



CAPE COD COMMISSION

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DATE: April 1, 1993

TO: Joseph Rodricks, Town Engineer
Town of Dennis
Department of Public Works
P.O. Box 1419
South Dennis, MA 02660

FROM: Cape Cod Commission

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

APPLICANT: Town of Dennis

PROJECT: Lighthouse Road Bridge Replacement, Dennis, MA

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of the Town of Dennis for a Development of Regional Impact Exemption under Section 12(k) of the Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the replacement of a bridge over a tributary to Weir Creek on Lighthouse Road in the Town of Dennis. The decision is rendered pursuant to a vote of the Commission on April 1, 1993.

PROJECT DESCRIPTION

An existing timber bridge spans a tributary to Weir Creek, a tidal creek, on Lighthouse Road in the Town of Dennis. The existing bridge is approximately 50 years old and is in poor condition. The town is proposing to replace it with another timber bridge. Due to the poor condition of the piers and abutments, the substructure will also be replaced and the creek channel will be reformed and relined with rip rap. The project involves installation of new piers, reconstructing/resurfacing 25' of approach pavement on each side of the bridge, and installing 100' of steel backed timber guiderail on the approaches.

The existing and proposed bridges are both low profile structures which are not highly visible from Lighthouse Road. Because they are both surfaced with asphalt they appear to be part of the roadway. The new timber bridge will maintain the existing five foot wooden sidewalks but provisions will be made in the substructure for widening the northwest sidewalk to eight feet so it could serve as part of a bikepath in the event that such a bikepath is constructed in this area. The

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lane widths of the new bridge will be increased from 11 to 12 feet but the width of Lighthouse Road will not be changed beyond the approaches.

PROCEDURAL HISTORY

The project was referred by the Dennis Conservation Commission on February 22, 1993. A DRI Exemption application was filed by the applicant on March 3, 1993. The application was deemed complete as of March 5, 1993. A site visit was conducted by the subcommittee on March 23, 1993. The public hearing was opened and closed on March 23, 1993. The subcommittee report was presented to the full Commission on April 1, 1993.

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the applicant:

1. DRI Exemption Application and associated materials February 26, 1993

B. Materials submitted by the public/interested parties:

1. Memo from Brad Barr, MCZM to Pat Hughes re: preservatives March 11, 1993
2. Letter from Janet McCabe, MEPA re: MEPA requirements March 12, 1993
3. Letter from Chesley B. Russell re: concerns about project March 15, 1993

The Commission also received oral testimony from public officials and members of the public as described in the minutes of the subcommittee public hearing dated March 23, 1993.

The application and notice of public hearing relative thereto, the Commission's staff report, notes and exhibits, hearing minutes 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)(2) as "the development of any bridge, road or driveway providing direct vehicular access to the coast or a great pond."

FINDINGS

The Commission has considered the Development of Regional Impact Exemption application of the Town of Dennis for the proposed replacement of the Lighthouse Road Bridge. Based on consideration of such application, the information presented and the Commission staff recommendations, the Commission makes the following findings pursuant to Sections 12 and 13 of the Act:

1. Lighthouse Road is the primary access road for West Dennis Beach, the town's largest beach. Due to a combination of age, storm damage and scouring, the bridge is in a severely deteriorated state and has a two ton load limit. Failure of this bridge could have a major financial impact on the town.

2. The proposed replacement bridge has been designed of treated timber and will be similar in character to the existing structure, at the same elevation and will maintain the present flushing of the estuary during normal course tides.

3. The proposed replacement bridge will include provisions for improved pedestrian and bicycle safety for those crossing the bridge.
4. The project is not within a Zone of Contribution, rare species area or Area of Critical Environmental Concern. No wetlands will be altered and no change is proposed to drainage.
5. Lighthouse Road is not classified as regionally significant in the Regional Policy Plan and the project will result in no change in traffic volumes on the roadway.
6. The project will need to receive an Order of Conditions from the Dennis Conservation Commission. The Conservation Commission has expressed concerns about the preservatives to be used in the bridge and pilings and will address this issue during its review of the proposed project.
7. The applicant has not yet received a response from the Massachusetts Historical Commission (MHC) regarding this project. However the applicant has agreed in writing to address any concerns raised by MHC about the project.
8. The proposed project is consistent with the Regional Policy Plan. In particular, the project is consistent with goals and minimum performance standards in the areas of natural resources and transportation.
9. The proposed project is not inconsistent with the bylaws and regulations of the Town of Dennis.
10. The Town of Dennis has not yet developed its local comprehensive plan and there are no Districts of Critical Planning Concern in Dennis.

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 the municipality in which the development is located (Dennis). This conclusion is supported by the findings listed above.

The Commission hereby approves the Development of Regional Impact Exemption Application for the Town of Dennis, Lighthouse Bridge Replacement, 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.


Alix Ritchie, Chair

4/1/93
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 1st day of April 1993.

Katharine J. Peters, Notary

My Commission Expires December 5, 1997

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