

## CAPE COD COMMISSION

3225 MAIN STREET  
P.O. BOX 226  
BARNSTABLE, MA 02630  
(508) 362-3828  
FAX (508) 362-3136  
E-mail: 74260.3152@compuserve.com

DATE: March 20, 1997

APPLICANT: Falmouth Country Club c/o Leonard Bedford  
PROJECT #: TR96021  
RE: Development of Regional Impact  
Section 3(e), DRI Enabling Regulations

BOOK/PAGE: 4127/ 060 & 3376/ 041

### DECISION OF THE CAPE COD COMMISSION

#### SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of Mr. Leonard Bedford on behalf of the Falmouth Country Club as a Development of Regional Impact for a proposed 9 hole expansion to the existing 18 hole golf course in the Town of Falmouth, MA. This decision is rendered pursuant to a vote of the Commission on March 20, 1997.

#### PROJECT DESCRIPTION

The proposed project is to construct and maintain an additional nine hole expansion to the existing 18 hole golf course at Falmouth Country Club. The expansion includes: nine new holes, a realignment of the existing fourth hole, an irrigation well and the construction of three irrigation ponds and certain accessory structures.

The proposed golf course expansion is located off of Old Barnstable and Carriage Shop Roads in East Falmouth. The property is approximately 65 + acres in size. The site is primarily pitch pine/oak woodlands and is zoned agricultural. There is a long linear wetland associated with Bourne Brook which also serves as the western property line. The topography ranges from 20 to 52 feet above Sea Level, generally running in a southwest to northeast fashion. There are several ancient ways which run through or along the property, one which serves as the southern boundary of the property and the other which runs close to the eastern boundary.

#### PROCEDURAL HISTORY

As a result of testimony received at the public hearings, materials submitted by the Applicant for the record, and technical information provided by the Commission staff, the subcommittee voted 2 to 1 on March 6, 1997, to recommend to the full Commission that the proposed golf course expansion be approved with conditions as a DRI. A final hearing on the project for the purposes of receiving testimony on a draft decision was held before the full Commission on March 6, 1997. At the close of the hearing and the written record on March 20, 1997, the Commission voted to approve with conditions the proposed project.

**Falmouth Country Club Expansion      Decision      #TR96021      3/20/97**

## MATERIALS SUBMITTED FOR THE RECORD

### A. Materials Submitted by the Applicant:

DRI Application	Holmes & McGrath, Inc.	10/31/96
Hydro/Nitrogen loading study	Cape Tech.	11/20/96
Revised grading plans	Holmes & McGrath, Inc.	12/4/96
Traffic info.	Carlson Con. Ass.	12/4/96
Hydro study/Ashumet Valley Plume	Jacobs Eng.	12/10/96
Planting plan for ponds	LEC	1/2/97
Revised Nitrogen loading	Cape Tech.	1/2/97
Water Quality Management plan	Cape Tech.	1/14/97
Revised Plans	Holmes & McGrath, Inc.	1/29/97
Add. water resources info.	Holmes & McGrath, Inc.	1/29/97
Conservation Restriction, etc.	Ament & Ament	1/30/97
Info. on Ancient Ways	Ament & Ament	1/30/97
Response to staff update of 2/10/97	Holmes & McGrath, Inc.	2/11/97
Archeological information	Holmes & McGrath, Inc.	2/19/97
Trip reduction information	Ament & Ament	2/19/97
Prop. Monitoring Wells	Holmes & McGrath, Inc.	2/19/97
Response to draft decision	Ament & Ament	2/20/97
Nesting boxes	LEC	2/20/97
Archeological survey	TPALI	2/26/97
Response to draft decision V	Ament & Ament	3/6/97
Response to draft decision	Ament & Ament	3/13/97
Response to draft decision	Ament & Ament	3/17/97
Changes to Conservation Restr.	Ament & Ament	3/19/97

### B. Materials Submitted by the Town of Falmouth:

Referral Form	Zoning Board of Appeals	10/7/96
Road improvements	Department of Public Works	2/20/97

### C. Materials Submitted by the State:

Site has a strong likelihood to contain	Mass Historical Com.	11/8/96
No rare plants or animals	Division of Fisheries & Wildlife	12/10/96

The DRI application, public hearing notices, Commission staff reports, exhibits and correspondence, the minutes from all public hearings and meetings, and all written submissions received in the course of the proceedings, including materials submitted on file TR96021 are incorporated into the record by reference.

## TESTIMONY

### Public Hearing December 10, 1996:

Mike McGrath, President of Holmes and McGrath introduced the project team and started the applicant's presentation by submitting revised plans to the Commission which he felt responded to the Commission's Staff Report. He noted the applicant will be purchasing the property on the north end of the site which is shown as an easement on

<b>Falmouth Country Club Expansion</b>	<b>Decision</b>	<b>#TR96021</b>	<b>3/20/97</b>
----------------------------------------	-----------------	-----------------	----------------

the original plans.

Mr. McGrath also said that they had moved the tees and greens of the 10th hole to provide a 150' vegetated buffer strip. Mr. McGrath noted that he had run this redesign by Mark Patten of the Falmouth Conservation Commission. Mr. McGrath noted that Mr. Patten had recommended an additional 100 foot strip running northward from the 4th hole in combination with the two open areas and the 150' buffers in lieu of 300' buffers. Mr. McGrath also mentioned that the actual buffer areas will vary somewhat on the field vs. the plan due to topography. He also provided copies of a letter from Jacobs Engineering stating that in their opinion, the irrigation well would not interfere with the MMRA plume remediation efforts.

Mr. McGrath said they had not spoken with town DPW officials on the potential for a future water supply well on the property. He also mentioned that they would not be using traditional fencing on the property. However, they may using a single rail fence around the open fields to restrict access from golf carts.

