

# CAPE COD COMMISSION

3225 MAIN STREET  
P.O. Box 226  
BARNSTABLE, MA 02630  
508-362-3828  
FAX: 508-362-3136

DATE: AUGUST 6, 1992  
TO: MASSACHUSETTS AUDUBON SOCIETY

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FROM: CAPE COD COMMISSION

RE: DEVELOPMENT OF REGIONAL IMPACT  
CAPE COD COMMISSION ACT, SECTION 12

APPLICANT: MASSACHUSETTS AUDUBON SOCIETY  
PROJECT #: TR92035  
PROJECT: WELLFLEET SANCTUARY VISITOR'S CENTER  
ROUTE 6, SOUTH WELLFLEET  
WELLFLEET, MASSACHUSETTS 02663

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Massachusetts Audubon Society for a Development of Regional Impact under Section 12 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed Wellfleet Sanctuary Visitor Center, Wellfleet, MA. The decision is rendered pursuant to the vote of the Commission on August 6, 1992.

### PROJECT DESCRIPTION

The proposed visitor center is an approximately 5,400 square foot building which would be used as a gathering space, a reception area with gift shop, exhibit area, teaching laboratory and a 100 seat auditorium that can dually serve as classroom space. State of the art energy features will be employed, including active and passive solar heating, water savings techniques, a composting toilet and graywater system. If approved by the Wellfleet Board of Health and the Massachusetts Department of Environmental Protection (DEP), this septic system would make the proposed visitor's center a no discharge structure. Housing for seasonal staff is also proposed to accommodate 6 people. In addition, a new washroom will be constructed at the campground area and a new water supply well will also be constructed to serve the entire facility. An existing structure of approximately 3,600 square feet will be demolished bringing the net increase in structures to approximately 1,800 square feet. Audubon will not increase parking beyond the current 75 spaces with no additional parking planned.

The project is proposed in an area on the site that is currently disturbed and not in areas that are considered wildlife habitat. Once the project is completed, the site will be landscaped using native vegetation to the greatest extent possible. Construction would be scheduled in late summer, fall and winter to minimize the construction impacts on the wildlife and habitat areas that are adjacent to the project site.

#### PROCEDURAL HISTORY

The project met a threshold under Section 12 (c) (6) of the Act and was referred to the Commission by the Wellfleet Building Inspector, Mr. Warren Rhodes, on May 5, 1992. The threshold states in part "Any proposed retail or wholesale business, office or industrial development, as well as any private, health, recreational or educational development which has a floor area as follows: ...addition or auxiliary building greater than 5000 square feet..."

A public hearing was duly noticed and held on June 24, 1992, in the Wellfleet Library for the purposes of taking public testimony concerning the project. A second public hearing was held on July 14, 1992, at the Commission Offices for the purposes of taking additional testimony and to allow the applicant to present further information concerning traffic issues. The hearing and the record were closed on July 14, 1992.

#### MATERIALS SUBMITTED FOR THE RECORD

Materials submitted by the Applicant include:

- Letter from William Henchy to Katharine Peters re: DRI application, submitted May 5, 1992.
- Development of Regional Impact Application, submitted May 5, 1992.
- Archaeological Survey of the Wellfleet Bay Wildlife Sanctuary, South Wellfleet, MA, by Linda A. Towle, July 1984, submitted May 5, 1992.
- Final Report on the 1985 Wellfleet Bay Archaeological Field School by Linda A. Towle, 1986, submitted May 5, 1992.
- Final Report of the 1986 Wellfleet Bay Archaeological Field School by Linda A. Towle, 1987, submitted May 5, 1992.
- 1989 Diamondback Terrapin Study of Wellfleet Harbor by Stephanie Shipley, Research Assistant and Robert Prescott Director, Wellfleet Bay Wildlife Sanctuary, submitted May 5, 1992.
- Traffic Impact and Access Study, Wellfleet Bay Wildlife Sanctuary, McDonough and Scully Inc., January 1992, submitted May 5, 1992.
- Development of Regional Impact Plan and Wildlife Habitat Assessment, Robert Prescott, submitted June 17, 1992.
- Proposed Transportation Demand Management Plan (TDM), McDonough and Scully, Inc. July 1992, submitted July 8, 1992.

