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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT DECISION

PROJECT:	CANAL STREET CROSSING (CCC FILE NO. 19007)
PROPERTY OWNER/ PROJECT APPLICANT:	21 HUNTERS BROOK ROAD, INC. c/o Eliza Cox, Esq. Nutter McClennen & Fish LLP 1471 Iyannough Rd., P.O. Box 1630, Hyannis, MA 02601
PROJECT SITE/ LOCATION:	21 HUNTERS BROOK ROAD BOURNE (SAGAMORE BEACH), MA 02562 (ASSESSORS MAP 11, PARCEL NO. 27)
TITLE REFERENCE:	BCRD BOOK 30451 PAGE 57
DATE:	JULY 11, 2019

SUMMARY

The Cape Cod Commission grants Development of Regional Impact approval, with conditions, for Canal Street Crossing, a mixed-use residential development proposed in the Sagamore Beach village of Bourne, pursuant to a vote of the Cape Cod Commission on July 11, 2019.

FINDINGS

The Cape Cod Commission (Commission) hereby finds and determines as follows:

GF1. The Applicant proposes development of "Canal Street Crossing", a mixed-use development which includes age-restricted residential housing (ARRH) in 15 townhome-style housing units (each approximately 1,100 SF), a medical office building (MOB) (approximately 40,000 SF), and a continued-care retirement facility (CCRF) (approximately 89,000 SF), with associated site work including site access and driveways, utilities, landscaping, and stormwater management ("Project").

GF2. The project site, addressed as 21 Hunters Brook Road, Bourne, is approximately 10.95 acres, undeveloped and forested, and has direct access to Hunters Brook Road to the south and street frontage on Canal Street to the west ("Property" or "Project Site"). The Property is adjacent to numerous commercial uses generally to the north, residential properties generally to the south that include multi-unit housing and single-family homes, and is proximate to the Sagamore (Bourne) Park and Ride. The western portion of the Property is in the B-2 Business zoning district; the remainder is in the R-40 Residential zoning district. The Property is also within the recently approved Senior Care Overlay District. There is a Bordering Vegetated Wetland with associated wetland buffer in the western portion of the parcel.

GF3. The Project is proposed as an "age-in-place" community that will offer a mix of lifestyle and service options on-site and locally to serve the region's aging population. The MOB is anticipated to include medical offices such as primary care, specialty care, and other medically related uses to serve the residents of the Project and the broader community. The CCRF may include services such as independent living, assisted living, memory care, and rehabilitation services, consists of 90 units, and is designed to include amenities such as a community dining room, smaller café dining areas, a library, a general store, a beauty salon, a roof deck lounge, an exercise room, an activity room, a movie room, and family rooms. The ARRH consists of seven (7) duplex townhomes and one (1) single unit (for a total of 15 units), and will be restricted to those residents 55 years and older. These cottage-style buildings are one-bedroom units with a second story loft and an attached one (1) car garage. This age-in-place model can provide residents access to different types of housing and levels of care while remaining in the community.

GF4. The Project has undergone review under the MA Environmental Policy Act (MEPA) and received a Certificate on the Environmental Notification Form from the Secretary of the MA Executive Office of Energy and Environmental Affairs determining that no further MEPA review was required (dated January 4, 2019). The Applicant also received approval from MassDEP of their Hydrogeologic Evaluation Report in support of a future Groundwater Discharge Permit. Subsequently, the Applicant anticipates the following local and state reviews, actions, permits, licenses, and/or approvals for the Project:

1. MassDEP Wastewater – Groundwater Discharge Permit
2. MassDOT Application for Permit to Access State Highway
3. North Sagamore Water District Water Connection Permit
4. Bourne Building Department Building Permit
5. Bourne Conservation Commission Order of Conditions
6. Bourne Planning Board Site Plan Review/Special Permit

GF5. The mixed-use Project qualifies as a Development of Regional Impact (DRI) pursuant to Sections 3(e)(i), 3(g) and 3(k) of the Cape Cod Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact* (*Enabling Regulations*), revised April 2018, as it proposes construction of any building or buildings for commercial use with a gross floor area greater than 10,000 square feet, and 30 or more new residential dwelling units.

GF6. The Applicant submitted a DRI application to the Commission on February 21, 2019 (which included 27 exhibits, and site and architectural plans sets). The Commission received a mandatory DRI referral for the Project from the Bourne Planning Board on March 11, 2019.

The Applicant submitted supplemental application materials and information dated March 29, 2019, May 2, 2019, June 17, 2019 (Water Supply and Fire Suppression Report by Yankee Sprinkler Company), and June 20, 2019 (Letter from the North Sagamore Water District, with attachments).

GF7. A DRI Subcommittee held a substantive public hearing on the Project in Bourne on May 15, 2019, where it heard presentations from the Applicant and Commission staff, and took public comment. Commission staff prepared a staff report on the Project, dated May 10, 2019, in advance of such hearing. At the hearing, the Subcommittee directed Commission staff to prepare a draft, favorable decision on the Project for its further review, and continued the public hearing to July 2, 2019. At the continued July 2, 2019 hearing, the DRI Subcommittee heard an update on the Project from the Applicant, reviewed a draft DRI decision, and took public comment. The Subcommittee voted to recommend to the full Commission that it adopt the draft DRI decision and approve the Project subject to the Conditions in the decision, and continued the hearing to the Commission meeting on July 11, 2019.

