



**DEVELOPMENT OF REGIONAL IMPACT DECISION**

**Project:** True Storage Redevelopment  
(Cape Cod Commission File No. 19014)

**Project Applicant:** Clay Pond Acquisitions, LLC  
c/o Eliza Cox, Esq.  
Nutter, McClennen & Fish LLP  
1471 Iyannough Rd., P.O. Box 1630, Hyannis, MA, 02601

**Property Owner:** GF Funding Bourne, LLC; Clay Pond Acquisitions, LLC; and Bourne Acquisition, LLC

**Project Site/Location:** 170 Clay Pond Road, Bourne, MA 02532  
Assessors Map 31.4, Parcel 20

**Title Reference:** BCRD Book 32163/Page 7

**Date:** July 25, 2019

**SUMMARY**

The Cape Cod Commission (“Commission”) hereby grants Development of Regional Impact (“DRI”) approval, with Conditions, for True Storage Redevelopment, a redevelopment project to construct a self-storage facility on Clay Pond Road in Bourne, MA, pursuant to a vote of the Commission on July 25, 2019.

**FINDINGS**

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

**PROPOSED PROJECT**

- F1. Clay Pond Acquisitions, LLC (“Applicant”) proposes “True Storage Redevelopment,” a redevelopment of portions of a 16.17-acre parcel addressed as 170 Clay Pond Road, Bourne, MA, (“Property” or “Project Site”) for a self-storage facility consisting of:
  - a. re-use/renovation of a portion of the existing commercial building;
  - b. construction of a 2-story, ~15,100 sq. ft. footprint addition to provide a total of ~105,660 sq. ft. of contiguous interior, climate-controlled self-storage space in individual units;
  - c. redevelopment of a portion of the existing parking lot with ~35,600 sq. ft. of exterior, non-climate-controlled self-storage units; and
  - d. other associated site improvements. (collectively, the “Project”)
- F2. The Applicant is a record owner of the Property; the other record owners are affiliated entities.
- F3. The Commission originally granted DRI approval for the shopping center on the Property in 1991 (see Commission File No. 90057: the DRI approval was subsequently modified in 1997, 2007, and 2008). That DRI approval authorized construction of up to ~74,500 sq. ft. of building gross floor area and 430 parking spaces. Not all approved building was constructed.
- F4. The Property is currently developed as a shopping center with: a multi-unit building having ~55,600 sq. ft. gross floor area; a cleared building pad to support a ~15,500 sq. ft. addition to the existing building (not constructed); and paved parking for 408 vehicles.

- F5. The largest unit in the existing building was previously permitted and occupied by a supermarket, which has been vacant since the departure of the supermarket tenant. The four additional smaller building units, totaling ~12,200 sq. ft. of floor area, are proposed to remain without alteration.
- F6. Net new building area construction associated with the Project totals 66,600 sq. ft.
- F7. The Project proposes to construct 1034 self-storage units, of which 197 are exterior self-storage units and 837 are interior self-storage units, as confirmed by the Applicant in the supplemental information submitted on 6/14/19.
- F8. The proposed redevelopment is all within existing disturbed and developed portions of the Property and will not impact any natural communities or rare species habitat.
- F9. The Applicant provided a contextual aerial photo (titled "Site Photo Key Plan") as part of the DRI application package submitted 4/11/19 and referenced a contextual site map (titled "Preliminary Proposed Site Plan") as part of its PowerPoint presentation at the hearing on 6/19/19 which depicted the land uses/development in the area surrounding the Project Site. The Property abuts a bank, convenience store, and fast-food restaurant to the northeast, a residential neighborhood to the west, and an affordable housing development to the south.
- F10. The Property has street frontage on and access from Clay Pond Road, the Property's site driveway approximately 600 feet west of MacArthur Boulevard/Route 28. There is also a driveway access easement over the Property from Clay Pond Road for the benefit of the abutting southern property (which access was permitted under the 2007 DRI modification). A portion of "Harmony Hill Road," so-called, has been improved within this access easement area (Harmony Hill Road is not a legal road but an access drive that then continues from the access easement area on the Property over the abutting southern property).

#### **COMMISSION JURISDICTION**

- F11. The Project requires mandatory DRI review pursuant to Section 3f of the Commission's *Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact* ("Enabling Regulations"), revised April 2018, as it proposes a Change of Use involving a commercial use of greater than 10,000 sq. ft.

#### **PROCEDURAL BACKGROUND**

- F12. The Applicant originally submitted a DRI application for the Project to the Commission on April 11, 2019 (which included 16 exhibits, inclusive of site and architectural plan sets). The Applicant submitted supplemental application materials in April, May, and June 2019.
- F13. The Commission received a mandatory DRI referral for the Project from the Bourne Planning Board on May 10, 2019.
- F14. A DRI Subcommittee held a substantive public hearing on the Project in Bourne on June 19, 2019, which hearing opened the DRI hearing period. At the hearing, the Subcommittee heard presentations from the Applicant and Commission staff, and took public comment. Commission staff prepared a staff report on the Project, dated June 13, 2019, in advance of such hearing. At the hearing, the Subcommittee directed Commission staff to prepare a draft favorable Decision on the Project, with Conditions, for its further review and continued the public hearing to July 17, 2019 at the Cape Cod Commission offices in Barnstable.
- F15. At the continued hearing on July 17, 2019, the DRI Subcommittee reviewed the draft DRI Decision that had been prepared by Commission staff. The Subcommittee unanimously approved a motion to recommend to the full Commission that it adopt the draft written DRI Decision reviewed at the hearing and approve the Project subject to the Conditions in said Decision. The Subcommittee continued the hearing on the Project to the meeting of the Cape Cod Commission on Thursday, July 25, 2019 at 3:00 p.m. at the East Wing Conference Room, Barnstable County Complex, 3195 Main Street, Barnstable, MA 02630.

## **DRI REVIEW STANDARDS**

F16. Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards to be met for DRI approval, which include consistency with the Cape Cod Commission Act ("Act"), the Cape Cod Regional Policy Plan ("RPP"), Districts of Critical Planning Concern ("DCPC") implementing regulations (*as applicable*), municipal development bylaws, and any Commission-certified Local Comprehensive Plan ("LCP") (*as applicable*). 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 REVIEW**

- F17. The Town of Bourne is in the process of updating its LCP; the existing LCP is not currently certified by the Commission.
- F18. There are no DCPC implementing regulations applicable to the Project.
- F19. The Applicant anticipates the following local and state reviews, actions, permits, licenses, and/or approvals for the Project: Bourne Building Department Building Permit and Bourne Planning Board Site Plan Review/Special Permit.
- F20. The Commission received correspondence from Bourne Assistant Town Planner Jennifer Copeland on 6/5/19 which provided the following commentary relative to the Project's consistency with the Town of Bourne's local zoning bylaws:
- The Property is located within the Business 4 (B-4) zoning district;
  - Self-storage units are allowed by Special Permit-Site Plan Review from the Planning Board;
  - The use is categorized under the Bourne Zoning Bylaw §2220 as wholesale, bulk storage, or other business uses meeting requirements of §3400 (environmental controls);
  - Retail sales are allowed by Special Permit-Site Plan Review from the Planning Board (categorized under the Bourne Zoning Bylaw §2220 for more than 1,600 sq. ft. gross floor area or more than 200 vehicle trip ends per average business day);
  - The Project meets the minimum lot area, frontage, and set-backs;
  - The Project is located within the MacArthur Boulevard Development Agreement Overlay District, Water Resource District - A North, and a Zone II Wellhead Recharge Area, and is subject to the prohibitions and limitations of the Water Resource District (Bourne Zoning Bylaw §4700); and
  - During local review, the Applicant may apply for a Special Permit if the Project exceeds the allowed maximum impervious surface of 40% in a Water Resource District.
- F21. Ms. Copeland also noted that the Project would provide for reduced wastewater flow, traffic generation, impervious coverage, and energy consumption while offering improved vehicular access to Harmony Hill Road, pedestrian safety, stormwater management, wastewater treatment, and landscaping.

## **CAPE COD REGIONAL POLICY PLAN CONSISTENCY REVIEW**

- F22. 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 2018 RPP, the Commission determines the Project's consistency with the Act and RPP by determining whether the Project is consistent with the goals and objectives in the RPP that are applicable and material to the Project. The companion Technical Bulletins elaborate and interpret the RPP's goals and objectives.
- F23. Under the 2018 RPP, the Property is within the Suburban Development Area Placetype, given the development context of the surrounding area. The Project is consistent with the RPP's vision for this Placetype, which is to redevelop commercial and industrial Suburban Development Areas – creating more concentrated nodes of development – and to improve their design and function so that they are better integrated into surrounding neighborhoods.
- F24. The following goals and objectives from the RPP are applicable and material to the Project and are thus subject to RPP consistency review: Water Resources goal and objectives WR1, WR2, WR3, and WR4; Community Design goal and objectives CD1 and CD2; Transportation goal and objectives TR1, TR2, and TR3; Energy goal and objectives EN1, EN2, and EN3; and Economy goal and objectives EC2 and EC3.

F25. Subject to the Conditions set out in this Decision, the Project is consistent with the RPP goals and objectives determined applicable and material and with the corresponding provisions from the Technical Bulletins, as discussed in detail below.

WATER RESOURCES

- F26. 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 Water Resources objectives that are applicable and material to the Project are: to protect and preserve groundwater quality (WR1); to protect, preserve, and restore fresh water resources (WR2); to protect, preserve, and restore marine water resources (WR3); and to manage and treat stormwater to protect and preserve water quality (WR4).
- F27. All or most of the Property is located within the Phinneys Harbor Marine Water Recharge Area, a Bourne Water District Well Zone II, and the Clay Pond Freshwater Recharge Area.
- F28. Existing conditions on the Property include wastewater treatment for the former supermarket and existing retail spaces by an on-site Title V septic system, drinking water supplied by the Bourne Water District, and stormwater management consisting of catch basins connected to a closed pipe network, which drains to several infiltration basins throughout the Property. The currently permitted uses on the Property are estimated to produce approximately 6,600 gallons per day of wastewater flow, inclusive of the former supermarket use. Annually, these permitted uses would result in a load of 273 kg/nitrogen to the Phinneys Harbor system.
- F29. With the proposed self-storage use and associated site changes, site development under proposed conditions is expected to produce ~2,030 gallons per day of wastewater flow.
- F30. The Applicant proposes to connect the Property to the neighboring Canal Bluffs housing development's Wastewater Treatment Plant (and abandon the existing on-site Title V septic system). This change in treatment was previously approved by the Commission in its 1/29/07 modification of the original DRI Decision for the Property.
- F31. The reduced wastewater flow coupled with additional nitrogen reduction provided by treatment of wastewater by the Canal Bluffs Wastewater Treatment Plant are expected to substantially reduce both site-wide nitrogen loading concentration (noting that the Project Site is within a Drinking Water Supply Area) and the nitrogen load to Phinneys Harbor, an embayment which requires nitrogen reductions to meet water quality goals.
- F32. As relates to Objective WR1, the Water Resources Technical Bulletin also addresses limits on the use or storage of hazardous materials in Wellhead Protection Areas. The "Agreement for Rental of Storage Space" submitted by the Applicant as part of the DRI application materials states in relevant part that the "Tenant shall not use the Storage Space to store any flammable, combustible, explosive, corrosive, chemical, odorous, perishable, noxious, or other inherently dangerous materials" and that the "Tenant shall not use the storage space for active storage, i.e., manufacture, fabrication, or maintenance." The Applicant has additionally indicated a willingness to accept as a Condition of any DRI Decision that the standard rental agreement limit any storage of solvents or petroleum products allowed in the storage facilities to household quantities, as outlined in the correspondence submitted by the Applicant on 5/20/19.
- F33. The Applicant had prepared and submitted as part of the DRI application dated 4/11/19 a Project Site Narrative which included, in part, Appendix A: Enhanced Tree Trench Sizing report and Appendix B: HydroCAD Pre & Post Development report, with both reports prepared by Horsley Witten Group Inc., dated 3/14/19. The Applicant also submitted Exhibit 12 of the DRI application: Landscape and Stormwater Maintenance Guide prepared by Horsley Witten Group Inc., dated March 2019 inclusive of the replacement Page 1 submitted by the Applicant on 6/11/19 prepared by Horsley Witten Group Inc. The existing stormwater collection system and infiltration basins were sized to recharge stormwater runoff on-site under the existing conditions, as approved under the 1991 DRI Decision. Redevelopment activities are expected to decrease overall impervious coverage on-site by approximately 2,400 sq. ft., and so the original stormwater system will continue to provide sufficient recharge capacity. Additional stormwater management practices are proposed to provide improved water quality treatment of

stormwater, including two enhanced stormwater tree trenches. The stormwater management plan has been aligned with the proposed landscape plan and community design interests.

#### COMMUNITY DESIGN

- F34. 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 Community Design objectives that are applicable and material to the Project are to: promote context-sensitive building and site design (CD1) and to minimize the amount of newly disturbed land and impervious surfaces (CD2).
- F35. The Project meets the intent of the Suburban Development Area Placetype as it will redevelop an underutilized commercial site in a manner that improves site design and function with stormwater treatment, infrastructure efficiencies, landscaping, and pedestrian amenities and connections.
- F36. The Project is compatible with the character of the existing development on the Property and neighboring development.
- F37. The Property is not located within, and will not impact, a Natural Area Placetype or any area with a special or unique visual, cultural, historic, or architectural character.
- F38. The proposed addition to the existing commercial building will largely mimic the previously approved design in terms of form and materials, with a reduced roof height to break up any sense of massing. The 2-story design of the addition will reduce the Project's development footprint.
- F39. The Property is well-screened from regional roadways and public viewpoints. Landscaping and fencing along the Project perimeter will partially screen the proposed buildings which have little architectural detailing, improving site design.
- F40. The Commission recommends that the Town, in its local permitting and review of the Project, might consider requiring the Applicant to replace the aging wood fence in the western portion of the Property near Laura Lane.
- F41. The Applicant proposes streetscape improvements to on-site portions of Harmony Hill Road. The proposed improvements include a sidewalk, handicapped accessible curb ramps, painted crosswalks, and sustainable landscape islands that buffer the Harmony Hill Road streetscape from the self-storage use, creating a continuous vegetated buffer (with the exception of driveway access points). The buffer will be planted, Or existing vegetation will be retained, supplemented, or revegetated as needed, with canopy trees and low-maintenance perennial grasses and native shrubs. The species proposed on the landscape plan are appropriate for the area and non-invasive.
- F42. The Applicant also proposes to plant canopy trees within the interior of the outdoor self-storage area, improving site design and providing site shading.
- F43. The Applicant will be required to undertake landscape maintenance per its proposed Landscape and Stormwater Maintenance Guide, which includes provisions for invasive species management, bio-rational pest control methods, and limitations on fertilizer use.
- F44. The existing overhead parking lot lighting will be removed and downlit lighting will be installed on the buildings and self-storage units to provide minimal lighting for safety. The Applicant proposes LED fixtures with motion-sensors so that lights are only on in occupied spaces. The proposed lighting has full cut-off optics for dark sky compliance and battery back-up for power outages.

#### TRANSPORTATION

- F45. The Transportation goal of the RPP is to provide and promote a safe, reliable, and multi-modal transportation system. The Transportation objectives that are applicable and material to the Project are: to improve safety and eliminate hazards for all users of Cape Cod's transportation system (TR1); to provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users (TR2); and to provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people (TR3).
- F46. A Traffic Impact Assessment ("TIA"), dated 4/4/19, was prepared for the Applicant by Vanasse & Associates, Inc. A trip generation comparison for the previously approved uses versus the proposed use was developed based on estimates from *Institute of Transportation Engineers' (ITE) Trip Generation*,

10th Edition, for ITE Land Use Code (LUC) 820 (Shopping Center), ITE LUC 850 (Supermarket), and ITE LUC 151 (Mini-Warehouse). The Applicant submitted a revised Trip Generation Table prepared by Vanasse & Associates, Inc. on 6/14/19, based on the Applicant's advancement of plans for the Project, including the dimensions of the storage-unit mix. As shown in Table 1 below, the proposed self-storage facility is expected to generate a significant reduction in traffic volumes in comparison to the previously permitted grocery store use. Therefore, the Applicant is not proposing (and is not required) to construct any major off-site traffic infrastructure to mitigate the effects of new vehicle trip generation. The vehicle trip reduction improves safety, eliminates hazards for all users of the transportation system of the area, and will lessen impacts on the overall transportation system.

Time Period	Proposed Uses <sup>1</sup>	Approved Uses <sup>2</sup>	Difference
Weekday Daily	1,630	6,998	-5,368
Weekday Morning Peak Hour	135	425	-290
Weekday Afternoon Peak Hour	149	558	-409
Saturday Daily	2,586	11,350	-8,764
Saturday Midday Peak Hour	151	730	-579

<sup>1</sup>Based on ITE LUC 151, Mini-Warehouse (1,034 storage units), and LUC 820, Shopping Center (12,200 sf)  
<sup>2</sup>Based on ITE LUC 820, Shopping Center (38,246 sf) and LUC 850, Supermarket (36,235 sf)

- F47. Transit access is already provided to the Project Site via the CCRTA Bourne Run.
- F48. The Applicant proposes to construct a sidewalk with associated painted crosswalks at all proposed driveway/roadway crossings and accessible curb ramps along Harmony Hill Road to close an existing sidewalk gap. The proposed sidewalk improvements will not only provide an improved pedestrian connection to/from the Property between Clay Pond Road and Harmony Hill Road but will also serve the residents from the Canal Bluffs neighborhood on Harmony Hill Road.
- F49. The Project's driveway locations are safely located to provide adequate sight lines.
- F50. The Commission recommends to the Town in its local permitting, specifically in its review of site circulation, that it consider limiting access to the gated, exterior self-storage unit area to a single point of entry at the location in front of the main building as specified on the site plans, with all other gated access points limited to emergency use only. The Applicant has expressed general agreement with such proposed limitations in its correspondence submitted to the Commission on 5/20/19.
- F51. Pursuant to the original DRI approval for the Property and subsequent modifications, significant safety, healthy transportation, and mitigation improvements were constructed and continue to support Transportation goals and objectives, including: the design and construction of the deceleration/acceleration lane on MacArthur Boulevard at Clay Pond Road; the relocation, design, and construction of the U-turn area on Route 28 south of Clay Pond Road; signage and striping improvements at two local intersections; a sidewalk on Clay Pond Road from the Property to Small Street; a crosswalk at the Property driveway; and a driveway access easement, Harmony Hill Road, connecting to the adjoining property to the south. In particular, Harmony Hill Road provides a vehicular interconnection between the Property and the abutting property to the south, and allows for travel between the properties from Clay Pond Road without the need to re-enter MacArthur Boulevard.

ENERGY

- F52. The Energy goal of the RPP is to provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod. The Energy objectives that are applicable and material to the Project are to: support renewable energy development that is context-sensitive (EN1); to increase resiliency of energy generation and delivery (EN2); and to minimize energy consumption through planning and design (EN3).
- F53. According to the supplemental information submitted by the Applicant on 5/20/19, the Applicant proposes to meet the renewable energy objective by installing roof-mounted solar panels. The Applicant is evaluating which roof surface is best-suited for solar panels; based on a preliminary analysis, the

Applicant has indicated that the solar panels will likely be placed on the former supermarket roof. The Applicant will be required to provide plans and specifications for the solar panels when it has finalized such details.

- F54. The Applicant will locate utilities underground, which supports the energy resiliency objective.
- F55. The Applicant maintains that the proposed change of use on a portion of the Property will result in an overall decrease in energy demand/consumption as compared to the previously permitted supermarket use, improving reliability by reducing energy demand. For example, the Project eliminates the need for supermarket coolers and freezers.
- F56. The Project incorporates building energy efficiency and conservation measures by proposing to: remove parking lot lights; install motion-sensor LED lighting; not install interior lighting in the self-storage units located in the existing parking area; and set temperature controls to limit heating to 60 degrees and cooling to 80 degrees.

#### ECONOMY

- F57. 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. The Economy objectives that are applicable and material to the Project are to: use resources and infrastructure efficiently (EC2) and foster a balanced and diverse mix of business and industry (EC3).
- F58. The Project proposes to redevelop and reuse existing structures and features on the Property. The Project will result in renewed business activity at, improvements to, and reinvestment in a large developed and currently underutilized parcel.
- F59. The proposed redevelopment of the Property will fill a commercial vacancy that can strain local property values.
- F60. The Applicant states that it commissioned a market study to determine regional area demand for self-storage and the study concluded that the total market area can support 431,904 sq. ft. of self-storage use, with demand for ~264,000 sq. ft. as yet unmet by existing supply.
- F61. The Project is a low job generator; it will have a relatively neutral impact on regional jobs. The self-storage facility will not displace a high-wage use (former supermarket, currently vacant).
- F62. Self-storage facilities offer space flexibility for small and seasonal businesses, for example for off-site file, equipment, peak inventory, and operational supply storage, and provide additional residential storage space, including for the region's down-sizing retiree market.
- F63. The Applicant proposes to retain approximately 12,200 sq. ft. of existing multi-unit, retail/shopping center use, sustaining small-scale business/retail opportunities.

#### **REGIONAL BENEFITS/DETRIMENTS**

- F64. Probable benefits of the Project identified include:
- Adaptive reuse and redevelopment of an existing underutilized shopping center
  - Redevelopment proposed entirely within the existing development footprint
  - Decrease in impervious cover
  - Reduction in site-wide nitrogen loading through reduced wastewater flow/enhanced treatment
  - Improved stormwater management and runoff treatment
  - Significant reduction in trip generation in comparison to previously permitted use
  - Reduced energy consumption and waste generation in comparison to previously permitted supermarket use
  - Infrastructure efficiencies and improvements (access and wastewater) through shared infrastructure with the existing commercial uses and the abutting residential development to the south
  - Additional pedestrian safety improvements and amenities
  - Additional landscaping and streetscape improvements

#### **CONCLUSION**

Based on the Findings above and subject to the Conditions set out below, the Commission further determines, finds, and concludes that: the Project is consistent with the Cape Cod Commission Act, 2018 Cape Cod

Regional Policy Plan, 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 True Storage Redevelopment 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).
- 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 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 bylaws 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 with 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"), subject to all additional Conditions of this Decision:
  - True Storage Redevelopment Site Plans, prepared by Horsley Witten Group Inc., dated 3/21/19, as provided in Exhibit 16;
    - Sheet C-1: Cover
    - Sheet C-2: Existing Conditions
    - Sheet C-3: Construction Notes
    - Sheet C-4: Demo and Esc
    - Sheet C-5: Site Layout
    - Sheet C-6: Grading and Drainage
    - Sheet C-7: Utility Plan
    - Sheet C-8: Construction Details (1)
    - Sheet C-9: Construction Details (2)
    - Sheet C-10: Construction Details (3)
    - Sheet L-11: Landscape Plan
    - Sheet L-12: Landscape Details
  - Architectural Plans and Renderings titled "Monument Beach Marketplace, 170 Clay Pond Road, Bourne, MA," prepared by Brady Sullivan Properties LLC, dated 11/8/18, as provided in Exhibit 16;
    - Sheet A1-1: Proposed Floor Plans
    - Sheet A2-1: Proposed Elevations
    - Sheet A2-2: Proposed Elevations of Exterior Storage Outbuildings
    - Sheet A 3-2: Photometric Site Plan
  - Exhibit 11 of the DRI application: Exterior Lighting specifications of Mule Lighting, Inc. for the MERU Series of LED general and emergency lighting associated with the Photometric Site Plan (see Sheet A3-2 above); and
  - Exhibit 12 of the DRI application: Landscape and Stormwater Maintenance Guide prepared by Horsley Witten Group Inc., dated March 2019, inclusive of the replacement Page 1 submitted by the Applicant on 6/11/19 prepared by Horsley Witten Group Inc.
- 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 Bourne Building Department, 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 Bourne 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, 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. 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 install said roof-mounted solar panels as generally described in the letter submitted by the Applicant to the Commission on 5/17/19. Prior to and as a Condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to the Commission a copy of the final detailed specifications and plans for the roof-mounted solar panels which, when received and reviewed by Commission staff, shall be treated as incorporated into the "Approved Project Plans." Installation of the solar panels per the Approved Project Plans 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 final satisfaction of this Condition by providing the Commission with certification by the Project engineer or architect that the solar panels have been installed as proposed and approved.
- C11. The Applicant shall connect the Property to the Canal Bluffs Wastewater Treatment Plant for handling and treatment of wastewater from the Property. This connection 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 the Commission with certification by the Project engineer that such connection has been completed.
- C12. Storage of hazardous materials and wastes in the self-storage units is limited or prohibited in accordance with the relevant provisions contained in the Applicant's standard self-storage rental agreement document submitted as Exhibit 14 to the DRI application: "Agreement for Rental of Storage Space." Further, the storage of solvents or petroleum products not expressly limited or prohibited under said Agreement shall be so limited to no more than 'Household Quantities' in the self-storage units (as the term 'Household Quantities' is used and defined in the Commission's Water Resources Technical Bulletin). Prior to and as a Condition to issuance of a Final Certificate of Compliance by the Commission, the Applicant shall provide the Commission with a revised version of its standard rental agreement for use at the Property that incorporates said express limits on storage of solvents and petroleum products in the self-storage units.

***SIGNATURE PAGE FOLLOWS***

**SIGNATURE PAGE**

Executed this 25<sup>th</sup> day of July 2019

Harold W Mitchell  
Signature

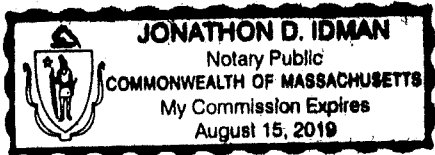
Harold W Mitchell CCC Chair  
Print Name and Title

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

July 25, 2019

Before me, the undersigned notary public, personally appeared Harold W. Mitchell,  
in his/her capacity as Chair and on behalf of the Cape Cod Commission,  
whose name is signed on the preceding or attached 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  personal  
knowledge of the undersigned.



[Signature]  
Notary Public  
My Commission Expires: \_\_\_\_\_

SEAL