Mr. McGrath turned the presentation over to Mr. Learned to discuss the hydrogeologic study. Mr. Learned noted that the water table was 30 feet below the surface and that pumping tests had been conducted to monitor the rate of drawdown. He noted there are extremely transmissive soils on the site with the majority of the withdrawal coming from a narrow band upgradient from the proposed 95,000 gallons a day well. He also mentioned there are no private wells within 1000 feet of the proposed well. On nitrogen loading he mentioned that at all times the nitrogen level is under 5 with the 2 year establishment period being at 4.9 ppm with the level dropping to 2 ppm afterwards. Mr. Learned turned over the presentation to Paul Lelito.

Mr. Lelito discussed the plant/wildlife and open space issues. He noted that there was no wetland alterations "per se", though there would be some utilities crossing of a perennial stream. This work will skirt the wetlands with the disturbance taking place in the riparian zone. He then discussed the design of the three new irrigation ponds. Mr. Lelito said the ponds will have a 5 to 10' wide perimeter shelf containing 12" of organic matter. This organic matter would provide for an emergent marsh to develop on the rim of the ponds. The ponds would have a depth of 8' and the water level would be maintained by pumping from the well. The ponds would benefit the existing wildlife by providing additional habitat.

Mr. Lelito reviewed the proposed 150' wildlife corridor along the stream and noted they would plant grasses and wildflowers in the proposed open habitat fields. He said that no species would be eliminated by the development of the golf course and only minor displacement would occur. Mr. Lelito then turn the presentation over to Bill Carlson to discuss the traffic issues.

Mr. Carlson said the traffic counts were done in June and July and that only minor impacts would occur to the road network as a result of the proposed project. He then described the proposed mitigation package which includes the following:

- i) minor widening to Carriage Shop Road at the intersection of Sandwich Road;

- ii) channelization to Carriage Shop Road at the intersection of Sandwich Road;
- iii) the adding of stop signs to Carriage Shop Road at the intersection of Sandwich Road;
- iv) the repaving to Carriage Shop Road at the intersection of Sandwich Road; and
- v) the striping to Carriage Shop Road at the intersection of Sandwich Road.

On the Regional Policy Plan's twenty percent trip reduction, Mr. Carlson noted they the Country Club intends on increasing the shuttle service they provide to the Falmouth Inn. Mr. McGrath noted that they will not touch the ancient traveled way to the south and the one to the east which will be relocated off the fairway #5.

Mr. Riley asked the subcommittee if they had any questions for the applicant. Ms. Bebout asked what was the material used to make the pond liner. Mr. McGrath said that it was made of a heavy flexible plastic, similar to the ones used in landfills.

Ms. Bebout then asked about the shelf area. Mr. Lelito said there will be organic matter placed on the shelf area and eventually organic matter would also build up on the bottom of the ponds.

Ms. Bebout asked about the fencing that might be used. Mr. McGrath explained that they would submit a sketch and that it would be a single rail high with 9 to 10" gap underneath and a total post height of 14 to 18" tall.

Mr. Riley asked about the drawdown of the ponds in the event of a drought. Mr. Lelito explained the well will supply the ponds and the testing done shows there is ample water available.

Ms. Bebout asked about the circulation of water throughout the site. Mr. Learned explained the water will be pumped from the well by a pipe to pond #3 and there would be pipes from pond #3 to pond #2 and another pipe from pond #2 to pond #1.

Mr. Riley then opened the floor to questions from the public.

David Andrade asked what would become of the ancient ways. Mr. McGrath explained the east/west way would be left alone and a portion of the north to south one would be relocated. Bucky Hall from the Falmouth Country Club, added that the grading on fairway #5 falls away from the north to south way, thereby preventing a future drainage problem.

Regina Andrade asked if anything in this proposed development would prevent her from building on or selling her property (on the southeast corner of the proposed golf course expansion). In particular, she was concerned with the status of the two ancient ways, both which provide access and frontage to her property. Mr. McGrath said there is nothing in the proposal that would deny any uses.

Jack Simmons questioned the applicants' right to use Timothy Bourne Way (the

north/south ancient way). He noted they had used the way early on for testing and site investigation. He wanted it clarified that this way would not be allowed for construction vehicles. Bucky Hall replied that all construction vehicles would enter the proposed development from the Bothelo's property to the north or the existing golf course.

Mr. Riley asked the applicant's representatives if he would object to having a condition restricting access as just described. No one attending the hearing objected to that type of condition being placed on the project.

Subcommittee hearing March 6, 1997:

The meeting was opened at 2:15 pm with the subcommittee reviewing a letter received from the applicant's attorney dated 3/5/97 outline some proposed changes in the draft decision.

Mr. Guimond, Commission staff, noted the revisions in the draft decision and explained the following outstanding issues:

- The additional land being purchased from Mr. Botelho needs to be shown on a plan with Book and Page numbers to record with the decision;
- Staff and the applicant have not yet agreed to the amount type and size of structures that might be allowed in the open space;
- Staff and the applicant have not yet agreed on the language on the expanded shuttle service;

Mr. Guimond said that the staff recommended that the public hearing go forward today with testimony, continue the hearing for two weeks and then close the hearing and vote on the decision. Mr. Guimond then asked the subcommittee to turn to page 7 of the new draft decision, he noted that this is the first concern raised in the letter from the applicant's attorney.

Mr. Riley asked staff to explain the trip reduction standard. He noted his understanding was the applicants were to provided, but the applicant would not be required to actually achieve a specified number of trips. He said to require the actual reduction does not seem fair.

