



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

DATE: June 17, 1999 TR# 98046
TO: William Spence, Vallejo Street Realty Trust
FROM: Cape Cod Commission
RE: Development of Regional Impact
Chapter A, Section 3 (c), Barnstable County Ordinance 94-10
PROJECT: Harlow Farms Estates on Old Plymouth Road, Bourne.
BOOK/PAGE: Book 11358, Page(s) 006, 007

DECISION OF THE CAPE COD COMMISSION

SUMMARY:

The Cape Cod Commission (the Commission) hereby approves with conditions the application of William Spence, of Vallejo Street Realty Incorporated for a Development of Regional Impact (DRI) for the residential development as shown on the plan entitled "Definitive Plan of Land known as Harlow Farms Estates in Bourne, Massachusetts, " dated August 11, 1998. The decision is rendered pursuant to the vote of the Commission on June 17, 1999.

JURISDICTION:

The proposed subdivision entitled Harlow Farms Estates, off of Norris Rd. and Old Plymouth Rd., North Sagamore, is a Development of Regional Impact under Section 3(c) of the Commission's DRI Enabling Regulations, Chapter A of Barnstable County Ordinance 90-12, as amended, as a subdivision of land involving more than 30 acres.

In a jurisdictional determination issued on November 10, 1998, the Commission found that the proposed subdivision of an existing 29.8 acre residential lot qualifies as a DRI because the subject parcel is being subdivided from a larger, approximately 60 acre parcel.

PROJECT DESCRIPTION:

The Harlow Farms project proposes to subdivide an existing 29.8 acre, residentially zoned lot into 25 buildable residential lots. The site of the proposed residential subdivision is located off of Norris and Old Plymouth Roads in North Sagamore (Bourne). The project site is a wooded, upland area surrounded by residential development or undeveloped wooded land.

Harlow Farms Estates, Bourne, MA
June 17, 1999 Decision - TR#98046

PROCEDURAL HISTORY:

The parcel comprising Harlow Farms Estates was created by a July 23, 1998 judgment of the Trial Court of the Commonwealth of Massachusetts Probate and Family Court. Prior to the July, 1998 decision the parcel was part of a subdivision of land known as Sagamore Park Village comprising 60 acres and 19 lots owned by Bourne Realty Trust. Sagamore Park Village was recorded with the Barnstable County Registry of Deeds on June 30, 1982. Sagamore Park Village was approved as a Special Permit and Subdivision by the Town of Bourne. The Special Permit for Sagamore Park Village expired in 1992 with three units having been developed.

A Hearing Officer opened a pro-forma hearing on January 11, 1999 and continued the hearing to February 9, 1999. A Hearing Officer held a pro-forma hearing on February 9, 1999 which was continued to April 7, 1999.

The Commission received the project referral from the Bourne Planning Board on November 16, 1998 under Section 3(e) of the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact.

A duly noticed Public Hearing was held on April 7, 1999 at 7:00 PM, and was closed. A Final Public Hearing was scheduled and reopened for June 3, 1999. The June 3, 1999 Public Hearing was continued to June 17, 1999. The Subcommittee met on June 10, 1999 and voted unanimously to approve the project with an amendment.

MATERIALS SUBMITTED FOR THE RECORD:

Materials Submitted by the applicant:

- 1.) Plan of Land for "Harlow Farm Estates" prepared for Vallejo Realty Trust 1/11/99
- 2.) Development of Regional Impact Application Form 1/11/99
- 3.) Town of Bourne, Massachusetts Application for Approval of Definitive Plan 1/11/99
- 4.) Drainage Plan for "Harlow Farm Estates" prepared for Vallejo Realty Trust 1/11/99
- 5.) Cluster Subdivision Plan for "Harlow Farm Estates" 1/11/99
- 6.) Environmental Information Report submitted by SITEC, Inc. 3/17/99
- 7.) Letter from Robert W. Parady, Esq. regarding Solid/Hazardous Waste Issues 4/12/99
- 8.) Plan showing Development Envelopes for "Harlow Farm Estates" 4/26/99
- 9.) Drainage Report 5/19/99
- 10. Affordable Housing Plans and Specifications 5/19/99
- 11.) Copy of letter from North Sagamore Water District 5/24/99
- 12.) Extension Agreement signed by Robert W. Parady 5/24/99

Materials Submitted by the Town and State:

- 1.) Development of Regional Impact Referral Form, Bourne Plan. Board 11/16/98

Materials Submitted by Other Interested Parties:

- 1.) Email opposing project from neighborhood resident 4/2/99

The application and notice of the public hearing relative thereto, the Commission's staff reports, memos, course of the proceedings, including materials submitted on File TR98046, are incorporated into the record by reference.

