



CAPE COD COMMISSION

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

1

DATE: July 8, 1993 EX# 93001

TO: Mr. Mark LeBlanc
Sand Dollar Realty Corporation
P.O. Box 311
Falmouth, MA. 02540

FROM: Cape Cod Commission

RE: Development of Regional Impact Exemption Application
Cape Cod Commission Act, Section 12(k)

APPLICANT: Mr. Mark LeBlanc

PROJECT: The subdivision of land to create an additional house lot
Book 438, Page 36

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of Mark LeBlanc, for a Development of Regional Impact Exemption under Section 12 (k) of the Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for the establishment of a single family house lot. The decision is rendered pursuant to the vote of the Commission on July 8, 1993.

PROJECT DESCRIPTION

The Sand Dollar Realty Corporation proposes to subdivide one 80,000 square foot lot from a larger 53.98 acre parcel. The project site is located within a fairly rural residential neighborhood, south of Route 151 on Sam Turner Road in the Hatchville area of Falmouth. The proposed two acre lot has adequate frontage on Sam Turner Road; one single family house is expected to be built on the lot. The site is zoned for single-family detached homes and agricultural use and is surrounded primarily by large lot residential development. The Falmouth Woods development which includes a golf course, club house and homes on an approximately 800 acre property lies to the west of the site. The project site is partially within a wellhead protection area for the town of Falmouth and lies entirely within the boundaries of the regional greenbelt. The eastern portion of the site contains a 200-foot wide Commonwealth Electric utility easement which runs in a

Sand Dollar Realty Subdivision - Falmouth
July 8, 1993 DRI Exemption Decision

north-south direction. Vegetation under the easement is restricted to understory growth. The remainder of the site consists of moraine topography with a forest cover of pitch pine and oaks.

PROCEDURAL HISTORY

The proponent first submitted a DRI Exemption application on January 25, 1993. On February 1, Commission staff advised him that the application was incomplete. A full application was not finally received until May 13, 1993. A site visit was conducted by members of the subcommittee, the applicant and Commission staff on June 15, 1993 just prior to the public hearing. The June 15, 1993 hearing was conducted by a duly authorized subcommittee of the Commission at the Falmouth Public Library. A Subcommittee meeting was held immediately following the hearing on the same day. The hearing was closed on June 17th by a hearing officer. The subcommittee report was presented to the full Commission on July 8, 1993.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the applicant:

- | | |
|-----------------------------------|-------------------|
| 1. A DRI Exemption Application | May 13, 1993 |
| 2. Site Plan prepared by C. Costa | November 24, 1992 |

B. Materials submitted by the Town:

- | | |
|---|-----------------|
| 1. Summary of Falmouth Woods permitting history submitted by Town Planner | June 3, 1993 |
| 2. Comments from Conservation Commission | January 6, 1993 |

The Commission also received oral testimony from Commonwealth Electric Company representatives and members of the public as described in the minutes of the subcommittee public hearing dated June 15, 1993.

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

JURISDICTION

The proposed project qualifies as a Development of Regional Impact under Section 12(c)(3) "Any development which proposes to divide land of fifty acres or more which was in common ownership as of January 1, 1988".

FINDINGS

The Commission has considered the Development of Regional Impact Exemption application of Sand Dollar Realty Trust, for the proposed subdivision of land for the creation of an additional house lot. Based on consideration of such application, the information presented and Commission staff recommendations, the Commission makes the following findings pursuant to Sections 12 and 13 of the Act:

1. The site is not within a critical wildlife or plant habitat area as defined by the Massachusetts Natural Heritage and Endangered Species Program, however, the site falls entirely within deer migration and dispersal areas identified by the Town of Falmouth. Any further subdivision of the remaining acreage should be guided by a Wildlife Habitat Assessment and should be clustered to maintain adequate habitat area.
 2. Approximately ten percent of the site falls within the boundaries of a Wellhead Protection Area. However, the nitrogen loading concentration from the proposed two acre lot will meet the 5 ppm nitrate-nitrogen (NO₃-N) loading standard in the Regional Policy Plan (RPP). The proposal does not present a significant impact to the regional water resources of Cape Cod.
 3. The proposed single family residence could be expected to produce approximately ten trips a day (five in /five out) and one trip during the peak hour. Such a development would not present significant regional transportation impacts under Section 4.1 of the RPP.
- Due to the Subcommittee's concern over the potential for numerous curb cuts along the property's road frontage, the applicant agrees to construct only one entry drive which will accommodate all future development. The applicant will grant a driveway easement for the benefit of Lot 1, approximately 20' wide by 55' long (as shown on the submitted site plan).
4. Section 5.1.1 of the RPP states that "affordable housing shall be encouraged in all areas that are appropriate for residential...development." Because the applicant proposes to subdivide just one lot from the larger 54 acre site, the proposed project does not represent a significant impact on available housing supply in the Town of Falmouth.
 5. The Cape Cod Commission has developed an Open Space/Greenbelt Map for Cape Cod. The purpose of the greenbelt is to provide a continuous corridor across Cape Cod from Falmouth to Provincetown to provide groundwater recharge, allow wildlife migration, provide open space and recreational opportunities, and protect the Cape's natural character. The subject property lies almost entirely within the regional greenbelt boundaries. Further residential development on the site must be clustered as required by Section 6.1.1. of the RPP.
 6. The Zoning By-law of the Town of Falmouth allows the proposed use by right.
 7. At this time there are no Districts of Critical Planning Concern in Falmouth. Therefore, this review standard is not applicable to the application.
 8. The applicant's proposal to create one new lot at this time will result in more limited impacts to the property than would result from full build-out of the site under existing zoning.
 9. If the remainder of the property is subdivided in the future, issues including but not limited to transportation, natural resources and affordable housing will be reviewed by the Commission at that time.

CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes:

The location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside of the municipality (Falmouth) in which the development is to be located. This conclusion is supported by finding(s) #1, 2, 3, 4, 5 and 8 listed above.

The application is consistent with the Commission's Regional Policy Plan. This conclusion is supported by finding(s) # 2, 3 and 4 listed above.

The application is consistent with local development by-laws. This conclusion is supported by finding # 6 listed above.

The application is not located within a District of Critical Planning Concern. This conclusion is supported by finding # 7 listed above.

Although the development of this single two acre lot does not appear to have regional impacts under Section 12(b) of the Act, future residential development most certainly will. The applicant is unable to guarantee at this time, what the future use of the remainder of the parcel will be. Existing zoning in this area could allow an additional 26 homes on the site, with a minimum allowable lot size of approximately two acres. Any further subdivision of the 54 acre parcel will warrant a more comprehensive review by the Commission of the impacts of the project due to the property's location within the regional greenbelt and a water resource protection district.

The Commission hereby approves the Development of Regional Impact Exemption Application for Sand Dollar Realty Trust, pursuant to Section 12(k) of the Act. This Exemption shall expire three years from the date of its issuance and its scope shall be strictly construed.

David H. Ernst
David H. Ernst, Chairman

7/8/93
Date

COMMONWEALTH OF MASSACHUSETTS
Barnstable, ss.

Subscribed and sworn to before me this 8th day of July 1993.

Katharine L Peters
Name, Notary

My Commission Expires: _____
Date

Notary Public in the State of Massachusetts, 1997