quantities on the plan meet Town of Bourne Zoning requirements, except where waivers are proposed due to spatial considerations and/or the presence of existing plants, and are detailed in the table provided on Sheet L-3.01.

3. Screening

As previously noted, the planting plan intentionally provides visual interest and foliage at the upper canopy, mid story and shrub layers, effectively softening the building and screening the associated parking and outdoor storage areas. The *Front Elevation* drawing on Sheet L-7.01 illustrates the view west to the building from the road at vegetative maturity, providing an attractive landscape foreground and effectively screening the parking and storage area in the background.

Additionally, a tall hedge (Privet, Arborvitae, or equivalent) extends northwards from the northeast corner of the building, punctuated by a planting bed with boulder at its terminus, to intentionally

screen views to the outdoor storage area behind the building. See reduced elevation image below looking west to the building from MacArthur Boulevard..



4. Stormwater Management

Strong Tree Engineering's plans provide detailed existing and proposed site information including proposed grading, drainage and stormwater infrastructure. The stormwater system approved during the 2003 review will remain, with some components inspected and maintained (removal of accumulated sediment, etc.). Landscaping is an integral part of the stormwater management system, reducing runoff and removing sediment and pollutants prior to drywells, which are located within landscaped areas of the site. Runoff from the parking area is directed to a water quality swale and then into a landscaped stormwater basin at the southeast corner of the site. Drywells are also present in that basin to encourage infiltration. Portions of the roof runoff are directed to subsurface infiltration systems.

5. Invasive Species Management Plan

Invasive species management will be a component of the larger land management strategy for the property, which will begin with the removal of debris and unsuitable landscape materials during the change in use. Moving forward, ongoing invasive species management will consist primarily of annual removal of invasive plants, as the owner has already done. Regular mowing of grass areas and maintenance of planting beds is also expected to control invasives.

Thank you for your consideration.

Sincerely,

jeffrey thibodeau

Jeffrey Thibodeau, President

Groundwater Impact Report

Proposed Site Redevelopment
340 MacArthur Boulevard (Route 28)
Buzzards Bay (Bourne), Massachusetts

Prepared For:

MacArthur Park Place LLC
270 Communication Way, Unit 7-B
Hyannis, Massachusetts 02601
Phone: (508) 790-2520

Prepared By:

Strong Tree Engineering
P.O Box 977, East Sandwich Massachusetts 02537, Phone: (774) 559-3942,
WWW.STRONGTREE.ENGINEERING

Report Date: July 2025

INTRODUCTION

The subject property is located on the west side of MacArthur Boulevard in Buzzards Bay (Bourne) just north of the intersection of Clay Pond Road with MacArthur Boulevard. The subject property consists of a preexisting site developed as an amusement facility (Adventure Isle). . The Property, addressed 340 MacArthur Boulevard, is a 7.89 acre (343,882+/- s.f.) lot with 500 +/- feet of frontage on Route 28/MacArthur Boulevard. The subject property highest elevations are at the rear (western side) and then it slopes gently towards MacArthur Boulevard and is almost entirely altered by the previous development, with some woods left on the west side. No wetlands appear to exist on this property. This property is located within the B-4 zoning district and has previously been reviewed and issued permits by the Cape Cod Commission and Bourne Planning board for the improvements currently on the site.

According to the Cape Cod Commission Regional Policy Plan data viewer, the property is not in a Zone 2 (contributing area to a public water supply) nor is it in a Potential Public Water Supply Area.

PROJECT DESCRIPTION

The proposed project involves minimal changes to the site in support of a new use - sales of granite products to contractors and the general public, and secondarily, outdoor storage of granite slabs and containers. The existing building will be repurposed to provide office space, a small showroom, and manufacturing space to cut and process granite products.

The new use will reduce the number of employees and visitors to the site. Much of the existing paved parking area will be repurposed to store granite products and the storage containers, with the remaining parking area continued to be used for parking. The exterior areas formerly used for outdoor amusement to the sides and rear of the site will be allowed to revert to natural conditions, with the previous "bumper boat" pool filled in and levelled with the surrounding grades.

The existing septic system will remain. The preexisting composting toilets will be removed as they are no longer needed to reduce nitrogen loading based on the decreased intensity of the proposed reuse. With the reduction in employees and visitors, the nitrogen loading will be well below the required concentration levels, as documented later in this report.

The existing stormwater systems will also remain. In some cases, maintenance will be performed where vegetation and siltation have impaired their functionality. The existing stormwater basin will be regraded to refresh the infiltrative surface and to provide additional volume to mitigate current design storms.

ENVIRONMENTAL IMPACTS

Groundwater Flow

Groundwater mapping provided by the Cape Cod Commission for the area indicates that groundwater tends to travel in a westerly direction towards Eel Pond and the Back River, associated with Buzzards Bay. No site-specific groundwater flow data is available.

Groundwater Elevation

Based on MassGIS lidar-derived contours showing site elevations ranging from 124 to 104 feet, and Cape Cod Commission groundwater contour maps indicating a maximum elevation of 36 feet, groundwater is estimated to be approximately 68 to 88 feet below the lowest surface grade within the site.

The lowest bottom of any of the existing infiltrating stormwater practices is 8 feet below grade, which confirms that a minimum of 2 feet of separation is easily provided above any estimated high groundwater elevation.

Soil Conditions

Based on Natural Resource Conservation Service mapping, the soils within the project limits are defined as Udipsamments, defined as areas where the original soil has been cut away or covered with a sandy (Udipsamments) fill material. Nearby mapped soils, which likely represent the original soil, are mapped as Barnstable and Plymouth soils, which are coarse sand, excessively drained, sandy glaciofluvial deposits. These are suitable soils for the on-site disposal of wastewater and stormwater. The stormwater surface treatment areas and recharge basins were previously reviewed under the Massachusetts Stormwater Standards, Cape Cod Commission and local regulations, and appear to be adequately sized for the site as constructed. The proposal will reduce the amount of runoff by allowing some impervious areas to become naturalized.

Environmental Impact on Public and Private Water Supplies

Wastewater

As stated above, the property is not located within a DEP designated Zone II.

The existing septic system leaching area is set back at least 225 feet from the property lines, indicating that it does not affect any private well on the abutting properties. No public water supply wells were noted by MassGIS on abutting or nearby properties.

Nitrogen loading calculations are attached to this report. The calculations are based upon the Cape Cod Commission, Water Resources Office, Technical Bulletin 91-001, NITROGEN LOADING, dated April 1992.

Calculations are based upon the following assumptions:

Calculated daily sewage flow:	520 gallons per day
Land Area:	343,882 sf
Total of building roof areas:	26,985 sf
Total paved areas:	61,770 sf
Total of lawn areas:	20,000 sf
Total of natural areas:	235,127 sf

The resultant nitrogen recharge concentration is estimated to be 1.96 ppm.

1.96 ppm is less than the Commission's 5 ppm guideline for protecting drinking water supplies.

Environmental Impact on Saltwater Estuaries, Rivers, Streams, Freshwater Ponds, and Wetlands

The closest saltwater embayment is Phinney's Harbor, which is approximately 1.62 miles from the subject property. The closest river/stream, the Back River, is approximately 0.99 miles from the subject property. The closest freshwater pond, Clay Pond is about 0.33 miles from the subject property. The closest bog/wetland appears to be a marsh associated with Clay Pond, also 0.33 miles from the subject property.

The preexisting stormwater structures appear to contain and treat runoff from all impervious and trafficked surfaces within the subject property.

CONCLUSION

The proposed reuse of the property represents a less intensive use that the prior amusement use already approved by the Cape Cod Commission, and the requested modification will not have any negative impacts on the public interests protected under the Cape Cod Commission Act, the Bourne Zoning By-Law and the Bourne Board of Health Regulations.

Town of Bourne - Water Resources Nitrogen Loading and Mitigation Worksheet

See Cape Cod Commission Technical Bulletin 91-001 for further details:
https://capecodcommission.org/resource-library/file/?url=/dept/commission/team/Website_Resources/regulatory/NitrogenLoadTechbulletin.pdf

Facility Address: 340 MacArthur Boulevard
Preparer's Name: Strong Tree Engineering
Date: June 18, 2025
Watershed: Phinneys/Eel Pond/Back River

Project Nitrogen Load — ***Proposed Wastewater*** — ***New Construction/ Increases in Flow, Raze & Rebuild, or Repairs/ Upgrades***

1. Project Title-5 wastewater flows: 520.0 gpd (a)
Actual wastewater flows: 520.0 (b)
Average wastewater flows: 520.0 gpd (a)+(b) ,2= (A)

* Actual water use flows per unit in Bourne

Place √ in applicable box:

Yes	No	
☐	X	Will the project be connected to sewer ?
☐	X	Is project Title-5 wastewater flow 10,000 gpd or greater ?

Place √ in applicable box and multiply unsewered wastewater flow by applicable conversion factor:

x	Standard Title-5 System (35-ppm-N)	x	0.048359	
	DEP-approved I/A System (25-ppm-N)	x	0.034542	
	DEP-approved I/A System (19-ppm-N)	x	0.026252	} 0.048359
	DEP-approved Enhanced I/A (12-ppm-N)	x	0.016580	

Wastewater nitrogen load **(Title-5 flows)** = 25.15 kg-N/yr (B)

Wastewater nitrogen load **(Actual flows)** = 25.15 kg-N/yr (C)

Stormwater Runoff

Town of Bourne

Recharge rate for Bourne (inches; for natural areas from Technical Bulletin 91-001): 21 (RECH)

Project site area: 7.890 acres (D)

Project site wetland area: 0.000 acres (E)

Project site upland area: 7.890 acres (F)

Pervious unpaved upland: 5.852 acres (G)

0 % using LID — Paved area: 61,770 s.f. (H)

Factor may be adjusted for employment of LID → x 1.4158E-04

LID = low impact development = 8.7456E+00 kg-N/yr (I)

Roof area: 26,985 s.f. (J)

x 7.0792E-05

= 1.9103 kg-N/yr (K)

Fertilizer

Previous unpaved upland - roof area =

Managed turf/ lawn area 20,000 s.f.

x 3.4019E-04

= 6.804 kg-N/yr (L)

Total Nitrogen Load

Total project nitrogen load **(Title-5 flows)**: 42.61 kg-N/yr (M)= (B)+(I)+(K)+(L)

Total project nitrogen load **(Actual flows)**: 42.61 kg-N/yr (N)= (C)+(I)+(K)+(L)

Existing Conditions - not calculated; refer to 2003 application

Calculate (A') through (P') as w/ (A) through (P)

Title-5 wastewater flows: see 2003 gpd

Actual wastewater flows: see 2003

Avg. wastewater flows: #VALUE! gpd (A')

Place √ in applicable box:

Yes	No	
☐	X	

☐	Standard Title-5 System
☐	DEP-approved I/A System (commercial)
☐	DEP-approved I/A System (residential)
☐	DEP-approved enhanced I/A

kg-N/yr (B')

kg-N/yr (C')

wastewater offsets

Project site area: 7.890 acres (D)

Project site wetland area: 0.000 acres (E)

Project site upland area: 7.890 acres (F)

Pervious unpaved upland: 7.890 acres (G')

Paved area: s.f. (H')

Paving runoff offset: kg-N/yr (I')

Roof area: s.f. (J')

Roof runoff offset: kg-N/yr (K')

Managed Turf/ lawn area: s.f.

Fertilizer offset: kg-N/yr (L')

Existing nitrogen load (Title-5 flows): 0.00 kg-N/yr (M')

Existing nitrogen load (Actual flows): 0.00 kg-N/yr (N')

Nitrogen load per acre (Average): 5.40 kg-N/yr/acre (O)= (M)+(N) ,2 ,(D)

Nitrogen offset per acre: 0.00 kg-N/yr/acre (O')

Proposed Nitrogen Loading Concentration

Project nitrogen loading concentration (**Title-5 flows**): 1.96 ppm-N (P)= $\frac{(M)}{(a),723.76 + (G)x(RECH),9.7286 + (H),10,594 + (K),0.75}$

Project nitrogen loading concentration (**Actual flows**): 1.96 ppm-N (Q)= $\frac{(N)}{(b),723.76 + (G)x(RECH),9.7286 + (H),10,594 + (K),0.75}$

Project nitrogen loading concentration (**Average**): **1.96** ppm-N (R)= (P)+(Q) ,2

Existing nitrogen loading concentrations:

Title-5 flows: #VALUE! ppm-N (P')

Actual flows: #VALUE! ppm-N (Q')

Average: ppm-N (R')

next page -->

Resource/ Impact Based Criteria

Marine Water Recharge Areas / Coastal Embayments

	Yes	No	
2.	x		Is the project located in any of the following watersheds: **Buttermilk Bay Basins, Phinneys Harbor / Back River / Eel Pond, Pocasset River Basin, Pocasset Harbor / Hen Cove / Red Brook Harbor, Megansett / Squeteague Harbors**** ? *(If 'No', then go to line 3.)*

Name of Watershed
(from Regional Policy Plan Data Viewer): Phinneys/Eel Pond/Back River

Critical Nitrogen-loading limit**: 0.000 kg-N/year/acre (S)

☐ ☐ Does project's nitrogen load (O) exceed the existing load (O') AND the critical nitrogen load (S) ?
(If 'No', then go to line 3.)

Excess project nitrogen load to be mitigated: 42.61 kg-N/yr (T)= LESSER OF (O)-(S) x(F) AND (O)-(O') x(F)

*** When a nitrogen-loading limit has been determined through either a Total Maximum Daily Load (TMDL), a Massachusetts Estuaries Project-accepted technical report, or specified by a Commission-approved comprehensive wastewater management plan pursuant to Objective WR3, or if impaired water quality has been documented for the receiving coastal waters, the nitrogen loading limit shall be 0 kg-N/yr per acre pursuant to Objective WR3.*

Groundwater Quality

	Yes	No	
3.		x	Does the project's nitrogen loading concentration in groundwater (R) exceed the greater of 5 ppm *or* the existing concentration (R') ? ***(If 'Yes', the project will need to provide an alternative strategy for meeting these thresholds by using another worksheet)***

Potential Public Water Supply Areas

	Yes	No	
4.		x	Is project in a Potential Public Water Supply Area (PPWSA) ? *(If 'No', then go to line 5.)*

☐ ☐ Does the project's nitrogen loading concentration (R) exceed the greater of 1 ppm *or* the existing concentration (R') ?
(If 'Yes', the project must provide an alternative strategy for meeting Objective WR1)

☐ ☐ Does the project use, treat, generate, store or dispose of hazardous materials in excess of the greater of a) household quantities or b) existing quantities ?
(If 'Yes', the project must provide an alternative strategy for meeting Objective WR1)

Wellhead Protection Areas

	Yes	No	
5.		x	Is project in a Wellhead Protection Area (WHPA) ?

☐ ☐ Does the project's nitrogen loading concentration **(R)** exceed the greater of **5 ppm** *or* the existing concentration **(R')** ?
(If 'Yes' , the project must provide an alternative strategy for meeting Objective WR1)

☐ ☐ Does the project use, treat, generate, store or dispose of hazardous materials in excess of the greater of a) household quantities or b) existing quantities ?
(If 'Yes', the project must provide an alternative strategy for meeting Objective WR1)

Fresh Water Recharge Areas

	Yes	No	
6.	☐	☒	Is project wastewater disposed of within 300 feet of a stream or fresh surface water body? *(If 'No', then go to line 7.)*
	☐	☒	Is the project located in a freshwater recharge area (FWRA) hydraulically upgradient of a stream or fresh surface water body? ***(If 'Yes', the project must provide an alternative strategy for meeting Objective WR2)***

Other Potential Impacts

	Yes	No	
7.	☐	☒	Will the project withdraw more than 20,000 gallons of water per day ? ***(If 'Yes', then the project must provide documentation demonstrating that there will not be significant impacts to water levels, surface waters and wetlands)***

8. ***The project must demonstrate compliance with Objective WR4, including use of Low Impact Development to mitigate impacts of stormwater runoff and O & M plans for maintaining stormwater infrastructure and landscaping.***

LONG-TERM STORMWATER MANAGEMENT AND POLLUTION PREVENTION PLAN

Stormwater Management System Location:

340 MacArthur Boulevard
Bourne, MA

Stormwater Management System Owner:

MacArthur Park Place LLC
100 Independence Drive, Suite 11
Hyannis, MA 02601
Office: 508-790-2520

Party Responsible for Operation and Maintenance:

MacArthur Park Place LLC
100 Independence Drive, Suite 11
Hyannis, MA 02601
Office: 508-790-2520

The stormwater management system on the site was installed in approximately 2004 and will remain. The components of this system will receive an initial maintenance event as shown on a plan titled "Stormwater Maintenance, 340 MacArthur Boulevard, Bourne MA" prepared by StrongTree Engineering and dated July 30, 2025 as revised. Subsequent to this initial maintenance, the Owner shall provide, inspect, and maintain all control measures as required in the attached **Stormwater Operation and Maintenance Checklist**. The stormwater controls will be inspected to prevent deficiencies in the effectiveness of the systems due to sediment build-up, damage, or deterioration. General maintenance includes the following:

- All Best Management Practices (BMPs) will be cleared of accumulated foreign debris, sediment, leaves, and lawn cuttings.
- A maintenance inspection report will be made after each inspection.
- All measures will be maintained in good working order, if a repair is necessary, it will be initiated within 8 weeks of discovery.
- Remove weeds and other unwanted vegetation by hand from planting areas (at least bi-annually, once in the spring when weeds have germinated and can be identified and once later in the summer prior to seed heads establishing, or as needed.). Remove weeds prior to the placement of any additional planting material. Remove the entire plant including the roots. Use herbicides only if necessary and target the weed species. Always follow the herbicide manufacturer's directions.
- Water plants during the installation/establishment period of any new plantings or during severe drought.
- Fertilizing: Plants in the stormwater management areas are to be fertilized only minimally to prevent excessive nutrients in the stormwater.

