



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

DATE: September 21, 2000

TO: CSC Group Nominee Trust
Peter M. Daigle, Esq.

FROM: Cape Cod Commission

RE: Development of Regional Impact
TR99020
Lowell Road Subdivision
Lowell Road and Ashers Path,
Mashpee, MA. 02649

APPLICANT: CSC Group Nominee Trust
298 Main Street
Hyannis, MA 02601

BOOK/PAGE: 411/48

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of the CSC Group Nominee Trust as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for the proposed Lowell Road Subdivision. The decision is rendered pursuant to a vote of the Commission on September 21, 2000.

PROJECT DESCRIPTION

The applicants propose to build 28 lots of three-bedroom single-family homes, as a clustered subdivision on a 33-acre parcel of land in Mashpee, approximately one mile south of the Town Hall. The parcel is bordered by Great Neck Road, to the north/northwest of Lowell Road, and east/northeast of Ashers Path.



JURISDICTION

The proposed Lowell Road subdivision qualifies as a Development of Regional Impact (DRI) under Section 3(c) of the DRI Enabling Regulations, which includes "any development which proposes to divide parcels of land totaling 30 acres or more...".

PROCEDURAL HISTORY

The Mashpee Planning Board referred the project to the Commission on June 3, 1999. The Commission received the referral June 7th. The applicants submitted a DRI application for the subdivision on June 29, 1999. A hearing officer opened the hearing on August 4, 1999; a hearing officer closed the hearing on October 28, 1999. On November 1, 1999, an extension agreement was signed by the applicant's attorney, extending the decision time limit to 3/3/2000. On February 3, 2000, an extension agreement was signed moving the decision period to 6/9/2000. On May 8, 2000, a third extension agreement was signed, extending the decision period to 9/22/2000.

On June 13, 2000, the applicant, attorney, town planner, and staff held a meeting at Mashpee Town Hall, to discuss what was needed for the project to proceed toward a decision.

On August 23, 2000, a duly noticed substantive public hearing was held in Mashpee Town Hall, at which the subcommittee heard presentations and testimony. The public hearing was continued to September 7, 2000. The subcommittee set an additional meeting to discuss the project with the applicant for August 31, 2000. At that meeting, it was understood that the applicant's plan was contingent upon the town's decision about financing the Lowell Road alteration, which would be discussed at the town Selectmen's September 11 meeting.

At the August 31 subcommittee meeting, those present discussed options for use of traffic trip-reduction mitigation money with the Mashpee town planner and the applicants. The subcommittee attended the Mashpee Selectmen's meeting of September 11th at which the Lowell Road alteration and bike path option was discussed. The subcommittee met afterward, and recommended approval of the project, subject to conditions. The final public hearing was held before the full Commission on September 21, 2000.

Materials submitted for the record

From the applicant:

- DRI application from Peter M. Daigle, Esq., acting on behalf of CSC Group Nominee Trust, received June 29, 1999
- Letter from Peter Daigle, attached to three copies of a revised site plan, received May 2, 2000
- Letter from Peter Daigle, stating responses to the issues of natural resources, transportation, water resources, and affordable housing, received by fax, May 15, 2000

- Letter from Peter Daigle, stating that Independence Park, Inc., is now a co-applicant for the DRI, received May 26, 2000
- Worksheet of nitrogen loading calculations for the project, from Matthew Costa of Christopher Costa & Associates, engineering consultants, received by fax, June 1, 2000 (although fax date-stamp marked as June 5)
- Letter from Peter Daigle, giving follow-up summary to the June 13 meeting, stating their position on transportation, water resources, affordable housing, and open space, received June 19, 2000
- Letter from Peter Daigle, noting that applicant Jack Cronin had dropped off a second revised site plan on July 7th (site plan was, indeed, received July 7); received July 19, 2000
- Third revised site plan, and stormwater structures' drawings, made by Costa Associates, dated August 14, 2000, delivered to Commission office by Jack Cronin, on August 15, 2000
- Fourth revised site plan, dated August 14, 2000 (received September 14), showing alternate location of intersection [would be needed if Lowell Road improvement was not done].

