3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE:	December 19, 2024
PROJECT:	Evergreen Circle Pickleball (Cape Cod Commission File No. 24023)
APPLICANT:	William Russell
PROPERTY/SITE:	51 Evergreen Circle, Mashpee, MA 02649 Assessor's Parcel ID 19-10-08
TITLE REFERENCE:	BCRD Book 19541 Page 136

SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") approval, with Conditions, for "Evergreen Circle Pickleball," to construct a +/- 37,000 sf indoor pickleball facility with golf simulators and a restaurant with associated improvements at 51 Evergreen Circle in Mashpee, pursuant to a vote of the Commission at its meeting on December 19, 2024.

FINDINGS

The Cape Cod Commission hereby finds and determines as follows:

F1. The Project is proposed on a fully-cleared site that was created through a commercial subdivision, which was previously reviewed by the Commission as a DRI (Commission File No. 11008). The site encompasses a 3.6 acre +/- parcel. ("Project Site"; "Site").

F2. The Project Site is bordered to the west by the open space parcel protected as a Condition to the above-referenced subdivision DRI decision, to the south and east by other commercial subdivision parcels, and to the north by a sand mining operation.

F3. The Site does not include areas mapped as sensitive for natural resources.

F4. The Site is best represented by the Suburban Development Area Placetype. Suburban Development Areas are characterized by moderately dense residential neighborhoods as well as automobile-oriented commercial development. The areas adjacent to the Project Site are mostly occupied by other commercial uses as well as Joint Base Cape Cod.

F5. The proposed development consists of:

- a new building of approximately 37,000 sq. ft., including 10 indoor pickleball courts, a restaurant/tavern, six indoor golf simulators, and associated amenities;
- a surface parking lot with +/- 91 parking spaces;
- a stormwater management system with infiltration basins and bio-retention areas; and
- an on-site innovative/alternative septic system, (collectively, the "Project").

F6. Suburban Development Area strategies include improving the design and function of commercial areas through landscaping and stormwater treatment; and encouraging redevelopment of existing commercial suburban development with denser clusters of buildings surrounded by less developed areas. The Applicant proposes to develop a parcel within an existing commercial subdivision and to provide landscaping and stormwater management.

BACKGROUND

F7. The Project Site is situated on a portion of the Cape Cod Cooperative Bank Definitive Plan DRI (Commission File No. DRI/HDEX-11008), which approved a commercial subdivision on approximately 48 acres of land in 2011. The decision was further modified in 2018. ("Prior DRI Decision")

F8. The Prior DRI Decision provided for mitigation for the loss of Open Space on the entirety of the commercial subdivision; a 28.6-acre Open Space lot is currently under the custody and care of the Town of Mashpee Conservation Commission in compliance with that Decision. The Prior DRI Decision also reviewed the Project Site for archaeological sensitivity, with a determination from the Massachusetts Historical Commission that the Site is not archaeologically sensitive.

F9. Additionally, the Prior DRI Decision states, in part:

> *Any development on each lot that independently exceeds a Development of Regional Impact threshold pursuant to the Commission's Enabling Regulations shall be subject to its own review process by the Cape Cod Commission.*

PROCEDURAL HISTORY

F10. The Project requires mandatory DRI review pursuant to Section 3 of the Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations") (revised November 2021) as it proposes new construction of a commercial/private recreational building with a gross floor area greater than 10,000 square feet.

F11. The Project was referred to the Commission by the Town of Mashpee on August 8, 2024.

F12. The Applicant submitted a DRI application in July 2024 as well as additional materials submitted in August, September, October, November, and December 2024.

F13. The hearing period was opened procedurally on October 8, 2024.

F14. The first substantive hearing was held by a DRI Subcommittee ("Subcommittee") on the Project on October 30, 2024. A second public hearing was held on December 2, 2024. An additional public meeting to further discuss the Project was held on December 16, 2024. At this meeting the Subcommittee voted 3 in favor, 0 opposed to recommend to the full Commission that it grant DRI approval for the Project, with conditions, as set out in the draft written DRI decision reviewed by the Subcommittee.

F15. The full Cape Cod Commission held a hearing on the Project at its meeting on December 19, 2024. It considered the recommendation of the Subcommittee, including the draft written DRI decision. At the hearing on December 19, 2024, the Commission voted to adopt the draft written DRI decision, and approve the Project, with the Conditions set out in said decision.