Specific BMP Maintenance Requirements:

Catch Basins, storm drain pipes, and discharges: All catch basins, manholes, and drainage pipe will be inspected at least twice annually (spring & fall) to monitor for proper operation, collection of solids, litter and/or trash, and structural deterioration per the following:

- Catchbasins will be cleaned when the depth of debris and/or sediment exceeds one half the sump depth/volume. Sediments shall be removed by clam-shell or vacuum-truck. Collected sediment will be disposed of properly in a pre-approved off-site location.
- Structure to be evaluated for structural integrity of the frame, cover/grate, riser and concrete. Any issues to be reported and scheduled for repair.
- Any debris and/or sediment present in storm drain pipes and at discharges (pipe end, flared end, and rip-rap) shall be removed and disposed of properly in a pre-approved off-site location. Excess sediment frequently found requires a camera inspection of the pipe to determine if joint failure or deflection has occurred. If found a site contractor shall be engaged to repair the pipe.

Drywells: All drywells will be inspected at least twice annually (spring & fall) to monitor for proper operation, collection of solids, litter and/or trash, and structural deterioration per the following:

- Since drywells rely on infiltrating runoff into surrounding stone, it is imperative that no debris or sediment enter the drywell. Observe and maintain the areas surrounding the drywell (as noted below) to prevent debris and sediment from entering the drywells.
- Look for standing water exceeding 1 foot in depth in the bottom of the drywell, 72 hours or more after any major storm. If observed, the drywell is not properly functioning. Contact a site contractor to determine the measures needed to restore function. These measures may include removing and reinstalling the drywell structure and stone.
- Under no circumstances shall clam-shell or vacuum-truck equipment be allowed to remove sediment from the bottom of the drywells. These practices can undermine and damage the drywell and surrounding area. Instead engage a civil engineer to determine methods of rehabilitation that will not cause structural damage. Any sediment collected as part of rehabilitation shall be disposed of properly in a pre-approved off-site location.
- Structure to be evaluated for structural integrity of the frame, cover/grate, riser and concrete. Any issues to be reported and scheduled for repair.

Areas surrounding drywells: The depressed areas within 5 feet around the drywells shall be inspected on a semi-annual basis and just after a major storm event. Sediment shall be cleaned out of these areas when it accumulates to a depth of more than one-half (½) the design depth (1.5 inches). Sediment will be spread over pre-existing pavement ("go cart track") in the naturalizing area to encourage more plant growth. (This is uncontaminated surface soil not catchbasin cleanings). Trash and debris shall be removed as necessary and disposed of properly. Stabilize eroded side slopes and bottom (replace lost soil and re-seed). Remove weeds and

other unwanted vegetation by hand. Use herbicides only if necessary and target the weed species. Always follow the herbicide manufacturer's directions.

Water Quality Swale: Swale maintenance includes maintaining the hydraulic and removal efficiency of the channel by maintaining a dense, healthy grass cover and plantings. The following activities are recommended on a semi-annual basis or as determined necessary:

- Litter and debris removal;
- Stabilization of eroded side slopes and bottom (replace lost soil and re-seed); and
- Remove weeds and other unwanted vegetation by hand from planting areas (at least bi-annually, once in the spring when weeds have germinated and can be identified and once later in the summer prior to seed heads establishing, or as needed.) Remove the entire plant including the roots. Use herbicides only if necessary and target the weed species. Always follow the herbicide manufacturer's directions.
- Water plants during the establishment period of any new plantings or during severe drought.
- Fertilizing: Plants in the stormwater management areas are not to be fertilized to prevent excessive nutrients in the stormwater.

Stormwater surface treatment areas are to be inspected on an annual basis and just after major storm events (minimum 2 inches in 24 hours). Both the vegetative and structural components shall be inspected and repaired. When sediment accumulates to a depth of one-quarter (¼) of the original design depth, it shall be removed, and the swale shall be reconfigured to its original dimensions. The plantings in the swale shall be replenished as needed. If the surface of the swale becomes clogged to the point that standing water is observed on the surface 48 hours after precipitation events, the top six (6) inches of soil along the bottom of the swale shall be roto-tilled or cultivated to break up any hard-packed sediment, and then reseeded.

Trash and debris shall be removed and properly disposed. The side slopes shall be checked for stability and any minor soil erosion gullies shall be repaired when they occur. Ill-established, dead, or severely diseased plants will be removed and replaced as needed.

Every five years, scraping of the swale bottom and removal of sediment to restore original cross section and infiltration rate, and re-seeding or sodding to restore ground cover are recommended.

Infiltration Basin: *Infiltration basins are prone to clogging and failure and so require aggressive maintenance to continue to function properly and prevent overflow to adjacent property.*

Infiltration basin maintenance includes maintaining the storage volume and removal efficiency of the basin by maintaining a dense, healthy grass cover and plantings and preventing erosion of side slopes. The following activities are recommended on a semi-annual basis in conjunction with the swale and drywell maintenance or as determined to be necessary:

- Litter and debris removal;
- Stabilization of eroded side slopes and bottom (replace lost soil and re-seed); and
- Discing or aeration of the basin bottom.
- Remove weeds and other unwanted vegetation by hand from planting areas (at least bi-annually, once in the spring when weeds have germinated and can be identified and once later in the summer prior to seed heads establishing, or as needed.) Remove the entire plant including the roots. Use herbicides only if necessary and target the weed species. Always follow the herbicide manufacturer's directions.
- Remove and replace woody plants if their root systems compromise the side slopes.
- Water plants during the establishment period of any new plantings or during severe drought.
- Fertilizing: Plants in the stormwater management areas are to be minimally fertilized to prevent excessive nutrients in the stormwater.

The basin bottom and sides are to be inspected on a semi-annual basis and just after major storm events (greater than 2 inches in 24 hours). Both the basin bottom, structural components (including drywells to be inspected and maintained as above), and side slopes shall be inspected and repaired. When sediment visibly accumulates (approx. ½ inch), it shall be removed, and the basin bottom shall be regraded to its original grades if necessary. The plantings in and around the basin shall be replenished as needed as they are integral to protection from erosion. If the surface of the basin bottom becomes clogged to the point that standing water is observed on the surface 48 hours after precipitation events, the top six (6) inches of soil along the bottom of the bottom shall be roto-tilled or cultivated to break up any hard-packed sediment, and then reseeded. If standing water continues to be an issue consult a civil engineer for advice.

Other Routine Stormwater Maintenance: Other routine maintenance will include removal of trash, litter and sediment removal from paved/hardscapes/gravel and perimeter areas of the property. Annual pavement sweeping will take place after the spring thaw to avoid excessive accumulation of sediment in the drainage system. Any stone paving/surfacing shall be cleared of weeds and/or vegetation when found during the inspection.

Estimated Stormwater Management Operation and Maintenance Budget

An opinion of probable average annual operating and maintenance costs for the existing stormwater management system is as follows. These average out major activities (such as rehabilitating drywells) over a 10 year period.

Catchbasins, storm drains	**$1,500**
Drywells	**$ 800**
Areas surrounding drywells	**$ 800**
Water Quality Swale	**$1,500**
Infiltration Basin	**$ 800**
Other Routine Maintenance	**$1,500**
Annual street cleaning/sweeping	
Total:	**$6,900**

Note: Estimate does not include other operating expenses (trash collection, gravel/mulch replacement, mowing, etc.)

Long-term pollution prevention measures implemented at the site will further reduce pollutants in stormwater discharges after construction. The following practices will be employed on an on-going basis.

- Spill Prevention and Control Measures – To minimize the risk of spills or other accidental exposure of materials and substances to stormwater runoff, all fertilizers, fuels, and related substances will be kept within the building, resulting in a condition of "no exposure"
- Lawn/Landscaping Maintenance – Lawn and landscaping maintenance will be conducted with minimal use of fertilizers and pesticides to protect the groundwater. A drought tolerant grass mix will be used to minimize fertilization and irrigation needs.
- Solid Waste Management – Trash and/or debris shall be collected in onsite screened dumpsters and recycling bins and removed periodically to be disposed of off site in accordance with regulatory requirements.
- Snow Management/Removal Plan – Plowed snow collected will be deposited onto available impervious locations, where it will be directed to the stormwater management system for treatment. Winter road salt and/or sand will be stored on-site inside the designated storage area and will be used minimally as necessary for safe driving conditions at the site.
- Pavement Sweeping Schedules – Pavement shall be swept annually after spring snowmelt.
- Illicit Discharges – No sewer pipes or floor drains will be connected to the drainage network. All wastewater will be connected to the approved on-site system.
- Personnel Training – All personnel retained for work on site will be given a copy of this Plan and will receive training in applicable practices and implementation to prevent pollutants from entering the stormwater system.

Stormwater Operation and Maintenance Inspection Checklist

Owner: MacArthur Park Place LLC

Operator: MacArthur Park Place LLC

Location: 340 MacArthur Boulevard, Bourne, MA

Inspector: _____

Date: _____

1. Catch Basins, drain pipes, discharges: Inspect at least twice annually (spring & fall) to monitor for proper operation, collection of solids, litter and/or trash, and structural deterioration per the following:

Sediment/ Debris	The structures will be cleaned when the depth of debris and/or sediment exceeds one half the sump depth or at a minimum annually. In the case of drain pipes and discharges, clean any accumulation. Sediments shall be removed by clam-shell or vacuum-truck or shovel. Collected sediment will be disposed of properly in a pre-approved off-site location	
Structure Integrity	Structure to be evaluated for structural integrity of the frame, cover/grate, riser and concrete. Any issues to be reported and scheduled for repair.	

2. Drywells/Surrounding areas Inspect semi-annually and after major storm events per the following:

Sediment/ Debris	Remove sediment, trash and debris from surrounding area.	
Vegetation	Remove weeds or plant encroachment by hand or mechanical methods from surrounding areas.	
Structure Integrity	Repair and/or replace structural components are necessary. Inspect/repair frame and grate and replace as needed.	
Infiltration	If standing water exceeding 1 foot depth is observed 72 hours after a storm event, contact a civil engineer for rehabilitation options.	

3. Water Quality Swale: Inspect semi-annually and after major storm events:

Sediment/ Debris	Remove sediment, trash and debris when buildup is 1/4 the design depth.	
Vegetation	Remove weeds or plant encroachment by hand or mechanical methods from the forebay area.	

Structure Integrity	Repair bottom and side slopes if erosion has occurred.	

4. **Other Routine Stormwater Maintenance:** Other routine maintenance will include removal of trash, litter and sediment removal from paved/stone parking and perimeter areas of the property. Annual pavement sweeping will take place after the spring thaw to avoid excessive accumulation of sediment in the drainage system. Stone paving/surfacing shall be cleared of weeds and/or vegetation when found during the inspection.

Other Findings and Comments:_____

_____

_____

_____

_____

Memorandum

To: MacArthur Park Place LLC
100 Independence Drive
Suite 11
Hyannis, MA 02601

Date: July 17, 2025

Project #: 16737.00

From: Randall Hart, Principal

Re: Proposed Commercial Redevelopment
Assessment – Major Modification

Introduction

On behalf of the Proponent, Vanasse Hangen Brustlin, Inc. (VHB) has prepared a preliminary assessment of the proposed redevelopment at 340 MacArthur Blvd in Bourne, Massachusetts. The site was formerly occupied by Adventure Isle, an indoor and outdoor Amusement Park, located on an approximately 7.9-acre site. In 2003, the Cape Cod Commission issued DRI approval allowing for the construction on an approximately 24,000 square foot building to relocate and expand the amusement park use, and to reconfigure the outdoor amusement uses. As part of the 2003 DRI decision, substantial payments were made as mitigation for the trips generated to and from the site. The amusement park has been closed since approximately 2007, and since then, the site was generally used for storage. The current redevelopment proposal includes reusing the existing structure (approximately 24,000 sf) for a small countertop tenant, which will provide a small retail area (approximately 4,600 sf), and the remaining area would be used for manufacturing countertops. In addition, there is an area in the rear of the site (approximately 102,500 sf), formerly occupied by the amusement park outdoor uses, which is intended to be used as bulk storage. This would include a combination of storage racks for granite/marble slabs and also space for container storage. It is anticipated that approximately 50 container units would be stored on site. This preliminary memorandum, submitted in connection with the Proponent's request for a Major Modification of the 2003 DRI Decision for the proposed redevelopment, is focused on the change in potential traffic generation, comparing the proposed redevelopment with the approved and mitigated traffic generation associated with the former Amusement Park use.

Trip Generation

The rate at which any development generates traffic is dependent upon several factors such as size, location, and the types of uses proposed. The current redevelopment proposal includes reusing the existing structure (approximately 24,000 sf) for a small countertop tenant, which will provide a small retail area (approximately 4,600 sf), and the remaining area would be used for manufacturing countertops. In addition, there is an area in the rear of the site (approximately 102,500 sf), formerly used for outdoor amusement uses, which is intended to be used as bulk storage. This would include a combination of storage racks for granite/marble slabs and also space for container storage. It is anticipated that approximately 50 container units would be stored on site.

Trip generation estimates for the redevelopment project were projected using trip generation rates published by the Institute of Transportation Engineers (ITE) *Trip Generation, 11th Edition.*[1] The number of vehicle-trips generated by the retail/manufacturing/bulk storage were estimated based on ITE Land Use Code (LUC) 822 Strip Retail, (LUC) 140 Manufacturing, and (LUC)150 Warehouse. While there is no ITE land use code that is an exact fit for the proposed use,

1 Trip Generation, 11th Edition, Institute of Transportation Engineers, Washington D.C., 2021.

the land use codes used for this assessment should provide a reasonable, and likely conservative, estimate of potential future traffic. The estimated trip generation for the redevelopment is demonstrated in Table 1.

Table 1 Trip Generation Summary

	Retail Development Vehicle Trips [a]	Manufacturing Development Vehicle Trips [b]	Warehouse Development Vehicle Trips [c]	Total
Weekday Morning Peak Hour				
Enter	18	29	26	73
Exit	18	11	14	43
Total	36	40	40	116
Weekday Evening Peak Hour				
Enter	34	14	9	57
Exit	29	20	27	76
Total	63	34	36	133
Saturday Midday Peak Hour				
Enter	16	2	3	21
Exit	15	2	2	19
Total	31	4	5	40

a Trip Generation estimate based ITE LUC 822 (strip retail) for increase from 4,600 sf.
b Trip Generation estimate based ITE LUC 140 (manufacturing) for 19,700 sf.
c Trip Generation estimate based ITE LUC 150 (warehouse) for increase from 72,704 sf.

As shown in Table 1, the redevelopment is expected to generate approximately 116trips (73 entering/43 exiting) during the weekday morning peak hour, 133 trips (57 entering/ 76 exiting) during the evening peak hour, and 40 trips (21entering/ 19 exiting) during the Saturday midday peak hour. This should be considered a conservative estimate of redevelopment traffic generation as strip retail and warehousing were used to estimate traffic generation for the countertop and likely overstates potential future traffic.

VHB has reviewed the Traffic Impact Assessment for Proposed Adventure Isle Renovations, prepared by Vanasse & Associated, Inc dated October 2002. The TIA was prepared to assess the traffic impacts of a renovation that included consolidation of activities on site to include the addition of a roller rink and ancillary uses such as snack bar, video game room and function rooms (for birthday parties, etc). As demonstrated in Figure 7 (Site Generated Traffic), the site was estimated to generate approximately 207 trips during the weekday evening peak hour, and approximately 237 trips during the Saturday midday peak hour. The TIA did not look at the weekday morning peak hour. And, as part of the 2003 DRI decision, financial mitigation has been paid to off-set this traffic generation at this site. As demonstrated in Table 1 above, the proposed redevelopment will result in less traffic during the peak hours than what was previously approved at the site, with 74 fewer vehicle trips during the weekday evening peak hour and 197 fewer trips during the weekday evening peak hour period.

Memorandum

Site Access

MacArthur Blvd is a separated 4-lane roadway in the vicinity of the site with northbound and southbound lanes separated by a heavily landscaped median. The site is currently accessed by a right-in-right-out driveway to southbound lanes of MacArthur Blvd via a deceleration/acceleration lane. There is currently a separate deceleration/acceleration lane that departs the MacArthur Blvd three hundred feet to the north of the site driveway and reconnects to MacArthur Blvd approximately 1,000 feet to the south. The deceleration/acceleration lane provides access to the site, Clay Pond Road and several businesses in this area. Under the proposed redevelopment plan access will remain unchanged. The deceleration/acceleration lane will also enable safe ingress/egress for larger vehicles accessing the property, including trucks.