Paul Tilton, Commission staff, recommended an addition van be provided but the applicant's representatives proposed to run the existing bus more often and increase the advertisements of the service. Staff is not convinced this proposal will work.

Ms. Bebout asked why would the applicant be held responsible if no one was willing to get on the bus. Mr. Tilton said there was a concern that the applicant's proposal would not meet the 20% trip reduction requirement and members of the subcommittee had previous want an increase in runs of the bus if not a time schedule so people could arrange tee times around the service. Staff could go along with the applicant's overall proposal with some minor changes and a monitoring program.

Mr. Silverman said it seem fair to him that the subcommittee recommend the 1 bus proposal with a monitoring program to get some confidence that the trip reduction efforts

were working.

Mr. Riley said he didn't agree and asked what the cost of a new bus would be. Laura Moynihan, an attorney for the applicant, said it was between 20 and 25 thousand dollars.

Ms. Moynihan asked to work with the staff on the monitoring and methods of mitigation if needed.

Mr. Silverman asked what incentives the country club was offering. Ms. Moynihan said they could offer reduced clubhouse fee and /or greens fees. Bucky Hall, groundskeeper of the country club, asked what happened if nobody took the bus. Mr. Riley explained the staff is recommending a one time payment of \$588.00 per trip with no monitoring required.

Ms. Moynihan noted the finding only gives one option and the condition should reference for a period of 5 years. She also noted the monetary requirement is not as clear as Mr. Riley's explanation. Staff noted this and will work on the related finding and condition.

Ms. Moynihan said she was concern with the amount of work that would be involved in preparing the trip reduction report. Mr. Tilton said the reporting could be handled by the bus driver during one peak summer week a year for the five year time frame. He noted the results could be averaged and the number needed was 68 riders a day. Mr. Tilton explained at the end of the five years the results would be reviewed and the difference could be resolved through a one time payment. Bucky Hall said they could agree to that approach.

Discussion moved to the water resource section of the decision. Ms. Moynihan said the language in WR4 seemed duplicative. Staff would review the language and if it was would remove it. The discussion then moved on to bathrooms and a potential snack bar in the open space area. Staff recommended that this discussion be combined with the Open space section.

Ms. Moynihan asked about the last sentence in condition WE1. Ms. Sferra explained the risk of conducting work before getting all required permits was standard language. Mr. Riley agreed with staff.

Ms. Sferra explained that the applicant wanted WE5 to state that staff counsel had approved the conservation restriction. Staff counsel has not yet reviewed this language so the change was not made. There are two issues. First, the need for the language to be reviewed by staff counsel before the decision can say that it is acceptable. Second, the substantive issue is the fact that the applicant is now proposing placement of unspecified structures within the open space. This needs to be reconciled with the RPP's prohibition of structures within open space. Ms. Moynihan stated they have offered to restrict 100% of the site with golf course related uses permitted, but have not received assurance that their approach is acceptable. They want to know that the concept is acceptable, even if the language needs fine-tuning. Mr. Guimond noted the staff never specifically mentioned

the golf course being allowed because staff always thought that was a given from the outset. He explained the staff however, does have a concern with the location of the various buildings and uses being mentioned by the applicant's representatives (such as bathrooms and a snack bar) and their impacts to the overall nitrogen loading and other issues. Ms. Sferra noted the Regional Policy Plan prohibits structures in the required open space area. She said that staff were looking at two possible approaches -- either to have building envelopes shown on the plan or to exclude from the conservation restriction a certain amount of land that would be set aside for the buildings. Mr. Guimond noted it could be broad approach like bubble area within the restricted area, where buildings could go in. It doesn't need to be a footprint, just an area with future uses specified. Ms. Sferra noted that it is matter of sitting down with the language and agreeing on the details. She noted that staff has not expressed concern about the golf course operating within the restricted area. Ms. Moynihan said that was her understanding, but they wanted something in the conditions. They have reserved certain rights within the Conservation Restriction to operate the golf course, to maintain some of the wooded areas, to basically do whatever they want within the conservation restriction area which is kind of a unique concept, it's usually not done that way. It's usually a no touch area. Her concern is that they submitted it a while ago to get assurance that there was agreement on what they wanted to do.

Mr. Silverman explained that staff counsel had been very ill for the past ten days and that was part of the problem. He felt this language should be worked out and a bubble area identified on the plans. Ms. Sferra said that staff counsel would likely be able to review the language before the next Commission meeting so that hopefully this issue could be resolved.

Ms. Moynihan said the issue was the building bubble thing, they don't have any objection to that and if that would get this thing (decision) through faster, they would like it to go under a administrative review. Mr. Silverman said the staff want a rough area where these things could go. Mr. Hall said he has an idea already. Ms. Moynihan said she had no problem with that. Mr. Silverman asked the applicant to work this out with staff next week. Mr Riley recommended that they don't box themselves in and exclude a space within the conservation restriction to fit their needs. He said he would give the applicant whatever they need in that respect.

Mr. Guimond noted there was a secondary concern with some of the possible uses, bathrooms and snack bars and exceeding the nitrogen loading requirement. Mr. Hall said that both bathrooms and a possible snack bar were not in the immediate future, but something they would like to consider in the future. Mr. Riley and Mr. Silverman recommended this be handled by requesting a modification in the future if needed since it hadn't been requested before now. Either that or they should request an extension.