TESTIMONY:

April 7, 1999 Public Hearing

Mr. Parady presented the project, describing the project as a 29 lot subdivision with 25 buildable lots. He discussed open space which he stated would be provided off site, as well as the applicant's desire to not use a cluster subdivision plan.

Ken Kirkey, Commission project planner, provided an overview of the Staff Report as well as land use and affordable housing issues. Members of the Commission's technical staff, Ms. McElroy (Natural Resources), Mr. Eichner (Water Resources), and Mr. Cannon (Transportation), discussed issues related to their areas of expertise.

Town officials, abutters, residents, and the public testified. Ginny Anderson of the North Sagamore Water District stated that the project site was not in a Water Resources District. Joe Kennedy, Tom Garcia, Steve Hurley, all neighborhood residents spoke in favor of the project. The Subcommittee questioned the applicant about the proposed project, particularly related to trip reduction and water resource issues.

The Subcommittee Closed the Public Hearing and noticed a Final Public Hearing for June 3, 1999. The April 7th, 1999 Public Hearing was adjourned at 8:15PM.

June 3, 1999 Public Hearing:

The Public Hearing was continued without testimony to the June 17, 1999 Cape Cod Commission Meeting.

June 10, 1999 Subcommittee Meeting:

The Subcommittee discussed the project with a particular focus on affordable housing, open space, and water resources requirements. Bob Parady, Esq. representing the applicant requested a phasing of the affordable housing requirement through the granting of partial Certificates of Compliance based on the number of new homes developed at the project site. The Subcommittee requested that Project Planner, Ken Kirkey meet with Commission Counsel to determine if such an arrangement was workable. Tom Broidrick made a motion to approve the draft decision with an amendment to allow for the phasing of the affordable housing requirement if legally appropriate. The motion was seconded by Herb Olsen, and it was unanimously approved.

FINDINGS:

Based on the testimony received at the public hearing, application materials submitted by the project proponent, written material submitted by all interested parties and supporting technical information provided by staff, the Commission makes the following findings subject to Sections 12 & 13 of the Cape Cod Commission Act.

General:

G1. The proposed subdivision of land qualifies as a DRI under Section 3(c) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended, as any development which proposes to divide land of thirty acres or more. The applicant proposes to create a new residential subdivision on an existing residentially zoned parcel of 29.8 acres in size subdivided from a 60 acre parcel. Lots 1-25 range in size from 40,129 sf to 58,781 sf and would be provided access via a proposed roadway 2,076 feet in length.

G2. The parcel comprising Harlow Farms Estates was created by a July 23, 1998 judgment of the Trial Court of the Commonwealth of Massachusetts Probate and Family Court. On November 10, 1998 pursuant to Section 12(j) of the Cape Cod Commission Act, the Commission determined that the proposed subdivision entitled Harlow Farms Estates, off of Norris Rd. and Old Plymouth Rd., North Sagamore, is a Development of Regional Impact under Section 3(c) of the Commission's DRI Enabling Regulations, Chapter A of Barnstable County Ordinance 90-12, as amended.

G3. The development of one single family residence each on lots 1-25 will result in regional impacts as set forth in the findings below. As conditioned by the decision, the proposed development of one single family residence each on lots 1-25 will meet the Minimum Performance

Standards (M.P.S.) of the Regional Policy Plan (RPP). Therefore, the development of one single family residence on each lot shall not require further DRI review.

G4. The proposed project meets the zoning requirements of the Town of Bourne.

Affordable Housing:

AH1. MPS 5.1.2 of the Regional Policy Plan requires that 10% of any residential DRI is set aside as affordable housing. This requirement can be achieved through the provision of on-site units or lots, off-site units or lots or through an equivalent cash contribution.