Attachments

- Trip Generation Worksheets
- TIA for 340 MacArthur Blvd
- Redevelopment Site Plan

ITE TRIP GENERATION WORKSHEET
(11th Edition, Updated 2021)

LANDUSE: Manufacturing
LANDUSE CODE: 140
LOCATION: General Urban / Suburban
JOB NAME:
JOB NUMBER:

Independent Variable --- 1,000 Sq. Feet Gross Floor Area

FLOOR AREA (KSF): 19.7

WEEKDAY

RATES:

	# Studies	R^2	Total Trip Ends Average	Low	High	Independent Variable Range Average	Low	High	Directional Distribution Enter	Exit
DAILY	53	0.68	4.75	0.83	49.50	208	1	2,022	50%	50%
AM PEAK OF GENERATOR	62	0.79	0.80	0.17	11.93	178	1	2,022	73%	27%
PM PEAK OF GENERATOR	62	0.76	0.80	0.15	11.37	180	1	2,022	42%	58%
AM PEAK (ADJACENT ST)	48	0.62	0.68	0.01	11.93	138	1	1,065	76%	24%
PM PEAK (ADJACENT ST)	55	0.64	0.74	0.07	11.37	142	1	1,100	31%	69%

TRIPS:

	BY AVERAGE Total	Enter	Exit	BY REGRESSION Total	Enter	Exit
DAILY	94	47	47	276	138	138
AM PEAK OF GENERATOR	16	12	4	40	29	11
PM PEAK OF GENERATOR	16	7	9	34	14	20
AM PEAK (ADJACENT ST)	13	10	3	22	16	5
PM PEAK (ADJACENT ST)	15	5	10	0	0	0

SATURDAY

RATES:

	# Studies	R^2	Total Trip Ends Average	Low	High	Independent Variable Range Average	Low	High	Directional Distribution Enter	Exit
DAILY	5	--	1.49	0.70	6.42	385	106	611	50%	50%
PEAK OF GENERATOR	5	--	0.18	0.08	0.94	385	106	611	52%	48%

Distribution Not Available

TRIPS:

	BY AVERAGE Total	Enter	Exit	BY REGRESSION Total	Enter	Exit
DAILY	29	15	15	--	--	--
PEAK OF GENERATOR	4	2	2	--	--	--

SUNDAY

RATES:

	# Studies	R^2	Total Trip Ends Average	Low	High	Independent Variable Range Average	Low	High	Directional Distribution Enter	Exit
DAILY	5	--	0.99	0.52	5.09	385	106	611	50%	50%
PEAK OF GENERATOR	5	--	0.15	0.07	0.75	385	106	611	50%	50%

Distribution Not Available

TRIPS:

	BY AVERAGE Total	Enter	Exit	BY REGRESSION Total	Enter	Exit
DAILY	20	10	10	--	--	--
PEAK OF GENERATOR	3	1	1	--	--	--

ITE TRIP GENERATION WORKSHEET
(11th Edition, Updated 2021)

LANDUSE: Strip Retail Plaza (<40k)
LANDUSE CODE: 822
SETTING/LOCATION: General Urban/Suburban
JOB NAME:
JOB NUMBER:

Independent Variable ---

FLOOR AREA (KSF): 4.700

WEEKDAY

RATES:

	# Studies	R^2	Total Trip Ends: Average	Low	High	Independent Variable Range: Average	Low	High	Directional Distribution: Enter	Exit
DAILY	4	0.96	54.45	47.86	65.07	19	9	35	50%	50%
AM PEAK OF GENERATOR	6	--	7.60	2.40	21.30	16	8	24	50%	50%
PM PEAK OF GENERATOR	5	--	13.24	6.27	24.11	16	8	24	54%	46%
AM PEAK (ADJACENT ST)	5	0.57	2.36	1.60	3.73	18	9	35	60%	40%
PM PEAK (ADJACENT ST)	25	0.56	6.59	2.81	15.20	21	3	39	50%	50%

TRIPS:

	BY AVERAGE: Total	Enter	Exit	BY REGRESSION: Total	Enter	Exit
DAILY	256	128	128	430	215	215
AM PEAK OF GENERATOR	36	18	18	--	--	--
PM PEAK OF GENERATOR	62	34	29	--	--	--
AM PEAK (ADJACENT ST)	11	7	4	17	10	7
PM PEAK (ADJACENT ST)	32	16	16	46	23	23

SATURDAY

RATES:

	# Studies	R^2	Total Trip Ends: Average	Low	High	Independent Variable Range: Average	Low	High	Directional Distribution: Enter	Exit
DAILY	--	--	--	--	--	--	--	--	--	--
PEAK OF GENERATOR	12	--	6.57	1.88	14.23	27	8	39	51%	49%

TRIPS:

	BY AVERAGE: Total	Enter	Exit	BY REGRESSION: Total	Enter	Exit
DAILY	--	--	--	--	--	--
PEAK OF GENERATOR	31	16	15	--	--	--

SUNDAY

RATES:

	# Studies	R^2	Total Trip Ends: Average	Low	High	Independent Variable Range: Average	Low	High	Directional Distribution: Enter	Exit
DAILY	--	--	--	--	--	--	--	--	--	--
PEAK OF GENERATOR	--	--	--	--	--	--	--	--	--	--

TRIPS:

	BY AVERAGE: Total	Enter	Exit	BY REGRESSION: Total	Enter	Exit
DAILY	--	--	--	--	--	--
PEAK OF GENERATOR	--	--	--	--	--	--

ITE TRIP GENERATION WORKSHEET
(11th Edition, Updated 2021)

LANDUSE: Warehousing
LANDUSE CODE: 150
LOCATION: General Urban / Suburban
JOB NAME:
JOB NUMBER:

Independent Variable --- 1,000 Sq. Feet Gross Floor Area

FLOOR AREA (KSF): 102.5

WEEKDAY

RATES:

	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	31	0.92	1.71	0.15	16.93	292	4	3,300	50%	50%
AM PEAK OF GENERATOR	25	0.85	0.21	0.02	2.08	284	4	3,300	66%	34%
PM PEAK OF GENERATOR	27	0.90	0.23	0.02	1.80	284	4	3,300	24%	76%
AM PEAK (ADJACENT ST)	36	0.69	0.17	0.02	1.93	448	4	3,300	77%	23%
PM PEAK (ADJACENT ST)	49	0.65	0.18	0.01	1.80	400	4	3,300	28%	72%

TRIPS:

	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	175	88	88	200	100	100
AM PEAK OF GENERATOR	22	14	7	40	26	14
PM PEAK OF GENERATOR	24	6	18	36	9	27
AM PEAK (ADJACENT ST)	17	13	4	36	28	8
PM PEAK (ADJACENT ST)	18	5	13	39	11	28

SATURDAY

RATES:

	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	3	--	0.15	0.01	1.58	226	56	420	50%	50%
PEAK OF GENERATOR	2	--	0.05	0.01	0.22	129	56	201	64%	36%

TRIPS:

	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	15	8	8	N/A	N/A	N/A
PEAK OF GENERATOR	5	3	2	N/A	N/A	N/A

SUNDAY

RATES:

	# Studies	R^2	Total Trip Ends			Independent Variable Range			Directional Distribution	
			Average	Low	High	Average	Low	High	Enter	Exit
DAILY	3	--	0.06	0.03	0.32	226	56	420	50%	50%
PEAK OF GENERATOR	2	--	0.04	0.02	0.11	129	56	201	52%	48%

TRIPS:

	BY AVERAGE			BY REGRESSION		
	Total	Enter	Exit	Total	Enter	Exit
DAILY	6	3	3	N/A	N/A	N/A
PEAK OF GENERATOR	4	2	2	N/A	N/A	N/A

TRAFFIC IMPACT AND ACCESS STUDY

PROPOSED ADVENTURE ISLE RENOVATION
BOURNE, MASSACHUSETTS

Prepared for:

Adventure Isle
Bourne, Massachusetts

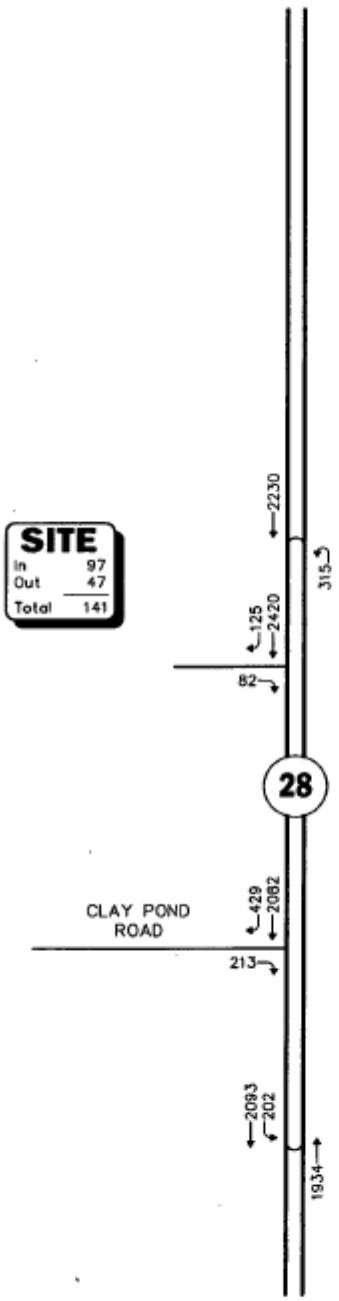
October 2002

Prepared by:

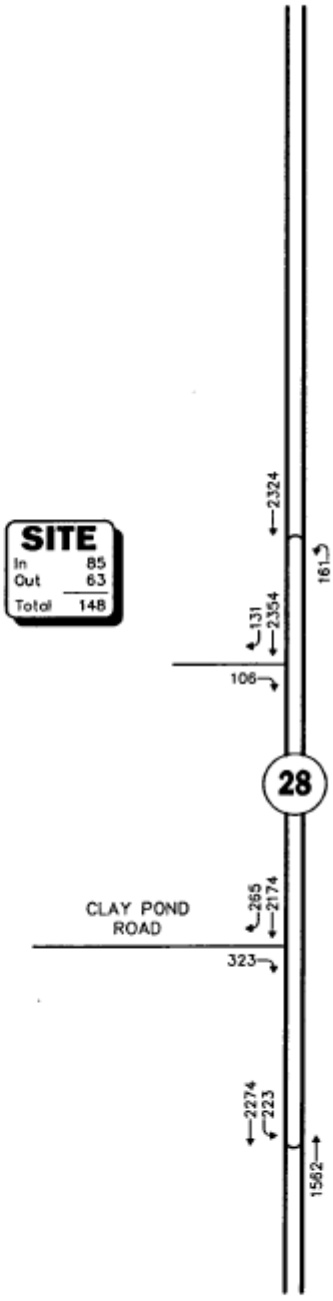
VANASSE & ASSOCIATES, INC.
10 New England Business Center Drive
Suite 314
Andover, MA 01810

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WEEKDAY EVENING PEAK HOUR



SATURDAY MIDDAY PEAK HOUR



Note: Imbalances exist due to curb cuts and side streets that are not shown.

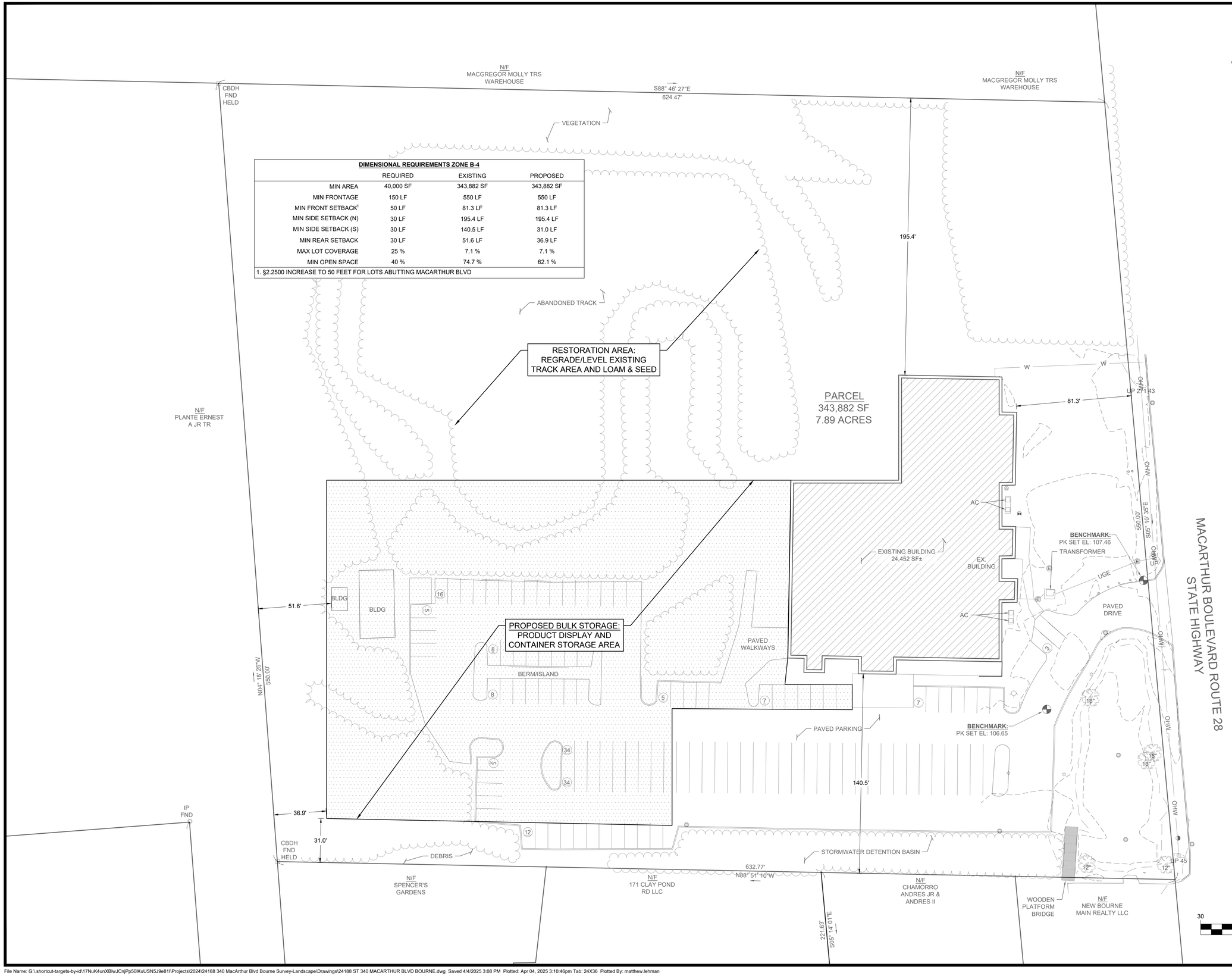
Not To Scale

Figure 7

Vanasse & Associates, Inc.
Transportation Engineers & Planners

2007 Build
Peak Hour Traffic Volumes

R:\3567\3567rt5.dwg 10/24/02 04:04:17 PM EDT



DIMENSIONAL REQUIREMENTS ZONE B-4

	REQUIRED	EXISTING	PROPOSED
MIN AREA	40,000 SF	343,882 SF	343,882 SF
MIN FRONTAGE	150 LF	550 LF	550 LF
MIN FRONT SETBACK[1]	50 LF	81.3 LF	81.3 LF
MIN SIDE SETBACK (N)	30 LF	195.4 LF	195.4 LF
MIN SIDE SETBACK (S)	30 LF	140.5 LF	31.0 LF
MIN REAR SETBACK	30 LF	51.6 LF	36.9 LF
MAX LOT COVERAGE	25 %	7.1 %	7.1 %
MIN OPEN SPACE	40 %	74.7 %	62.1 %

1. §2.2500 INCREASE TO 50 FEET FOR LOTS ABUTTING MACARTHUR BLVD

GRAPHIC SCALE

30 0 15 30 60 120

(in feet)

1 INCH = 30 FEET

STRONG TREE ENGINEERING
www.strongtree.engineering
Ph: (774) 559-3942
P.O. Box 977
East Sandwich, MA 02537