GF8. Section 7(c)(viii) of the Enabling Regulations outline the required findings for DRI approval, which include consistency with: the Cape Cod Regional Policy Plan; District of Critical Planning Concern (DCPC) implementing regulations (as applicable); applicable municipal development bylaws; and any Commission-certified Local Comprehensive Plan (as applicable). The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment.

GF9. There are no DCPC implementing regulations applicable to the Project.

GF10. The Town of Bourne does not currently have a Commission-certified Local Comprehensive Plan that would apply to DRI review of this Project. Bourne's Local Comprehensive Plan was certified by the Commission in 2007, but has not been re-certified pursuant to the Commission's LCP Regulations. The town of Bourne is in the process of updating its Local Comprehensive Plan.

GF11. The Commission received correspondence from Coreen Moore, Bourne Town Planner, dated March 29, 2019, who noted the location of the Project Site within the B-2 Business and R-40 residential zoning districts, and the Senior Care Overlay District (SCOD), which was approved at a Bourne Special Town Meeting on May 7, 2018. Ms. Moore confirmed that the proposed uses are allowed, the Project will require a special permit from the Planning Board through Site Plan Review, and the Project design meets the minimum lot area, frontage requirements, and setbacks. Ms. Moore noted that the proposed number of parking spaces (225) is 10 spaces less than the required number of parking spaces in the SCOD (235), and stated that the Applicant has the ability to request a waiver of the SCOD parking requirements from the Planning Board.

GF12. Probable benefits of the Project identified include:

1. That the Project increases housing supply and diversity in the region;
2. That the Project supports the local development context by providing a transition from the existing commercial businesses to the north to residential development to the south;
3. That the Project increases senior care/ medical services options in the region, especially important given the predominance of seniors in the demographics of Cape Cod;

4. That the mix of uses on the site provides economic resiliency;
5. That in addition to a proposed Conservation Restriction of wetland resource areas on-site, the Applicant proposes to restrict land of high conservation value as open space elsewhere in Bourne.

GF13. Probable detriments of the Project identified include:
1. That some work is proposed in wetland buffer areas, though the work is subject to wetlands mitigation; and
2. That the Project requires a significant amount of clearing and disturbance of existing forested land, some of which is located in the Natural Area Placetype due to on-site wetlands resource areas.

REGIONAL POLICY PLAN FINDINGS

GF14. The Commission reviewed the Project relative to the 2018 RPP and companion Technical Bulletins, which were in effect at the time the Commission commenced substantive hearings on the Project.

GF15. Under the 2018 RPP, approximately 25% of the Property is mapped Natural Area Placetype (due to the presence of a wetland and associated buffer), and approximately 75% of the Property is treated as Suburban Area Placetype (given the development context of the surrounding area).

> GF15A. The Applicant submitted in its DRI application a Contextual Site Map, prepared by Green Seal Environmental, dated January 21, 2019, which details uses and development in the area surrounding the Project Site.

GF16. Due to the nature of the Project and its location, the following Goals and Objectives from the 2018 RPP are not applicable or material to the Project: Water Resources Objectives WR2 and WR3; Ocean Resources; Wildlife & Plant Habitat Objective WPH3; Community Design Objective CD3; Coastal Resiliency; Capital Facilities and Infrastructure; Waste Management; Cultural Heritage Objectives CH3 and CH4; Economy Objectives EC3 and EC5; and Housing Objective HOU3.

GF17. The Project is consistent with those applicable and material Goals and Objectives from the 2018 RPP and corresponding provisions from the Technical Bulletins, as referenced and discussed more specifically below.

NATURAL SYSTEMS

WATER RESOURCES

WRF1. The Project Site is located in an area of Sagamore Beach where groundwater flows directly to the Cape Cod Canal, which does not have an associated TMDL or nutrient reduction goal. The Project Site is not within a Wellhead Protection Area, Potential Public Water Supply Area, or within a Fresh Water Recharge Area.

WRF2. Potable water for the Project will be provided through the North Sagamore Water District's municipal system. Water service will be via a new 8-inch water main looped through the Property from Canal Street to Hunters Brook Road (approximately 1,000 feet), which will support fire hydrants located throughout the site as directed by the Bourne Fire Department. A private irrigation well will be used to maintain the landscaping, which will withdraw approximately 1,000 gallons per day.

WRF3. The Applicant has coordinated with the Water District prior to and throughout the DRI review process to evaluate existing water system conditions. Based on those evaluations, the Water District has determined, by vote of the Water Commissioners on June 19, 2019, that the water system has adequate capacity (and pressure to support fire suppression) to serve the Project, subject to various conditions. Pursuant to its vote and determination, should the Project exceed its initial allotted water capacity, the Applicant is required to implement certain on-site water conservation measures or water system upgrades. The Applicant has also agreed to upgrade approximately 2,200 linear feet of water main and associated appurtenances within Canal Street and Hunters Brook Road.

WRF4. Consistent with Water Resources Objective WR1, the Project will include an advanced wastewater treatment facility which will service the MOB, CCRF, and ARRH. The Water Resources Technical Bulletin encourages the use of shared wastewater treatment, which can reduce environmental impacts and treatment costs and enhance open space preservation as it only requires a single location for wastewater disposal and may require less total area for disposal. The Project is expected to generate up to approximately 22,850 gallons per day of wastewater, treated to a maximum effluent concentration of 5.0 mg/L NO_3-N, which results in site-wide nitrogen loading of 3.0 mg/L.