From Cape Cod Commission staff:

- DRI referral notification letter sent to Peter Daigle, dated June 11, 1999
- Memorandum to Peter Daigle, stating affordable housing requirements
- Letter to Peter Daigle, regarding natural resources issues, dated July 2, 1999
- Worksheet of preliminary nitrogen loading calculations, faxed to Chris Costa, October 19, 1999
- Letter to Peter Daigle, regarding procedural DRI issues, dated October 21, 1999
- Letter to Peter Daigle, regarding procedural issues of DRI review, dated January 18, 2000
- E-mail to Mark Ells, of Barnstable DPW, from Water Resources staff, requesting information about small-scale wastewater treatment plants, on April 4, 2000
- Staff report, dated August 16, 2000
- Response letter to Mashpee Environmental Coalition, dated September 7, 2000

From state or local officials:

- DRI referral from John Kuchinski, chairman of Mashpee Planning Board, dated June 3, 1999
- Copy of traffic report from Rizzo Associates Inc. to Peter Daigle, dated August 5, 1999
- Copy of letter from Cindy Campbell, of Massachusetts Division of Fisheries and Wildlife, to Mario DiGregorio, regarding natural resource inventory and rare species, dated September 16, 1999
- Letter from Robert Burgmann, P.E., of Barnstable DPW, to Water Resources staff, dated April 5, 2000, in response to e-mail to Mark Ells of April 4th

From other parties:

- Plant and Wildlife Habitat Assessment, by Mario DiGregorio of Sabatia Co., dated September 10, 1999
- Letter from Mashpee Environmental Coalition, dated August 31, 2000

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

TESTIMONY

The Commission heard oral testimony at the August 23, 2000 public hearing from the applicant's attorney, staff, and several Mashpee residents. The applicant's attorney, Peter Daigle, began by presenting some history on the project. He indicated that the applicants had purchased the property from A.D. Makepeace Company in May 1999. He stated that the applicants will be paying for the design of altering Lowell Road's intersection with Great Neck Road, but that the town will be paying for the actual road construction work, and that it is essential to the project's current site plan that the town undertake the road realignment. He also mentioned that they will pay the cash contribution to mitigate the impacts of nitrogen loading, traffic trip reduction, and off-site affordable housing units.

Planner Van Morrill presented the Commission staff report, by covering the issue areas of water resources, traffic, open space, and affordable housing. He noted that the nitrogen loading mitigation included \$975 for nitrogen management strategies implementation, in addition to the \$320,000 cost of off-site denitrifying septic systems. He explained the two open space calculation methods: simple percent, and the point system. It was explained that the latest site plan falls short of 65% open space, but this is due to land lost to the longer section of Lowell Road going through the parcel. By the point method, they initially fall short, but would get goal-meeting bonus points if they provided further protection to the open space through a conservation restriction allowing public access, or transferring the property to the town.

Public comments were made by Mashpee residents Ed Baker, Kenneth Anderson, Shirley Peters, and George Green. Mr. Baker asked about the stormwater practices, affordable housing, and how the cash contributions are handled. Mr. Anderson inquired about the subdivision's compliance with local zoning bylaws. He noted that last October, the town established 2-acre zoning for the area that includes this project parcel. Mr. Daigle explained that their site plan was proposed in June, and was thus grandfathered and thus not subject to the new area requirements. Ms. Peters and Mr. Anderson noted that several local property holders had to combine several small lots if they wanted to build on the land. Mr. Green expressed concern for the state of the Mashpee River.

FINDINGS

The Commission has considered the application of CSC Group Nominee Trust, for the proposed Lowell Road Subdivision. Based upon the consideration of the application and on the information presented at the public hearing and submitted for the record, the Commission makes the following findings, pursuant to Sections 12 and 13 of the Act:

General

- G1. The project proposal is to create a subdivision of 33 acres of upland into 28 house lots in a cluster arrangement, each lot to be between 15,000 and 16,000 square feet. Located in Mashpee, at the intersection of Lowell Road and Great Neck Road North.
- G2. The proposal does not strictly conform to current Mashpee zoning bylaws, however, it is grandfathered under a previous zoning bylaw and thus consistent with this bylaw. The project is consistent with Mashpee's Local Comprehensive Plan and development bylaws.
- G3. The benefits of the project outweigh the detriments.