Revisions

REV.	DATE	BY	CHECK	DESCRIPTION
1				
2				
3				
4				
5				

PROJECT:
#340 MACARTHUR BOULEVARD
BOURNE, MA 02532

SHEET TITLE:
PROPOSED PROPERTY USE PLAN

PREPARED FOR:
MACARTHUR PARK PLACE LLC
270 COMMUNICATION WAY, UNIT 7-B
HYANNIS, MA 03+02

Certification:
COMMONWEALTH OF MASSACHUSETTS
JUSTIN J. LAMOUREUX
CIVIL
No.47377
REGISTERED PROFESSIONAL ENGINEER
4/9/25

Project Number:	Sheet :
24188	2 of 2

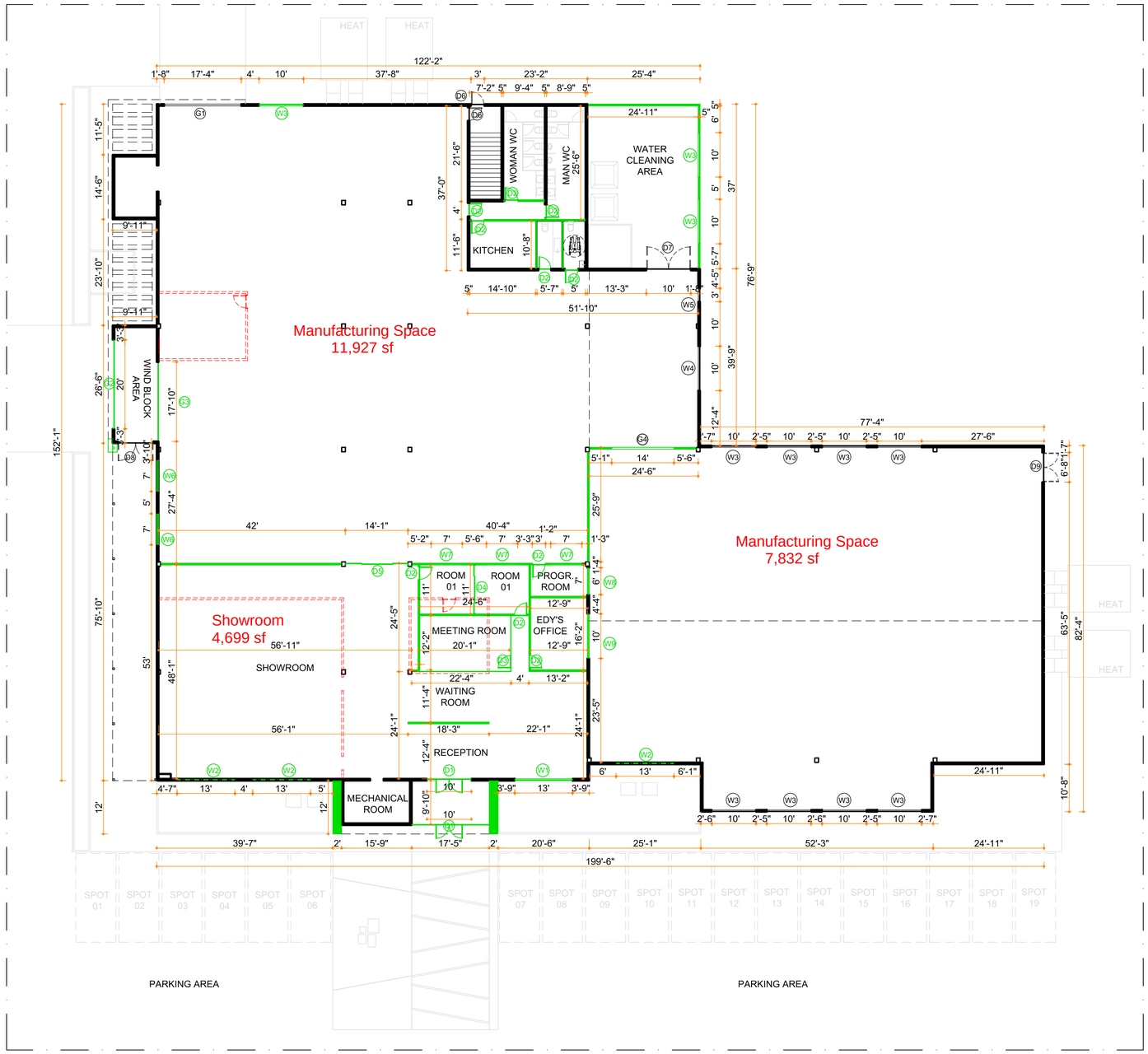
Sheet Number:
C - 1

Date:
APRIL 4, 2025

REFERENCE MAPS:
1. PLAN BOOK / PAGE: 169 / 43, 198 / 35, 257 / 59, 263 / 49, 317 / 7, 433 / 60, 441 / 1, 450 / 3

GENERAL NOTES:
1. COPYRIGHT, STRONG TREE ENGINEERING 2025, ALL RIGHTS RESERVED
2. ONLY SURVEY MAPS WITH THE SURVEYOR'S SIGNED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
3. THE CERTIFICATIONS HEREON ARE NOT TRANSFERABLE.
4. THE LOCATIONS OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
5. THE TYPE OF MAP PERFORMED IS A BOUNDARY SURVEY. THE BOUNDARY LINES AS DEPICTED ARE THE RESULT OF AN ACCURATE LAND SURVEY AND ARE DEPICTED FROM RECORD MAPS AND DEEDS.
6. PARCEL IS NOT WITHIN A FEMA FLOOD ZONE.
7. ELEVATIONS DEPICTED HEREON ARE BASED ON NAVD88 DATUM.

File Name: G:\.shortcut-targets-by-id\17NuK4unXBlwJCnjPp50lKuUSN5J9e81l\Projects\2024\24188 340 MacArthur Blvd Bourne Survey-Landscape\Drawings\24188 ST 340 MACARTHUR BLVD BOURNE.dwg Saved 4/4/2025 3:08 PM Plotted: Apr 04, 2025 3:10:46pm Tab: 24X36 Plotted By: matthew.lehman



LAYOUT PLAN - CONSTRUCTION AND DEMOLISH

GLOBAL DESIGN GROUP - SHOWROOM CAPE

SCALE 1/8"-1'0"

LEGEND

- NEW
- EXISTENT
- DEMOLISH

DOORS SCHEDULE

LEGEND	STATUS	WIDTH	HEIGHT	UNITS	DESCRIPTION
D1	NEW	10' ft.	12' ft.	2	Opening door in glass and black metal structure. Two opening parts and two fixed parts. Handle to be defined. See details of frames.
D2	NEW	3' ft.	8' ft.	10	Light beige mdf opening door. Handle to be defined. See details of frames.
D3	NEW	3' ft.	8' ft.	1	Opening door in glass and metal structure in light beige color. Handle to be defined. See details of frames.
D4	NEW	11' ft.	8' ft.	1	Sliding door in glass and metal structure in light beige color. Handle to be defined. See details of frames.
D5	NEW	14' ft.	12' ft.	1	Sliding door in glass and metal structure in black color. Handle to be defined. See details of frames.
D6	EXISTENT				
D7	EXISTENT				
D8	EXISTENT				
D9	EXISTENT				

WINDOWS SCHEDULE

LEGEND	STATUS	WIDTH	HEIGHT	WINDOW SILL	UNITS	DESCRIPTION
W1	NEW	13' ft.	8'6" ft.	3' ft.	1	Window with fixed glass and structure in black color to be defined, following the pattern of the facade. See details of frames.
W2	NEW	13' ft.	3'6" ft.	8' ft.	3	Window with fixed glass and structure in black color to be defined, following the pattern of the facade. See details of frames.
W3	NEW	10' ft.	5' ft.	2' ft.	3	Glinding window with glass and structure in black color to be defined, following the pattern of the facade. Handle to be defined. See details of frames.
W4	EXISTENT					
W5	EXISTENT					
W6	NEW	7' ft.	5' ft.	2' ft.	2	Glinding window with glass and structure in black color to be defined, following the pattern of the facade. Handle to be defined. See details of frames.
W7	NEW	7' ft.	5' ft.	3' ft.	3	Glinding window with glass and structure in black color to be defined, following the pattern of the building. Handle to be defined. See details of frames.
W8	NEW	6' ft.	5' ft.	3' ft.	1	Glinding window with glass and structure in black color to be defined, following the pattern of the building. Handle to be defined. See details of frames.
W7	NEW	10' ft.	5' ft.	3' ft.	1	Glinding window with glass and structure in black color to be defined, following the pattern of the building. Handle to be defined. See details of frames.

GATES SCHEDULE

LEGEND	STATUS	WIDTH	HEIGHT	UNITS	DESCRIPTION
G1	EXISTENT				
G2	NEW	20' ft.	15' ft.	1	Gate in black metallic material to be defined. See details of frames.
G3	NEW	17'10" ft.	15' ft.	1	Gate in black metallic material to be defined. See details of frames.
G4	NEW	14' ft.	15' ft.	1	Gate in black metallic material to be defined. See details of frames.

ANA MENDES arqui tetura
www.anamendes.com.br
(31) 99595.6700 | contato@anamendes.com.br
Avenida Raja Gabaglia, 2.000 - Torre 1, Sala 201 - BH/MG

DOCUMENT ISSUED TO:
- [x] CUSTOMER APPROVAL
- [ ] LEGAL APPROVAL
- [ ] COMPLEMENTARY PROJ.
- [ ] BUDGETS
- [ ] EXECUTION

NOTE: PROJECT FOR BUDGET ONLY. IMPORTANT: DO NOT EXECUTE.

CLIENT: GLOBAL GROUP - SHOWROOM

CONTENT: IMPLANTATION PLAN

FILE: SHOWROOM GLOBAL GROUP DESIGN_ARCHITECTURE PROJECT_REV00.DWG

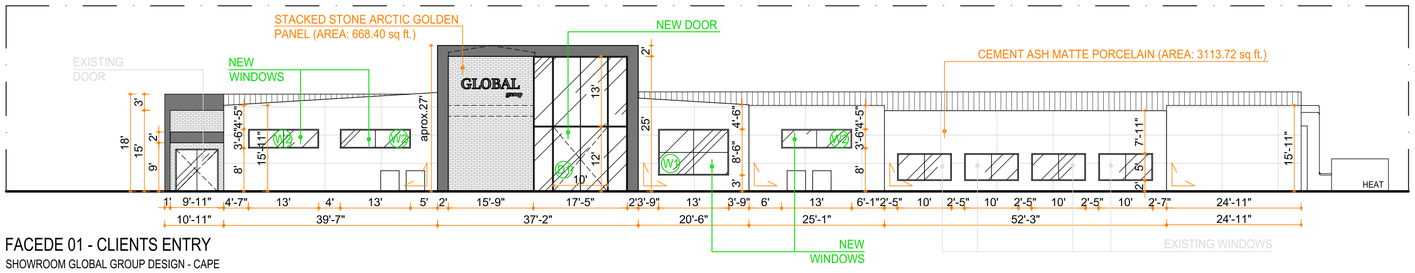
REVISION 02

COLLABORATOR DEBORA GUIMARAES

DATE 11/29/2023

PAGE 01/02

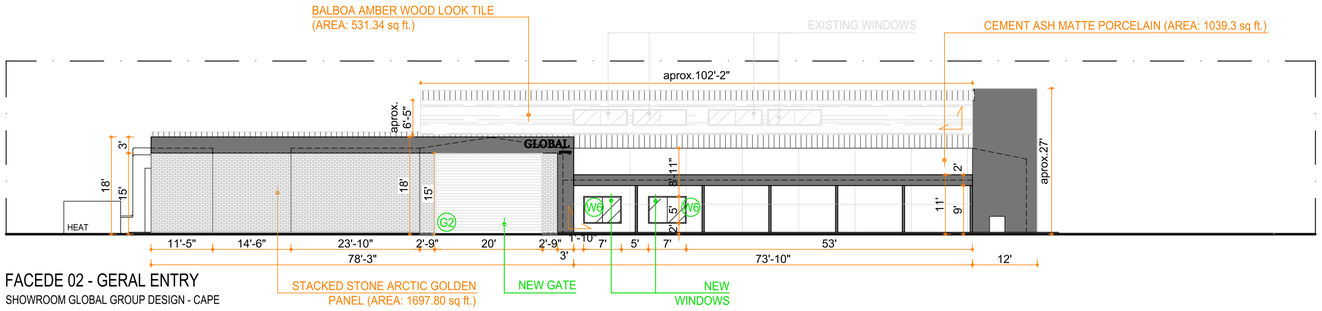
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FACEDE 01 - CLIENTS ENTRY

SHOWROOM GLOBAL GROUP DESIGN - CAPE

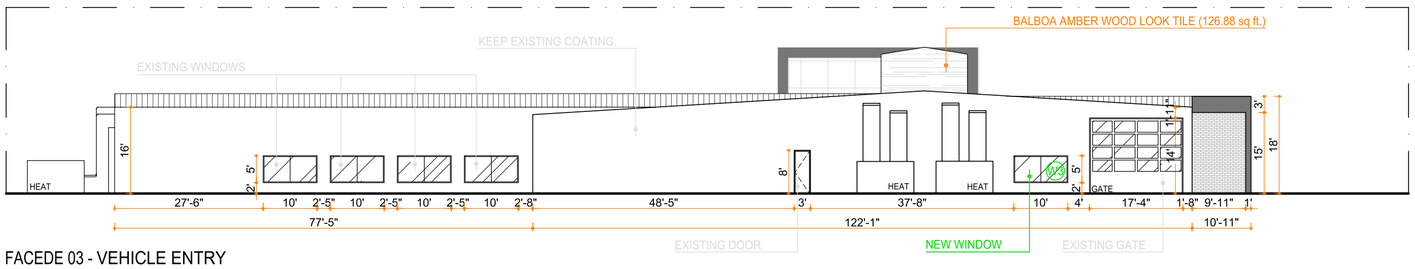
SCALE 1/8" - 1' 0"



FACEDE 02 - GERAL ENTRY

SHOWROOM GLOBAL GROUP DESIGN - CAPE

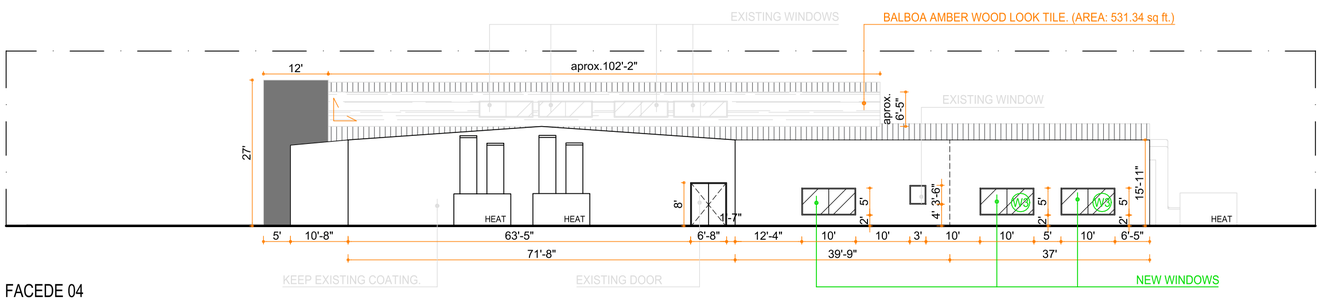
SCALE 1/8" - 1' 0"



FACEDE 03 - VEHICLE ENTRY

SHOWROOM GLOBAL GROUP DESIGN - CAPE

SCALE 1/8" - 1' 0"



FACEDE 04

SHOWROOM GLOBAL GROUP DESIGN - CAPE

SCALE 1/8" - 1' 0"



FACEDES MAP

SHOWROOM GLOBAL GROUP DESIGN - CAPE

SCALE 1/16" - 1' 0"

TEXTURES

LEGEND	DESCRIPTION	SLAB SIZE	FINISH	TOTAL AREA	IMAGE
	METALLIC STRUCTURES IN BLACK PAINTING OR BLACK GRANITE TO BE DEFINED.	-	-	-	
	WALL TILE - STACKED STONE ARCTIC GOLDEN PANEL OR SIMILAR TO BE DEFINED.	6" x 24"	GROSS	2488,4 sq. ft. without the 10% extra	
	WALL TILE IN GREY COLOR - CEMENT ASH MATTE PORCELAIN SLABS TO BE DEFINED.	63" x 126"	MATTE	4.208,57 sq. ft. without the 10% extra	
	WALL TILE - BALBOA AMBER WOOD LOOK TILE OR SIMILAR TO BE DEFINED.	6" x 24"	MATTE	1189.5 sq ft. without the 10% extra	

ANA MENDES arqui tetura
www.anamendes.com.br
(31) 99595.6700 | contato@anamendes.com.br
Avenida Raja Gabaglia, 2.000 - Torre 1, Sala 201 - BH/MG

DOCUMENT ISSUED TO:
- [ ] CUSTOMER APPROVAL
- [ ] LEGAL APPROVAL
- [ ] COMPLEMENTARY PROJ.
- [ ] BUDGETS
- [ ] EXECUTION

NOTE: PROJECT FOR BUDGET ONLY. IMPORTANT: DO NOT EXECUTE.

CLIENT: GLOBAL GROUP - SHOWROOM

CONTENT: FACEDES

FILE: SHOWROOM GLOBAL GROUP DESIGN_ARCHITECTURE PROJECT_REV00.DWG

REVISION 02

COLLABORATOR DEBORA GUIMARAES

DATE 11/29/2023

PAGE 02/02

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MACARTHUR BOULEVARD REDEVELOPMENT

MAJOR MODIFICATION APPLICATION

Anticipated Land Use Permits

Cape Cod Commission – Modification of 2003 DRI Decision

Town of Bourne

- Planning Board – Site Plan Review / Special Permit
- Town of Bourne – Building Permit

MassDOT

- Discussion re: Access Permit[1]

[1] Per 700 CMR 13.02, the proposed redevelopment does not exceed thresholds (a)-(c) contained in the definition of "Substantial Increase in or Impact on Traffic." In accordance with threshold (d), the Proponent will contact MassDOT following the local permitting to determine if any new MassDOT permitting is required.

MACARTHUR BLVD REDEVELOPMENT MAJOR MODIFICATION

CCC Filing Fee Calculation[1]

DRI Fee Calculation Schedule: Non Residential Development

Proposed Project:

- Building: 24,000 sf x $0.70 = $16,800.00 plus
- Bulk storage: 2.35 ac x $425/ac = $1,000.70
- Total, prior to reductions: **$17,800.70**

Request for Reductions. The Applicant respectfully requests that the DRI fee calculation be reduced by 15% based on the following criteria recognized in the CCC Fee Schedule:

- The Project is a Redevelopment

Accordingly, a 15% reduction results in a filing fee of **$15,130.60.**

2162167.v1

[1] Based on FY2026 Schedule of Fees.

TOWN OF BOURNE
Board of Assessors
24 Perry Avenue
Buzzards Bay, MA 02532
(508) 759-0600 Ext. 1510



Ellen Doyle Sullivan, Chair
Peter Loughman, Clerk
Michael Leitzel, Member

Rui Pereira, MAA
Director of Assessing

June 8, 2026

Eliza Cox, Esq.
PO Box 2300
Orleans, MA 02653

Re: Abutters List for Map 31.4 Parcel 15
Subject Property: 340 MacArthur Boulevard

As required by the Cape Cod Commission, Chapter 716, Section 5, paragraph 2D this is to certify that the attached list of names and addresses constitutes all the parties in interest as shown on the most recent tax list of the Town of Bourne.