Ms. Moynihan noted she had a concern with condition WE6 due to the cost of hiring a botanist. She noted between Mark Patten, Joanne Muramoto and Kathy Sferra already being on the site, that this condition might be overkill. It would be \$2500 to have someone on site. She said she know that this was a condition of the Cape Cod National Golf

Course, but this was a bigger site. She requested that this be omitted. Ms. Sferra recommended that the condition be retained. The purpose is to ensure that the 100' buffer remains undisturbed and that the mitigation measures are completed properly and function as planned. She noted the importance of someone who has expertise in this area. Mr. Reilly said as he understands it, the applicant's concern is the expense of monitoring during construction not after construction. Ms. Moynihan said they would prefer not to have any (requirement) but the applicant would be satisfied with just post-construction monitoring. Mr. Silverman said that he would be comfortable with the applicant designating someone that would be responsible for monitoring the project during construction and limiting the monitoring condition to post-construction. Mr. Reilly asked if they had someone in mind. Mr. Hall said that they have someone with a horticultural degree on staff. Mr. Silverman suggested they designate that person. Ms. Sferra said that was satisfactory. But she added that the person who does the post-construction monitoring should also be responsible for ensuring that the mitigation is constructed in accordance with the plans at the outset. Mr. Silverman asked why wouldn't the person monitoring during construction take care of this and continue on staff. Mr. Reilly noted that the applicant is always responsible. Mr. Silverman said that staff wanted to make sure that someone was advising that applicant who had the necessary expertise. He asked why someone with a horticultural degree couldn't do this? Ms. Sferra doesn't think they would have the expertise. She noted that they have a wildlife consultant who had designed the mitigation. Someone with similar qualifications should ensure that the work was done. Mr. Hall said that consultant is very expensive. Mr. Reilly asked if there were plans that a horticulturalist could follow. Mr. Hall described the plans. Mr. Silverman asked if that wasn't enough. Ms. Sferra said that during the post construction period someone with expertise in wildlife management is needed. Ms. Sferra said that she feels that staff could work with the applicant on language. Mr. Silverman suggested an annual report. Mr. Reilly noted that is in the post-construction monitoring. In closing the discussion, Ms. Sferra asked for clarification from the subcommittee on the final language. She asked was there agreement that post-construction monitoring will remain as drafted in the decision, but that the during construction monitoring would be by the applicant's staff horticulturalist. The subcommittee agreed.

Ms. Moynihan noted she had a concern with the change in the language dealing with hay bales in condition WE7 versus fencing or hay bales. Mr. Guimond said staff had misunderstood the applicant's previous request and they would change the language back to having either hay bales or silt fence.

Mr. Silverman noted we have a minute and a half left before the Commission Meeting would start. Ms. Bebout mentioned she was uncomfortable with the way this was being rushed. Mr. Guimond quickly explained the rest of the points and changes. Both parties were in agreement on the rest of the items.

Mr Silverman made the motion, seconded by Mr. Riley, the subcommittee voted 2 to 1 to recommend approval with conditions, any revision will be run by the chair of the subcommittee. Mr. Silverman voted to adjourn, seconded by Mr. Riley, the subcommittee voted 2 to 1.

**JURISDICTION:**

The proposed 9 hole expansion of the Falmouth Country Club qualifies as a Development of Regional Impact under Section 3(e) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12 as..."any private ... outdoor ...recreational development...greater than 40,000 square feet."

**FINDINGS:**

1. The site is located within the Capewide Open Space Greenbelt Network identified and mapped in the Barnstable County Regional Policy Plan. Minimum Performance Standard 6.1.1. of the Regional Policy Plan requires that the Applicant "maintain the integrity of the greenbelt and provide a continuous corridor to preserve edge and interior wildlife habitat." The site is also within the Town of Falmouth's mapped wildlife corridor and subject to the requirements of the Wildlife Corridor Overlay District.

2. The revised open space plan submitted by the applicant depicts a contiguous wildlife corridor of a minimum width of 100' and in excess of 100' in some locations. The Town of Falmouth's Natural Resources Officer has approved this plan in accordance with the town's zoning bylaw. The Cape Cod Commission finds that this plan, in conjunction with the habitat enhancements conditioned in this decision, complies with the Regional Policy Plan's requirement to preserve a continuous wildlife corridor through the site.

3. The applicant's Plant and Wildlife Habitat Assessment notes that a number of species will be permanently displaced from the site because of the habitat change from forested habitat to manicured lawn. The Applicant has designed the golf course to maintain approximately 13.4 acres of pine-oak woodland, primarily within wetland buffer areas. The applicant will compensate for loss of the remainder of the forest habitat through a variety of habitat enhancement projects. These include placement of nesting boxes along the proposed fairways and within woodland areas, purchase for conservation purposes of an acre of land on an abutting parcel to the north of the site to extend the wildlife corridor, and enhancing vegetation of identified wetland buffer areas along Bourne's Brook in the vicinity of the current 5th and 6th fairways. The applicant will also be creating artificial golf course ponds fringed with wetland vegetation which will provide an on-site water source for wildlife.

4. Section 2.3.1.1. of the Regional Policy Plan prohibits wetland alteration. A utility crossing is required near the southern portion of the existing 5th fairway at an existing vehicle crossing. No vegetated wetland will be altered as a result of this crossing.

5. Section 2.3.1.2. of the Regional Policy Plan requires a minimum undisturbed 100' buffer around wetlands and waterbodies. The proposed golf course has been located outside of the 100' buffer. Clearing and grading are proposed within small portions of the wetland buffer for the 4th fairway and at the edges of the 10th fairway. This work will disturb approximately 20,920 square feet of wetland buffer. The applicant has requested that the Commission invoke the flexibility clause to allow this work. A small amount of work will also need to be conducted in the buffer in conjunction with the utility crossing.

This wetland buffer area will be restored following completion of construction. Section 2.3.1.3 of the Regional Policy Plan contains an exception for utility-related work.