Water Resources

WR 1. The project is located in the Mashpee River watershed, a sub-watershed of the Popponesset Bay watershed and a Marine Water Recharge Area (MWRA) as defined under MPS Section 2.1.1.2.C of the RPP. The existing nitrogen load to the Mashpee River watershed exceeds the critical nitrogen loading thresholds for that watershed, for all water-quality classifications (SA-N, BBP SA, ORW-N and BBP-ORW). Pursuant to MPS 2.1.1.2.C.2, existing levels of nitrogen loading to the watershed shall be maintained or improved. As a result and pursuant to MPS 2.1.1.2.C.3, DEP-approved denitrifying septic-system technology is required to treat all wastewater generated by the project. Also, as provided by MPS 2.1.1.2.C.1, a monetary contribution may be required for development of nitrogen-management strategies for the Mashpee River watershed.

WR 2. The principal contributors of nitrogen loading for the project are wastewater and nitrogen fertilizer for sod ground-cover maintenance. The project consists of 28 lots of three-bedroom houses. The applicant has stated that each lot will have 2,000 square feet of lawn area (sod), making a total of 56,000 square feet of sod ground cover. Based on the number of bedrooms and lawn area, the project will generate approximately 346 kilograms of nitrogen per year, based on the Commission's Technical Bulletin 91-1 methodology of calculating nitrogen load. Use of DEP-approved denitrifying septic-system technology will reduce nitrogen loading to ground water to approximately 203 kg-N nitrogen, a nitrogen mass equivalent to the capability of 40 DEP-alternative septic systems serving 3-bedroom homes and based upon DEP-approved alternative-system permitted nitrogen levels. Thus, the applicant will need to make a monetary contribution for additional nitrogen removing measures in the town of Mashpee.

WR 3. The project is located in a Potential Public Water Supply Area (PPWSA). The PPWSA has been given a high-priority rating for public water-supply development as part of the Priority Land Acquisition Assessment Project (PLAAP, 1999). MPS 2.1.1.2.F.2 stipulates that standards that apply to Wellhead Protection Areas (WHPA; MPS 2.1.1.2.A) also apply to PPWSA's such that the use of DEP-approved denitrifying septic systems will be required on-site. This is consistent with MPS 2.1.1.2.C.3 requiring use of DEP-approved alternative septic systems for projects in MWRA's.

WR 4. The Mashpee Water District has confirmed that a site has been selected in the referenced PPWSA for a town well, and that Zone I restrictions will not impede the project. A map supplied by the Mashpee Water District shows that the Zone I boundary for the proposed well abuts the project parcel boundary coincident with Ashers Path. Regional water-table maps show ground-water flow generally parallel to Ashers path. The Zone II for the proposed well is expected to overlap much of the project parcel.

WR 5. MPS 2.1.1.6 requires that stormwater be managed on site, that Best Management Practices be used to minimize runoff and maximize water-quality treatment, and that a maintenance schedule be developed for all drainage structures. The RPP specifies that stormwater management structures be capable of handling 25 year-24 hour storms. Preliminary stormwater-management plans have been submitted. These plans are limited to conceptual plans exhibiting use of deep-sump catch basins, oil traps and infiltration trenches for on-site management of roadway stormwater. The volume of stormwater to be managed is not currently available.

Transportation

T1. Based on the development of 28 single-family homes, the proposed project is expected to generate 321 daily vehicle trips and 34 afternoon peak hour trips during a weekday. On a Saturday or Sunday, the proposed project is expected to generate approximately 272 daily trips and 40 peak hour trips.

T2. Minimum Performance Standard 4.1.1.1 of the Regional Policy Plan (RPP) requires DRI's to mitigate all regional intersections and roadways where the project is expected to add 25 or more vehicle trips during the peak hour. Based on the expected traffic generation from 28 homes, this project will not exceed the 25 trip threshold. Therefore, this standard does not apply.

T3. Minimum Performance Standard 4.1.1.6 of the RPP requires that all new driveways on the regional roadway system for DRIs shall operate at Level-of-Service C or better. The proposed driveways on Lowell Road will operate at Level-of-Service B or better, thereby meeting this standard.