Abutting properties are Map 31 Parcels 31, 117, 118 & 119; Map 31.4 Parcels 13, 14, 17, 17.01, 18, 19 & 80.

The filing fee of $25.00 has been received by the Bourne Assessor's Office.

Please be advised that this abutters list is valid for 30 days from the date of this letter. If the list expires, it may be recertified upon payment of an additional filing fee.

See enclosed for abutters mailing addresses.

Board of Assessors

List Enclosed

Extract: ABUTTERS LIST
Database: Live
Filter:
Sort:

Report #24: Owner Listing Report

Fiscal Year 2027

Bourne MA

Key	Parcel ID	Owner	Location	LCt/Cl	Bk-Pg(Cert) /Dt	Mailing Street	Mailing City	ST	Zip Cd/County
6682	31.0-31-0	MACGREGOR MOLLY TRS WAREHOUSE CORPORATION HYANNIS REALTY TR	1 MOTOR WAY	N 3160	32310/317 9/19/2019	100 INDEPENDENCE DR SUITE 11	HYANNIS	MA	02601
16471	31.0-117-0	MACGREGOR MOLLY TRS WAREHOUSE CORPORATION HYANNIS REALTY TR	3 MOTOR WAY	N 3900	32310/335 9/19/2019	100 INDEPENDENCE DR SUITE 11	HYANNIS	MA	02601
16472	31.0-118-0	MACGREGOR MOLLY TRS WAREHOUSE CORPORATION HYANNIS REALTY TR	7 MOTOR WAY	N 3900	32310/317 9/19/2019	100 INDEPENDENCE DR SUITE 11	HYANNIS	MA	02601
16473	31.0-119-0	MACGREGOR MOLLY TRS WAREHOUSE CORPORATION HYANNIS REALTY TR	9 MOTOR WAY	N 3900	32310/317 9/19/2019	100 INDEPENDENCE DR SUITE 11	HYANNIS	MA	02601
6946	31.4-13-0	AGRILLO COMMERCIAL REALTY LLC	169 CLAY POND RD	N 3160	35451/259 10/28/2022	66 COUNTY RD	BOURNE	MA	02532
6962	31.4-14-0	FENTON ALEXANDER	167 CLAY POND RD	N 3320	28022/36+37 3/7/2014	PO BOX 25	MONUMENT BEACH	MA	02553-0025
6965	31.4-17-0	BOURNE TOWN OF	171 CLAY POND RD	N 9300	36797/63 1/24/2025	24 PERRY AVE	BUZZARDS BAY	MA	02532
17200	31.4-17-1A	171 CLAY POND RD LLC MARK E KAZAZEAN MGR	171-A CLAY POND RD	N 4000	22502/157 11/29/2007	171 LOCKE DR SUITE 114	MARLBOROUGH	MA	01752
6973	31.4-18-0	RJG LLC	175 CLAY POND RD	N 3250	35500/247 11/22/2022	22 BRIGGS AVE	BOURNE	MA	02532
6974	31.4-19-0	NEW BOURNE MAIN REALTY LLC	356 MACARTHUR BLVD	N 3340	32056/26 5/30/2019	360 MACARTHUR BOULEVARD	BOURNE	MA	02532
7035	31.4-80-0	7-ELEVEN INC	174 CLAY POND RD	N 3250	30019/346 10/20/2016	3200 HACKBERRY RD	IRVING	TX	75063

Total Records 11

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: MacArthur Blvd Redevelopment Project

Location / Address: 340 MacArthur Blvd.

City / Town: Bourne

Project Proponent

Name: MacArthur Park Place LLC

Address: c/o Eliza Cox, Esq., LaTanzi Spaulding & Landreth LLP

City/Town/Zip/Telephone: 20 West Road, PO Box 2300, Orleans, MA 02653 (508)255-2133

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name	Type of License or funding (specify)
Mass DOT	Access Permit (for change of use)

Project Description (narrative): Applicant proposes to reuse/redevelop the approximately 7.9 acre property by reusing the existing approximately 24,000 sf building and converting its use from a former amusement park facility to a granite and marble manufacturing use with a small showroom. No changes are proposed to the building footprint, but the exterior facades will be renovated and re-faced. To the rear of the building, the Applicant proposes to use an approximately 102,500 sf area, formerly used for parking and outdoor amusement uses, for outdoor storage of marble and granite slabs and also for storage of containers. Portions of the former outdoor amusement park are also proposed to be revegetated and naturalized.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition. No.

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation. Yes, the existing building will be renovated for the proposed manufacturing use. No changes are proposed to the footprint, but the facades will be refreshed with new materials.

Does the project include new construction? If so, describe (attach plans and elevations if necessary). No new construction, but the existing building will be renovated. Plans are included in the CCC application materials submitted.

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. No.

What is the total acreage of the project area?

Woodland	acres	Productive Resources:	
Wetland	acres	Agriculture	acres
Floodplain	acres	Forestry	acres
Open space	acres	Mining/Extraction	acres
Developed	~7.9acres	Total Project Acreage ~7.9	acres

What is the acreage of the proposed new construction? 7.9 acres

What is the present land use of the project area? Previously used as an indoor/outdoor amusement park and then for storage.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: Eliza A C Date: 10/8/25

Name: Eliza Cox, Esq., LaTanzi Spaulding & Landreth LLP

Address: 20 West Road, PO Box 2300

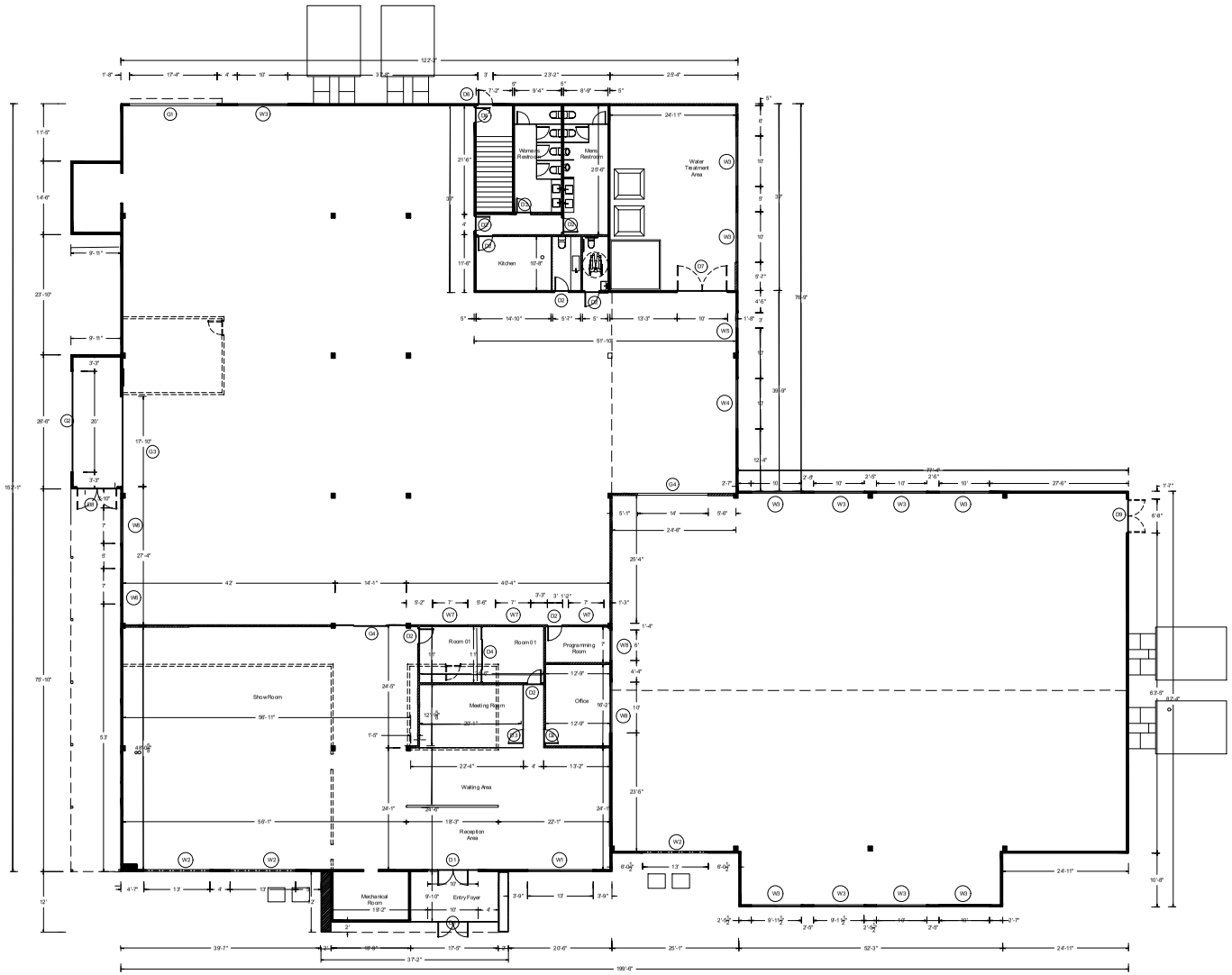
City/Town/Zip: Orleans, MA 02653

Telephone: (508) 255-2133

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.

#2162242v1
LSLDOCS\M2089\061908\2162242.v1-10/8/25



1 Plan Layout

Scale: 1/8" = 1'-0"

New Wall
Existing Wall
Demolish

DOOR SCHEDULE					
LEGEND	STATUS	WIDTH	HEIGHT	UNITS	DESCRIPTION
D1	NEW	10'-0"	14'-0"	2	Opening door in glass and black metal structure. Two opening parts and two fixed parts. Handle to be selected. See details of frames.
D2	NEW	3'-0"	8'-0"	10	Light beige mdf opening door. Handle to be selected. See details of frames.
D3	NEW	3'-0"	8'-0"	1	Opening door in glass and metal structure in light beige color. Handle to be selected. See details for frames.
D4	NEW	11'-0"	8'-0"	1	Sliding door in glass and metal structure in light beige color. Handle to be selected. See details for frames.
D5	NEW	14'-0"	12'-0"	1	Sliding door in glass and metal structure in black color Handle to be selected. See details for frames.
D6	EXISTENT				
D7	EXISTENT				
D8	EXISTENT				
D9	EXISTENT				

WINDOW SCHEDULE						
LEGEND	STATUS	WIDTH	HEIGHT	SILL HIEGHT	UNITS	DESCRIPTION
W1	NEW	13'-0"	8'-6"	3'-0"	1	Window with fixed glass and structure in black color to be determined, following the pattern of the facade See details of frames
W2	NEW	13'-0"	3'-6"	8'-0"	3	Window with fixed glass and structure in black color to be determined, following the pattern of the facade See details of frames
W3	NEW	10'-0"	5'-0"	2'-0"	3	Gliding window with glass and structure in black color to be determined, following the pattern of the facade Handle to be Determined. See details of frames
W4	EXISTENT					
W5	EXISTENT					
W6	NEW	7'-0"	5'-0"	2'-0"	2	Gliding window with glass and structure in black color to be determined, following the pattern of the facade Handle to be Determined. See details of frames
W7	NEW	7'-0"	5'-0"	3'-0"	3	Gliding window with glass and structure in black color to be determined, following the pattern of the Building Handle to be Determined. See details of frames
W8	NEW	6'-0"	5'-0"	3'-0"	1	Gliding window with glass and structure in black color to be determined, following the pattern of the Building Handle to be Determined. See details of frames
W9	NEW	10'-0"	5'-0"	3'-0"	1	Gliding window with glass and structure in black color to be determined, following the pattern of the Building Handle to be Determined. See details of frames

DOOR SCHEDULE					
LEGEND	STATUS	WIDTH	HEIGHT	UNITS	DESCRIPTION
G1	EXISTENT				
G2	NEW	20'-0"	15'-0"	1	Gate in black metallic material to be determined. See details of frames
G3	NEW	17'-10"	15'-0"	1	Gate in black metallic material to be determined. See details of frames
G4	NEW	14'-0"	15'-0"	1	Gate in black metallic material to be determined. See details of frames

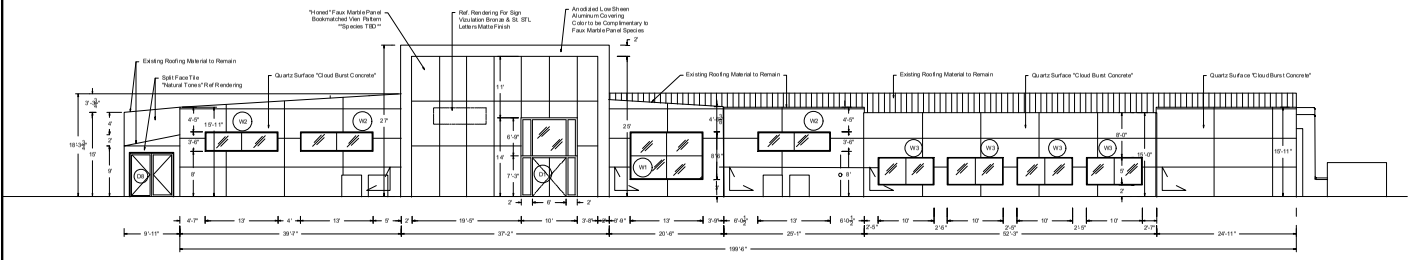
Global Design Group
Bourne, Ma

RVJ DESIGN

RVJ DESIGN
7 Countryside Drive Brookline, NH 03033
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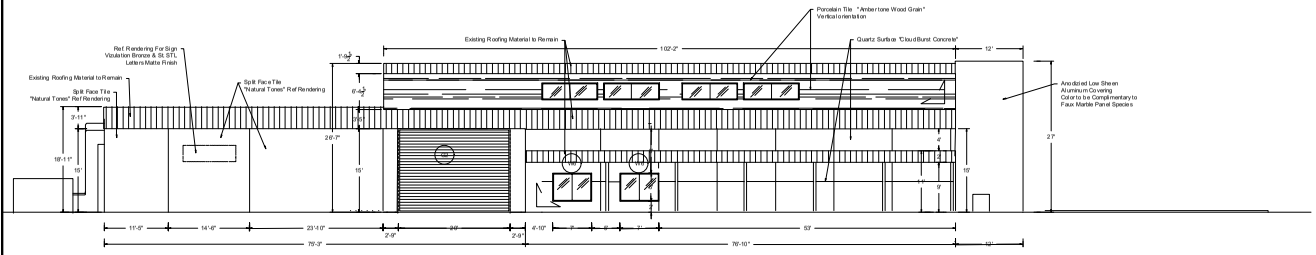
PRINT RECORD: NUMBER | DATE | BY | APPROVAL
REVISION RECORD: NUMBER | DATE | BY

DRAWN BY: RVJ Design
CHECK: RAV
SCALE: AS NOTED
SHEET NUMBER: 1
DATE: 10/3/2025
SHEET TITLE: PLan Layout
APPROVED DATE



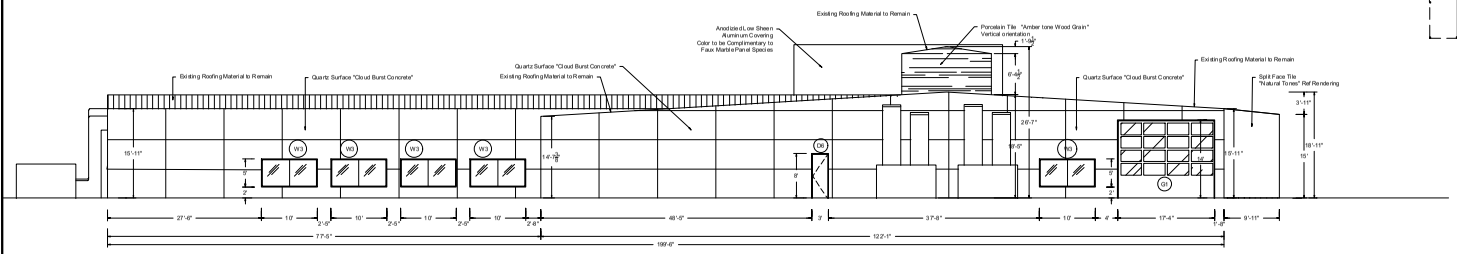
1 Elevation Layout

Scale: 1/8" = 1'-0"



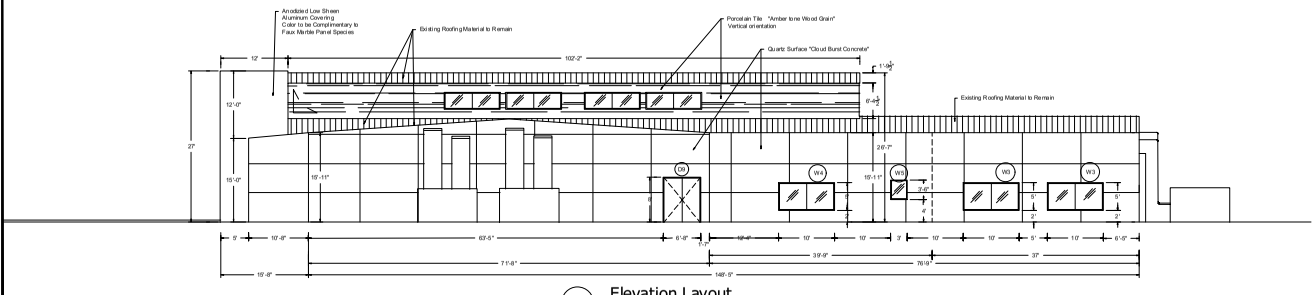
2 Elevation Layout

Scale: 1/8" = 1'-0"