Plans submitted by the applicant:

- General Site Plan of a portion of Wellfleet Bay Wildlife Sanctuary, Coastal Engineering Co. Inc., March 1992, submitted May 5, 1992.
- Appendix A, Pump Test Design Proposal, Coastal Engineering Co. Inc., submitted May 5, 1992.
- Plan showing proposed site improvements for new Visitors Center, Coastal Engineering Co. Inc., March 4, 1992, submitted May 5, 1992.
- Massachusetts Audubon Society Preliminary Grading Plan, Sheets L1 and L2, January 31, 1992, Mason and Frey Landscape Architects, Belmont, MA, submitted May 5, 1992.

- Massachusetts Audubon Society Preliminary Planting Plan, Sheets 1 and 2, December 16, 1991, Mason and Frey Landscape Architects, submitted May 5, 1992.

Materials submitted by the Cape Cod Commission:

- Letter from Dennis Finn to William Henchy re: referral, May 11, 1992.
- Memo to subcommittee re: hearing date May 12, 1992.
- Memo to subcommittee re: site visit for June 18, 1992, June 2, 1992.
- Letter to William Henchy from Katharine Peters, re: notice and billing information, June 4, 1992.
- Staff Report - June 17, 1992.
- Letter to Mr. David Driscoll, abutter, from Dennis Finn re: hearing date, June 22, 1992.
- Staff Report - July 14, 1992.
- Subcommittee Report - July 23, 1992.

Materials submitted by Municipal Agencies:

- Development of Regional Impact Referral Form, from the Wellfleet Building Inspector, Mr. Warren Rhodes, May 5, 1992.

Materials submitted by State Agencies:

- Letter from the Massachusetts Historical Commission to Robert Prescott, Director of the Wellfleet Bay Wildlife Sanctuary, re: archaeologically significant resources on the project site, June 3, 1992.

Materials submitted by private citizens:

- Letter from Mr. and Mrs. John A Kula expressing support for the new visitor center, June 10, 1992.
- Letter from James E. Fox, abutter, against any change in the structures on the Audubon site, June 23, 1992.

The application and notices of public hearings relative thereto, the Commission's staff notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

### Testimony

The Commission listened to and examined verbal and written testimony on June 24, 1992, at the Wellfleet public library in Wellfleet, MA. Mr. William Henchy, representing the Massachusetts Audubon Society, described the project and the nature of the educational outreach performed by Audubon at the Wellfleet Wildlife Sanctuary. Mr. Henchy detailed the existing facility and the facility's insufficient space for educational programs during the winter months and periods of inclement weather.

Mr. Robert Prescott, Director of the Wellfleet Sanctuary, also discussed the limitations imposed upon the visitors and Audubon's efforts due to insufficient size and available interior space.

Commission staff presented a staff report providing additional details concerning the issues discovered during project review. The essential issues discussed concerned the impact of the project on rare and endangered species, archaeological resources, traffic and the project's impact

on water quality. Most of the issues were resolved with the information presented prior to the hearing. The subcommittee suggested that additional information concerning traffic conditions and the preparation of a Travel Demand Management (TDM) Strategy would help clarify the traffic issues.

William Scully of McDonough and Scully, Inc., presented an analysis of the traffic conditions at the site drive and in the immediate vicinity. Mr. Scully discussed methods of reducing the traffic on site to comply with the 20% traffic reduction as specified in the Regional Policy Plan. Mr. Scully stated that the issue would be resolved through the TDM plan.

Several citizens spoke in favor of the project citing personal experience with the Audubon educational and recreational programs. Attorney Richard Bremer, representing a neighboring property, the Wellfleet Cinema, opposed the project on the grounds that traffic impacts had not been thoroughly researched. Several references were made by Mr. Bremer to the Wellfleet Cinema project as a former DRI under Commission review. The former Commission review process ultimately ended with the Cinema's withdrawal from the Commission as a DRI. The chair of the subcommittee, Mr. Prince, reminded Mr. Bremer that the subcommittee was reviewing the Audubon project and not the Wellfleet Cinema and comments should refer to the issues at hand concerning the Audubon project.