AH2. Based on the size of the project now under review (25 residential units), the applicant is required to contribute three lots (or units) toward affordable housing. The proponent has indicated they will develop three off site units to meet the affordable housing requirement. The units will be located on presently vacant lots located at 94 Puritan Road, 100 Puritan Road, & 18 Trucy Avenue in Buzzards Bay, Massachusetts.

Natural Resources:

NR1. The project site is located within a Significant Natural Resource Area (SNRA) as identified on the Cape Cod Regional Policy Plan maps due to the presence of unfragmented forest and potential public water supply area. Several site characteristics provide habitat for wildlife, including a dominant oak/pine vegetational community, significant shrub layer, and the presence of dead standing trees, or snags.

NR2. The retention of as much of the site in its naturally vegetated state as possible during development, and minimizing clearing and grading wherever possible, consistent with MPS 2.4.1.2 and 2.4.1.3, will result in minimal disturbance of wildlife habitat.

Open Space:

O1. This project is required to provide 19.5 acres of permanently protected open space due to the project site location within a SNRA. While the site contains unfragmented forest, there are no critical or unusual habitats onsite, nor any wetlands or wetland buffers. The site is not adjacent to any existing protected open space. Because of these factors, the provision of open space offsite may be an appropriate alternative to complying with the open space requirement onsite.

O2. The proponent proposes 26 acres of offsite open space, located on Town of Bourne Assessors Map 16, Parcel 5. The offsite open space is located within a SNRA due to the presence of unfragmented forest, and contains habitat of equal or greater value than that located on the subject parcel. The applicant proposes donating this parcel to a conservation organization approved by Cape Cod Commission staff for permanent conservation, or providing a conservation restriction on this parcel to be held by a conservation organization approved by Cape Cod Commission staff. The offsite open space provides 6.5 acres in excess of the open space requirement for this project, and is a benefit of the project. Town of Bourne staff have indicated that this proposal is acceptable. The proponent has proposed utilizing the additional 6.5 acres of open space to meet the project's trip reduction requirements.

Transportation:

T1. Vallejo Street Reality, Inc., proposes to construct a 29-lot subdivision (25 buildable lots due to acreage and access requirements for lots) between Old Plymouth Road and Norris Road in Bourne, MA. The proposed subdivision would have vehicle access on both roadways. The Federal-Aid Highway Systems Functional Classification Map lists Old Plymouth Road as a Rural Major Collector and Norris Road as a Rural Minor Collector.

T2. The trip generation for this project is based on a 25 buildable lot residential subdivision. A subdivision roadway will be constructed on the east side of Old Plymouth Road through the proposed subdivision and connecting to Norris Road. The 25-lot subdivision is expected to generate 32 vehicle trips during the highest peak hour (the PM peak hour) and 290 daily vehicle trips, based on the Institute of Transportation Engineers Trip generation Manual. Distributing the 32 PM peak hour trips over the roadway network indicates the Old Plymouth Road/ Norris Road intersection would be the most heavily impacted. This intersection would experience approximately 16 new vehicles trips during the afternoon peak hour. The 16 vehicle trips are below the threshold of 25 vehicle trips requiring analysis and mitigation under Minimum Performance Standards (MPS) 4.1.1.1 of the RPP.

T3. MPS 4.1.1.5 requires all Developments of Regional Impact (DRIs) access/egress locations with public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. Based on field observations and the proponent's sight distance measurements, safe stopping sight distance at each new roadway intersection will meet or exceed AASHTO stopping sight distance requirements.

T4. MPS 4.1.1.6 requires all new driveways on regional roads to operate at Level of Service (LOS) C or better as defined in the Highway Capacity Manual. The proposed new Subdivision/Old Plymouth Road and new Subdivision/Norris Road intersections will operate at better than LOS C.

T5. MPS 4.1.1.7 states that there shall be no degradation in public safety because of a DRI. Based on the available stopping sight distance, acceptable Level Of Service at the site driveways, the relative low traffic generation during the project's peak hour and no information indicating a roadway safety deficiency within the study area, this project is not expected to cause a degradation in public safety.

T6. A roadway interconnecting the proposed subdivision to an adjacent parcel was required by the Town of Bourne. This roadway interconnect is to be planned as part of this project, but will not be built until the adjacent parcel is developed. The Cape Cod Commission will allow a traffic credit for this interconnect as stated in Technical Bulletin 96-003 Part 5. The traffic credit allowed shall be 2.5% of the average daily traffic.