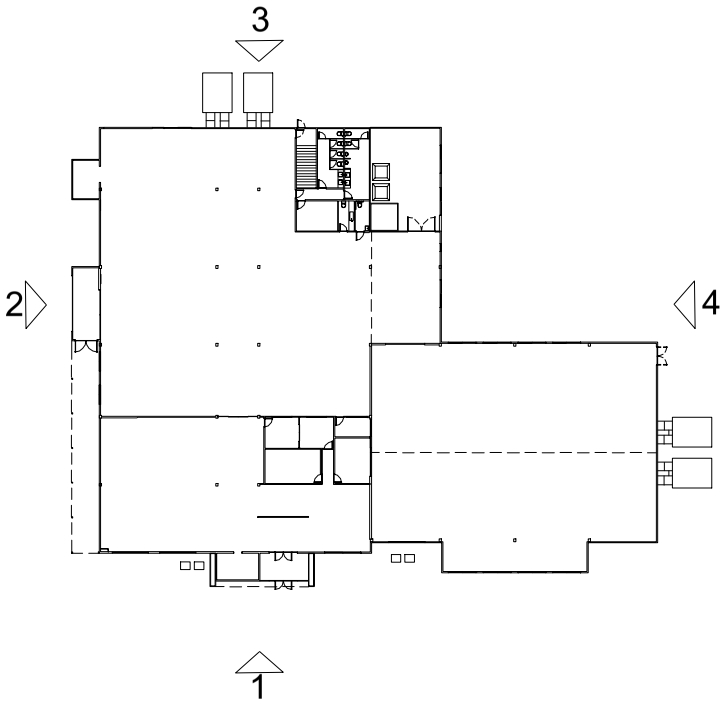
3 Elevation Layout

Scale: 1/8" = 1'-0"



4 Elevation Layout

Scale: 1/8" = 1'-0"



Global Design Group
Bourne, Ma

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PRINT RECORD				REVISION RECORD			
MARK	DATE	BY	APPROVAL	MARK	DATE	BY	APP

DRAWN BY: RVJ Design

CHECK: RAV

SCALE: AS NOTED

SHEET NUMBER: 1

DATE: 10/3/2025

SHEET TITLE: Elevation Layouts

APPROVED DATE

DIMENSIONAL REQUIREMENTS ZONE B-4

	REQUIRED	EXISTING	PROPOSED
MIN AREA	40,000 SF	343,882 SF	343,882 SF
MIN FRONTAGE	150 LF	550 LF	550 LF
MIN FRONT SETBACK[1]	50 LF	81.3 LF	81.3 LF
MIN SIDE SETBACK (N)	30 LF	195.4 LF	195.4 LF
MIN SIDE SETBACK (S)	30 LF	140.5 LF	31.0 LF
MIN REAR SETBACK	30 LF	51.6 LF	36.9 LF
MAX LOT COVERAGE	25 %	7.1 %	7.1 %
MIN OPEN SPACE	40 %	74.7 %	62.1 %

1. §2.2500 INCREASE TO 50 FEET FOR LOTS ABUTTING MACARTHUR BLVD

TITLE 5 REQUIREMENTS:

EXISTING (APPROVED) DAILY FLOW: 1,569.35 GPD

BASIS
#ATTENDEES + RESTAURANT SEATS
600 PERSONS + 40 SEATS
REDUCED BY USE OF COMPOSTING TOILETS - SEE PLAN REF. #2

PROPOSED DAILY FLOW: 520 GPD

BASIS
OFFICE - 2,160 S.F. @ 75 GPD/1,000 S.F. = 162 GPD; USE 200 GPD MIN.
RETAIL - 2,800 SF @ 50 GPD/1000 SF = 140 GPD; USE 200 GPD MIN.
WAREHOUSE - 15 GPD/PERSON
8 EMPLOYEES MAX. SHIFT = 120 GPD

NET CHANGE - 1,049.35 GPD

NITROGEN LOADING

PRE-EXISTING LOADING: 3.3 ppm

BASIS
NITROGEN LOADING CALCULATIONS FOR EXISTING CONDITIONS, PREPARED BY BENNETT & O'REILLY (2003)

PROPOSED NITROGEN LOADING: 1.96 ppm

BASIS
CAPE COD COMMISSION METHODOLOGY IN TB 91-001
SANITARY CONNECTED TO EXIST SEPTIC SYSTEM.

NET CHANGE - 1.34 ppm

PARKING REQUIREMENTS:

REQUIREMENTS:
WAREHOUSE USE:
1 SPACE PER 1 1/4 EMPLOYEES MAX. SHIFT
NOT LESS THAN:
1 SPACE PER 1,000 S.F. STORAGE
1 SPACE PER 500 S.F. PRODUCTION
1 SPACE PER 180 S.F. OFFICE

PROPOSED USE:
EMPLOYEES: 8 EMPLOYEES / 1.25 = 6.4; 6 SPACES

PRODUCTION: 19,759 S.F./500 S.F. = 39 SPACES
OFFICE: 360 S.F./180 S.F. = 2 SPACES
TOTALS: 26,629 S.F. 47 SPACES

TOTAL REQUIRED PARKING: 47 > 5; 47 SPACES
TOTAL PROPOSED PARKING: 56 SPACES INCLUDING 3 ACCESSIBLE

LEGEND

- BUILDING
- CONTOUR - MINOR (44)
- CONTOUR - MAJOR (50)
- CURB
- EDGE OF PAVEMENT
- GUARD RAIL
- FENCE
- RIP RAP
- EDGE OF LANDSCAPED AREA
- WALL - RETAINING
- WALL - STONE
- ABUTTING LOT
- EASEMENT LINE
- PROPERTY OR ROW
- SETBACK LINE
- DRAIN PIPE (D)
- OVERHEAD WIRE (OHW)
- WATER LINE (W)

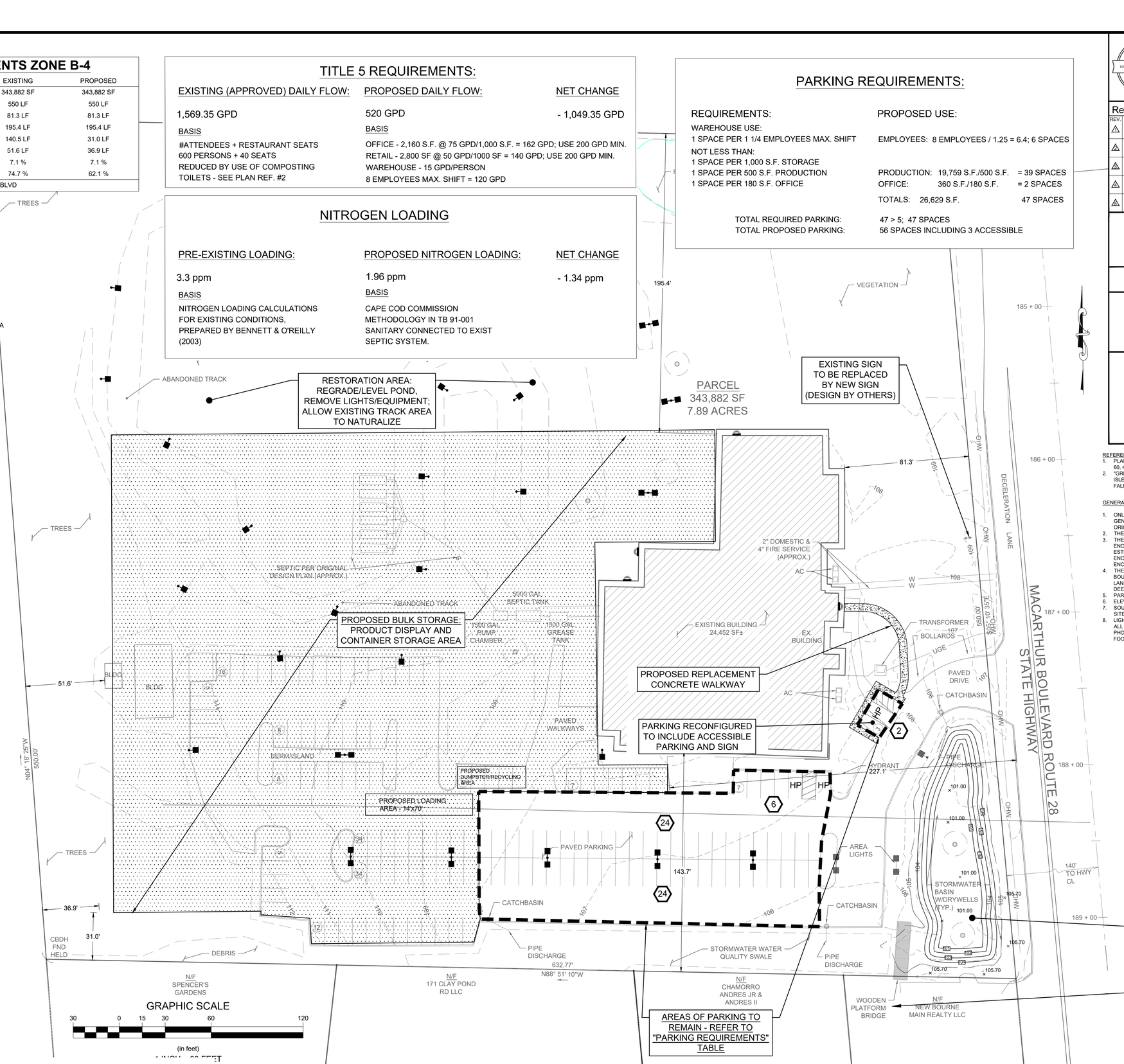
NOT ALL LEGEND ITEMS MAY BE PRESENT.

SYMBOLS

- (7) EXISTING PARKING SPACE COUNT
- (23) PROPOSED PARKING SPACE COUNT
- CB BOUNDARY
- CONTROL POINT
- EXISTING SHRUB
- EXISTING TREE
- EXISTING EVERGREEN TREE
- 100 PROPOSED SPOT GRADE
- 16'/19' HIGH AREA LIGHT, SINGLE 100W MH
- 16'/19' HIGH AREA LIGHT, DOUBLE 100W MH
- BUILDING MOUNTED AREA LIGHT, 100W MH
- (S) SEWER MANHOLE
- (E) ELECTRIC MANHOLE
- (T) TELEPHONE MANHOLE
- (M) MANHOLE
- (TV) TV BOX
- (D) DRAIN MANHOLE
- SIGN
- CATCHBASIN
- FLARED END OUTLET
- RIP RAP APRON
- WV WATER VALVE
- SV SEWER VALVE
- GV GAS VALVE
- UTILITY BOX
- HYDRANT
- UP UTILITY POLE W/GUY
- TP TEST PIT
- B# BORING
- WF WETLAND FLAG
- MAIL BOX
- ROCK

ALL EXISTING AND TO REMAIN UNLESS NOTED.
NOT ALL SYMBOLS MAY BE PRESENT.
SYMBOL SIZE MAY VARY IN DRAWING.

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Revisions

REV.	DATE	BY	CHECK	DESCRIPTION
1	06/17/25	JDO	JJL	ADD PARKING AND TITLE 5 INFO
2	04/30/26	JDO	JJL	CALL OUT REMAINING PARKING
3	06/04/26	JDO	JJL	PEDESTRIAN BRIDGE NOTE UPDATE
4	#	#	#	#
5	#	#	#	#

PROJECT:
#340 MACARTHUR BOULEVARD
BOURNE, MA 02532

SHEET TITLE:
PROPOSED PROPERTY USE PLAN

PREPARED FOR:
MACARTHUR PARK PLACE LLC
270 COMMUNICATION WAY, UNIT 7-B
HYANNIS, MA 03+02

Certification: COMMONWEALTH OF MASSACHUSETTS — JUSTIN J. LAMOUREUX — CIVIL — No.47377 — REGISTERED PROFESSIONAL ENGINEER

Project Number:	Sheet :
24188	1 of 3

Sheet Number: C - 1

Date: APRIL 4, 2025

REFERENCE MAPS:
1. PLAN BOOK / PAGE: 169 / 43, 198 / 35, 257 / 59, 263 / 49, 317 / 7, 433 / 60, 441 / 1, 450 / 3.
2. "GREYWATER SEWAGE DISPOSAL SYSTEM DESIGN, ADVENTURE ISLE", PREPARED BY WARWICK & ASSOCIATES, INC., NORTH FALMOUTH MA, DATED REVISED TO 12/08/2003.

GENERAL NOTES:
1. ONLY SURVEY MAPS WITH THE SURVEYOR'S SIGNED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
2. THE CERTIFICATIONS HEREON ARE NOT TRANSFERABLE.
3. THE LOCATIONS OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
4. THE TYPE OF MAP PERFORMED IS A BOUNDARY SURVEY. THE BOUNDARY LINES AS DEPICTED ARE THE RESULT OF AN ACCURATE LAND SURVEY AND ARE DEPICTED FROM RECORD MAPS AND DEEDS.
5. PARCEL IS NOT WITHIN A FEMA FLOOD HAZARD ZONE.
6. ELEVATIONS DEPICTED HEREON ARE BASED ON NAVD88 DATUM.
7. SOUTHEASTERN PORTION OF SITE SURVEYED 2025; REMAINDER OF SITE FROM RECORD SITE PLANS FROM 2003 ON FILE WITH CCC.
8. LIGHTING FIXTURES SHOWN AS PROPOSED ON 2003 PLANS. NOT ALL FIXTURES SHOWN MAY BE PRESENT OR OPERABLE. 2003 PHOTOMETRIC PLAN SHOWS ILLUMINATION LEVELS OF 0.0 FOOTCANDLES AT PROPERTY LINES.



General Notes

1.

SEED MIX NOTES:

NATURALIZATION AREAS - Recommended seed mix options (final choice TBD by owner) for the reclaimed track area and drier, less visible, low-maintenance areas of the site are:

A. New England Conservation/Wildlife Mix (New England Wetland Plants), composed of: Virginia Wild Rye (Elymus virginicus), Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Red Fescue (Festuca rubra), Switch Grass (Panicum virgatum), Partridge Pea (Chamaecrista fasciculata), Panicledleaf Tick Trefoil (Desmodium paniculatum), Indian Grass (Sorghastrum nutans), Blue Vervain (Verbena hastata), Butterfly Milkweed (Asclepias tuberosa), Black Eyed Susan (Rudbeckia hirta), Common Sneezeweed (Helenium autunale), Heath Aster (Asterpilosus/Symphyotrichum pilosum), Early Goldenrod (Solidago juncea), Upland Bentgrass (Agrostis perennans); or,

B. New England Native Warm Season Grass Mix (New England Wetland Plants), composed of: Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Virginia Wild Rye (Elymus virginicus), Indian Grass (Sorghastrum nutans), Red Fescue (Festuca rubra), Switch Grass (Panicum virgatum).

STORMWATER DETENTION AREAS - Proposed stormwater detention area(s) will be seeded with an appropriate seed mix such as New England Erosion Control/Restoration Mix For Detention Basins and Moist Sites (New England Wetland Plants) [or equivalent] composed of: Riverbank Wild Rye (Elymus riparius), Creeping Red Fescue (Festuca rubra), Little Bluestem (Schizachyrium scoparium), Big Bluestem (Andropogon gerardii), Switch Grass (Panicum virgatum), Upland Bentgrass (Agrostis perennans), Nodding Bur Marigold (Bidens cernua), Hollow-Stem Joe Pye Weed (Eupatorium fistulosum/Eutrochium fistulosum), New England Aster (Aster novae-angliae), Boneset (Eupatorium perfoliatum), Blue Vervain (Verbena hastata), Soft Rush (Juncus effusus), Wool Grass (Scirpus cyperinus).

MAINTAINED TURF AREAS - The recommended seed mix for maintained turf areas is low-maintenance LESCO All Pro Team Mates Plus (or equivalent). Team Mates Plus Mixture will provide a durable, traffic tolerant turf that will withstand heat, drought and low maintenance. The addition of turf-type perennial ryegrass will aid in quick establishment and recovery. Suitable for sun and partial shade conditions, athletic fields, parks, lawns, roadsides and utility areas

All landscaped areas and plant quantities on the plan meet are native and/or naturalized plants suitsble for site conditions, as well as ecological and aesthetic project interests, as well as Town of Bourne Zoning requirements, except where waivers are proposed due to spatial considerations and/or the presence of existing plants, and are detailed in the table provided on Sheet L-3.01.

General Notes

1. PLANTING NOTES:
1. Trees and shrubs shall be uniform, full and bushy, and well branched specimen plants. All plants to be approved by the Landscape Designer.
2. Plants shall be balled and burlapped or container grown.
3. Plants to conform to the requirements established in the 'American Standards For Nursery Stock', latest edition.
4. Plant beds to receive 3-inch minimum depth of shredded bark mulch. Contractor to submit bark samples for approval.
5. Edge of plant beds shall be a maximum of 12-inches from edge of plant material.
6. Plant materials shall be guaranteed for 1-year after installation.
7. Plant materials to be field located and approved by the Landscape Designer.
8. Planting beds at perennial locations to have a 6-inch minimum depth of loam. Loam at trees, shrubs, and ornamental grass locations to be depth of root ball.
9. Maintained turf areas delineated on plans shall have a mininum 4-6-inch depth of loam and be seeded with approved seed mix, unles sod is otherwise specified. Seed all disturbed areas not noted to receive other treatment.
10.Plant substitutions allowed based on best availability of nursery stock, with all substitutions to be approved by the Landscape Designer.