6. The Commission finds that the applicant's proposal to revegetate an average 75' width corridor along Bourne's Brook, as well as to re-seed portions of the existing 5th and 6th fairways with low fertilizer grasses, will enhance the water quality and wildlife habitat associated with Bourne's Brook. This restoration work encompasses approximately 3.5 acres and compensates for the small amount of wetland buffer alteration that will result from the proposed project. Therefore, the Commission finds that the project is consistent with the Regional Policy Plan.

7. A portion of the site is located within the Riverfront Area to Bourne's Brook and is subject to jurisdiction of the Falmouth Conservation Commission. The Cape Cod Commission has made no determination with regard to the project's compliance with the Rivers Protection Act and associated guidelines.

8. The site is not located within the vicinity of any mapped rare species habitat. The Natural Heritage and Endangered Species Program has confirmed that no rare species have been identified on the site.

9. The Applicant is not proposing any perimeter or security fencing around the site. Any such fencing has the potential to interfere with the movement of wildlife within and through the site.

10. Three ancient ways are located on or adjacent to the site. The first ("A") is located along the southern boundary of the site and runs east-west. The second ("B") is a perpendicular extension which runs in a north-south direction for approximately 180 feet. The third way ("C") is documented as running in a north-south direction within and outside of the eastern lot line of the property. Way "A" will not be altered in any way by the proposed project. Way "B" is currently vegetated. Way "C" has been relocated for a portion of its length so that it is outside of the proposed golf course.

11. Minimum Performance Standard 6.1.4. of the Regional Policy Plan requires that 40% of the upland area within commercial development projects be set aside as permanent open space. The Open Space Technical Bulletin (8/18/94) recommends that 50% of this open space area consist of areas maintained in their natural state. Golf courses are defined as an allowable use within permanent open space. Pursuant to this standard, the proposed project is required to provide 25.6 acres of open space.

12. The Applicant has proposed to meet this Regional Policy Plan open space requirement by submission of a plan and permanent conservation restriction of 100% of the site (65 acres) prior to issuance of a Certificate of Compliance. The conservation restriction will provide that specified golf course uses may occur within this open space area provided that areas that have been designated to remain undisturbed be maintained in their natural state. The applicant has agreed that the Conservation Restriction will allow year-round recreation on the site which may include cross-country skiing and other

outdoor recreational activities in addition to golf.

13. The proposed project will continue to use the existing access located on Carriage Shop Road which is classified as an Urban Minor Arterial roadway.

14. The proposed golf course expansion is expected to generate approximately 338 vehicle trips per day, 41 AM peak hour trips and 39 PM peak hour trips.

15. The applicant has analyzed a study area that includes the following intersections:

- a. Carriage Shop Road at Sandwich Road
- b. Carriage Shop Road at Old Barnstable Road
- c. Carriage Shop Road at Site Driveway

16. The applicant has proposed improvements at Carriage Shop Road/Sandwich Road and at Carriage Shop Road/Old Barnstable Road. Improvements at the Sandwich Road intersection include re-striping worn pavement markings, minor widening, painted stop bar / sign and striping the Carriage Shop Road westbound approach to provide separate left and right turn lanes. Improvements at the Old Barnstable Road intersection include re-striping worn pavement markings, relocating stop bars /signs and striping the Old Barnstable Road northbound approach to provide an exclusive right-turn lane.

17. The Commission received a letter dated 2/20/97 from Mr. Owen of the Falmouth Department of Public Works. This letter states the proposed improvements to the intersections of Carriage Shop Road at Sandwich Road and Carriage Shop Road at Old Barnstable Road, are satisfactory to this department and will greatly enhance the safety of the two intersections.

18. Minimum Performance Standard 4.1.2.1 requires the applicant to offset at least 20% (68 trips) of their projected daily traffic. To meet this standard the applicant has agreed to advertise and/or post notices regarding the availability of its shuttle van service to/from the Falmouth Country Club at the following hotels: Falmouth Inn, Admiralty Inn, Ramada Inn and the Quality Inn. The applicant has agreed to also offer incentives to golfers who use the shuttle service, such as discounts on fees or restaurant items within the clubhouse. In addition, the applicant shall provide the Cape Cod Commission with an annual update (for five years) recording the results of the trip reduction plan. To meet the trip reduction standard, the applicant's transit service must reduce 68 daily vehicle trips per day. If the plan does not meet the 20% trip reduction standard, the applicant must provide additional measures (bicycle/pedestrian facilities and/or a monetary commitment towards transit service). The monetary commitment towards transit would be equivalent to reducing daily vehicle trips. The cost to remove a vehicle trip for the life of the project using the transit option would be \$588 per trip. For example, if the applicant reduces 60 trips with their proposed service, the cost to reduce the remaining 8 trips would be \$4,704 [(68 trips -60 trips) x \$588.00].

19. During construction of the site, the applicant will schedule truck traffic in an effort to minimize impacts on the surrounding roadway network.

