

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



CAPE COD
COMMISSION

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

**CAPE COD COMMISSION STAFF REPORT
DEVELOPMENT OF REGIONAL IMPACT – MAJOR MODIFICATION**

Date:	October 22, 2026
Project:	340 MacArthur Boulevard (CCC Project No. 24010)
Project Applicant:	MacArthur Park Place, LLC c/o Eliza Cox, Esq. La Tanzi, Spaulding, and Landreth P.O. Box 2300, Orleans, MA 02653
Property Owner:	MacArthur Park Place, LLC
Project Location:	340 MacArthur Boulevard, Bourne
Map/Parcel:	Map 31.4, Parcel 15
Title Reference:	Book 35390 Page 41

Project Description and Context

The Applicant proposes to modify the 2003 Development of Regional Impact (DRI) approval (TR#02018) through a proposed Change of Use of the existing 24,779 square foot (sf) building from private recreation to countertop manufacturing with small showroom. The Applicant also proposes a change in outdoor use on approximately 2.35 acres to include bulk storage of marble/granite slabs on racks and approximately 50 container storage trailers. The total site acreage is approximately 7.9 acres.

The Applicant would largely reuse existing structures and features in their current configuration. Proposed changes include:

- Interior reconfiguration of the existing structure to accommodate approximately:
 - 4,600 square feet of showroom space
 - 19,759 square feet of manufacturing space
- The building façade will be refaced including installation of new energy efficient and weather resistant barrier and sheathing system

- The rear parking lot and the area behind the building will be used for outdoor storage for marble/granite slabs and outdoor storage of container storage trailers (approx. 102,500 sq. ft.)
- Open areas to the north and west of the building will be restored to a more naturalized appearance (approx. 109,640 sq. ft.)
- The existing stormwater system will be repaired and reused

Placetype

The 2025 Regional Policy Plan (“RPP”) focuses on the review of proposed developments in relation to their surroundings. To this end, the RPP identifies eight Placetypes across the region and classifies areas based on similar natural and built characteristics. The Placetype for a given project is established at the outset of regulatory review and provides a lens to analyze the project with respect to the goals and objectives of the RPP. Placetypes are determined in two ways: some are depicted on a map adopted by the Commission as part of the Technical Guidance review of DRIs, and others are identified using the character descriptions set forth in Section 8 of the RPP.

Staff suggest that the Project Site is within a Suburban Development Area. Suburban Development Areas include residential neighborhoods built primarily between the 1950s and 1990s as well as automobile oriented commercial and light industrial development established during the same time period. The vision for these areas is to redevelop commercial and industrial Suburban Development Areas consistent with the community's vision to create more concentrated nodes of development, and to improve their design and function so that they are better integrated into surrounding neighborhoods.

Jurisdiction and Procedural History

The Project is proposed on the site of a previously approved Development of Regional Impact (“DRI”) Decision dated October 23, 2003 (Cape Cod Commission No. TR02018) and further modified by a Minor Modification Type #2 decision dated June 16, 2004 (collectively, “2003 DRI Decision”). The Project proposes to redevelop the building and site that had previously been approved for recreational use by changing the use to industrial and retail.

In accordance with Section 11(a) of the *Enabling Regulations*, all modifications to findings and conditions of an approved DRI shall be processed as a modification. Proposals for revisions to approved DRIs are reviewed by the Commission's Executive Director to determine which modification category listed in Section 11(c) of said regulations is applicable to the proposed modification.

The Executive Director of the Commission determined that the Project qualifies as a Major Modification. Major Modifications include a similar proposal to the original project but involve a major Change of Use or changes to the site plan, findings, or conditions of the original approval, which would result in different or increased impacts to the resources protected by the Act and/or the RPP.

In accordance with Section 11(b)(iii) of the Commission's Enabling Regulations, Major Modifications are reviewed by the Commission or its designee for consistency with Section 13(d) of the Act. Major Modifications may be limited to those subject areas where different or increased impacts have been identified.

DRI Review Standards

- Section 13(d) of the Act and Section 6(c)(viii) of the Commission's Enabling Regulations contain the standards of review for DRI approval, which include, as applicable, consistency with the Cape Cod Commission Act and its Regional Policy Plan, consistency with municipal development bylaws, or, if inconsistent, that the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth, if within a District of Critical Planning Concern, its implementing regulations, and if Commission-certified, the town's Local Comprehensive Plan ("LCP").
- DRI review of the Project is subject to the 2025 RPP, which is the version of the RPP in effect at the time of the Commission's first substantive public hearing on the Project. The Commission assesses the Project's consistency with the RPP by determining whether the Project is consistent with the Goals and Objectives in Section 6 of the RPP, as particular goals and objectives are deemed applicable and material to the Project.
- The Commission must also find that the probable benefit from the Project is greater than the probable detriment.

Cape Cod Regional Policy Plan

RPP Goals and Objectives

Based on the location and nature of the Project, and limiting the review to where different or increased impacts have been identified, the following RPP goals are applicable, material, and regionally significant and thus subject to RPP consistency review: Water Resources; Wildlife & Plant Habitat; Open Space; Community Design; Transportation; and Energy. Commission staff make the following recommendations relative to the Project's consistency with these RPP Goals and relevant Objectives and Technical Bulletin guidance:

Water Resources

The Water Resources Goal is to maintain a sustainable supply of high-quality 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 or restore marine water resources
- WR4 – Manage and treat stormwater to protect and preserve water quality

Objective WR1 requires projects to protect and preserve groundwater quality, principally by limiting sitewide nitrogen loading and using site design and operational best practices to avoid impacts to both public and private drinking water resources. As a redevelopment, the Project proposes to make use of the existing and previously approved septic system but is expected to result in substantially less wastewater generation (520 gallons per day) than the previous amusement use (3,000 gallons per day). The resulting site-wide nitrogen loading is expected to be 1.96 mg/L, which is less than the 5 mg/L required by Objective WR1 and a reduction in nitrogen loading from the 3.3 mg/L calculated for the previous use. Staff suggest that using the same wastewater treatment system while reducing wastewater flow will improve nitrogen loading and groundwater quality, consistent with Objective WR1.

The Project Site is located within the Marine Water Recharge Area (MWRA) for Phinneys Harbor but otherwise lacks mapped water resource areas. Objective WR3 requires projects to protect, preserve and restore marine water resources. Phinneys Harbor is a MassDEP designated Natural Resource Nitrogen Sensitive Area, and redevelopment projects within the Phinneys Harbor MWRA are required to improve upon existing conditions by reducing project nitrogen mass loading. As under Objective WR1, by retaining the same wastewater treatment infrastructure but reducing wastewater generation by approximately 80%, the project is expected to result in a substantial reduction in nitrogen mass loading to Phinneys Harbor as compared to the previously approved use. Staff suggest that by reducing wastewater generation and subsequent nitrogen mass loading, the proposed project is consistent with Objective WR3.

Objective WR4 requires projects to manage and treat stormwater to protect and preserve water quality. The Project involves re-vegetation of various currently disturbed areas and proposes reducing the overall site impervious area while rehabilitating the existing stormwater management system to allow it to properly manage site runoff. By replacing current impervious area with vegetation and landscaping, site runoff will be reduced compared to current conditions. The Applicant has provided calculations indicating that, after rehabilitation, the existing stormwater management system will be capable of properly managing and treating runoff from the proposed site conditions, and as such staff suggest the project is also consistent with Objective WR4.

Wildlife and Plant Habitat

The Wildlife and Plant Habitat Goal is to protect, preserve, or restore wildlife and plant habitat to maintain the region's natural biodiversity.

The following Objectives are applicable and material to the project:

- WPH 2 – Restore degraded habitats through use of native plant communities

- WPH 4 – Manage invasive species
- WPH 5 – Promote best management practices to protect wildlife and plant habitat from the adverse impacts of development

Objective WPH2 is to restore degraded habitats through use of native plant communities. The application materials include a landscape plan narrative dated August 6, 2025, and a revised landscape plan and narrative dated May 7, 2026. Staff attended several meetings with the Applicant and their landscape consultant and provided comments regarding their landscaping plans and encouraged the Applicant to incorporate more native species into their plan.

The current application proposes a 109,640 sf (2.52 acres) renaturalization / restoration area in the northwest corner of the site within the boundaries of the former go-cart track and along the north and west property boundaries. This area is proposed to be seeded with a native conservation seed mix and allowed to naturalize. Existing trees along property lines will remain. According to the landscape plan, 55% of the site will either be landscaped (23%) or naturalized (32%). Per WPH2, no less than 90% of the total landscaped and/or restored area should be comprised of native species and applicants must provide justification for any proposed plants that are not on the Commission's plant list. According to the application, specified plants, which include a mix of native species and ornamental plantings, were chosen for their diversity, ecological sustainability, aesthetic interest, scale, screening capacity and viability appropriate to the site.

While the most recent landscape plans are an improvement over prior plans with some problematic species removed and more native species added, staff continues to recommend as many nonnative and native cultivar tree and shrub species be replaced with straight native species and turf area be replaced with native seed mix, especially on the north side of the site adjacent to the proposed renaturalization / restoration area where foot traffic is not anticipated. Staff also recommend requiring a landscape maintenance plan as a condition to any DRI Decision to ensure native plant establishment and persistence, especially in the proposed renaturalization / restoration area.

Objective WPH4 is to manage invasive species. According to the application, invasive species management will be a component of the redevelopment of the site, and the original landscape design narrative provides a brief narrative of an invasive species management plan. It notes invasive species management will begin with the removal of debris and unsuitable landscape materials, and ongoing management will consist of annual removal of invasive plants, regular mowing of grass areas, and maintenance of planting beds to control invasives. Staff also recommends using best management practices during construction to avoid the introduction or spread of invasive species. Recommended practices include educating contractors regarding invasive species, using weed-free construction and landscaping materials, properly handling and disposing of soils, seeds, and plants from infested areas, washing construction vehicles and

equipment off site prior to initiating work on the project site and inspecting and/or washing vehicles and equipment periodically during construction. Staff recommend that as a condition to any DRI Decision, the Project's landscape maintenance plan should include invasive species management protocols.

Objective WPH5 is to promote best management practices to protect wildlife and plant habitat from the adverse impacts of development. Staff recommends that the Applicant commit to incorporate best practices such as avoiding the use of pesticides, incorporating bird safe building designs, and ensuring lighting is dark-sky compliant, if these practices are not already part of the project design plans.

Open Space

The Open Space Goal is to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems.

The following Objective is applicable and material to the project:

- OS3 – Provide protected open space appropriate to context

Objective OS3 is to provide protected open space appropriate to context. The Project proposes reusing the existing +/-24,000 square foot building and an +/-102,500 square foot (2.35 acres) outdoor area for parking and storage. There are no mapped sensitive natural resources on the site, and the site is not within a Natural Areas Placetype. The site is almost entirely previously developed or disturbed and is surrounded by a major roadway and commercial development. As a redevelopment project with no new area of development impact, there is no new open space requirement. Staff suggest, however, that the Applicant must address and resolve an outstanding compliance issue with the Open Space requirements of the 2003 DRI Decision as part of the current review.

Under the 2003 DRI Decision, there was an open space requirement equivalent to the total developed area of the site, or approximately 120,658 square feet (2.77 acres), and the proponent proposed to meet its open space requirement through the permanent protection of 120,663 square feet (2.77 acres) onsite, mainly through preservation or improvement of vegetated buffers along the front, north, and back of the property. Conditions to the 2003 DRI Decision required a deed restriction on these areas, which was to be re-recorded every thirty years. The deed restriction and plan were recorded as required by the conditions of the 2003 DRI Decision, but the open space area was not maintained consistent with the restriction. Staff recommend that the Applicant correct this noncompliance through a permanent conservation restriction on- or off-site.

According to the application, the Applicant was unsuccessful in attempts to acquire off-site open space in the Town of Bourne. The Applicant instead proposes to restrict an +/-2.00-acre parcel in

the Town of Sandwich. This parcel is within a residential area, vacant, wooded, and abuts other open space. The Applicant proposes to deed the parcel to the Town of Sandwich Conservation Commission or to a land trust.

The proposed open space parcel is not mapped for any natural resources, but given its location, surrounding context, and naturally wooded condition, staff agrees it is preferable to onsite open space. Staff recommends that the Applicant provide confirmation from the Towns of Bourne and Sandwich that these entities are amenable to this proposal and confirm who the land will be deeded to.

Community Design

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.

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

The major changes from the 2003 DRI Decision are the design of the building as well as the types of use proposed to occur within the limits of the outside storage area. The current application proposes a building that retains the existing footprint with a profile generally similar to the previous proposal but for the facade materials, fenestration pattern, and scale of the main entrance, which are all appropriate considering the nature of the use and characteristics of Suburban Development Area Placetype. Materials include a variety of metal, stone, cement, and manufactured wall tiles or panels such as concrete quartz, splitface, faux marble, and aluminum panels that break up the building mass and add texture to the facade. The Applicant has also included landscape buffers along the street edge in the front of the building as well as an evergreen hedge and planting island on the north side of the building to screen the rear of the property from the road. The scale and massing of the proposed building are appropriate given the context and past use of the site, consistent with Objective CD1.

Objective CD2 requires projects to minimize the amount of newly disturbed land and impervious surfaces. As a redevelopment project, the Applicant has minimized the disturbance of land by retaining the building and keeping the same building footprint, as well as reutilizing the existing paved parking area for future parking and storage of materials. In addition, the former go-cart track in the northwest corner of the lot will be regraded and renaturalized. Thus, staff recommend that the Project is consistent with Objective CD2. However, staff suggest that the Applicant provide additional detail on the proposed uses and potential surface treatments in the outside products storage area on the presently pervious landscape area adjacent to the existing parking lot, which, according to the landscape plan, will be 71,222 square feet (20% of the total site). The Applicant should minimize the extent of ground disturbance and provide

documentation of any potential future disturbance or loss of natural or pervious surfaces within the outside storage area since it is a substantial portion of the property.

Transportation

The Transportation goal of the RPP is to provide and promote a safe, reliable, and multimodal transportation system.

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 healthy transportation options and appropriate connections for all users
- TR3 – Implement and promote vehicle trip reduction strategies

Objective TR1 requires projects to improve safety and eliminate hazards for all users of Cape Cod’s transportation system. A Traffic Impact Assessment (TIA) memorandum dated July 17, 2025 was prepared by VHB to summarize the proposed traffic impacts associated with the Major Modification proposal. According to the TIA, the proposed marble and granite warehouse/retail store will generate approximately 116 vehicle trips during the weekday morning peak hour and approximately 133 vehicle trips during the weekday evening peak hour. In comparison to the previous amusement use, the proposed redevelopment will generate less traffic volumes than the previously approved amusement use with approximately 74 fewer vehicle trips occurring during the weekday evening peak hour and approximately 197 fewer trips occurring during the Saturday midday peak hour. The previous amusement use did not generate significant traffic during the weekday morning peak hour, however, the redevelopment project will experience a reduction in overall daily traffic impacts compared to the prior amusement use. Under the previous DRI approval, traffic mitigation payments were provided to offset the project’s traffic impacts. Additionally, the proposed redevelopment is maintaining the existing right-turn only driveway access on MacArthur Boulevard and has prepared a sight distance evaluation to ensure safe sight lines will be provided with the new site layout and proposed landscaping, consistent with Objective TR1.

Objective TR2 requires projects to provide and promote healthy transportation options and appropriate connections for all users. Staff recommend that the proposed sidewalk to the front door along the eastern side of the building be connected to the sidewalk along the southern side of the building to provide a continuous and accessible internal walkway. The Applicant should also explore striping a crosswalk to connect the parking area to the internal sidewalk. There is no connecting pedestrian infrastructure along MacArthur Boulevard. However, the prior DRI Decision included the construction of a wooden walkway connecting the project site to the Mobil Gas Station to provide a local connection to Clay Pond Road where transit access is provided. In a

letter dated May 4, 2026, provided by the Applicant's counsel, it appears that the existing wooden walkway is currently in poor condition. The Applicant is planning to contact the abutting property owner to make the necessary improvements to the pedestrian walkway, if amenable. If an agreement cannot be reached, then the Applicant proposes to remove the wooden walkway as the proposed use will likely not generate significant foot traffic as the previous amusement use. The Applicant should provide an update on the status of conversations with the abutter during the DRI review process.

Objective TR3 requires projects to implement and promote vehicle trip reduction strategies. The previous DRI approval included several trip reduction measures that are encouraged to be included in the proposed operations. VHB prepared a Transportation Demand Management (TDM) Initiative memorandum dated August 28, 2026, where they outlined several initiatives to continue supporting trip reduction measures, such as promoting transit service, installing bike racks, providing an on-site lunchroom and an employee guaranteed ride home program which would be consistent with Objective TR3.

Energy

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

The following Objective is applicable and material to the project:

- EN3 – Promote energy efficiency and conservation measures by minimizing energy consumption through planning and design

Findings relating to the Energy goal in the 2003 RPP were not included in the original DRI decision. However, as proposed in this modification, building improvements will include LED light fixtures, energy and water efficient appliances, and 'smart' temperature controls, and will be designed to Energy Star certification, consistent with Energy objective EN3 of the 2025 RPP.

Economy

The Economy Goal is to promote a resilient, inclusive, and diverse regional economy that protects and builds on the Cape's competitive advantages. The following Objectives are applicable and material to the project:

- EC1 – Support traditional and emerging businesses and industries
- EC2 – Support local workforce, economic activity, and entrepreneurship

The proposed project will have 5-10 full-time employees and the Economy Goal and Objectives apply to projects with a non-residential component and 10 or more employees (full- or part-time). The proposed project will provide jobs in a business that supports the region's construction industry, consistent with EC1. The applicant states they will provide employee

benefits including sick time, vacation time, and disability insurance, consistent with Objective EC2.

Other DRI Standards of Review

Prior to approval of any Major Modification, the Commission must find that the proposed Project's probable benefits outweigh its probable detriments, and that the proposed Project is consistent with municipal development bylaws, Commission-certified Local Comprehensive Plans ("LCP"), and applicable District of Critical Planning Concern (DCPC) implementing regulations.

Consistency with Local Zoning Bylaw and Bourne's Local Comprehensive Plan

The Bourne Town Planner provided the attached letter dated 10/16/2026 regarding consistency with the Town's LCP and compliance with municipal development bylaws.

DCPC Implementing Regulations

There are no DCPC implementing regulations applicable to the Project.

Probable Project Benefits vs. Probable Project Detriments

The subcommittee must consider and weigh the probable benefits and probable detriments of the Project.



JENNIFER COPELAND
TOWN PLANNER
jcopeland@bourne-ma.gov

TOWN OF BOURNE
Office of the Town Planner

TOWN HALL
24 PERRY AVE.
BUZZARDS BAY, MA 02532
PHONE: 508-759-0600 ext. 1301



JOSHUA KRUEGER
ASSISTANT TOWN PLANNER
JKrueger@bourne-ma.gov

October 16, 2026

Cape Cod Commission
Ms. Ellen Carlson, Regulatory Planner II
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable, MA 02630

Re: MacArthur Park Place LLC, 340 MacArthur Boulevard, Bourne
CCC Project #: 24010 Redevelopment Major Modification

Dear Ms. Carlson :

This letter is to provide commentary on the local permitting requirements on the above-mentioned project's consistency with the Town of Bourne's Zoning Bylaw and the Local Comprehensive Plan.

The applicant proposes to redevelop the former Adventure Isle and Go-Kart amusement facility located at 340 MacArthur Boulevard for stone countertop retail use, fabrication, and outdoor storage. The project consists of modifying the 2003 Development of Regional Impact (DRI) approval (Adventure Isle – CCC No. TR02018) to change the use of the existing building from commercial recreation to retail use for stone countertop fabrication and sale. The project also proposes a change in the outdoor use to bulk storage for marble/granite slabs on racks and approximately 50 container storage trailers on approximately 2.35± acres of the 7.9± acre site.

The property is identified on the Town assessor's map 31.4 parcel 15. It is located in a Business 4 (B-4) zoning district and the MacArthur Boulevard Development Agreement Overlay District. It is not located in a Water Resource District or Zone II Water Recharge Area.

This office has not done a comprehensive review of the project, however, I will confirm the proposed retail and fabrication are allowed uses and require Site Plan Review-Special Permit from the Planning Board. The uses are categorized under the Bourne Zoning Bylaw §2220 for retail of more than 1,600 square feet gross floor area, or more than 200 vehicle trip ends per average business day (based on the most recent edition of the Institute of Transportation Engineers Trip General Manual) and for manufacturing use. In addition, outdoor storage

requires Site Plan Review-Special Permit from the Planning Board and it is categorized under the Bourne Zoning Bylaw §2220 as wholesale, bulk storage, or other business uses meeting requirements of Section 3400 (environmental controls).

The project is subject to section 2500 footnote "i": "Increase to 50 feet for front yards adjoining MacArthur Boulevard. Section 3540 notwithstanding, no parking, loading, or storage areas shall be located within a required front yard. Within a required front yard, no trees of over 6" diameter shall be removed except as necessary for egresses, safe visibility, or removal of dead or diseased trees".

The proposed development appears consistent with the Town of Bourne Local Comprehensive Plan (LCP) economy goal which envisions Bourne as an attractive location for a diverse business community that provides rewarding year-round employment to town residents at many levels of skill, education and experience, while contributing to the town's economy and respecting its village structure and cultural heritage.

Thank you for the opportunity to provide comments on the project. This project will be continually monitored and reviewed along with the Commission's Development of Regional Impact (DRI) process and if any issues or concerns are found they will be forwarded to the Commission as soon as possible.

Respectfully,



Jennifer Copeland
Town Planner

Cc: Planning Board

Eliza Cox Esq., LaTanzi, Spaulding & Landreth, Applicant's Attorney

Marlene McCollem, Town Administrator

Eleanor MacKay, Building Commissioner