DRI REVIEW STANDARDS

F16. Section 6(c)(viii) of the *Enabling Regulations* contains the standards to be met for DRI approval, which include, as applicable, consistency with the RPP, District of Critical Planning Concern ("DCPC") implementing regulations, municipal development bylaws, and Commission-certified Local Comprehensive Plans ("LCP"). The Commission must also find that the probable benefit from the Project is greater than the probable detriment.

MUNICIPAL DEVELOPMENT BYLAWS, LCP, AND DCPC CONSISTENCY

F17. There are no DCPC implementing regulations applicable to the Project.

F18. The Town of Mashpee's current Local Comprehensive Plan (LCP) was adopted in 1998. The LCP seeks, among other things, to increase year-round job opportunities, increase the commercial and industrial proportion of the Town's tax base, and enhance the Town's share of the Cape Cod tourism industry.

F19. The Project Site is within Industrial 1 Zoning District, which was amended in 2024 to allow for indoor recreational uses by Special Permit, to be granted by the Planning Board.

REGIONAL POLICY PLAN CONSISTENCY

F20. The Commission reviewed the Project relative to the 2018 RPP and companion Technical Bulletins, which were those in effect at the time the Commission commenced substantive hearing on the Project. Under Section 9 of the RPP, the Commission assesses the Project's consistency with the RPP by determining whether the Project is consistent with the goals and objectives in the RPP that are deemed applicable, material and regionally significant with respect to the Project. The companion Technical Bulletins assist in elaborating and interpreting the RPP's goals and objectives.

F21. The RPP goals and objectives specifically referenced in this section of the Decision and discussed in detail below are those determined to be applicable, material, and regionally significant with respect to the Project and are thus subject to RPP consistency review.

F22. Subject to the Conditions set out in this Decision, the Project is consistent with the RPP goals and objectives and with the corresponding provisions from the Technical Bulletins, as discussed in detail below, and as such the Project is consistent with the RPP.

Water Resources

F23. The Water Resources Goal of the RPP is to *maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources*.

The following Objectives are applicable and material to the Project:

- WR1—protect and preserve groundwater quality
- WR3—protect, preserve, and restore marine resources
- WR4—manage and treat stormwater to protect and preserve water quality

F24. The Project Site is partially located within a Wellhead Protection Area. The Project Site is split between two Marine Water Recharge Areas, Popponesset Bay and Waquoit Bay, which are both nitrogen impaired. The Project is not located within a freshwater recharge area.

F25. The Site is currently mapped as a Potential Public Water Supply Area, however the Site was released from this designation under the Prior DRI Decision based on conversations with the Mashpee Water District.

F26. The Site is currently included as part of Phase 5 sewers in the Town of Mashpee Comprehensive Watershed Nitrogen Management Plan, which is scheduled for implementation between 2037 and 2041.

F27. The Project will include a number of functions, including pickleball courts with associated locker room facilities, golf simulators, retail space, and a restaurant/tavern. The Project's wastewater treatment system has been designed using a 76-seat lounge/tavern, 24-seat restaurant, gymnasium space for 40 participants, and 1,460 square feet of office space as the basis for determining water use and wastewater flows.

F28. The Project proposes a BioMicrobics BioBarrier MBR 6.0-DN wastewater treatment system, which is currently approved by MassDEP for Pilot use at wastewater flows between 2,000 and 10,000 gallons per day with an effluent nitrogen concentration of 19 mg/L or less. With the Project's design flow of 3,470 gallons per day, assumed actual flows at 50% of design flow (or 1,735 gallons per day), and all impervious surfaces treated with low impact stormwater controls, sitewide nitrogen loading is expected to be 5.01 ppm at the permitted treatment level of 19 mg/L effluent nitrogen. The Applicant, however, will operate the BioBarrier system under an operations, maintenance, and compliance agreement at an enhanced treatment level of 10 mg/L

effluent nitrogen. To support this, the Applicant and manufacturer have provided performance data from similar systems and a sample operations and maintenance agreement to govern system operation.

F29. Based on performance data from similar systems, and with proper operations and maintenance, the proposed system can achieve 10 mg/L effluent nitrogen. With effluent nitrogen at 10 mg/L, the Project's sitewide nitrogen loading is reduced to 2.89 ppm. Under this scenario, the Project's management of wastewater is consistent with Objective WR1.