20. The applicant has completed an intensive locational archaeological survey as requested by the Massachusetts Historical Commission (MHC). The survey was conducted by The Public Archaeology Laboratory Inc. and did not identify any potentially significant cultural resources within the project area. Comments on the survey work have not been received from MHC.
21. The nitrogen loading revisions were made to satisfy the standards of the Regional Policy Plan (RPP) Marine Water Recharge Area (MWRA) Minimum Performance Standard (MPS) for post turf establishment conditions. Fertilizer application for the proposed golf course area during the two-year turf establishment period will exceed recommended limits.
22. The applicant has provided spreadsheets which indicate that adjustments have been made to lower the nitrogen loading rate so that it satisfies the limits for SA class waters (15g/m<sup>2</sup>/year) according to Technical Bulletin 91-001. Fertilizer applications for both the existing golf course and the proposed golf course were lowered to meet the standard for both Greens Pond (3.2 kg N/acre/year) and Bournes Pond (4 kgN/ acre/year) for the long term post establishment period.
23. Fertilizer application for the proposed golf course area during the two-year turf establishment period will exceed the SA class limits.
24. There may be a need to deviate from the proposed fertilizer application rates from time to time to allow the superintendent to respond to changing turf conditions. In addition, other environmental factors may influence water quality results. Therefore, the adoption of a comprehensive groundwater monitoring program and contingency plans for mitigation are the best strategies to protect the downgradient coastal embayments.
25. In this regard, the location and frequency of water quality sampling must be carefully evaluated to ensure that the monitoring objective is accomplished: i.e. assure that groundwater nitrogen concentrations from fertilizer applications do not exceed the defined limits for the areas that fall within either Bournes Pond or Green Pond MWRA.
26. The monitoring well locations should be installed to provide as much information as possible about turf management practices and groundwater impacts. Water quality impacts over the course will vary from local areas of high intensity uses (greens and tees) and more widespread areas of low intensity use (fairways and roughs). Monitoring wells should be located to measure ambient groundwater quality conditions throughout the course as well as evaluating the high intensity areas. Cluster well construction, as proposed by Cape-Tec Environmental is well suited to looking at point and non-point source impacts.
27. Positioning the monitoring wells to obtain representative data is dependent on good water table mapping. The 1995 USGS regional water table map provides the best available information for this area and should be used when considering monitoring well

placement. Elevations for all of the monitoring wells should be established, and water levels recorded prior to each sampling event. The water table information should be incorporated into a local groundwater flow map. The water level information will be helpful in looking at seasonal shifts in groundwater flow direction, interpretation of water quality results, and evaluation of irrigation withdrawals.

28. There is a great deal of variability in water quality results taken at the same locations over different time periods. This is particularly true on a golf course where fertilizer application and irrigation occur sporadically.

29. The Falmouth Country Club and the proposed 9 hole expansion are not located within a Zone II to a public water supply well.

30. The proposed expansion involves: additional turf, sand bunkers and related play areas; construction of no more than two open rain shelters not to exceed 300 square feet each; construction of a pump house not to exceed 300 square feet, as shown on the plan titled "Proposed Golf Course Expansion, prepared for the Falmouth Country Club in East Falmouth, MA", dated September 10, 1996 and revised January 15, 1997, prepared by Holmes and McGrath, Inc.; construction of no more than ten sprinkler control boxes with an approximate size of 1.5 feet x 1.0 foot x 4 feet. The applicant may apply for a modification to this decision to construct a toilet facility or other accessory uses or utilities on the site.

31. There will not be any new storage or handling of hazardous materials (pesticides, etc.) in connection with the expansion. Any hazardous materials or waste storage will take place within the maintenance building for the original course.

#### **CONCLUSION:**

Based upon the findings above, the Commission hereby concludes:

1. The proposed project is consistent with local development bylaws provided that the applicant obtains an Order of Conditions from the Falmouth Conservation Commission permitting the proposed work within the Riverfront Area and any other areas subject to the jurisdiction of the Conservation Commission.
2. The proposed project is consistent with the Minimum Performance Standards of the Regional Policy Plan.
3. The benefits of the proposed project outweigh the detriments resulting from the development. This conclusion is supported by findings listed above, and conditions described below.

The Commission hereby approves with conditions the proposed 9 hole expansion to the existing 18 hole Falmouth Country Club golf course as a Development of Regional Impact, pursuant to Sections 12 and 13 of the Act, provided the following conditions are met:

**CONDITIONS:**

**General**

**G1.** The plans listed in these conditions shall become the plans of record and any changes or additions shall be approved by the Cape Cod Commission or its designee. This decision authorizes the construction of a golf course expansion consistent with the plans approved herein and the construction of utilities and accessory structures as shown on said plans and/or as described in Finding #30 above.

**G2.** The Applicant shall obtain a Certificate of Compliance from the Cape Cod Commission or its designee before opening for play any portion of the proposed project. All conditions attached to this decision, unless otherwise indicated, must be met prior to the issuance of a Certificate of Compliance from the Cape Cod Commission.

**G3.** The Applicant shall obtain all necessary State and local permits for the project.

**G4.** Any change of use, expansion or change to the golf course deemed by the Regulatory Committee of the Commission to be other than a minor modification consistent with Commission policy on Revisions to Approved DRI's dated October 17, 1996 shall require review and approval by the Cape Cod Commission.

**Water Resources**

**WR1.** The applicant shall develop and implement a comprehensive groundwater monitoring plan. The plan shall include monitoring well installation, water quality sampling, recording fertilizer / pesticide applications and the preparation of the annual report. Monitoring wells shall be located as shown on the plan entitled: Proposed Monitoring Wells for the Proposed Golf Course Expansion prepared for the Falmouth Country Club in East Falmouth, Dated 2/19/97. During golf course constructions, any modifications to the well locations must be reviewed and approved by Commission Staff.

**WR2.** Water quality monitoring shall be conducted by a qualified professional following approved Massachusetts DEP sampling protocol. All monitoring wells and private wells shall be monitored for the following constituents: pH, conductivity, nitrate-nitrogen, and ammonia-nitrogen. Prior to bailing the well, the water levels shall be obtained and recorded for each monitoring well. At least 3 volumes of water shall be removed before a sample is obtained. Appropriate sampling containers, storage methods, and chain-of-custody reporting requirements shall be used. One (1) downgradient groundwater monitoring well shall also be tested annually for the EPA 880 and 851B Broad Spectrum Pesticide IOS Scan. A copy of all monitoring reports shall be provided in the annual report to the Commission. The annual report is described in condition WR4 below.