T7. Regardless of project size, all Developments of Regional Impact (DRIs) are required to reduce site generated traffic by 20 percent (MPS 4.1.2.1) based on the Institute of Traffic Engineers average traffic generation for single family homes.

T8. Without the interconnect, the total vehicle trips for the development is 290 daily vehicle trips. A 2.5% traffic adjustment is given for the interconnect, reducing the daily traffic impacts by 7.2 trips. The revised total vehicle trips for the development are 282.8 daily vehicle trips. The proponent must reduce the average daily automobile trips by 20% or 56.6 trips ($282.8 \times .20$). The applicant has proposed a trip reduction plan that includes the following:

- reserving open space for an existing footpath that traverses the subdivision parcel. The footpath would be used as a walking/biking trail and connects to an existing subdivision to the north.
- enhancing bicycle and pedestrian access to the site by constructing a sidewalk within the subdivision.

- enhancing bicycle activities in the area by providing bicycle storage racks at neighborhood playgrounds and beaches. The proposed bike racks will be located at the Clark Road Playground located approximately 0.5 miles from the development and at the Sagamore Public Beach which is located approximately 0.7 miles from the subdivision.
- donating 6.5 acres of vacant developable land, in excess of Regional Policy Plan open space requirements. Donating vacant developable land, in excess of Regional Policy Plan open space requirements, is allowed under Other Development Review Policy (ODRP) 4.1.3.2 and under Minimum Performance Standard (MPS) 4.1.2.1.

T9. The 6.5 acres of vacant developable land are a viable trip reduction mitigation measure for the following reasons:

- The 6.5 acres are located north of the Cape Cod Canal, as is the proposed subdivision.
- The 6.5 acres are located within Bournedale which is designated as a District of Critical Planning Concern (DCPC). The DCPC was created to address finite transportation capacity issues in the area.
- The DCPC is of regional importance because it is bounded on three sides by elements of the regional roadway network. Route 3 and Route 25 are the primary access routes to Cape Cod, and the Scenic Highway serves as the primary access to the DCPC area.
- Within the DCPC, the local and state transportation infrastructure is inadequate to support all potential land development.
- Removing developable land in this area will help maintain safety and traffic flow on the Scenic Highway.
- The likely access point for vehicle traffic if the 6.5 acres were developed would be the intersection of Scenic Highway and Nightingale Pond Road, which has existing safety issues. Placing the 6.5 acres in a conservation land trust will ensure that the Scenic Highway/Nightingale Pond Road intersection will not have additional traffic from the development of this parcel.

Water Resources:

WR1. The proposed Harlow Farms Estate parcel is not located within a recharge area to any of the primary resource areas identified under the RPP. As such, nitrogen loading from the proposed development must meet the regional 5 ppm standard.

WR2. The applicant has proposed to construct 9 three-bedroom houses, 15 four-bedroom houses, and 1 five-bedroom house. The total number of proposed bedrooms is 92 ($9 \times 3 + 15 \times 4 + 5 = 92$ total bedrooms).

WR3. Assuming the use of conventional Title 5 septic systems on the houses listed in WR2 and utilizing the impervious surfaces indicated in the application, the nitrogen loading concentration from the Harlow Farms Estate is 5 ppm.

WR4. The Harlow Farms Estate site has been identified as a potential water supply area on Regional Policy Plan Cape Cod Water Resources Classification Map I. Subsequent prioritization efforts by the Cape Cod Commission under the Priority Land Acquisition Assessment for Cape Cod Project (Belfit, et al., 1999) ranked this area in the lowest priority category and the North Sagamore Water District has indicated that it is not interested in the use of the Harlow Farms Estate site as a future water supply site.

WR5. State stormwater management standards have been adopted for best management practices. The RPP requires the use of stormwater best management practices (MPS 2.1.1.6). The submitted materials indicate that the project will meet these standards.

CONDITIONS:

General:

G1. The Applicant shall obtain a pre-conveyance Certificate of Compliance from the Cape Cod Commission or its designee prior to the conveyance of any lot or the issuance of any permanent or temporary foundation or building permit in the subdivision. With the exception of Condition WR2 all conditions shall be met prior to the issuance of a pre - conveyance Certificate of Compliance. Notwithstanding Chapter 41 of the General Laws, including Section 81P, lot lines on the property shall not be altered without approval of the Cape Cod Commission or its designee.