T4. Minimum Performance Standard 4.1.1.5 of the RPP requires that safe stopping sight distances be met at access/egress locations with public ways. The applicant has not submitted information to confirm that adequate stopping sight distances will be attained at both site drives on Lowell Road.

T5. The Commission staff and Town of Mashpee officials have expressed concern regarding the location of the CSC Group's driveways in relation to the poorly aligned Lowell Road/Great Neck Road intersection. Minimum Performance Standard 4.1.1.7 of the RPP states that there shall be no degradation in public safety as a result of a DRI. Minimum Performance Standard 4.1.1.17 of the RPP states that access/egress shall be designed to minimize impacts on the adjacent road system.

T6. To comply with MPS 4.1.1.7 and 4.1.1.17, the applicant has submitted a plan entitled "Preliminary Plan of Land Prepared for Assurance Construction Co., Located in Mashpee, Mass.", dated August 14, 2000 (hereinafter called "The Plan"), that shows a realignment of a portion of Lowell Road and a realignment of the Great Neck Road/Lowell Road intersection (hereinafter called "the Lowell Road/Great Neck Road improvements"). This road and intersection reconstruction requires use of a portion of the applicant's property.

T7. Minimum Performance Standard 4.1.2.1 of the RPP requires DRIs to offset at least 20% of their projected daily traffic. Based on the expected traffic generation, the CSC Group must reduce 64 daily weekday trips (321 daily trips x 20%) and 54 daily weekend trips (272 trips x 20%). To meet this standard the CSC Group has committed to pay \$113,919 based on the CCC's Technical Bulletin 96-003 Part 3 (Automobile Trip Reduction). This money will be put into an escrow fund to be used by the Town of Mashpee for general trip reduction measures in the vicinity of the project.

Natural Resources

NR 1. The project site is located within a Significant Natural Resource Area, as designated by Cape Cod Regional Policy Plan maps. A portion of the site is located within estimated state listed rare species habitat, according to the Natural Heritage Atlas 2000 - 2001 Edition. The site is adjacent to property recently acquired by the Town of Mashpee for open space and possibly as a future well site. The site is located within the designated Mashpee National Wildlife Refuge.

NR 2. Comments from the Natural Heritage and Endangered Species Program in a letter dated September 16, 1999 indicate that the eastern portion of the Lowell Road parcel is mapped for estimated habitat for species dependent on water or wetland habitats. The applicant has submitted a Natural Resources Inventory, which indicates that there are no wetlands present onsite. The NRI also indicates that no state listed rare species were noted during the site visits, and that the oak/pitch pine habitat type present is largely unremarkable as rare species habitat. Based on information provided in the NRI and comments from NHESP, the Commission finds that the project is unlikely to have impacts on rare species habitat.

Open Space

O1. The project is required to provide 528 open space "points" as calculated according to *Method B: Point Calculation* in MPS 2.5.1.3 to meet the open space requirement. The proposed permanent protection of 20.81 acres onsite, which shall provide for public access, or which shall be donated for conservation purposes to the Town of Mashpee, exceeds the required 528 open space points for this project.

O2. The configuration of the open space as shown on the plan titled "Preliminary Plan of Land prepared for Assurance Const. Co", and dated 8/14/00, including open space areas A, B, and C, adequately addresses the requirements of MPS 2.5.1.1 and MPS 2.5.1.2. The configuration of the open space as shown on this plan provides contiguous open space with the adjacent town conservation land southwest of Asher's Path.

Affordable Housing

AH1. The proposed residential subdivision will have 28 house lots, all of which will be sold at full market prices, with none being designated as affordable housing units, as defined in the Act. Minimum Performance Standard 5.1.3 requires that residential subdivisions provide at least 10% of proposed lots as affordable units or satisfy this through contribution of funds to allow for purchase of affordable units. For projects of 25-34 lots, 3 affordable units or their monetary equivalent are required.

CONCLUSIONS

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

- The benefits of the proposed project outweigh the detriments resulting from development, in that the project as proposed meets the requirements, or provides sufficient monetary contribution to mitigate the impact of nitrogen loading requirements, open space, traffic safety and trips, and affordable housing.
- The project, as proposed, complies with the Regional Policy Plan, as noted in the findings.
- According to the Mashpee town planner, the project complies with local development bylaws and the Mashpee comprehensive plan.