F30. As part of the Site is in a Wellhead Protection Area, the Project shall not store or generate hazardous materials in greater than household quantities in order to remain consistent with WR1.

F31. The Project Site is located within the Popponesset Bay and Waquoit Bay watersheds, which both have established Total Maximum Daily Loads for nitrogen. Under Objective WR3, the Project may not add nitrogen to either watershed unless certain conditions are met. The Project as proposed would add 76.27 or 43.91 kg N / year (19 mg/L and 10 mg/L treatment levels respectively) to the Popponesset Bay and Waquoit Bay watersheds collectively.

F32. Projects may be able to add nitrogen within MWRA watersheds when a MassDEP Watershed Permit or 208 Plan consistent local nutrient management plan is in place, and the plan calls for the initiation of nutrient reduction actions that will offset the Project's nitrogen in the same subwatershed as the Project and within five years of project approval. Mashpee's Comprehensive Watershed Nitrogen Management Plan was deemed consistent with the 208 Plan, and it details the actions planned to remove nitrogen from Mashpee's share of the Waquoit Bay and Popponesset Bay watersheds. The Comprehensive Watershed Nitrogen Management Plan proposes to address nitrogen from the area where the Project is located by extending sewer service to the area during Phase 5, which is scheduled for implementation between 2037 and 2041. Since the planned sewer extension to the area where the Project is located will not occur within five years of project approval, the Project cannot meet Objective WR3 in this manner.

F33. Projects may alternatively achieve consistency with WR3 by providing a monetary contribution to address water quality problems in the affected surface waters to offset the project's nitrogen additions. Sewer service is not anticipated at the Project Site in the near-term, but a monetary offset may be permitted at the Commission's discretion due to the Project being located in a Suburban Development Area. The monetary contribution is determined from the anticipated actual nitrogen load generated by the Project, and a maximum offset rate of $8,290 per kilogram of nitrogen, as specified in the Water Resources Technical Bulletin. As the system is proposed to be operated under an OMC to meet 10 mg/L effluent nitrogen, the nitrogen offset amount is calculated based on the total nitrogen load expected to be generated by the Project, using the method and worksheet detailed in the Water Resources Technical Bulletin. Total

nitrogen load includes nitrogen from wastewater, stormwater runoff, and leaching of fertilizer from managed turf areas. The wastewater component is calculated using the actual effluent nitrogen concentration (10 mg/L), and the average wastewater flow (2602 gpd, the mean of actual facility flows and Title 5 design flows), equaling 35.96 kg N / yr. Stormwater nitrogen is calculated using the proposed rooftop and paving areas, with a nitrogen reduction credit applied where Low Impact Design stormwater controls have been used. Stormwater nitrogen for the Project is 7.95 kg N/yr. Fertilizer nitrogen is calculated using the proposed area of managed turf. Since the Project does not propose to fertilize lawn areas, no fertilizer nitrogen load is considered. The Project's total nitrogen load of 43.91 kg is multiplied by the cost factor of $8,290 per kg-N to determine the nitrogen offset payment amount of $363,990. Subject to the execution and implementation of an OMC and a nitrogen offset payment of $363,990, the Project is consistent with Objective WR3.

F34. The Site is currently undeveloped, but previously disturbed and substantially cleared. Some vegetated woodland areas remain on the northern and eastern property borders. The Project will add between 87,000 and 89,000 square feet of new impervious roof, driveway, and parking surfaces. To meet objective WR4 and local stormwater standards, the Project proposes a stormwater management system that utilizes limited porous paving within parking areas, bioretention areas to treat runoff from roof, parking, and driveway areas; and subsurface infiltration chambers to provide recharge and manage overflow from the bioretention facilities during larger storms. The stormwater system has been designed to prevent runoff from leaving the site up to and including the 100-year storm, provide water quality treatment to at least the first inch of rainfall, and provide on-site recharge capacity for the new roof, parking, and roadway areas.

F35. Bioretention areas have been sized adequately to provide the requisite stormwater treatment and recharge volumes, but the planting schedule for bioretention areas needs to be updated. Subject to the schedule being updated, the Project is consistent with Objective WR4.

Community Design

F36. The Community Design Goal of the RPP is *to protect and enhance the unique character of the region's built and natural environment based on the local context*.