G2. The project plan entitled "Plan of Land known as Harlow Farms Estates in Bourne, Massachusetts", dated August 11, 1998 shall become part of the written Decision. The applicant shall record the above referenced plan at the Barnstable County Registry of Deeds and note the Commission's jurisdiction on said plan.

G3. The findings and conditions contained within shall apply to the applicant and the future owner's of Lots 1-25.

Affordable Housing:

AH1. The applicant shall provide three affordable housing units as identified in Finding AH2.

AH2. In accordance with Section 5.1.3 of the RPP, which requires that the provision of affordable housing be phased, the applicant shall phase the conveyance of the three (3) affordable houses. This condition does not prohibit the applicant from satisfying the affordable housing requirement sooner. The first affordable housing unit shall be conveyed to an eligible purchaser as defined by Condition(s) 6 & 7 below and shall be consistent with the conditions of this decision, prior to the issuance of the ninth (9) building permit or prior to the conveyance of the ninth lot, whichever occurs first. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission staff that the first affordable housing unit has been conveyed to an eligible buyer prior to applying for the ninth building permit within said subdivision.

The second affordable housing unit shall be conveyed to an eligible purchaser as defined by Condition(s) 6 & 7 below and shall be consistent with the conditions of this decision, prior to the issuance of the eighteenth (18) building permit or prior to the conveyance of the eighteenth lot, whichever occurs first. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission staff that the second affordable housing unit has been conveyed to an eligible buyer prior to applying for the eighteenth building permit within said subdivision.

The third affordable housing unit shall be conveyed to an eligible purchaser as defined by Condition(s) 6 & 7 below and shall be consistent with the conditions of this decision, prior to the issuance of the twenty fifth (25) building permit or prior to the conveyance of the twenty fifth lot, whichever occurs first. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission staff that the third affordable housing unit has been conveyed to an eligible buyer prior to applying for the twenty fifth building permit within said subdivision.

AH3. The applicant shall demonstrate that the units comply with local codes and zoning regulations, as well as any other condition(s) deemed appropriate by the Commission.

AH4. The lots to be utilized for the development of affordable housing units shall be approved and subject to review by the Commission staff. The applicant shall demonstrate that each lot can support the development of at least one affordable housing unit.

AH5. The affordable housing units created on the lots shall remain affordable year-round through the use of the Cape Cod Commission 40-year Affordable Housing Deed Restriction. These restrictions shall be made known to the prospective household prior to the conveyance of the affordable housing lot.

AH6. Preference shall be given to Barnstable County residents with regard to purchase of the affordable housing lots.

AH7. The affordable housing units shall be purchased by an eligible household through a lottery process to be conducted by the Commission.

AH8. Sale of the affordable units created shall be restricted to income eligible first-time homebuyers. As shown on a Plan entitled _____, the units will be 38' x 26' in size, and designed in a manner to allow for handicapped accessibility. The units will be sold for no more than \$73,000.

AH9. The affordable housing units shall be occupied by income eligible households as determined by the Commission.

AH10. The affordable units shall be subject to the purchase price and rent limits established by the Commission.

Natural Resources:

NR1. The applicant shall limit site development to a 20,000 square foot building envelope on each lot (exclusive of drainage easements on Lots #2, 6, 17, 18, and 22, and a right-of-way easement on Lots #5 and 6), as shown on the site plan entitled "Plan Showing Proposed Clearing for Dwelling, Septic System, Driveway & Lawn" Sheets 1 and 2, and dated April 26, 1999. Prior to construction, the applicant shall install and maintain temporary construction fencing on each lot clearly delineating the building envelope. No disturbance shall occur outside of this established building envelope. Similarly, the applicant shall install and maintain temporary construction fencing along the right-of-way easement and around the drainage easements, as shown on the plan entitled "Plan Showing Proposed Clearing for Dwelling, Septic System, Driveway & Lawn" Sheets 1 and 2, and dated April 26, 1999. No disturbance shall occur outside of this established building envelope for the right-of-way easement and drainage easements.