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Revisions

REV.	DATE	BY	CHECK	DESCRIPTION
1	8-25-25	JT		GRAPHICS, CALCS,NOTES
2	11-20-25	JT		ADDRESS CAPE COD COMMISSION DRI APPLICATION COMMENTS
3	12-18-25	JT		ADDRESS CAPE COD COMMISSION DRI APPLICATION COMMENTS FROM 12-4-25 MEETING
4	5-6-26	JT		ADDRESS CAPE COD COMMISSION DRI APPLICATION COMMENTS FROM 2026 MEETINGS AND CORRESPONDENCE
5				

PROJECT:
#340 MACARTHUR BOULEVARD
BOURNE, MA 02532

SHEET TITLE:
LANDSCAPE PLANTING PLAN

PREPARED FOR:
MACARTHUR PARK PLACE, LLC
270 COMMUNICATION WAY, UNIT 7-B
HYANNIS, MA 03+02

FOR PERMITTING AUTHORITY REVIEW
NOT FOR CONSTRUCTION

Project Number: 24188
Sheet :
Sheet Number: L -3.01
Date: June 24, 2025

LANDSCAPE DESIGN CONSULTANT:
HELIOS LAND DESIGN
P.O. Box 100, Brewster, MA 02631
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KEY TO LANDSCAPE AREA SYMBOLS

PARKING AREA

STORAGE AREA

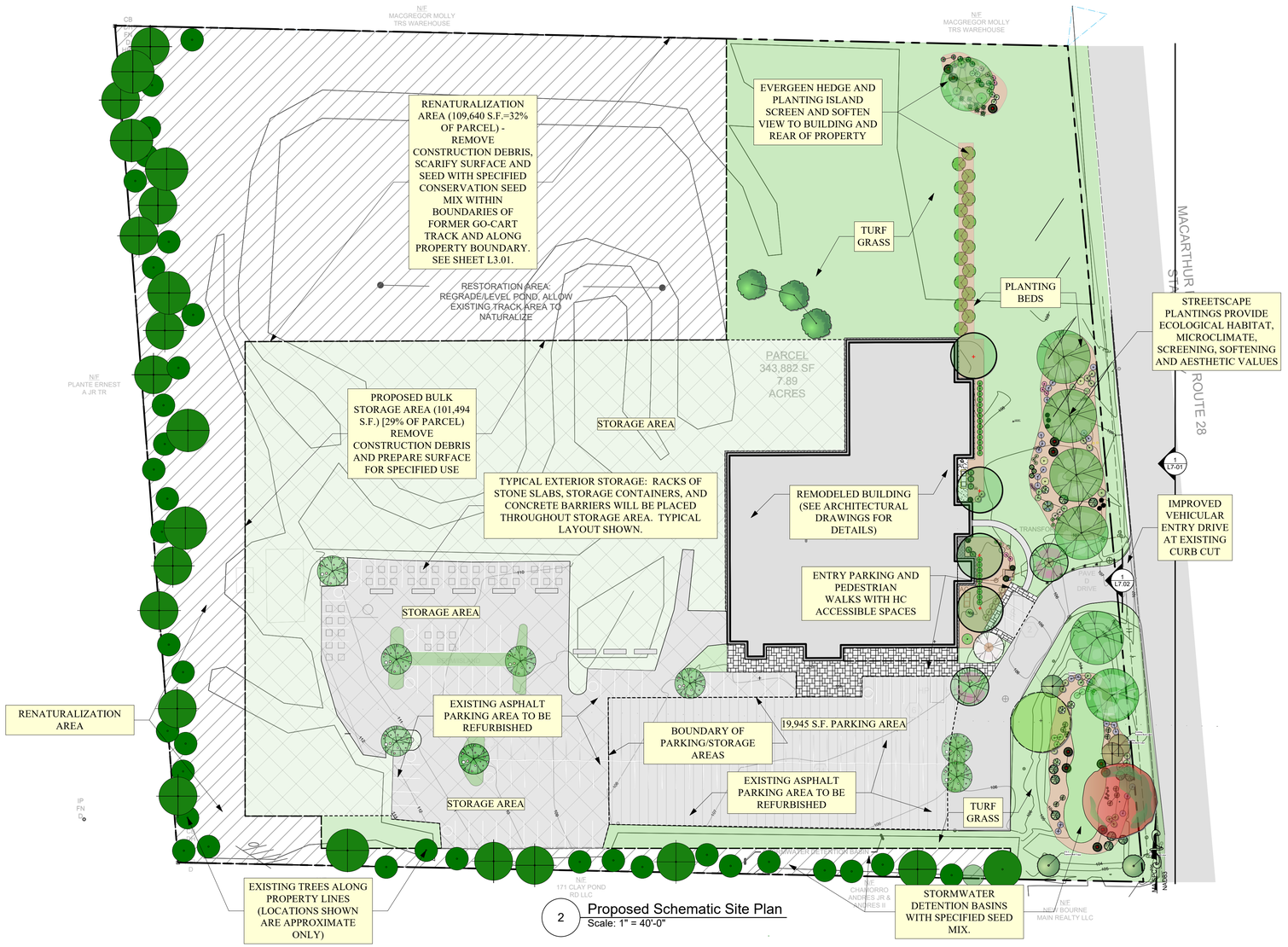
NATURALIZATION AREA

PLANT LIST

ID	QTY	SIZE	COMMON NAME	BOTANICAL NAME
Aucon	7	3 gal.	Low Scape™ Mound Chokeberry	Aronia melanocarpa 'UCONNAM165'
BN'h'-	2	3" cal.	Heritage River Birch (R)	Betula nigra 'Heritage'
Cac	10	5 gal.	Vanilla Spice® Summersweet	Clethra alnifolia 'Caleb' USPP 21589
CB'f'	4	3" cal.	Pyramidal European Hornbeam	Carpinus betulus 'Fastigiata'
Ccal	10	3 gal.	Vanilla Spice® Summersweet	Clethra alnifolia 'Caleb' USPP 21589
CK'pf'-	1	2" cal.	Pink Flame Japanese Dogwood	Cornus kousa 'Pink Flame'
CP"WK"	9	2" cal.	Winter King Hawthorn	Crataegus viridis 'Winter King'
HHid	7	3 gal.	Hidcote St. John's Wort	Hypericum x 'Hidcote'
Hjan	3	3 gal.	Little Lime® Hardy Hydrangea	Hydrangea paniculata 'Jane' USPP 22330
HM'b'	4	5 gal.	Endless Summer® Hydrangea	Hydrangea macrophylla 'Bailmer' P.P. 15298
HM'cl'	3	3 gal.	Cityline® Paris Bigleaf Hydrangea	Hydrangea macrophylla 'Paris Rapa' P.P. #10,906
HM'nb'	21	3 gal.	Nikko Blue Hydrangea	Hydrangea macrophylla 'Nikko Blue'
HM'ss'	4	3 gal.	Seaside Serenade Martha's Vineyard Hydrangea	Hydrangea macrophylla 'Seaside Serenade'
HM'sskh'	3	3 gal.	Seaside Serenade Kitty Hawk Hydrangea	Hydrangea macrophylla 'Seaside Serenade Kitty Hawk'
HM'ssmv'	5	3 gal.	Seaside Serenade Martha's Vineyard Hydrangea	Hydrangea macrophylla 'Seaside Serenade'
HP'll'	3	5 gal.	Limelight Hardy Hydrangea	Hydrangea paniculata 'Limelight' P.P. #12,874, C.B.R. #2,319
HS'ard'	2	10 gal.	Ardens Rose Of Sharon	Hibiscus syriacus 'Ardens'
HS'bb'	2	3 gal.	Bluebird Lacecap Hydrangea	Hydrangea serrata 'Bluebird'
HS'bri'	1	2" cal.	Blushing Bride Rose Of Sharon	Hibiscus syriacus 'Blushing Bride'
HS'h'	4	10 gal	Helene Rose Of Sharon	Hibiscus syriacus 'Helene'
IC'H'	23	3 gal.	Heller's Japanese Holly	Ilex crenata 'Helleri'
Ilxme	3	3 gal.	Hachfee holly	Ilex x meserveae 'Hachfee'
IV'lh'	10	3 gal.	Little Henry Sweetspire	Itea virginica 'Little Henry'
IV's'	11	5 gal.	Sparkleberry Winterberry	Ilex verticillata 'Sparkleberry'
Ix"NRS'	16	5 gal.	Nellie R. Stevens Holly	Ilex x 'Nellie R. Stevens'
IxM'BP"	1	3 gal.	Berri-Magic® Royalty Holly Combination	Ilex x meserveae 'Blue Prince' & 'Blue Princess'
MP	5	5 gal.	Northern Bayberry	Myrica Pennsylvanica
PS'k'	2	2.5" cal.	Kwanzan Flowering Cherry	Prunus serrulata 'Kwanzan' (P. s. 'Kwansan')
QR	1	3" cal.	Northern Red Oak	Quercus rubra
R'Apricot Dri	3	2 gal.	Apricot Drift Groundcover Rose	Rosa x 'Meimirrot'
R'at'	3	5 gal.	Rhododendron 'autumn twist'	Rhododendron 'Autumn Twist'
R'Bonica'	18	3 gal.	Bonica(Tm) Rose	Rosa x 'Meidomonac' P.P.# 5105
Rosa'ad'	5	1 gal.	Apricot Drift Groundcover Rose	Rosa x 'Meimirrot'
Rx'dsg'	6	2 gal.	Double Shot Grape Azalea	Rhododendron x 'Doube Shot Grape'
SJ'bm'	5	3 gal	Berri-Magic® Japanese Skimmia	Skimmia japonica (Male & Female)
Sweet Gum	1	3" cal.	American Sweetgum	Liquidambar styraciflua
Tgre	3	5 gal.	Green Giant Arborvitae	Thuja x plicata 'Green Giant'
TO'eg'	7	3 gal	Emerald Arborvitae	Thuja occidentalis 'Emerald' (T.o. 'Smaragd')
VP'ss'	3	5 gal.	Summer Snowflake Viburnum	Viburnum plicatum f. tomentosum 'Summer Snowflake'
VPT	10	5 gal.	Popcorn Viburnum	Viburnum plicatum f. plicatum 'Popcorn'
ZS'gv'	5	3" cal.	Green Vase Zelkova (R)	Zelkova serrata 'Green Vase'



1 Proposed East (Front) Elevation - Looking West from Roadway
Scale: 1:250



2 Proposed Schematic Site Plan
Scale: 1" = 40'-0"

KEY TO LANDSCAPE AREA SYMBOLS

PARKING AREA

STORAGE AREA

NATURALIZATION AREA

NOTES: SITE SURVEY INFORMATION PROVIDED BY STRONG TREE ENGINEERING (STE). SEE STE PLANS FOR DETAILED SITE INFORMATION.

LANDSCAPE & PLANTING REQUIREMENTS AND CALCULATIONS

CATEGORY	CALCULATION	PLANTS REQUIRED	PLANTS PROVIDED
STREET (FRONTAGE) PLANTINGS:			
	550 L.F./30= 19 trees	19 trees	19 trees (including 3 existing cedars planted previously)
	550/3=183 shrubs	183 shrubs	183 shrubs
SIDELINE PLANTINGS:			
	110/30=4 trees (south)	4 trees	4
	110/3=37 shrubs (south)	37 shrubs	Waiver sought due to constrained space and low visibility
	90/30=3 trees (north)	3 trees	4 trees
	90/3=30 shrubs (north)	30 shrubs	52 (evergreen hedge and planting island)
PARKING AREA PLANTINGS:			
NOTE: LANDSCAPE AREA REQUIRED (2% OF TOTAL 19,945 S.F.PARKING AREA IS REQUIRED LANDSCAPING)	.02 x 19,945 S.F.= 399 S.F. landscaped area	399 S.F. (2%)	631 (3%)
Plants Required = 1 Tree + 4 Shrubs/1500 s.f. of Parking,	19,945 S.F./1500 = 13 trees & 52 shrubs	see below	See breakdown below
	Trees	13	8 new Hawthorne in islands plus previously planted trees along southern boundary of parking; waiver sought for 5 trees due to spatial constraints and low visibility and additional trees and shrubs planted to north. Native seed mix adjacent to parking.
	Shrubs	52	Waiver sought due to spatial constraints and low visibility and additional trees and shrubs planted to north, Native seed mix in detention basins.

GENERAL LAND USE CATEGORY CALCULATIONS

CATEGORY	AREA (S.F.)	NOTES
LANDSCAPED AREA [TURF AND PLANTING BEDS] (23% of total site)	77743	Low maintenance, drought and traffic tolerant turf seed mix (see Seed Mix Notes) where shown; see Sheet L3.01 for detailed Landscape Planting Plan
NATURALIZATION AREA SEED MIX (32% of total site)	109640	Native conservation/restoration seed mix within reclaimed track area, adjacent to parking, and on north, west and south parcel boundaries to maximize conservation value (see Seed Mix Notes)
OUTSIDE PRODUCTS STORAGE AREA (29% of total site)	101494	Total outside storage area where indicated on plan. Areas closest to building will have accessible product samples on vertical wood palettes. Racks of stone slabs, storage containers, concrete barriers will be placed throughout exterior storage area. Typical layout shown on plans. (see below for relative % of lot coverage for pervious versus impervious areas)
Storage within impervious parking lot		*30,272 s.f. (9% of total site)*
Storage on pervious landscape areas adjacent to parking		*71,222 (20% of total site)*
PARKING AREA (5% of total site)	19945	Parking Area not incuding driveway entry
DRIVEWAY (2% of total site)	6900	Driveway not incuding parking area
BUILDING AREA (8% of total site)	24452	Footprint
WALKWAYS (1% of total site)	3708	Walks, patio, landings, etc.
TOTAL	**343882**	**TOTAL LOT AREA**

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1	8-25-25	JT		GRAPHICS, NOTES
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PROJECT:
#340 MACARTHUR BOULEVARD
BOURNE, MA 02532

SHEET TITLE:
LANDSCAPE PLAN & FRONT ELEVATION

PREPARED FOR:
MACARTHUR PARK PLACE, LLC
270 COMMUNICATION WAY, UNIT 7-B
HYANNIS, MA 03+02

FOR PERMITTING AUTHORITY REVIEW
NOT FOR CONSTRUCTION

Project Number: 24188
Sheet :
Sheet Number: L - 7.01
Date: June 24, 2025

LANDSCAPE DESIGN CONSULTANT:
HELIOS LAND DESIGN
P.O. Box 100, Brewster, MA 02631
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508.237.9000



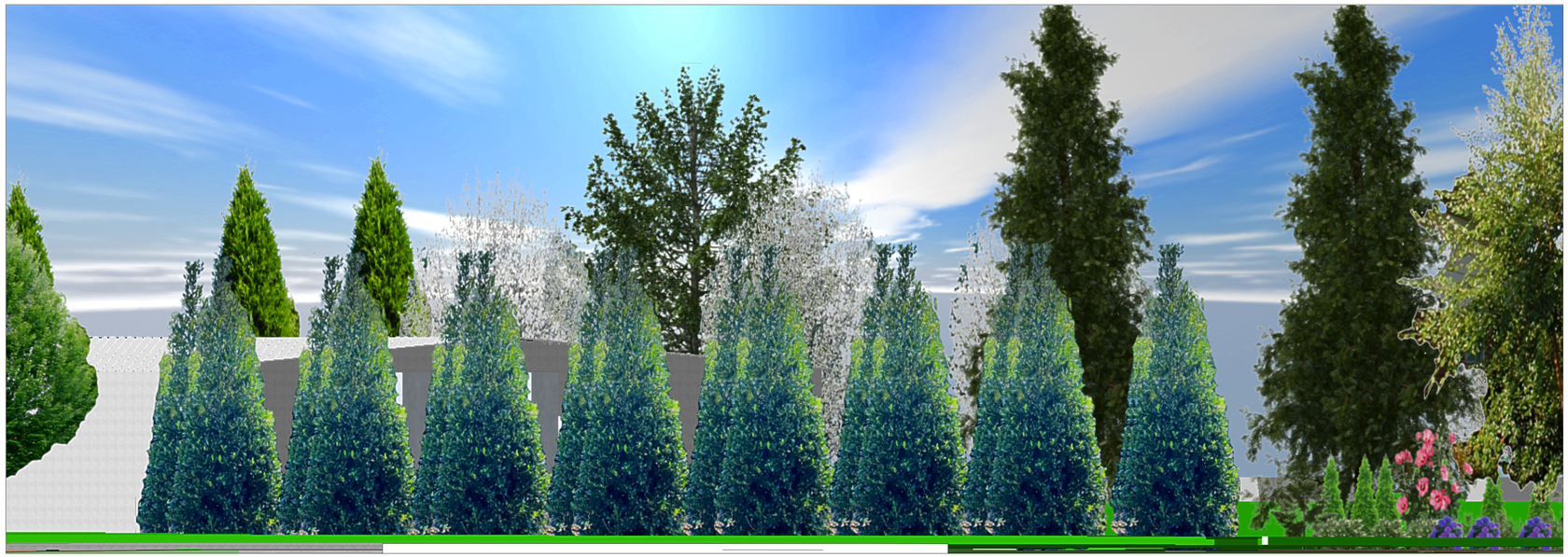
Existing East Elevation at Driveway Entry



1. <u>Proposed East Elevation at Driveway Entry</u>
Scale: 1/8"=1'-0"



Existing View Southwest to Site from Southbound Roadway



2. Elevation Looking Southwest to Site from Southbound Roadway
Scale: 3/16"=1'-0"

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PROJECT:
#340 MACARTHUR BOULEVARD
BOURNE, MA 02532

SHEET TITLE:
LANDSCAPE ELEVATIONS

PREPARED FOR:
MACARTHUR PARK PLACE, LLC
270 COMMUNICATION WAY, UNIT 7-B
HYANNIS, MA 03+02

FOR PERMITTING AUTHORITY REVIEW
NOT FOR CONSTRUCTION

Project Number: 24188
Sheet :
Sheet Number: L - 7.02
Date: June 24, 2025

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www.helioslanddesign.com
508.237.9000

NOTES: SITE SURVEY INFORMATION PROVIDED BY STRONG TREE ENGINEERING (STE). SEE STE PLANS FOR DETAILED SITE INFORMATION.