The Commission hereby approves the application of CSC Group Nominee Trust, for the proposed Lowell Road Subdivision as a Development of Regional Impact, provided the following conditions are met.

CONDITIONS

General

G1. The Commission approves the proposed subdivision plan titled "Preliminary Plan of Land Prepared for Assurance Const. Co.", dated August 14, 2000, consisting of 28 units of single family three-bedroom house lots, clustered within the 33 acre parcel.

G2. This DRI decision is valid for 7 years; local development permits may be issued pursuant hereto for a period of 7 years from the date of the written decision.

G3. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.

G4. The applicant shall obtain all necessary local or state permits for the proposed project.

G5. No development work, as the term "development" is defined in the Act, shall be undertaken until any and all appeal periods have elapsed or, if such an appeal has been filed, until any and all judicial proceedings have been completed.

G6. The applicant shall forward to the Commission, forthwith, copies of any and all permits and approvals issued in relation to this project and issued subsequent to this decision. A copy of final plans approved by the Mashpee Planning Board shall be submitted to the Commission upon receipt of local approvals.

G7. Prior to receiving any Building Permit from the Town of Mashpee's building inspector or lot release from the Mashpee planning board, or prior to the conveyance of any individual lot, the applicant shall obtain (a) Certificate(s) of Compliance from the Cape Cod Commission. To coordinate with the town's multi-phase permit process, there will be five separate Certificates of Compliance, with specific conditions to be met before they are granted, each of which allows the release of up to 6 house lots. The monetary contribution conditions shall be fulfilled on the following schedule [all non-monetary conditions shall be met before the issuance of the first certificate].

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|------------------|---|
| 1st certificate: | provide full Traffic trip-reduction contribution: \$113,919 (condition T5). |
| 2nd certificate: | provide one-half of the Affordable Housing contribution: \$120,000 (condition AH1) |
| 3rd certificate: | provide approximately two-thirds of the Water Resources nitrogen loading contribution: \$214,975 (condition WR3). |
| 4th certificate: | provide the second half of the Affordable Housing contribution: \$120,000. |
| 5th certificate: | provide the second portion of the nitrogen loading contribution: \$106,000. |

Water Resources

WR 1. DEP-approved alternative/denitrifying septic-system technology shall be required to treat all project wastewater.

WR 2. The project shall be limited to 56,000 square feet in aggregate area of conservation-sod ground cover, underlain by 6 inches of loam on the entire set of house lots.

WR 3. A monetary contribution in the amount of \$320,000 shall be required toward satisfaction of MPS 2.1.1.2.C.2 and reduction of nitrogen loading to the Mashpee River watershed. An additional contribution in the amount of \$975 shall be made toward satisfaction of MPS 2.1.1.2.C.1 for use toward development of nitrogen management strategies for the Mashpee River watershed. These contributions, totaling \$320,975, shall be held in one escrow account by Barnstable County/Cape Cod Commission, and will be dispersed for a project to be determined by joint consultation between the Commission and the Town of Mashpee for the purposes cited. The funds shall be remitted as given in Condition G7: \$214,975 before the 2nd Certificate of Compliance, and \$106,000 before the 5th Certificate of Compliance. The escrow shall be of a form and content satisfactory to the Cape Cod Commission's counsel.

WR 4. The project shall incorporate Best Management Practices into project stormwater plans to maximize stormwater-quality treatment and minimize runoff on-site. Biofiltration, or equivalent treatment such as vegetated swales, and deep sump catch basins with oil traps shall be used to maximize stormwater quality. Stormwater structures shall be designed for projected 25 year-24 hour storms. A stormwater operation and maintenance plan shall be developed, illustrating an inspection and maintenance schedule for stormwater structures and identifying the party or parties responsible for maintenance. These requirements are consistent with zoning bylaws of the Town of Mashpee. Final detailed stormwater plans shall be submitted and approved by the Commission staff prior to issuance of the first Certificate of Compliance

Transportation

T1. Prior to issuance of the first Certificate of Compliance, the applicant shall prepare and submit to the Cape Cod Commission complete plans and profiles for the Lowell Road/Great Neck Road improvements, as shown on the Plan of August 14, 2000, in accordance with Town of Mashpee Subdivision Rules and Regulations.