**Sampling Schedule**

	Existing Course Wells	Proposed Course Wells		
Background	Spring	Before first fertilizer application		
Year 1	Fall	Spring and Fall		
<b>Falmouth Country Club Expansion</b>		<b>Decision</b>	<b>#TR96021</b>	<b>3/20/97</b>

Year 2	Fall	Spring and Fall
Year 3	Fall	Spring and Fall
Year 4	Fall	Spring and Fall
Year 5	Fall	Spring and Fall
Year 5 and up		Wells sampled annually in the Fall

Note: Spring is April 1st of a given year; and Fall is October 1st of a given year.

**WR3.** If the nitrate nitrogen concentration for wells exceeds the target nitrogen concentration for course related impacts, the Commission and the town shall be notified by the applicant and the applicant shall repeat the analysis. If a second analysis confirms the initial reading, the Commission and the town shall be notified by the applicant and the applicant shall examine current turf management practices and modify these practices to bring nitrogen concentrations back down to target levels. The Commission staff in conjunction with the Board of Health Agent of the Town of Falmouth shall approve the modification and the applicant shall be responsible for continued mitigation until the target concentration is achieved. The target concentration for wells within the Green Pond MWRA shall be 1.45 mg/l NO<sub>3</sub>-N. The target concentration for the portion of the existing and proposed golf course area that falls within the Bourne Pond MWRA shall be 1.8 mg/l NO<sub>3</sub>-N. For the establishment period, the target concentration for all wells shall be 5.0 ppm. Background and existing water quality will be established from the results of the initial sampling round and used to calculate golf course related impacts.

**WR4.** The applicant shall keep records of actual fertilizer and pesticide application amounts, types and rates. Records of turf management practices, water table elevations, water quality monitoring results shall be compiled into an annual report and submitted to the Town of Falmouth and the Cape Cod Commission. If water quality analysis shows target levels are exceeded after consideration of the initial background sampling, the applicant shall notify the Town of Falmouth and Cape Cod Commission of a proposed monitoring and mitigation schedule that is satisfactory to both parties.

#### **Wetlands/Plant and Wildlife Habitat/Open Space and Recreation**

**WE1.** This approval is conditioned on the Applicant applying for and receiving an Order of Conditions from the Falmouth Conservation Commission or Massachusetts Department of Environmental Protection permitting the portions of the golf course project within their jurisdiction. A copy of the applicable decision(s) shall be provided to the Cape Cod Commission prior to commencement of any development activity within the jurisdiction of the Falmouth Conservation Commission, as defined by Section 2(e) of the Cape Cod Commission Act, on the site. Any work conducted prior to issuance of local permits shall be at the applicant's risk.

**WE2.** With the exception of the 4th fairway, the 100' wildlife corridor shall be designated an "environmentally-sensitive area" which is to be out of bounds, or a lateral hazard, in accordance with the U.S. Golf Association 1996 Rules of Golf. Balls shall not be retrieved from these areas. This requirement shall be made clear to players through signage at the

edge of the wildlife corridor and printing of rules on scorecards. With the exception of the 4th fairway, no development activity as defined by Section 2(e) of the Cape Cod Commission Act (including removal of vegetation) shall occur within this wildlife corridor.

**WE3.** The three golf course irrigation ponds shall be surrounded by herbaceous and shrub vegetation as described in the narrative prepared by LEC, Inc. dated 12/30/96 and in accordance with the plan entitled "Plan of Proposed Buffer on Existing 5th and 6th Fairway" dated 1/16/97 and revised 2/13/97.

**WE4.** In order to enhance wildlife corridors on the site and improve water quality to Bourne's Brook and Bourne's Pond, the applicant shall provide an average 75' variable corridor along Bourne's Brook (total width of corridor including the stream) and regrass portions of the 5th and 6th fairways in accordance with the plan referenced in Condition WE 3. The cart path to the east of the 6th fairway shall be realigned along the property line on the west side of the 6th fairway. The old cart path shall be loamed and seeded.

**WE5.** Prior to the issuance of a partial or final Certificate of Compliance, the Applicant shall provide the Commission with proof of recording of the permanent Conservation Restriction consistent with MGL c.184, Sections 31-33 and approved by Commission counsel dated March 19, 1997.

**WE6.** The Applicant shall provide the Cape Cod Commission with the name, address and telephone number of the qualified arborist or horticulturalist retained by the applicant who will be responsible for monitoring construction in the vicinity of the 100' wetland buffer, pond plantings, buffer restoration, and placement of nesting boxes and wildlife corridors. This individual shall certify that construction has been completed in compliance with the approved plans and this decision prior to the issuance of a Certificate of Compliance. Prior to issuance of a Certificate of Compliance, the applicant shall document that he has retained the services of a wildlife biologist/botanist who will be responsible for post-construction monitoring. Post-construction monitoring shall include a minimum of two (2) site visits per year for two (2) years from the date of issuance of a Certificate of Compliance (conducted in the Spring and Fall), and a field report identifying recommendations for improvements to wildlife habitat. These field reports shall be submitted to the Cape Cod Commission and appropriate local permitting agencies.

**WE7.** Prior to the commencement of any clearing or grading, the Applicant shall place a silt fence or a row of staked haybales along the limit of work at the edge of the proposed undisturbed area along the wetland. The applicant will also flag in the field the undisturbed areas to be maintained in the interior of the course in a manner that ensures that vegetation is not removed from these areas. The plans should be revised to show this limit of work line. In addition, the centerline of the fairways as shown on the final plan shall be staked prior to centerline clearing and the edges of the fairways should be staked or flagged and reviewed for compliance with the final plans by Commission staff prior to any further clearing.