TO: Cape Cod Commission

RE: Landscape Plan (Revision 4) Narrative for Proposed Site Redevelopment

DATE: May 7, 2026

ADDRESS: 340 MacArthur Boulevard, Bourne MA

Dear Cape Cod Commission,

We are pleased to submit this brief description of the most recent revisions (Revision #4) to the proposed landscape plans for 340 MacArthur Blvd., Bourne MA as part of the property owner's DRI Modification application package for the proposed reuse of the subject property.

As noted in the original application, the proposed landscape design builds upon and advances the concepts illustrated in the "Adventure Isle Landscape Plan", prepared by Davis & Davis Inc., dated 9-12-03 and approved by the Cape Cod Commission as part of the original DRI permit for this property. The current landscape plans, "Landscape Planting Plan", Sheet L-3.01 and "Landscape Plan and Front Elevation", Sheet L-7.01, and "Landscape Elevations", Sheet L7.02, prepared by Strong Tree Engineering, incorporate ecological, aesthetic and permitting considerations. Specified plants have been chosen for their diversity, ecological sustainability, aesthetic interest, scale, screening capacity and viability appropriate to this exposed roadside property.

Based on feedback received during our design review team meetings with Cape Cod Commission regulatory and planning staff and subsequent follow-up consultation, the following revisions have been made to the previous draft of the landscape plans (dated June 24, 2025 [revision 3-dated 12-18-25]) for 340 MacArthur Boulevard Bourne:

1. Plant Substitution – in response to comments and concerns regarding non-native and/or invasive plants, we have revised the plans to specify Hawthorne in place of Callery Pear, Nellie R. Stevens holly in place of Common Privet and Winterberry Holly in place of Japanese Pine.
2. Delineation and Quantification of Landscape Use Areas – in response to a request for clearer description of various landscape areas, we have provided clear delineation and calculations for the following:

a. Parking (only): 19,945 s.f.

b. Landscaping (Turf and Planting Beds): 77,743 s.f. (23% of total site)

c. Naturalization Area: 109,640 s.f. (32% of total site)

d. Storage Area: 101,494 s.f. (29% of total site). Breakdown is provided below:

    i. Storage on Impervious Asphalt Area: This is for products on display in open vertical wood racks near building = 30,272 s.f. (9% of total site)

    ii. Storage on Pervious Areas Adjacent to Asphalt: This includes open racks with products for viewing and enclosed metal storage containers on the north half of the parking area, with the southern half being used for parking and future storage = 71,222 s.f.(20% of total site)

These landscape area calculations are included in the revised table on Sheet L7.01 along with additional details.

The following additional changes have been made to the drawings:

- Additional notes to provide clarity
- The Plant List has been updated in accordance with the noted changes
- Amount of turf area has been reduced and replaced with the specified seed mix for naturalized restoration areas
- Conceptual layout of storage container and protective traffic barriers are shown (layout and quantity may change but will be effectively screened from the street by plantings and building)
- Revisions to table organization and layout
- Graphic improvements

We hope these changes adequately address the input and direction we received and welcome any additional questions or comments as we strive to complete the drawings to the Commission's satisfaction.

Sincerely,

Strong Tree Engineering
www.strongtree.engineering
Ph: (774) 559-3942

La Tanzi Spaulding & Landreth

20 West Road
Orleans

14 Center Street, Suite 4
Provincetown

3010 Main Street, Suite 2E
Barnstable

Eliza Z. Cox
508.255.2133 ext. 122
ecox@latanzi.com

May 4, 2026

By Email
Jordan Velozo, Esq.,
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

Re: 340 MacArthur Boulevard, Bourne – Major Modification Request

Dear Jordan,

Thank you very much for your recent communications with me regarding the above-referenced modification request pending Cape Cod Commission (CCC) review. As discussed, I wanted to update you on a couple of the outstanding items and formalize the open space proposal in hope that we can move this toward a public hearing.

Updated Landscape Plan

In accordance with our Zoom meeting on March 25, 2026, and follow-up communications directly between the project architect and CCC Staff, our landscape architect is in the process of updating the planting plans to a more native plant list and to provide the detail that was requested as to the proposed outdoor storage areas. I anticipate submitting those plans to you very shortly, understanding that they are needed to schedule the public hearing.

Open Space Proposal

As outlined in the application materials submitted, the 2003 DRI Decision (the "Decision") conditioned the approved development on providing 2.77 acres of on-site

open space mitigation to be deed restricted. See Condition NR1 of the Decision which requires placing a deed restriction (to be pre-approved by CCC staff) on the open space mitigation land. Ultimately, the recorded deed restriction references a recorded plan which purports to show the areas subject to the deed restriction. However, the plan referenced in the deed restriction does not show any deed restricted land. (See condition 5 of the application materials.) Accordingly, the now 22-year old recorded deed restriction is ineffective and likely unenforceable.

Looking back at the plans submitted to the CCC during the 2003 review process, which pre-dates my client's involvement on this property, it appears that the deed restriction was intended to restrict fragmented portions of the property along the perimeters and dispersed within the site, including within the former go-cart track. As such, from the start, the quality of the proposed open space was very poor. And, frankly, had the project been reviewed under a more recent RPP, it seems unlikely that any open space would have been required since the amusement expansion project appeared to have been largely proposed on already disturbed portions of the site.

Considering the above, we suggest that it is both appropriate and beneficial for the proposed modification to utilize off-site land to meet the open space requirements. Recognizing that the CCC Technical Bulletin reflects a preference for mitigation in the same land as the project is proposed, my client initially investigated current listings in Bourne, but was unable to find anything on the real estate market that was available and feasible for purchase for open space land in Bourne, nor does my client have any holdings in Bourne that are appropriate for open space restrictions. However, through another entity, my client owns a parcel in the neighboring Town of Sandwich which is suitable for open space purposes.

Accordingly, my client is proposing to restrict an approximately 2.00-acre parcel of land in Sandwich, shown as "Parcel 3" on the plan recorded at the Registry in Plan Book 688, Page 94 (the "Plan," a copy of which is attached as **Exhibit A**) to satisfy the modification's open space proposal. It is acknowledged that Parcel 3 is less than the 2.77 acres referenced in the Decision, but we respectfully suggest it represents a far superior proposal than what is contemplated in the Decision and the ambiguous and likely unenforceable deed restriction. Parcel 3 is vacant, contains natural vegetation, and

immediately to its west/north it directly abuts adjoining open space land associated with adjacent subdivision.

Referencing the Plan, to the north/west of Parcel 3, the Plan references "APN 30-213 Open Space." A copy of the Sandwich Assessor's Card for APN 30-213 is attached as **Exhibit B**, and it indicates that this lot consists of 15.102 acres of "Open Space." Similarly, and although not directly abutting, Parcel 3 is also very close to open space land to its south. Referring, again, to the Plan, south of Parcel 3 there is a reference to "APN 26-13 Open Space." According to the Sandwich Assessor's card attached as **Exhibit C**, APN 26-13 consists of 3.386 acres of "open space."

Therefore, consistent with the CCC's Open Space Technical Bulletin, the proposal will increase the connectivity of open space land thereby enhancing its environmental benefit. Moreover, the proposed open space parcel represents a far superior proposal than maintaining the fragmented and largely unprotected approach authorized under the Decision. The Applicant proposes to deed Parcel 3 to the Town of Sandwich under the custody and care of the Conservation Commission or to a qualified land trust.

Pedestrian Bridge to 356 MacArthur Boulevard

In response to CCC transportation staff's request, we have investigated the ability to restore the existing wooden walkway connection from the subject property to the immediately abutting property, currently used as a gas station, located at 356 MacArthur Boulevard. Currently, the wooden walkway is in poor condition and does not represent a safe connection between the two properties. Accordingly, if it is to remain, it requires improvements to make it safely passable.

The wooden walkway also appears to physically extend over both the subject property and the abutting property. Based on my review of the title to the two properties, I was unable to locate any easements or permissions from the abutting property owner allowing my client to maintain this structure on the abutting property, or to enter onto the abutting property for the purposes of doing work on the walkway. Notwithstanding, my client will attempt to contact the abutting property owner to discuss this request, and if the abutting property permits the connection without any unreasonable conditions, my client will agree to undertake the necessary improvements to make it passable. If the abutting

property owner does not respond to our inquiries and/or does not reasonably agree to this connection, then my client proposes to remove this structure. Retaining it in its current condition is not a viable option. Further, unlike the prior amusement park use, the proposed use (granite manufacturing/sales and container storage) are unlikely to generate the same numbers of customers or patrons who might desire the pedestrian connection to the abutting property.

Please let me know if you have any questions regarding this memorandum. Otherwise, I will send you the updated landscape and planting plans shortly under separate cover and hope that we can move towards scheduling a public hearing.

Thank you very much for all your assistance and consideration.

Very truly yours,

Eliza

Eliza Cox

Attachments

Cc: Jennifer Copeland, Town Planner, Town of Bourne
MacArthur Park Place, LLC

EXHIBIT A

688-94

NOT OFFICIAL
NOT OFFICIAL
NOT OFFICIAL
NOT OFFICIAL

688-94

REGISTRY USE ONLY



APN 30-213
OPEN SPACE

APN 30-213
OPEN SPACE

ROUTE 6 (1949 S.H.L.O.)

WEST MEETINGHOUSE ROAD

GRAVELED

PARCEL 1
(184,690± SF)
(4.24 ACRES)
SF = 17.6

PARCEL 2
(87,120± SF)
(2.00± ACRES)
SF = 16.3

PARCEL 3
(87,070± SF)
(2.00± ACRES)
SF = 18.7

APN 51-137
N/F
YORK CONSTRUCTION
REAL ESTATE TRUST
BK. 31837 - PG. 170

APN 26-13
OPEN SPACE

REAR SETBACK LINE (TYP.)

APN 26-10
N/F
JEFFREY J. &
DEBORAH M. HUMBER
BK. 14054 - PG. 24

APN 26-11
N/F
MARY B. BROOKS
REVOCABLE TRUST
BK. 28708 - PG. 21

APN 31-176
N/F
TODD W. SWANSON &
SHELLEY GENDREAU
BK. 15775 - PG. 2

APN 31-177
N/F
THEODORE R. &
MARY K. MULLIN
BK. 17897 - PG. 122

APN 31-181
OPEN SPACE

ACCESS TO LOCUS
(GRAVELED)

CRESCENT HILL ROAD

0' 50' 100' 150'
SCALE IN FEET

NOTES:

1. OWNER: KNOTT HILL REALTY TRUST
KEVIN O'HAIRE, TRUSTEE
P.O. BOX 444
EAST SANDWICH, MA 02537

2. SURVEYOR: RICHARD J. HOOD, PLS
12 SETTLERS PATH
SANDWICH, MA 02563

3. LOCUS IS SHOWN AS APN 31-183 ON THE TOWN OF SANDWICH ASSESSORS MAPS.

4. LOCUS IS ZONED R-2
MIN. AREA: 60,000 SF
MIN. FRONTAGE: 200'
SHAPE FACTOR: 22

5. DEED TO LOCUS IS RECORDED IN THE BARNSTABLE COUNTY REGISTRY OF DEEDS AT BOOK 29718, PP 85-87.

6. PLAN REFERENCES:
PB 282 - PG 07
PB 283 - PG 32
PB 472 - PG 38
PB 545 - PG 10
PB 581 - PG 14
PB 657 - PG 90
LOP 37721A
LOP 40589A
LOP 42116A
1949 SHLO (ROUTE 6)

7. REFER TO PLAN BOOK 615 PAGE 73 FOR INFORMATION PERTAINING TO RECORD MONUMENTATION LOCATED FOR THIS PLAN.

8. ACCESS TO PARCEL 1 IS GAINED VIA THE GRAVELED ROAD AS SHOWN HEREON, AND IS NOT A BUILDABLE LOT BY ITSELF. PARCEL 2 IS NOT A BUILDABLE LOT BY ITSELF; PARCEL 3 IS NOT A BUILDABLE LOT BY ITSELF.

9. WELLS AND SEPTIC SYSTEMS ON ABUTTING PROPERTIES ARE NOT SHOWN DUE TO THE UNBUILDABLE NATURE OF NEW PARCELS 2 & 3.

DATE OF ENDORSEMENT: 2/2/2021

SANDWICH PLANNING BOARD

THE ABOVE ENDORSEMENT DOES NOT CONSTITUTE COMPLIANCE WITH THE PROTECTIVE ZONING BYLAWS OF THE TOWN OF SANDWICH.

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Richard J. Hood
RICHARD J. HOOD, PLS

20JAN21
DATE

COMMONWEALTH OF MASSACHUSETTS
RICHARD J. HOOD
No. 36031
REGISTERED LAND SURVEYOR

REV.: 25JAN21 RJH

APPROVAL NOT REQUIRED
PLAN OF LAND
IN
SANDWICH, MA
PREPARED FOR
KNOTT HILL REALTY TRUST

richard j. hood, pls
land surveyors - engineers
12 settlers path - sandwich - ma 02563
Ph: 508.348.8360 - Email: rjh.soc@gmail.com

JOB No.: 20102
DATE: 18NOV20
SCALE: 1" = 50'
DRAWN: RJH
CHECK: rjh

EXHIBIT B

Key: 14742

Town of SANDWICH - Fiscal Year 2026

1/6/2026 12:34 am SEQ #: 11,762

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
GREAT HILLS HOMEOWNERS ASSOCIATION PO BOX 461 EAST SANDWICH, MA 02537	30-213-0	0-R GREAT HILLS DRIVE

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
GREAT HILLS HOMEOWNERS AS	01/01/1900	99		N/A-N/A

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
9950	100	OTHER,OPEN SPACE			1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%

LAND

CD	T	AC/SF/UN	Nbhd	Infl1	Infl2	ADJ BASE	SAF	Infl3	Lpi	VC	CREDIT AMT	ADJ VALUE
363	A	15.102	100	1.00 100	1.00 015	0.15	4,624	0.97 100	1.00 290	0.75		68,050

TOTAL	15.102 Acres
Nbhd	Residential
Infl1	NONE
Infl2	15

ZONING R2 FRNT 0

NOTE: Land: Line 1, Infl1:

ASSESSED	CURRENT	PREVIOUS
LAND	0	0
BUILDING	0	0
DETACHED	0	0
OTHER	0	0
TOTAL	0	0

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO

DETACHED

BUILDING

BUILDING	CD	ADJ	DESC
MODEL			
STYLE			
QUALITY			
FRAME			

MEASURE
LIST
REVIEW

BLDG COMMENTS

YEAR BLT	SIZE ADJ
NET AREA	DETAIL ADJ
$NLA(RCN)	OVERALL

CAPACITY	UNITS	ADJ

ELEMENT	CD	DESCRIPTION	ADJ

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN

TOTAL RCN

CONDITION ELEM	CD

EFF.YR/AGE
COND
FUNC
ECON
DEPR % GD
RCNLD

EXHIBIT C

Key: 14732

Town of SANDWICH - Fiscal Year 2026

1/6/2026 12:34 am SEQ #: 11,752

LEGAL

CURRENT OWNER	PARCEL ID	LOCATION
GREAT HILLS HOMEOWNER'S ASSOC, INC ATTN: BRYAN F GARNER, ESQ PO BOX 560 MASPEE, MA 02649	26-13-0	0-R CRESCENT HILL ROAD

TRANSFER HISTORY	DOS	T	SALE PRICE	BK-PG (Cert)
GREAT HILLS HOMEOWNER'S A	11/16/2000	F	100	13370-218

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD
9950	100	OTHER,OPEN SPACE			1 of 1

PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%

LAND

CD	T	AC/SF/UN	Nbhd		Infl1		Infl2		ADJ BASE	SAF	Infl3		Loi		VC	CREDIT AMT	ADJ VALUE
363	A	3.386	100	1.00	100	1.00	015	0.15	4,624	1.00	100	1.00	290	0.75			15,660

TOTAL	3.386 Acres	ZONING	R2	FRNT	0
Nbhd	Residential	NOTE	Land: Line 1, Infl1:		
Infl1	NONE				
Infl2	15				

ASSESSED	CURRENT	PREVIOUS
LAND	0	0
BUILDING	0	0
DETACHED	0	0
OTHER	0	0
TOTAL	0	0

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD

PHOTO

BUILDING

BUILDING	CD	ADJ	DESC
MODEL			
STYLE			
QUALITY			
FRAME			

MEASURE	
LIST	
REVIEW	

BLDG COMMENTS

YEAR BLT		SIZE ADJ	
NET AREA		DETAIL ADJ	
$NLA(RCN)		OVERALL	

CAPACITY	UNITS	ADJ

ELEMENT	CD	DESCRIPTION	ADJ

S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN

TOTAL RCN

CONDITION ELEM	CD

EFF YR/AGE

COND	
FUNC	
ECON	
DEPR	% GD
RCNLD	