Open Space:

O1. Prior to receipt of a Certificate of Compliance or release or conveyance of any lots within the Harlow Farms Estates subdivision, the applicant shall donate the offsite open space parcel identified on Town of Bourne Assessors Map 16, Parcel 5, including 26 acres to the Bourne Conservation Trust or a conservation organization approved by Cape Cod Commission staff to be held for permanent conservation purposes. The form and content of the donation shall be approved by Cape Cod Commission counsel. Alternately, the applicant shall provide the Cape Cod Commission with a conservation restriction consistent with Massachusetts General Laws Chapter 184, § 31-33 and accompanying plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court which provides that the parcel shall be preserved as permanent open space. The restriction and site plan shall be executed and recorded

and proof of recording shall be provided to the Commission prior to the receipt of a Certificate of Compliance.

O2. Prior to receipt of a Certificate of Compliance the proponents shall clearly mark the boundaries of the permanent open space on the parcel with concrete bounds.

Transportation:

T1. To address the trip reduction requirements (MPS 4.1.2.1) of the Regional Policy Plan and prior to receiving a Certificate of Compliance, the applicant shall:

- install two bicycle racks within the Town of Bourne. The proposed bike racks shall be located at the Clark Road Playground located approximately 0.5 miles from the development and at the Sagamore Public Beach which is located approximately 0.7 miles from the subdivision.
- provide the Cape Cod Commission with 2 - 10 foot wide north-south pedestrian easements as shown on Lots 7 and 8 on the "Definitive Plan of Land in Bourne, MA titled Harlow Farms Estates prepared for Vallejo Street Realty, Inc by Canal Land Surveying dated August 11, 1998" and in a form and content acceptable to Commission Counsel.
- provide right-of-way access for a future roadway as shown between Lots 5 and 6 on the "Definitive Plan of Land in Bourne, MA titled Harlow Farms Estates prepared for Vallejo Street Realty, Inc by Canal Land Surveying dated August 11, 1998." The future roadway is titled "Meghan's Way" and will be constructed upon development of the northern subdivision parcel.
- construct a sidewalk along the subdivision road entitled "Harlow Farms Road" as shown on the "Index Sheet of the Plan of Land in Bourne, MA titled Harlow Farms Estates prepared for Vallejo Street Realty, Inc by Canal Land Surveying dated August 11, 1998" starting from Old Plymouth Road in the east and terminating at Norris Road on the west. The sidewalk shall be constructed in compliance with the Town of Bourne Subdivision Rules and Regulations including a grass strip, with a minimum 2 foot separation from the roadway.
- donate 6.5 acres of vacant developable land and provide the Commission with proof of recording of such donation as outlined in Condition O1. The land donated shall be in excess of the open space requirements of the RPP and shall permanently restrict all development on the parcel.

Water Resources:

WR1. In order to meet the minimum regional 5 ppm nitrogen loading standard, the proponent shall be limited to 9 three-bedroom, 15 four-bedroom, and 1 five-bedroom houses using standard Title 5 septic systems. Construction of additional bedrooms beyond the 92 total for the site shall require the installation of a denitrifying septic system achieving at least 19 ppm discharge as approved by the state Department of Environmental Protection.

WR2. The proponent shall design and manage the stormwater system as described in the plan.

CONCLUSION:

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

Open Space of significant value and greater acreage than required for the proposed project, development envelopes for each residential lot that will minimize site impacts related to new development, and the provision of affordable housing units that are fully suitable and provide internal access for handicapped residents result in a proposed development as conditioned with benefits that outweigh the detriments.

This conclusion is supported by the findings and conditions above. The proposed development, as conditioned, is consistent with the Minimum Performance Standards of the Regional Policy Plan. The proposed development is consistent with the Bourne Zoning Bylaw and Regulations.

The Commission hereby approves with conditions the Development of Regional Impact Application of Vallejo Street Realty Trust, Inc., for the " Plan of Land known as Harlow Farms Estates in Bourne, Massachusetts," dated August 11, 1998, pursuant to Chapter A, Sections 3(c) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10 and Sections 12 and 13 of the Cape Cod Commission Act, as amended, provided the conditions noted above are met.

Herbert Olsen

Herbert Olsen, Chair

6/28/99
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 28th day of June 1999

Katharine L Peters
Name, Notary Public