The subcommittee requested an additional hearing to allow Audubon's traffic consultant time to prepare a TDM. The hearing was adjourned and continued to July 14, 1992 at the Commission Offices.

On July 14, 1992, at the Commission Offices, Mr. William Scully presented the traffic mitigation proposed in the TDM. The strategy included signage to discourage left turns onto Route 6 from the site drive, educational information through the newsletter and signage to encourage ridesharing and alternative modes of travel as well. Closure of a curb cut north of the West Road site drive was also offered by the applicant to mitigate potential traffic conflicts. Staff recommended conditions concerning water resources and limiting the locations of Title V systems should they be required. Sign-off letters from both the MA Natural Heritage and Endangered Species Program and MA Historical Commission were also required through conditions.

The subcommittee moved to close the hearing and to continue the discussion of conditions in a public meeting forum. Conditions were discussed that would ensure no further expansion of visitation without returning to the Commission for review under project modification. This was particularly important from a traffic safety standpoint. Other conditions were discussed to protect the integrity of wildlife habitat on site and archaeological resources. Representatives from the Audubon Society expressed support for the conditions conceptually and were willing to comply.

#### JURISDICTION

The proposed Audubon Society's Wellfleet Bay Sanctuary Visitor Center was referred to the Commission under Section 12 (c) (6) of the Act by Warren Rhodes, Wellfleet Building Inspector on May 5, 1992. Section 12 (c) (6) provides the threshold for auxiliary buildings that meet or exceed 5000 square feet in area.

#### FINDINGS

The Commission has considered the application of the Massachusetts Audubon Society for the proposed Visitor Center at the Wellfleet Wildlife Sanctuary, and based on consideration of such

application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

1. The Audubon Society manages approximately 1000 acres of open space in Wellfleet adjacent to Wellfleet Harbor and Cape Cod Bay.
2. The Audubon Sanctuary provides environmental education, environmental programming, recreational opportunities and, in addition, the sanctuary is managed for ecological and biodiversity.
3. The existing facility on-site is aging and due to the lack of space is insufficiently sized to provide room for the services and programs in inclement weather.
4. Audubon programs and services are an excellent example of heritage tourism providing an environmental awareness and appreciation of Cape Cod's natural resources through education which is consistent with goal 3.1 of the Regional Policy Plan.
5. This project is expected to generate an additional 208 vehicle trips on a peak day in the non-summer season, prior to implementation of Travel Demand Management (TDM) strategies.
6. No increase in summer traffic is expected as a result of this project. The primary purpose of the visitors center is to provide classrooms and a lecture hall for activities that are currently held off-site, in the immediate vicinity, during the non-summer season.
7. No direct access to Route 6 from the improved portion of the Audubon property is proposed. Access to Route 6 is via West Road or the extension of the Audubon Drive through Audubon Property on the east side of West Road. All visitors to and from the site must travel or cross West Road. The applicant has expressed a desire to keep the parcel of land separating Route 6 and West Road undeveloped. This is a recognized benefit because it will ensure that access from Route 6 to the Sanctuary is indirect.
8. No increase in site parking is planned - parking will remain at the current level of 75 spaces.
9. RPP level-of-service standards are maintained under the build condition at all intersections in the study area during the summer peak hour. RPP level-of-service standards are maintained under the build condition at all intersections in the study area during the non-summer peak hour, except at the Route 6/West Rd intersection.
10. During the Route 6 off-season peak hour six (6) additional left turns (the most difficult maneuver) are expected from West Road onto Route 6 northbound. Build and no-build level-of-service is F under the off-season conditions. This impact is off-set by the agreed upon improvements found in condition #2.
11. No sight distance constraints exist in the study area, except at the Audubon Drive/West Rd intersection, prior to mitigation.
12. No safety deficiencies exist at the Audubon/West Rd intersection or at the Audubon/Route 6 or West Rd/ Route 6 intersections. During 1989, 1990 and 1991 one accident was identified at the Route 6/West Rd intersection and none at the other two intersections.
13. The Travel Demand Management Plan submitted by the applicant will enhance safety at their

site drive and allow them to reach a 20% traffic reduction as specified under minimum performance standard 4.1.2.1. Examples include but are not limited to the encouragement of ridesharing, bicycling as a method of travel to the site and public education.