WRF5. The Applicant provided a Hydrogeologic Evaluation Report, prepared in support of a MassDEP Groundwater Discharge Permit Application, which documents site subsurface conditions as sands and gravels, somewhat excessively drained, with an average infiltration test rate of 59.5 feet per day. Groundwater modeling (which accounts for any potential mounding effects associated with wastewater discharge) indicates that the maximum high groundwater level will be separated from the disposal system by greater than 30 feet, well in excess of the minimum four (4) feet required, making it unlikely for groundwater breakout at the land surface. Consistent with Water Resources Objective WR5, the Project's proposed wastewater treatment facility, location, and discharge are not anticipated to negatively impact groundwater resources.

WRF6.The Applicant has designed a stormwater management system that provides the required stormwater treatment, storage capacity, and separation to groundwater consistent with Water Resources Objective WR4. The system consists of Best Management Practices (BMPs) and low impact development (LID) stormwater management techniques distributed throughout the site, in a manner that allows for water quality treatment and infiltration of runoff from site roadways, walkways, parking areas, and roof area. Stormwater runoff from developed portions of the site will be treated and infiltrated on-site. Through a system that includes rain gardens within parking and landscaped areas, stormwater retention basins with sediment forebays, subsurface infiltration chambers, and associated catch basins, piping, and oil/grit separators. Roof runoff from the buildings will be directly infiltrated. The stormwater management system has been

designed using updated rainfall data specific to the Northeast, and the proposed stormwater control measures are sized to provide in excess of the required water quality treatment volume.

WRF7. RPP stormwater guidance regarding infiltration of roof runoff, incorporation of stormwater treatment into landscaping features, and use of clustered development and minimized roadway widths has been incorporated into the site design, consistent with Water Resources Objectives WR1 and WR4. The Project incorporates construction period erosion control measures and the Applicant has provided a stormwater management system operation and maintenance (O&M) plan.

WETLANDS RESOURCES

WETF1. There is a Bordering Vegetated Wetland (approximately 19,126 SF) and associated wetland buffer on the western portion of the site, comprising the Natural Area Placetype, which totals approximately 2.9 acres. The Applicant provided a copy of the Bourne Conservation Commission Order of Resource Area Delineation (dated October 27, 2017) and a Vernal Pool Assessment of the wetland, which documents poor water quality and biological characteristics that do not support vernal pool biology.

WETF2. The Project directs new stormwater flow away from the wetland, consistent with Wetlands Resources Objectives WET2 and WET3, which aim to ensure that stormwater does not alter wetland hydrology or water quality. the wetland currently receives stormwater flow from Canal Street and other off-site generators.

WETF3. In order to separate commercial traffic and other commercial activity associated with the Project from Hunters Brook Road and its surrounding area, which is residential in character, the Applicant has designed access to the MOB and CCRF buildings and the commercial portion of the site from Canal Street. The Applicant provided correspondence from town police and fire officials dated October 10, 2018 stating their preference that access to the commercial buildings on the site be via Canal Street to decrease emergency response time and limit emergency response vehicles along the residential Hunters Brook Road. (However, an emergency access way will connect the commercial and residential ARRH portions of the site.)

WETF4. Proposed access to the site from Canal Street will require crossing the wetland located between Canal Street and the commercial buildings on-site. The Applicant contacted the property owner to the north to inquire about potential alternative access to the commercial portion of the site from that neighboring property, which access could have avoided wetland buffer alteration, but was not able to come to agreement with that property owner. (A copy of that correspondence has been provided, with response from neighboring owner dated November 20, 2017). Therefore, to avoid, minimize or mitigate potential impacts to the wetland and the wetland buffer associated with its crossing, the Applicant will install a 65-foot long clear span bridge over the wetland, which will provide both vehicular access and pedestrian access as well as utility interconnections into the site. Construction of the bridge abutments and the site drive within the wetland buffer area will require the removal of vegetation and the alteration of topography around the construction footprint, but not direct alteration of the wetland. The total area of wetland buffer impact will be approximately 0.44 acres for the installation of the bridge abutments and roadway.

WETF5. Under Section 9 of the 2018 RPP, the Applicant has requested a waiver and flexibility from Wetlands Resources Objective WET1 ("Protect wetlands and their buffers from vegetation and grade changes") (and to the extent necessary, from Objective WET1's corresponding, required methods as appear in the Wetlands Technical Bulletin) to allow for the construction of the bridge within the wetland buffer. The request meets the criteria set out in said Section 9, and the Commission grants the Applicant a waiver and flexibility from Objective WET1 and its corresponding, required methods as they appear in the Wetlands Technical Bulletin.

WETF6. The Applicant proposes to meet the intent of the Wetlands Resources Objective WET1 through on-site restriction of wetland and wetland buffer areas, as well as limiting disturbance of wetland resource areas through the clear span design of the proposed bridge. The Commission may allow wetland buffer alteration where wetland resource values will not be degraded, and the impacts are minimized and mitigated. To minimize and mitigate impacts to the wetland buffer the Applicant will limit disturbance by installing a clear span bridge, restore a portion of the wetland buffer through invasive species management and planting of native vegetation, and preserve higher value habitat areas off-site. Granting the requested waiver and flexibility relief allows the Project to achieve other compelling Goals and Objectives from the RPP, such as better traffic and access management to the site, as well as preservation of community character through limiting impacts from the commercial development on areas with a less-intense residential character.

WETF7. The Applicant proposes to remove invasive species and to restore approximately 0.68 acres of the wetland and buffer area with native plantings, consistent with Wetlands Resources Objective WET4. In support of the wetland restoration the Applicant provided a Wildlife Habitat Evaluation documenting existing plant cover types, invasive plant species conditions, and an ecological restoration plan with mitigation proposal for invasive species eradication, including restoration area maintenance and monitoring. The remaining 2.56-acre wetland area and buffer will be permanently protected through a conservation restriction.

WILDLIFE & PLANT HABITAT

WPHF1. The Applicant provided a Vernal Pool Assessment and a Wildlife Habitat Evaluation, which characterizes the site (outside of wetland and wetland buffer areas) as upland woodland species typical to Cape Cod, including pitch pine and oak, with a shrub understory. The Property is not mapped for rare species habitat, BioMap2 Core Habitat or Critical Natural Landscapes, other sensitive habitat or resource areas, or vernal pools. In addition, the Project Site is relatively isolated, with no linkages to a larger network of off-site habitat, forest or open space areas.

WPHF2. While construction of the Project will result in approximately 6.98 acres of development in the Suburban Area Placetype, the Project has been clustered to the extent feasible outside of the Natural Areas Placetype on the Property. Proposed landscaping includes native plant species beneficial to birds and pollinators. Consistent with Wildlife & Plant Habitat Objectives WPH2 and WPH4, the Applicant will restore 0.68 acres of wetland buffer with native wetlands buffer-type plantings. The Applicant has provided Invasive Species Protocols to limit the potential for invasive species contamination during Project construction.

WPHF3. Project construction incorporates erosion and sedimentation controls to ensure that no damage to trees or vegetation occurs outside of the development envelope during construction, consistent with Wildlife & Plant Habitat Objectives WPH1 and WPH5.

WPHF4. The Applicant will further promote the Wildlife & Plant Habitat Goal to preserve wildlife and plant habitat through the preservation of off-site land with greater habitat values than those present on the site upland areas. The off-site parcel, discussed in additional detail below, includes BioMap2 Core Habitat, mapped rare species habitat, and is connected to other undeveloped, unfragmented open space lands.

WPHF5. Preservation of the wetland and wetland buffer on the Project Site support the wildlife and plant habitat protection interests of the RPP by minimizing development within this Natural Areas Placetype.

OPEN SPACE

OSF1. The Applicant will meet Open Space Objectives OS1, OS2, and OS3 through the preservation of open space both on the Project Site and off-site. The Applicant proposes to permanently protect 2.56 acres of wetland and wetland buffer area on the Property, along with a 4.59-acre parcel located on MacArthur Boulevard south of the Otis Rotary with a conservation restriction. The off-site parcel is located within mapped rare species habitat, BioMap2 Core Habitat, wellhead protection area, and is contiguous with a large area of unfragmented, undeveloped, forested lands containing ponds, vernal pools, and small intermittent streams. Given these characteristics of the off-site parcel, the protection of this land, adjacent to other protected lands to the south, will better meet the interests of Open Space Objective OS2 than protecting/restricting additional land on the Property as open space.

OSF2. Based on the development footprint proposed and its location within both Natural Area and Suburban Area Placetypes, the Open Space Technical Bulletin requires in the first instance that the Applicant provide 1.32 acres of open space to address the wetland buffer impacts (3:1 open space to development ratio), and 6.98 acres of open space to address the impacts within the remainder of the site (1:1 open space to development ratio), for a total of 8.30 acres of required open space mitigation. The Open Space Technical Bulletin allows for a possible reduction of up to 20% of required open space mitigation where the development does not pose impacts to significant habitat areas, where the open space provided has a greater habitat value, and where Natural and Rural Areas Placetypes are absent.

OSF3. The Applicant will provide more than the required 1.32 acres of open space mitigation associated with proposed development within site areas mapped as the Natural Area Placetype on-site by restricting 2.56 acres of open space on-site; and requested a 20% reduction only for the remaining 5.74 acres of open space mitigation associated with proposed development located outside the portion of the site mapped as the Natural Area Placetype by proposing to conservation restrict in perpetuity 4.59 acres of higher resource value land off-site. This method is consistent with Open Space Objective OS3.

BUILT SYSTEMS

COMMUNITY DESIGN

CDF1. The Project has been designed in such a way as to locate the larger scale commercial buildings on the Project Site adjacent to existing commercial uses off-site, and to locate the age-restricted housing off of Hunters Brook Road in an area of other residential uses. This transition from commercial to residential uses reinforces existing development patterns, which is one purpose of the Bourne Senior Care Overlay District.

CDF2. The Project, located within the Suburban Area Placetype, incorporates traditional building forms with appropriate sloped roofs, fenestration patterns, and variation in the façades. The larger commercial buildings are sited away from residential streets and on a lower grade to reduce their visibility, and incorporate varied roof forms, massing and architectural features. Parking for the commercial buildings is kept to the interior of the site and parking areas generally will not be visible from off-site. The existing vegetated character of Hunter's Brook Road will be maintained: with the exception of the proposed site access driveway for the ARRH where some clearing is proposed along Hunters Brook Road, existing vegetation will be preserved to create an effective buffer from the roadway to the proposed development. The Applicant has proposed supplemental plantings within the existing vegetation along Hunters Brook Road.

CDF3. The Applicant provided an Architectural Summary that describes the design vision for the Project in its DRI application.

CDF4. The CCRF is a 4-story building, designed to appear as a 3-story building with a sloped roof; the fourth floor is a partial attic. In the middle of the building's façade is a tower, which takes design cues from a lighthouse and has a covered roof deck at the top. The tower is adjacent to an entry canopy that extends out from the building and provides a *porte cochere* for the loading and unloading of vehicles. Along the base of the building is a covered, colonnaded walkway which extends out from the building and ties into the entry canopy. The façade of the building contains vertical elements that are articulated with board and batten siding that work with the tower element to contrast with the shingled exterior. The vertical elements terminate at the top floor as dormers in the sloping roof, which provide private roof decks for the residents of these units.

CDF5. The MOB is a 3-story structure where the central element of the design is a gambrel-roofed building capped with a cupola and flanked by two (2) chimneys. There is a colonnaded porch that acts as the building entry.

CDF6. The Applicant has designed the commercial buildings with multiple stories which limits the development footprint and thus minimizes the amount of newly disturbed land and impervious surfaces associated with the Project.

CDF7. Each ARRH building is 1.5 story with side-gabled roof and single-gabled front dormer and has a front porch and rear outdoor deck.

CDF8. The exterior materials throughout the Project consist of shingles accented with white trim, columns, and board and batten elements. The ARRH buildings have clapboards on their front facades.

CDF9. Exterior lighting fixtures will be fully shielded, in a downward facing mounting configuration, and provide total cutoff of all light at the Property line. Proposed entrance signage on Canal Street is a ground-level single-face halo-lit entrance sign in a stone veneer sign cabinet with vinyl, wood, and metal accents, consistent with the overall design approach of the Project.

CDF10. Landscaping for the Project was designed using a native plant palette to enhance site features and compliment the architecture and user experience throughout the site. The Applicant provided a Landscape Management Plan, which includes the stormwater management system biofiltration areas. The Plan outlines a monthly maintenance schedule and discussion on the management strategies for different types of vegetation (ex. turf, trees, shrubs, etc.). The Applicant proposes to use organic or slow-release fertilizer and drought-tolerant plants. The Landscape Management Plan also includes an Integrated Pest Management strategy to control weeds and pests.

CDF11. The design considerations described in the CD Findings above are consistent with Community Design Objectives CD1 and CD2.

TRANSPORTATION

TRF1. A Traffic Impact and Access Study (TIAS), dated February 2019, was prepared by VHB, Inc. in accordance with the Transportation Technical Bulletin. The Applicant has proposed both on-site and off-site mitigation measures to improve safety (Transportation Objective TR1), promote healthy transportation (Transportation Objective TR2) and reduce congestion (Transportation Objective TR3) within the study area. The TIAS included a safety and capacity analysis at the following 12 study area intersections and five (5) roadway links:

Intersections:

- Canal Road at Proposed Site Driveway
- Canal Road at Commercial Way
- Hunters Brook Road at Proposed Site Driveway
- Old Plymouth Road at Hunters Brook Road
- Meetinghouse Lane/Scusset Beach Road at Old Plymouth Road
- Meetinghouse Lane at Canal Road/State Road
- Meetinghouse Lane at Route 3 Northbound Off-Ramp
- Scenic Highway (Route 6) at Route 3 Southbound Off-Ramp
- Scenic Highway (Route 6) at Route 6 Eastbound On-Ramp/Church Lane
- Sandwich Road at Mid-Cape Connector
- Sandwich Road at Sandwich Road (east of South Bourne Rotary)
- Cranberry Highway (Route 6A) at Adams Street

Roadway links:

- Canal Road between Proposed Site Driveway and Meetinghouse Lane
- Meetinghouse Lane between Old Plymouth Road and Canal Road
- Meetinghouse Lane/Scenic Highway between Canal Road and Route 3 Southbound Off-Ramp
- Scenic Highway between Route 3 Southbound off-Ramp and Route 6 Eastbound On-Ramp
- Sandwich Road between Sandwich Road and Mid-Cape Connector

TRF2. Trip generation for the Project was developed based on estimates from *Institute of Transportation Engineers' (ITE) Trip Generation*, 10th Edition, for ITE Land Use Code (LUC) 720 (Medical-Dental Office Building), ITE LUC 254 (Assisted Living), and ITE LUC 251 (Senior Adult Housing - Detached) and is summarized below.

Table 1: Trip Generation Summary

Time Period	Unadjusted Total Project Trips [1,2]	Total Project Trips w/Reduction[3]
Weekday Daily	1,752	1,315
Weekday Morning	124	94
Weekday Evening	166	125

[1] Based on ITE LUC 720 (Medical-Dental Office Building) for 39,312 sf., ITE LUC 254 (Assisted Living) for 90 beds and ITE LUC 251 (Senior Adult Housing – Detached) for 25 units.
[2]Includes ITE internal capture reduction to account for trips between the uses.
[3]Total project trips with 25% trip reduction factor.

TRF3. The intersections of Meetinghouse Lane at Canal Street/State Road and Scenic Highway (Route 6) at Route 3 Southbound Off-Ramp, considered high crash locations as they both averaged more than three (3) crashes per year, were evaluated for safety impacts. In addition, both intersections are classified by MassDOT as crash clusters on their Highway Safety Improvement Program map. To improve the safety of Scenic Highway commensurate with Project impacts, the Applicant proposes to install "Signal Ahead" warning signage and a fully adaptive traffic signal system at the three (3) signalized study area intersections on Scenic Highway (Route 6), which coincides with recommendations made by MassDOT as part of their Cape Cod Canal Transportation Study. The intersection of Old Plymouth Road at Meetinghouse Lane/Scusset Beach Road was classified with an above average crash rate and the Applicant has proposed signage and striping improvements for this intersection. The design and location of the proposed site driveways are consistent with Transportation Objective TR1. Overall, the proposed safety analysis and mitigation measures satisfy Transportation Objective TR1 (Safety).

TRF4. The Property is well-located to support non-automobile trips to the site, being proximate to the Cape Cod Canal Bike Path and the Sagamore Park and Ride facility. The Project Site has

also been well-designed to support a safe multi-modal environment. Transit access to the Sagamore Park and Ride facility is provided by regional carriers and the CCRTA via the Sandwich line. The Applicant proposed a robust Transportation Demand Management (TDM) program that will encourage bicycling, walking, ridesharing and public transit to the Project Site by disseminating information to employees and residents. Four (4) electric vehicle charging stations/parking spaces are proposed on-site. The Applicant will donate up to $50,000 to the CCRTA for expansion of midday services on the Sandwich line. The Applicant has also committed to upgrade the existing pedestrian signal equipment to the latest standards at two (2) intersections on Scenic Highway, contingent on MassDOT's approval. The proposed TDM program, transit donation and the pedestrian signal equipment upgrades support the Project's 25% trip reduction goal and satisfy Transportation Objective TR2 (Healthy Transportation).

TRF5. The Project is expected to generate over 100 anticipated peak hour trips and the Applicant has identified mitigation measures to address potential congestion impacts off-site as part of their traffic analysis. The Applicant proposed adaptive traffic signal systems on Scenic Highway and at the intersection of Sandwich Road at the Mid-Cape Connector, subject to MassDOT approval, which are appropriate mitigation to offset traffic impacts associated with the Project. Overall, the installation of adaptive traffic signals is expected to improve safety and reduce congestion within the study area on a local and regional basis, consistent with Transportation Objective TR3 (Congestion).

ENERGY

ENF1. In support of the Energy Goal, the Applicant has designed the Project to include renewable energy, energy resiliency, and conservation and efficiency measures.

ENF2. The MOB and CCRF have been designed to be LEED Certifiable (≥ 40 points), and the ARRH units have been designed to meet the MA Stretch Energy Code (by achieving a HERS rating of 55 or lower). The Applicant has provided documentation on the building construction methods and site design features incorporated into the Project to support those designations, including strategies related to the building envelope, building materials, heating and cooling system, lighting and appliances, transportation, and water management and efficiency. These design features are consistent with Energy Objective EN3.

ENF3. To support renewable energy development that is context-sensitive (Energy Objective EN1), the Applicant proposes to enter into a power purchase agreement to purchase at least 50% of the energy used at the MOB and CCRF buildings from a renewable energy provider, which is also a strategy which will be used to meet LEED Certifiability for these buildings, and has provided initial correspondence with two suppliers. (See Exhibit 13 in DRI application). Given the potential visibility of these commercial buildings from the surrounding area due to the height of the buildings and topography and elevation of the site and surrounding areas, particularly the Sagamore Bridge, the Applicant chose to purchase renewable energy and not to incorporate roof-mounted solar panels, focusing the design of the buildings on incorporating traditional building forms and roof lines (and energy conservation measures), in keeping with the character of the neighboring community. This includes reducing the total amount of roof-mounted mechanical equipment. Ground-mounted solar panels and a solar canopy array were explored, however considerations such as subsurface stormwater management and wastewater components, and the need to clear additional land on-site, made those options unfeasible or

undesirable. Eight (8) of the 15 ARRH units will include roof-mounted solar panels. Due to roof lines, Project siting considerations and orientation, solar panels on the remaining seven (7) units is not viable. The Project does include four (4) electric vehicle charging stations located between the MOB and CCRF.

ENF4. Consistent with Energy Objective EN2 to support energy resiliency, the site utilities will be located underground, and emergency backup generators will be provided for the CCRF and wastewater treatment facility.

COMMUNITY SYSTEMS

CULTURAL HERITAGE

CHF1. There are no historic resources on the Project Site. Consistent with Cultural Heritage Objective CH1, historic resources in the Project vicinity were identified. The only historic building in the Project vicinity is immediately to the west of the Project Site on Hunters Brook Road (Assessors Map 11, Parcel No. 37), and is well screened by a vegetated buffer.

CHF2. While not historic, there is a distinctive character with the adjacent residential neighborhood to the south on Hunters Brook Road, which is maintained through the orientation of the ARRH on the Project Site, allowing for a 15 – 35-foot buffer of existing vegetation to remain adjacent to Hunters Brook Road to preserve the existing wooded roadway character. A portion of the vegetated area along Hunters Brook Road will also be supplemented with additional shrub plantings.

CHF3. Consistent with Cultural Heritage Objective CH2, the Applicant submitted a Project Notification Form to the Massachusetts Historical Commission (MHC) in October 2017. MHC declined to comment on the Project. The Applicant also submitted a copy of the MEPA Environmental Notification Form to MHC during MEPA review in November 2018, and again MHC declined to comment on the Project. The Applicant's consultant contacted MHC in January 2019 and was told that MHC did not intend to comment on the Project.

ECONOMY

ECF1. Consistent with Economy Objectives EC1 and EC2, the Project has been designed to cluster development on the Property, outside of Natural Areas, and incorporates a mix of uses on the Project Site, which can be accessed by multiple modes of transportation. The Property is in a location served by existing transportation and water infrastructure, and will incorporate a wastewater treatment facility, all of which will be shared between the three Project components.

ECF2. Construction of the Project is anticipated to begin in the spring of 2020 and continue through the winter of 2023. The Applicant anticipates Project construction will support hundreds of year-round jobs during the 3-year construction phase, including those for construction trades, building material and outfit suppliers, and earthwork and site development contractors.

ECF3. Consistent with Economy Objective EC4, it is anticipated that post-construction, the MOB may support the employment of 10-12 administrative positions, 10-20 nurses/assistants,

and 10-15 physicians/physicians' assistants. The CCRF is anticipated to support the employment of 10-15 administrative positions and 18-24 nursing staff. These facilities are also anticipated to support jobs in services such as security, custodial, food services, building and general maintenance, and landscaping.

ECF4. The total development cost of the Project is projected to be $40-50M and estimated to provide tax revenue to the town of Bourne of $200-300K annually.

HOUSING

HOUF1. The Project supports Housing Objective HOU1 to promote an increase in housing diversity and choice by proposing to create 15 smaller scale housing units designed for the senior housing market, thereby increasing the variety of year-round housing types needed at this life stage.

HOUF2. The Project is consistent with Housing Objective HOU2 to promote an increase in the year-round housing supply. The Project will add new residential units to the Bourne housing market. The CCRF units may allow for Bourne residents to remain living in the community through a variety of life stages and may create needed flexibility within the community housing market.

HOUF3. The RPP requires affordable housing mitigation for all proposed residential or mixed-use residential Projects of 10 lots/ units or greater. Consistent with Housing Objective HOU4, the Applicant proposes to offer two (2) of the ARRH units and nine (9) of the CCRF units as affordable to those earning 80% of the area median income (AMI) or lower. A perpetual affordability restriction will be required on those units and the Applicant will need to identify an entity to hold the affordability restrictions and identify a qualified monitoring agent with experience monitoring age restricted, senior care retirement, assisted living, or skilled nursing facilities as a primary function of their monitoring business.

CONCLUSION

Based on the Findings above, the Commission further determines, finds and concludes that: the Project is consistent with the 2018 RPP, the Cape Cod Commission Act, and applicable municipal development bylaws; the probable benefit of the Project is greater than its probable detriment; and the Commission hereby grants DRI approval for the Canal Street Crossing Project described herein, subject to the Conditions, below.

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).

C2. When final, and after a copy of this decision has been recorded with the Barnstable County Registry of Deeds, this decision shall be valid and in effect and local development permits may be issued pursuant hereto for a period of seven (7) years from the date of this decision.

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. The Project's consistency with municipal development by-laws shall be ratified and confirmed by the Applicant obtaining all said required local permits, licenses and approvals for the Project. Prior to commencement of the Project, the Applicant shall provide the Commission copies of all required local permits, licenses and approvals for the Project.

C5. The Project shall be constructed, operated, and maintained in accordance with the following documents ("Approved Project Plans"):

- Canal Street Crossing Site Plans, prepared by Green Seal Environmental, Inc., dated February 2019;
    - Cover
    - General Notes & Legend
    - Existing Conditions Plans
    - Materials & Layout Plan
    - Utility Plan (Sewer)
    - Utility Plan (Water)
    - Utility Plan (Drainage)
    - Utility Plan (Roof Drains)
    - Site 7 Grading plans
    - Traffic and Striping Plan
    - Erosion control plan
    - Part Plans (Larger Scale)
    - Detail Sheets
    - Landscape Plans
    - Exterior Lighting Plans
    - Bridge Plan
- Canal Street Crossing Architectural Plans & Renderings, prepared by GenCon, dated February 15, 2019;
- The following attachments appended to a letter report to the Cape Cod Commission, prepared by Green Seal Environmental, Inc., dated March 29, 2019:
    - Attachment 3 – Solar Layout and Production Data;
    - Attachment 4 – Pedestrian Circulation Plan;
    - Attachment 5 – Traffic and Signage Plan;
    - Attachment 6 – Peak Hour Network Figures;
    - Attachment 7 – Synchro Report – AM & PM
- Email from Green Seal Environmental, Inc. to Cape Cod Commission with updated Open Space calculation, dated May 2, 2019;
- Supplemental Memorandum regarding transportation, prepared by VHB, dated May 2, 2019;
- Energy Conservation Measures prepared by Stephen Morrell AIA LEED AP, Gen Design dated February 2019, Exhibit 21 in DRI application;
- Outdoor Lighting Fixture Specifications Sheets, Exhibit 22 in DRI application;

- Stormwater O&M Plan, Construction Period Pollution Prevention Plan, Illicit Discharge Management Protocols, respectively Appendices D, E & F in the Stormwater Design Plan, prepared by Green Seal Environmental Inc. dated February 2019, Exhibit 25 in DRI application;
- A Traffic Impact and Access Study (TIAS), dated February 2019, prepared by VHB, Inc.
- Landscape Maintenance Plan/ Manual, prepared by JCLA dated February 2019, Exhibit 26 in DRI application;
- Invasive Species Management Protocols, Exhibit 27 in DRI application;
- Wildlife Habitat Evaluation prepared by Tunison Environmental Consultants, Inc. dated November 14, 2018, including Attachment 7 (Ecological Restoration Plan), Exhibit 19 in DRI application.