**WE8.** Following completion of staking of fairways, clearing of centerlines, and flagging of the limit of work as described in condition #WE 7 above, the Applicant's representative and the Cape Cod Commission staff shall walk the site and staff shall make recommendations with regard to specimen trees and snags that might be retained along the edges of fairways and in wildlife corridor areas which are consistent with the applicant's operation of the golf course.

**WE9.** The applicant shall place nesting boxes as described in the narrative from LEC, Inc. dated 2/20/97.

**WE10.** The Applicant shall submit the following final plans for review and approval by the Cape Cod Commission or its designee prior to commencement of any development activity:

a. An erosion and sedimentation control plan, which shall also depict the proposed location of stump and construction debris staging areas, if any, and composting areas outside of the undisturbed open space areas and wetland buffer, and all erosion and sedimentation control measures. In addition, erosion and sediment controls shall be placed where there are slopes in excess of 10% or to break up long gradual slopes at 500' intervals. Any changes subsequently required by the Falmouth Conservation Commission shall be shown on an amended plan and shall be approved by the Commission or its designee.

b. A construction schedule for construction of the golf course. The construction schedule shall provide for initial construction of the 10th and 13th greens during the first half of project construction. The Applicant shall provide the Cape Cod Commission and appropriate local permitting agencies with a monthly report on progress, and any changes in the construction schedule.

### **Hazardous Materials/Waste**

**HM1.** The Applicant shall:

- a.) designate an area on site for the composting of landscaping wastes (leaves and grass clippings). The area designated for composting shall be outside of any wetland buffer areas or any ancient way or undisturbed open space.
- b.) perform all composting operations in accordance with any applicable state regulations governing composting activities (310 CMR 20.00).

**HM2.** No stumps shall be buried on the project site. Stumps and brush generated from land-clearing operations shall be chipped for reuse on site or sent to a designated off-site facility for processing.

**HM3.** Any new hazardous materials or hazardous wastes used, generated, treated or handled in connection with the expansion shall be stored at the existing maintenance building ("off site").

**HM4.** Handling or storage of any new hazardous materials or wastes associated with the expansion shall be in conformance with the requirements of the Massachusetts Hazardous Waste regulations (310 CMR 30.00) and Falmouth's Regulation to Control Toxic and Hazardous Materials as well as relevant sections of Falmouth's Zoning Bylaws.

### **Transportation**

**TR1.** The proposed improvements as shown on the plans entitled "Plan of Proposed Improvements at Carriage Shop Road at Old Barnstable Road", dated 1/8/97 and the "Plan of Proposed Improvements at Sandwich Road and Carriage Shop Road," dated 1/7/97, prepared by Holmes and McGrath, shall be completed prior to issuance of a Certificate of Compliance.

**TR2.** In order to meet the 20% trip reduction requirement, the applicant shall provide a shuttle van service and ridership incentives such as advertising, discounts and other strategies.

**TR3.** For a period of 5 years the applicant shall provide the Commission with an annual report documenting the results of the trip reduction efforts. Said report shall be submitted no later than December 31st of each calendar year for the five year period. The applicant shall demonstrate that the proposed shuttle service and incentive plan reduce a total of 68 daily trips during peak usage for the existing and expanded course by the end of the 5 year period. The applicant shall undertake additional trip reduction measures if the full 20% (68 trips) trip reduction is not met by the shuttle service. Such measures may include but are not limited to the provision of a one-time monetary contribution to the Cape Cod Regional Transit Authority, which contribution shall be credited at a rate of \$588.00 per trip.

**TR4.** During construction, the applicant shall limit truck traffic to 5 trips per hour during peak hours of adjacent street traffic.

**TR5.** The ancient ways bordering the southern and eastern sides of the site (Ways "A" and "C" above) shall not be blocked by the proposed development unless the public rights in this ancient way are expunged in accordance with applicable law. Way "C" shall be relocated as shown on the approved plan. The ancient ways "A", "B", and "C" shall not be used for temporary construction access or temporary / permanent access for golfing purposes.

**TR6.** All construction vehicles shall access the site from either Old Barnstable Road or the Botelho property to the north.

### **Historic Preservation/Community Character**

**HP1.** If all required site and/or landscape improvements are not completed at the time a Certificate of Compliance is sought from the Commission, any work related to site and/or landscape improvements which is incomplete shall be subject to a performance guarantee of form and content satisfactory to Commission counsel. The amount of the performance guarantee shall equal 110% of that portion of the work, including labor and

materials, which remains incomplete with the amount approved by Commission staff. The guarantee shall be payable to the Cape Cod Commission with the work approved by Commission staff prior to the release of the performance guarantee. Upon acceptance of the performance guarantee by the Commission, the Cape Cod Commission shall issue a partial Certificate of Compliance. Documentation of a performance guarantee held by the Commission in a form, content and monetary value satisfactory to Commission counsel for incomplete work as described above shall satisfy this requirement.

**HP2.** Prior to any construction activity including site preparation work or excavation on any portion of the project site the Applicant shall provide to the Cape Cod Commission, written confirmation that the Massachusetts Historical Commission (MHC) is satisfied with the archaeological survey work and that no mitigation is necessary to address impacts to archaeological resources.

The Cape Cod Commission hereby approves with conditions the Development of Regional Impact application of the Falmouth Country Club c/o Leonard Bedford pursuant to Section 13 of the Act for the proposed 9 hole expansion to the existing 18 hole golf course in the Town of Falmouth, MA.

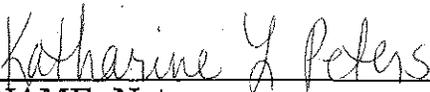
  
Greg Silverman, Chair

3/20/97  
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

Subscribed and sworn to before me this 20<sup>th</sup> day of March 1997.

  
NAME, Notary

My Commission Expires: