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CAPE COD
COMMISSION

DEVELOPMENT OF REGIONAL IMPACT DECISION Procedural Denial

Date: December 17, 2024

Project: 340 MacArthur Blvd (CCC File No: 24010)

Project Applicant: Cape Cod Trailer Storage
c/o Colleen Flemming
270 Communication Way 7-B
Hyannis, MA 02601

Global Design Group Inc.
c/o Luciana G De Oliveira
171 Locke Dr Suite 109
Marlborough, MA 01752

Property Owner: MacArthur Park Place, LLC
J. Bruce MacGregor, Manager
c/o Colleen Flemming
270 Communication Way, Unit 7B
Hyannis, MA 02601

Project Location: 340 MacArthur Blvd, Bourne, MA 02532

Assessor's Reference: Map/Parcel 31-4-15

Title Reference: BCRD Book 35390 Page 41

1. The Project proposes redevelopment of an existing 24,379+/- square foot structure on a 7.9-acre parcel on MacArthur Boulevard in Bourne. The redevelopment proposes an industrial and wholesale use within the structure and outdoor area. At the time of the referral, natural ground cover in excess of 2 acres had been removed from the site without a local permit.
2. There is an existing DRI Decision on the property for the Adventure Isle Amusement Park, approved in 2004 (Cape Cod Commission File No. 02018) and recorded with the Barnstable County Registry of Deeds at Book 18787, Page 151.
3. The Project is a mandatory Development of Regional Impact (DRI) pursuant to Section 3(f)(i) of the Cape Cod Commission's *Enabling Regulations Governing Developments of Regional Impact* ("Enabling Regulations"), as any proposed Change of Use, or

- Demolition and replacement resulting in a Change of Use, involving commercial, service, retail, wholesale, or industrial uses in excess of the 10,000 square feet.
4. The Project further qualifies as a mandatory Development of Regional Impact (DRI) pursuant to Section 3(j) of the Enabling Regulations, as site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval or in conjunction with a municipal project.
 5. The Project is not exempt from the Cape Cod Commission Act ("Act") under the provisions of Section 22 of the Act, and is not exempt from Cape Cod Commission ("Commission") DRI review under other relevant provisions of the Act or Code of Cape Cod Commission Regulations.
 6. On February 23, 2024, the Bourne Planning Department received an application for a business certificate for a new use at the Property. The certificate was placed on hold pending the submission of an application for Planning Board Site Plan Review-Special Permit.
 7. Correspondence from the Bourne Planning Department states that over 2 acres of natural cover has been cleared on the Property and that said clearing was not done in conjunction with a Special Permit from the Planning Board or a valid building permit.
 8. The clearing of natural cover was not permitted under the existing DRI Decision on the Property.
 9. On April 17, 2024, the Bourne Planning Department received a special permit application for a change of use and to clear more than 10,000 sq. ft. of natural ground cover. The Bourne Planning Board subsequently voted to refer the Project to the Commission.
 10. The Commission received a DRI referral for the Project from the Bourne Planning Board on June 6, 2024.
 11. The Commission provided notice of this referral to the Applicant and Town by certified letter dated June 11, 2024.
 12. The DRI hearing period was opened for procedural purposes by a Commission hearing officer on August 5, 2024.
 13. On October 16, 2024, Commission staff sent a letter to the Applicant and Property Owner with notice of a pending procedural denial under Section 13 of the Enabling Regulations. The letter informed the Applicant and Property Owner of their right to address a standing committee regarding the status of the Project.
 14. The DRI hearing period closed on November 1, 2024 without the submission of a DRI application to the Commission for the Project.

15. Due to no DRI application being submitted, the Commission could not review and hold hearings on the Project within the Commission's statutory DRI hearing and review timelines set out in the Enabling Regulations.
16. The Applicant did not pay the Application fee in accordance with Section 14 of the Enabling Regulations.
17. Under Section 13 of the Enabling Regulations, a DRI may be procedurally denied, without prejudice, when: the Applicant fails to submit a complete DRI application; the Applicant fails to pay the entire filing fee specified in Section 14, Schedule of Fees; or other instances where the project fails to progress continuously and expeditiously through required regulatory processes and the Commission determines that a procedural denial without prejudice may be properly granted.
18. The Cape Cod Commission received correspondence from the Property Owner's representative on December 2, 2024 providing an update on the Project and the reasons for the delay in filing a DRI Application. In the letter, the Property Owner's representative acknowledges that the Project will be procedurally denied and that they intend to re-engage in the Cape Cod Commission review process once they have a site plan set.
19. The Commission considered procedural denial for the Project at its meeting on December 5, 2024.
20. The Cape Cod Commission hereby procedurally denies the Project described herein without prejudice pursuant to Section 13 of the Enabling Regulations.
21. The Town of Bourne may not further review or issue permits, licenses or approvals for the Project, and no building, site, or development work related to the Project may be undertaken on the Property until reviewed and approved by the Commission as a Development of Regional Impact. Any local permits, licenses or approvals granted for the Project are without force or effect.
22. If the Applicant should submit a DRI application for the Project to the Commission, the DRI hearing and review timelines will commence when the Applicant has submitted a DRI application for the Project and it has been deemed complete by the Commission.

(Signature page follows)

Executed this _____ day of December 2024.

For the Cape Cod Commission, by:

Harold Mitchell, Chair
Cape Cod Commission

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

December ____, 2024

Before me, the undersigned notary public, personally appeared

_____, in his/her capacity as

_____ of the Cape Cod Commission, whose name is
signed on the preceding document, and such person acknowledged to me that he/she
signed such document voluntarily for its stated purpose. The identity of such person was
proved to me through satisfactory evidence of identification, which was [] photographic
identification with signature issued by a federal or state governmental agency, [] oath or
affirmation of a credible witness, or [x] personal knowledge of the undersigned.

Notary Public
My Commission Expires:

SEAL

340 MacArthur Blvd, Bourne (CCC No. 24010)
DRI Procedural Denial Decision
December 2024