T2. The CSC Group shall construct the southerly site drive (closest to Lots # 18 and 19 on the Plan) in accordance with the site plan of August 14, 2000 and demonstrate to the satisfaction of Commission staff that safe and adequate stopping sight distance is met in accordance with the American Association of State Highway and Transportation Officials, before the issuance of the second Certificate of Compliance.

T3. Prior to the issuance of the fifth Certificate of Compliance, the applicant shall execute an agreement with the Town of Mashpee to ensure the availability of the portion of the property shown on the Plan needed to complete the Lowell Road/Great Neck Road improvements for the permanent use of the general public, either by easement or in fee.

T4. Prior to the issuance of the fifth Certificate of Compliance, the applicant shall complete one of the following, depending on the status of the Lowell Road/Great Neck Road improvements:

- a) In the event that the Lowell Road/Great Neck Road improvements are complete, construct the northerly site drive as per the Plan of August 14, 2000, and provide documentation stating that the site-plan provides safe sight and stopping distances at the northerly site drive, in accordance with the American Association of State Highway and Transportation Officials.
- b) In the event that the Lowell Road/Great Neck Road improvements are NOT complete, construct the northerly site drive for emergency vehicles only and provide signage to prohibit unauthorized use and a locked gate or other device to prevent unauthorized use. In this case, the northerly site drive design and location shall be approved by Commission staff prior to the 5th Certificate of Compliance and shall be of a minimal width and adequate construction to allow passage by emergency vehicles but shall not be constructed to encourage general use. This is shown on the Plan revision dated August 14th and delivered September 14th.

T5. Prior to issuance of the first Certificate of Compliance, the CSC Group shall make a one-time payment of \$113,919 to Barnstable County to be used for public transportation or other trip reduction measures in the Mashpee area. This payment shall be held in escrow by Barnstable County / Cape Cod Commission as the CSC Group's contribution towards necessary trip reduction measures for this project. The escrow shall be of a form and content satisfactory to Cape Cod Commission counsel.

Open Space

O1. The required open space shall be permanently protected and shall provide for public access. The open space shall not be used for golf course development or for stormwater management.

O2. Prior to receipt of the first Certificate of Compliance, the proponent shall provide the Cape Cod Commission with a conservation restriction consistent with Massachusetts General Laws Chapter 184, and accompanying plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court. The conservation restriction shall provide that the open space areas A, B, and C as identified on the Plan, totaling 20.81 acres, shall be preserved as permanent open space. The restriction shall provide for public access to the open space areas. 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 the first Certificate of Compliance.

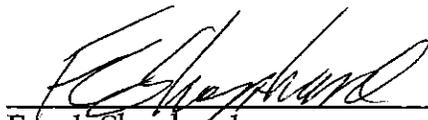
Alternatively, the applicant shall donate the above-mentioned open space areas A, B, and C to the Town of Mashpee or to a conservation trust approved by Cape Cod Commission staff to be held for permanent conservation purposes. The form and content of the donation shall be approved by Cape Cod Commission counsel.

O3. Prior to receipt of the first Certificate of Compliance the proponents shall clearly mark the boundaries of the permanent open space on the parcel with concrete bounds.

Affordable Housing

AH1. The applicant shall make monetary contributions of \$240,000 to Barnstable County/Cape Cod Commission, to be used for affordable housing units in Mashpee [3 units @ \$80,000 each]. As noted in condition G7, the first payment will be for \$120,000 before issuance of the second Certificate of Compliance, and the second payment for \$120,000 before the issuance of the fourth Certificate of Compliance. This money shall be held in escrow by the County/Commission, and shall be of a form and content satisfactory to Commission counsel.

The Cape Cod Commission hereby approves with conditions the application of CSC Group Nominee Trust as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended, for the proposed Lowell Road Subdivision located in Mashpee, Massachusetts.



Frank Shephard
Cape Cod Commission chairman

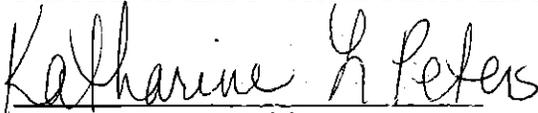


Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 2nd day of October, 2000.



Name, Notary Public