14. The applicant has proposed a no discharge wastewater system for the visitor center. Composting toilets and a graywater system are proposed and, if accepted by the DEP and the Wellfleet Board of Health, will be a tremendous benefit to the environment and serve as an educational tool.

15. There are rare and endangered species and rare and endangered species habitat located on the Sanctuary property. The proposed project will not have an adverse impact on either rare and endangered species or their habitat.

#### CONCLUSION

Based upon the findings above, the Cape Cod commission hereby concludes:

The Massachusetts Audubon Society's proposed visitor center is in compliance with the Regional Policy Plan's minimum performance standards and several development review policies. Programming and educational outreach by the sanctuary staff provide visitors with insight into the importance and sensitivity of the Cape's fragile natural resources and the environment as a whole. As proposed, the new visitor center would allow the Sanctuary to continue their work, while enhancing the opportunities to better understand and appreciate the natural environment of Cape Cod. The project's benefits outweigh the detriments and the Commission hereby approves the Audubon Sanctuary's proposed Visitor Center, at Wellfleet with the attached conditions.

#### GENERAL CONDITIONS

1. Parking spaces on site shall remain fixed at 75. Any proposed increase in the number of parking spaces will effectively make this a new project, at which time the applicant must return to the Commission for additional traffic analyses through the DRI or DRI modification review.

2. Improve Route 6/West Rd intersection operations as well as Route 6 operations along the Audubon frontage by:

a) permanently closing the Route 6 curb cut north of West Road leading to the Gill Property; and

b) providing directional signs to direct traffic from Audubon Drive to Route 6 north via West Road and to Route 6 south via Audubon Drive, as well as a sign at the Route 6 Audubon Drive intersection to discourage left turns from the Audubon Drive onto Route 6 Northbound; and

c) allowing no further Route 6 curb cuts along the Audubon frontage and no direct access from the improved portion of the Audubon Property to Route 6.

3. Improve accessibility at the Audubon Drive/West Rd intersection through better definition, minor clearing and widening as approved by the Commission transportation staff.

4. Improve signage on West Road and on Route 6 in advance of the Audubon Society Road.

5. The Travel Demand Management strategies shall be adhered to as specified by the Travel Demand Plan submitted by McDonough and Scully, Inc., including but not limited to:

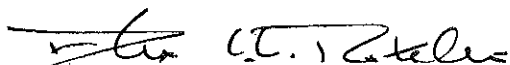
- a) Audubon shall provide information through their quarterly newsletter to discourage single occupant automobile travel; and
- b) Audubon shall provide the facilities needed to encourage alternative modes of travel to and from the sanctuary; and
- c) Audubon shall prepare and install an exhibit to inform the public about the uses of the private automobile, its effect on air quality, energy consumption and effect on wildlife habitat; and
- d) Audubon shall monitor its progress on trip reductions as proposed by the TDM program through observations conducted on-site and at the site's driveway. This information, as specified in the TDM plan, shall be provided to the Commission through annual reports for a period of 5 years.

6. Prior to construction, Audubon shall provide a copy of the sign-off letter from the MA Natural Heritage and Endangered Species Program indicating that there will be no adverse impact from this project on rare and endangered species or habitat.

7. Prior to construction, Audubon shall provide a copy of the sign-off letter from MHC, stating that MHC is satisfied with the level of detail provided by Audubon with respect to the field investigations and field surveys investigating the significant archaeological locations in the project area and that there will be no adverse impact due to the project.

8. Any Title V systems to be installed on site shall be located a distance of 300 feet or greater from any surface water body.

9. The applicant shall obtain a Certificate of Compliance from the Commission or its designee before the local official responsible for issuing certificates of occupancy may issue a permanent or temporary Certificate of Occupancy for any portion of the proposed development.

  
Alix Ritchie, Chair

8/6/92  
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 6<sup>th</sup> day of August 19 92

Katharine X Peters  
Name, Notary Public

My Commission expires:

My Commission Expires December 1, 1997