F37. The following Objectives are applicable and material to the Project:

- CD1—promote context sensitive building and site design
- CD2—minimize the amount of newly disturbed land and impervious surfaces

F38. Community Design standards allow flexibility in industrial areas as long as there is limited visibility from regional roadways. The Project is within an industrial subdivision and set well back from public roadways so is not expected to have visual impacts on the surrounding community, consistent with Objective CD1.

F39. The Applicant will submit final landscape plans prior to construction. The landscape plans will include native plantings, including plantings appropriate for use in bioretention areas. The bioretention areas will be constructed and planted consistent with the Massachusetts stormwater manual on bioretention areas.

F40. To help reduce the need for nitrogen-based fertilizer, no managed turf will be included, and landscaped areas will include native grasses or an expansion of the proposed wildflower mix.

F41. The Project's site design includes some parking areas with porous pavement, which helps minimize the amount of impervious surfaces.

F42. Subject to Condition requiring the submission of a final landscape plan for review and approval by Commission staff, the Project is consistent with Objective CD2.

Transportation

F43. The Transportation Goal of the RPP is *to provide and promote a safe, reliable, and multi-modal transportation system*.

F44. The following Objectives are applicable and material to the Project:

- TR1—improve safety and eliminate hazards for all users of Cape Cod's transportation system
- TR2—provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users
- TR3—provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people

F45. A Traffic Impact and Access Study (TIAS), dated July 2024, was prepared by the Applicant's consultant Vanasse Hangen Brustlin, Inc. (VHB) for the Project in accordance with relevant guidance from the Cape Cod Commission Transportation Technical Bulletin and Regional Policy Plan (RPP). The submittal provides an analysis of operational and safety impacts of the Project and was prepared in a professional manner following standard industry practices.

F46. The TIAS included a safety review and capacity analysis for each of the study area intersections and roadway segments under 2024 Existing conditions, 2031 No-Build conditions (without the proposed development), and 2031 Build conditions (with the proposed development). The following seven (7) study area intersections and six (6) roadway links were identified in the TIAS:

Intersections:

- Route 130 at Quaker Meetinghouse Road and Bill Richards Drive (signalized)
- Route 130 at Snake Pond Road and Pimlico Pond Road (signalized)

- Main Street (Route 130) at Evergreen Circle (unsignalized)
- Main Street (Route 130) at Echo Road (unsignalized)
- Main Street (Route 130) at Great Neck Road North (signalized)
- Great Neck Road North at Meetinghouse Road (unsignalized)
- Great Neck Road North at Lowell Road (signalized)

Roadway links:

- Main Street (Route 130) between Bill Rogers Drive/Quaker Meetinghouse Road and Snake Pond Road/Pimlico Pond Road
- Main Street (Route 130) – between Snake Pond Road/Pimlico Pond Road and Evergreen Circle
- Main Street (Route 130) – between Evergreen Circle and Echo Road
- Main Street (Route 130) – between Echo Road and Great Neck Road North
- Great Neck Road North – between Main Street (Route 130) and Meetinghouse Road
- Great Neck Road North – between Meetinghouse Road and Lowell Road

F47. Trip generation estimates for the proposed 35,870 sf facility were developed based on the empirical data collected at two existing facilities in Massachusetts (Hanover and Plymouth). The TIAS also referenced trip generation estimates based on Institute of Transportation Engineers (ITE) data for Land Use Code (LUC) 491 for a racquet/tennis club and LUC 932 for a high turnover sit down restaurant. Based on their review of the two comparable facilities, the Project is estimated to generate approximately 142 vehicle trips during the weekday morning peak hour, approximately 151 vehicle trips during the weekday afternoon peak hour and 109 trips during the Saturday midday peak hour.

F48. The Project proposes to provide safe accommodations for both vehicular and non-vehicular (pedestrian/bicyclist) movements throughout the site.

F49. Access to the Project site will be provided by a single access driveway from Evergreen Circle. Parking onsite will consist of 86 parking spaces, which is consistent with local zoning requirements and will include parking for EVs. Internal sidewalks and a crosswalk will be provided to connect patrons between the parking areas and the building.

F50. The Applicant has reviewed vehicular crash data for the study area intersections for the most recent five-year period (2015-2019) available. The Applicant has reviewed these crash reports and contributing crash factors at these intersections to determine what existing safety issues may be present and to identify potential safety mitigation items to address safety. According to the safety analysis, the following four intersections were identified to be an above average crash location and require safety mitigation measures as referenced in the Transportation Technical Bulletin.

- Forestdale Road (Route 130) at Bill Richards Drive/Quaker Meetinghouse Road
- Forestdale Road (Route 130) at Pimlico Pond Road/Snake Pond Road
- Main Street (Route 130) at Great Neck Road North
- Great Neck Road North at Meetinghouse Road

F51. The Applicant has identified the following series of safety mitigation measures at these high crash locations.

Route 130 and Bill Richards Drive/Quaker Meetinghouse Road:

The Town of Sandwich has a significant intersection improvement project under construction that will address several safety improvements for all roadway users. Therefore, no specific safety improvements are required at this time.

Route 130 at Pimlico Pond Road/Snake Pond Road:

- Install missing Signal Ahead signage to each approach
- Install lane use signage (diagrammatic) be placed on approaches with dedicated turn lanes to address rear-end and angle collisions
- Perform vegetation trimming within the right of way to improve sight lines
- Update signal clearance times (red and yellow)
- Investigate and potentially implement signal phasing modifications

Route 130 at Great Neck Road North:

The Town of Mashpee has a roundabout improvement project at the intersection of Route 130 and Great Neck Road North under design that will improve safety for all roadway users. The roundabout project is expected to be advertised for construction in 2025, however, funding has not been finalized at this time and the construction will likely span over a year period. The following safety improvements were identified in the TIAS to be implemented as part of the Project.

- Install lane use signage (diagrammatic) on approaches with dedicated turn lanes
- Install missing Signal Ahead signage on northbound and eastbound approaches
- Perform vegetation trimming on the northbound approach to improve signal visibility
- Update signal clearance times (red and yellow)

Great Neck Road North at Meetinghouse Road:

- Install intersection ahead signage on each approach

F52. The Project is consistent with Objective TR1 subject to the implementation of these safety upgrades.

F53. The Applicant proposes a Transportation Demand Management (TDM) program to support healthy transportation options and assist in the reduction of single-occupancy vehicle trips to the site. The TDM program includes:

- Designation of a transportation coordinator for the Project to encourage and manage participation and also disseminate/post information, including CCRTA Smart Dart services
- Promote and incentivize carpooling for employees
- Provide a guaranteed ride home for employees in case of an emergency
- Provide preferential carpool spaces
- Installation of secure exterior bicycle racks

F54. The proposed Project site includes an internal sidewalk and crosswalk network. There is no existing sidewalk along Evergreen Circle, however there is an existing sidewalk network on Route 130 both north and south of Evergreen Circle which can provide access to the site.

F55. The Project is consistent with Objective TR2 subject to implementation of the TDM Plan.

F56. A capacity analysis was conducted as part of the TIAS for the seven study area intersections and six study area roadway links. Based on the capacity analysis, the Project site driveway is anticipated to operate at an adequate level of service during average and peak periods. Additionally, it appears that vehicle delays are expected to change rather minimally at the study area intersections and roadway links. However, two of the study area intersections (Route 130 at Evergreen Circle and Great Neck Road North at Lowell Road) are expected to experience a minor increase in vehicle delay due to Project traffic during peak summer season conditions and subsequent result in a level of service (LOS) change.

F57. Based on traffic analysis results, the Applicant has proposed the following mitigation measures to address TR3 (Congestion) and to offset the Project impacts.

- Conduct and implement traffic signal optimization phasing and timing improvements at the three signalized study area intersections (Route 130 at Pimlico Pond Road/Snake Pond Road; Route 130 at Great Neck Road North; Great Neck Road North at Lowell Road).
    - The Town of Mashpee has a roundabout improvement project at the intersection of Route 130 and Great Neck Road North under design that will improve safety for all roadway users. The roundabout project is expected to be advertised for construction in 2025, however, funding has not been finalized at this time. The traffic signal optimization phasing and timing improvements at Route 130 and

Great Neck Road North were identified in the TIAS to be implemented as part of the Project.

- Provide a fair share payment to the Town for $30,000, to offset congestion impacts within the study area.
- Install the missing stop bar and double yellow centerline on Evergreen Circle to create delineation at this intersection.

F58. In addition, the proposed TDM program has the potential to reduce congestion by encouraging use of alternative transportation modes and reduce vehicle trips to the site via the use of transit, carpools, and walking/bicycling.

F59. The Project is consistent with Objective TR3 subject to the Applicant completing the mitigation measures outlined above.

Energy

F60. The Energy Goal of the RPP is *to ensure an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod*.

F61. The following Objectives are applicable and material to the Project:

- EN1—Support renewable energy development that is context-sensitive
- EN2—Increase resiliency of energy generation and delivery
- EN3—Minimize energy consumption through planning and design

F62. The building will be designed with a solar-ready roof, but the Applicant is not proposing to install solar at this time. The Applicant will enter into a power purchase agreement with Cape Light Compact, consistent with EN1.

F63. The Project will include underground utilities, and the Applicant is exploring providing a backup natural gas generator. Based on these factors, the Project is consistent with Objective EN2.

F64. The Project will include LED lighting, 10 EV charging stations, and a high efficiency HVAC system and appliances, consistent with EN3.

Waste Management

F65. The Waste Management Goal of the RPP is *to promote a sustainable solid waste management system for the region that protects public health, safety, and the environment and supports the economy*.

F66. The following Objectives are applicable and material to the Project:

- WM1—to reduce waste and waste disposal by promoting waste diversion and other Zero Waste initiatives
- WM2—support an integrated solid waste management system

F67. Objective WM1 focuses on waste diversion and solid waste reduction measures to benefit the economy, public health, and the natural environment of the Cape Cod region. Waste diversion approaches that a development may employ to achieve consistency with WM1 include, but are not limited to, increasing reuse of materials, increasing recycling of materials that have served their useful purpose, and resource recovery of useful materials. Here, the Project is new development, but existing soils will be reused on site as practicable. The Applicant also meets this Objective by proposing best management practices for restaurant waste management, such as recycling cardboard and diverting organic materials to compost and donating food that fit for consumption to local food pantries.

F68. Objective WM2 may be met through proper management of construction and demolition waste and recycling and supporting local municipal waste facilities. The Project meets this Objective by committing to send all construction waste to a MassDEP Waste Ban approved C&D processor and will manage restaurant waste consistent with best practices.

Climate Mitigation

F69. The Climate Mitigation Goal of the RPP is *to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050*.

F70. The following Objectives are applicable and material to the Project:

- CM1—promote low or no carbon transportation alternatives and technologies
- CM2—promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation, and cooling (HVAC) systems
- CM3—promote carbon sequestration and other emissions removal practices and technologies as appropriate to context
- CM4—Promote low or no carbon energy generation technologies as appropriate to context

F71. Objective CM1 focuses on reducing the carbon impact of transportation associated with the development through methods including but not limited to, providing pedestrian and bicycle infrastructure on site, connections to sidewalks and multi-use paths, or EV charging stations. The Project is consistent with this Objective based on the incorporation of 10 EV charging spaces, pedestrian infrastructure, and other improvements.

F72. Objective CM2 may be met when a development incorporates energy efficiency measures such as optimized building design in accordance with Net Zero Energy building standards, or peak electricity demand reduction strategies. The Project is consistent with this Objective based on the energy-efficient design features proposed.

F73. Objective CM3 may be met when a project includes tree planting as part of a landscaping plan, incorporates native vegetation, or permanently protects open space, among other

methods. Here, the landscaping plans incorporate native trees and shrubs. Additionally, open space protection for the Prior DRI Decision mitigated for the Project Site. Thus, the Project is consistent with Objective CM3

F74. Projects which include appropriate on-site renewable energy generation, the ability to install EV and/or PV infrastructure, or green power purchase agreements, among other strategies, may be consistent with Objective CM4. The Project proposes EV charging stations within the parking lot and a green power purchase agreement until the Applicant is able to install rooftop solar PV. Thus, the Project is consistent with Objective CM4.

Economy

F75. The Economy Goal of the RPP is *to promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce*.

F76. The following Objectives are applicable and material to the Project:

- EC1—protect and build on the Cape's competitive advantages
- EC2—use resources and infrastructure efficiently
- EC4—encourage industries that provide living wage jobs to a diverse workforce
- EC5— expand economic activity and regional wealth through exports, value added, import substitution, and local ownership

F77. Objective EC1 focuses primarily on protecting natural, coastal, historic, agricultural and other valuable resources that contribute to Cape Cod's economy. Developments may support this objective by clustering development areas to preserve open space. The Site is within a Commission-reviewed commercial subdivision that clustered lots and utilized more than half of the land area for permanently protected open space. The Project is consistent with Objective EC1.

F78. Objective EC2 may be met through shared on-site infrastructure with proximate developments, placing new utilities underground, providing on-site renewable energy generation, avoiding infrastructure development in Natural Areas, and providing mixed-use buildings or a mix of uses on site. Here, the Project is not located within a Natural Area and a mix of uses are to be provided, most notable pickleball courts and the restaurant/tavern. The Project is consistent with Objective EC2.

F79. Development may support this objective by demonstrating how a project will provide high-quality employment opportunities. Specifically, projects are encouraged to create year-round jobs, pay above-average wages, provide career training, job benefits, or affordable housing for employees. Here the Project is proposed to be open all year and will provide year-round jobs. Based on the above, the Project is consistent with Objective EC4.

F80. Objective EC5 seeks to expand economic activity and regional wealth through exports, value added, import substitution, and local ownership. The Project is locally owned and therefore is consistent with Objective EC5.

Regional Benefits/Detriments

F81. Probable benefits of the Project identified include:

- Project will provide year-round recreational opportunities to Cape Cod residents.
- Project will provide year-round employment opportunities.
- Project will provide new tax revenues to the Town of Mashpee.

F82. Probable detriments of the Project identified include:

- Project will add nitrogen to groundwater within the Waquoit Bay embayment, which is nitrogen-impaired.

F83. The Commission finds that the Probable Benefit of the Project is greater than the Probable Detriment.

CONCLUSION

F84. Based on the Findings above and subject to the Conditions set out herein, the Commission further determines, finds, and concludes that the Project is consistent with the 2018 Cape Cod Regional Policy Plan, applicable provisions from the Mashpee Local Comprehensive Plan, and applicable municipal development bylaws; the probable benefit of the Project is greater than the probable detriment; and the Commission hereby grants DRI approval for the Evergreen Circle Pickleball Project described herein.

CONDITIONS

C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant). Thereafter, this Decision shall be valid and in effect, and local development permits may be issued pursuant hereto for a period of seven years from the date of this Decision, or for such extended period as may be permitted by the Commission pursuant to Chapter A of the Code of Cape Cod Commission Regulations, the *Enabling Regulation*s Governing Review of Developments of Regional Impact.

C2. A copy of the Decision, when final and prior to commencement of the Project, shall be recorded with the Barnstable Registry of Deeds.

C3. This Decision shall be appurtenant to and run with the Property. The Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its heirs, successors, and assigns.

C4. The Applicant shall obtain all required federal, state, and local permits, licenses, and approvals for the Project, including without limitation a Special Permit from the Mashpee

Zoning Board of Appeals. Consistency with Municipal Development Bylaws shall be confirmed by the Applicant and provided to the Commission staff after obtaining all said required local permits, licenses, and approvals for the Project. Prior to commencement of the Project, the Applicant shall provide the Commission with copies of all required local permits, licenses, and approvals for the Project. Any changes to the Project resulting from the municipal review process may require modification of this Decision.

C5. The Project shall be constructed, operated, and maintained consistent with the following documents ("Approved Project Plans"). Plans, protocols, and other documents received or required to be submitted as Conditions of this Decision shall be treated as incorporated into the Approved Project Plans once received, reviewed, and approved for consistency with this Decision by Commission staff, and the Project shall thereafter be constructed, operated, and maintained consistent with the Approved Project Plans, as so supplemented:

- Civil plan set:
    - *Island Pickle, 51 Evergreen Circle, Mashpee, MA*, consisting of 14 sheets inclusive of a title sheet, prepared by Dale A. Horseman, II, P.E., dated 7/15/2024, as revised 9/9/2024
- Architectural plan set:
    - *Island Pickle, 51 Evergreen Circle, Mashpee, MA, 02649*, prepared by Hezekiah Pratt, R.A., including sheets:
        - Sheet A1.0: *Ground Floor Plan A*, dated 7/15/2024
        - Sheet A1.1: *Ground Floor Plan B*, dated 7/15/2024
        - Sheet A1.2: *Second Floor Plan*, dated 7/15/2024
        - Sheet A1.3: *Roof Plan*, dated 7/15/2024
        - Sheet A1.4: *Roof Plan*, dated 7/15/2024
        - Sheet A2.0: *Elevations*, dated 7/15/2024
        - Sheet A2.1: *Elevations*, dated 7/15/2024
        - Sheet A2.0.1: *Front Elevation Rendering*, dated 6/11/2024
        - Sheet A3.0: *Building Sections*, dated 6/11/2024
- Stormwater Management Report:
    - *Island Pickle, 51 Evergreen Circle, Mashpee, MA*, prepared by Dale A. Horseman, II, P.E., dated 7/15/2024
- Traffic Impact and Access Study:
    - *Proposed Island Pickle, 51 Evergreen Circle, Mashpee, MA*, prepared by VHB, dated July 2024

C6. The Applicant shall provide a copy of this Decision and the Approved Project Plans to the Project's general contractor prior to commencement of the Project. The Applicant shall

maintain a copy of this Decision and the Approved Project Plans on the Project Site throughout Project construction.

C7. Prior to and as a Condition to issuance of a building permit/s for the Project from the Town of Mashpee, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Preliminary Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local building permit/s.

C8. Prior to and as a Condition to issuance of a Certificate/s of Use and Occupancy for the Project from the Town of Mashpee Building Department, the Applicant shall request and obtain from the Commission a Final Certificate of Compliance; the issuance of such Final Certificate of Compliance evidences that the Applicant has satisfied all Conditions in this Decision required to have been satisfied prior to the issuance of a local Certificate/s of Use and Occupancy or building permits sign-off/s, and shall confirm that the Project was constructed or implemented in accordance with this Decision.

C9. The Applicant hereby authorizes Commission staff to make site visits as necessary, at reasonable times and upon reasonable notice to the Applicant, to confirm that the Project has been implemented in accordance with this Decision, including upon an Applicant's request for a Certificate of Compliance hereunder.

C10. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall make a nitrogen offset payment in the amount of $363,990 payable to Barnstable County Treasurer to support nitrogen reduction efforts in the Town of Mashpee.

C11. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a draft Operation Monitoring and Compliance (OMC) Agreement, consistent with the requirements of the Water Resources Technical Bulletin, for Commission staff review and approval.

C12. Prior to and as a condition to the issuance of a Final Certificate of Compliance by the Commission, the Applicant shall submit a final executed OMC, as reviewed and approved by Commission staff.

C13. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall submit a final landscape plan, for Commission staff review and approval and subject to approval shall be incorporated into this decision by reference.

- The final landscape plan shall include only native plantings as listed on the Commission's lists *Native Plants Suitable for the Cultivated Cape Cod Landscape* or *Plants Recommended for Low Impact Design*, as appropriate.
- The bioretention areas shall be constructed and planted consistent with the Massachusetts stormwater manual on bioretention areas, including but not limited to the planting plan including one tree or shrub per 50 sf of bioretention

area, and at least 3 species each of herbaceous perennials, shrubs, and trees to avoid a monoculture.

- No managed turf shall be included in the landscape plans; landscaped areas shall include a seed mix with native grasses or an expansion of the proposed wildflower mix.

C14. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide for the transportation mitigation measures as specifically described under Findings F51, F53, and F57. The $30,000 fair share payment required under F57 shall be made payable to Barnstable County Treasurer and shall be used in the Town of Mashpee to offset congestion impacts within the study area.

- If at such time the Applicant seeks a Final Certificate of Compliance the Town of Mashpee Department of Public Works Director determines that the proposed improvements at the intersection of Route 130 and Great Neck Road North listed herein under Findings F51 and F57 are not necessary, the requirements for improvements at Route 130 and Great Neck Road North shall be waived.

C15. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide documentation of a green power purchase agreement to provide no less than 50% of the facility's power from renewable sources.

C16. Project lighting shall not spill onto adjacent properties. Parking areas shall have light fixtures that have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees. Attached building or wall pack lighting shall be screened by the building's architectural features or contain a 45-degree cutoff shield.

C17. The Project shall not store or generate hazardous materials in greater than household quantities.

DRAFT

SIGNATURE PAGE FOLLOWS