C6. The Applicant shall provide a copy of this decision and the Approved Project Plans to the Project 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 Bourne Building Department, the Applicant shall request and obtain from the Commission a Preliminary Certificate of Compliance; the issuance of such Certificate 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 Bourne Building Department, the Applicant shall request and obtain from the Commission a Final Certificate of Compliance; the issuance of such Certificate 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, and shall confirm that the Project was constructed or implemented in accordance with this decision.

C9. The Applicant may request, and the Commission may issue, phased Certificates of Compliance for the Project. Without limiting the generality of the foregoing, Certificates of Compliance may be issued separately for the medical office building, age restricted residential housing and the continued care retirement facility. Pursuant to its review of the Applicant's request for issuance of such a Certificate, Commission staff may make, and the Applicant hereby authorizes, site inspections upon reasonable notice to the Applicant.

C10. The Applicant shall restrict, at a minimum, and in accordance with the relevant provisions of MGL Chapter 184 Sections 31 through 33, two (2) of the age-restricted residential housing units and nine (9) of the continued care retirement facility units as affordable in perpetuity for occupancy by those earning 80% of the area median income (AMI) or lower.

C10A. Prior to and as a condition to issuance of any Preliminary Certificate of Compliance by the Commission for either the age-restricted residential housing or the continued care retirement facility, the Applicant shall provide to Commission staff for review and comment drafts of an Affordable Housing Restriction, Affirmative Marketing/Tenant Selection Plan and Monitoring Agreement for the respective

affordable units proposed in the age-restricted residential housing or the continued care retirement facility, as applicable, prepared in accordance with the relevant provisions from the Commission's Housing Technical Bulletin, and each identifying a qualified and willing holder or grantee.

C10B. Prior to and as a condition to issuance of any Final Certificate of Compliance by the Commission for either the age-restricted residential housing or the continued care retirement facility, the Applicant shall provide to the Commission a copy of the respective Affordable Housing Restriction recorded with the Barnstable Registry of Deeds as previously reviewed by Commission staff, and executed copies of the respective Affirmative Marketing/Tenant Selection Plan and Monitoring Agreement as previously reviewed by Commission staff.

C11. The Applicant shall restrict for conservation and open space purposes in perpetuity, and in accordance with the relevant provisions of MGL Chapter 184 Sections 31 through 33, the ~2.56 acres of wetlands and wetlands buffer on the Property and ~4.59 acres of the land off-site identified along MacArthur Boulevard (being a portion of Lot 1 shown on the plan recorded with the Barnstable Registry of Deeds in Plan Book 675 Page 72).

C11A. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to Commission staff for review and comment drafts of the Conservation Restrictions for the said on- and off-site land, prepared in accordance with the relevant provisions from the Commission's Open Space Technical Bulletin, and each identifying a qualified and willing holder or grantee.

C11B. Prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide to the Commission copies of the Conservation Restrictions recorded with the Barnstable Registry of Deeds for the said on- and off-site land, as previously reviewed by Commission staff.

C12. Prior to and as a condition to issuance of any Final Certificate of Compliance for the medical office building or the continued care retirement facility, the Applicant shall provide a copy of the respective, renewable energy power purchase agreements executed by and between the Applicant and a renewable energy provider evidencing purchase of 50% of each building's estimated electric demand for no less a contract term than five (5) years.

C13. The Applicant shall perform the proposed invasive species management and ecological restoration on-site per the Approved Project Plans (specifically, as they appear in the Wildlife Evaluation Report prepared by Tunison Environmental Consultants LLC), which work shall be completed prior to and as a condition to issuance of a Final Certificate of Compliance by the Commission. As suggested in Sections 2 and 5 of such Report, herbicides (including glyphosate/"Roundup") shall not be the primary or preferred method to treat invasive species on-site, but shall only be used if the other removal or management methods cited prove impractical or ineffective, and then, only in accordance with the application practices expressly set out in the Report. Following completion of this work, the Applicant shall provide to the Commission restoration area monitoring reports following the initial planting of the restoration area and two (2) subsequent annual monitoring reports, consistent with the Wildlife Habitat Evaluation incorporated in the Approved Project Plans.

C14. The Applicant shall perform the proposed Transportation mitigation as set out in Findings TRF3 and TRF4 and TRF5 herein, which mitigation shall be completed prior to and as a Condition to issuance of a Final Certificate of Compliance by the Commission.

C15. The Applicant shall install the solar panels on the detached residential units and incorporate the energy conservation measures into the Project as proposed and described in the Approved Project Plans, which work shall be completed prior to and as a Condition to issuance of a Final Certificate of Compliance by the Commission. In addition to site and other inspections by Commission staff, the Applicant shall evidence satisfaction of this Condition by providing to the Commission certification by the Project engineer or architect that the solar panels have been installed and energy conservation measures implemented as proposed and approved.

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this 11th day of July 2019

Harold W Mitchell
Signature

Harold W Mitchell - Chair CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss July 11, 2019

Before me, the undersigned notary public, personally appeared Harold W. Mitchell in his/her capacity as Chair of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [X] personal knowledge of the undersigned.

JONATHON D. IDMAN
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
August 15, 2019

Notary Public

My Commission Expires:

SEAL