



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

DATE: January 18, 2001

TO: Donald and Nancy Angus
Cape Sagamore Realty Trust, Highland Village Realty Trust

FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Cape Sagamore Realty Trust, Highland Village Realty Trust
P.O. Box 270
Buzzards Bay, MA 02532

PROJECT: TR #20007
Cape Sagamore Highlands subdivision
Old Plymouth Road, Bourne

BOOK/PAGE: 11352-022, 11352-031

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of the Cape Sagamore Realty Trust and Highland Village Realty 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 Cape Sagamore Highlands subdivision. The decision is rendered pursuant to a vote of the Commission on January 18, 2001.

PROJECT DESCRIPTION

The applicants propose to build a clustered subdivision of 33 single-family homes on 15,000 sq.ft. lots on a 31.2-acre parcel of land in the Sagamore Highlands village of Bourne, along Old Plymouth Road. The parcel is adjacent to the Harlow Farm Estates subdivision and the Cliffside Estates subdivision, and is within a R-40 Residential zoning district.

JURISDICTION

The proposed Cape Sagamore Highlands 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 Bourne Planning Board referred the project to the Commission on February 25, 2000; the Commission received the referral on February 28th, 2000. A hearing officer opened the hearing period on April 26th, 2000. Another hearing officer closed the hearing process on July 10th, 2000. An extension agreement was signed on July 18th, 2000 for sixty days, until November 17th, 2000. The applicant submitted a DRI application on September 21, 2000.

A duly noticed public hearing was held on October 30th, 2000, pursuant to Section 5 of the Act by an authorized subcommittee of the Commission. The hearing was continued to December 7th, 2000. An extension agreement was signed on October 31st, 2000, until December 31st. When it became evident that further meetings were needed, a further extension agreement was signed, on November 18th, 2000, until January 31, 2001. The second public hearing was held December 7th, 2000, in which additional presentations and testimony were heard. A subcommittee hearing was held January 4, at which it was voted to approve the project, subject to conditions. The final public hearing was continued to the full Commission meeting of January 18, 2001. At this hearing, the Commission voted (12 to 3) to approve the project as a DRI, subject to conditions.

Materials submitted for the record

From the applicant:

- Initial site plan, May 3, 2000 (pre-application meeting)
- DRI application from Robb Sykes, surveyor and engineer, on behalf of Cape Sagamore Realty Trust, September 21, 2000 (with new site-plan map)
- Locus, topographic, and soils maps, September 29, 2000
- Letter from Robb Sykes, concerning open-space calculations
- Revised site plan, October 20, 2000
- Second revised site plan, October 30, 2000
- Third revised site plan, revised nitrogen load calculations, letters on open space and drainage study issues, December 7, 2000
- Copy of letter sent to Bourne town planner asking for opinion from town conservation commission about proposed donation of open space land to town, received December 18, 2000.
- Fourth revised site plan map, dated Dec.27, 2000, received January 4, 2001
- Fifth revised site plan, dated January 8, 2001, received January 12, 2001

From Cape Cod Commission:

- DRI referral notification letter, March 6, 2000

- Second referral notification letter, March 21, 2000
- Receipt-of-application letter, September 27, 2000
- Staff report, October 24, 2000
- Supplemental staff report, December 7, 2000

From state or local officials:

- DRI referral from chairman of the Bourne Planning Board, dated February 25, 2000
- Copy of project determination from the Massachusetts Historical Commission, dated May 12, 2000
- Memorandum from Bourne Planning Board, stating the resolution made at their November 30 meeting, concerning potential road linkage of Cape Sagamore Highlands with Cliffside Estates; recommending a gate to block through traffic except emergency vehicles; received December 4, 2000.
- Memorandum from Bourne Fire Department Chief Charles Klueber, recommending that Cape Sagamore Highlands have an unblocked road connection to Cliffside Estates, received December 7, 2000
- Memorandum from Bourne Police Department Chief John Ford, recommending that Cape Sagamore Highlands have an unblocked road connection to Cliffside Estates, received December 7, 2000
- Memorandum from Bourne Department of Public Works superintendent Rickie Tellier, also recommending that Cape Sagamore Highlands have an unblocked road connection to Cliffside Estates, received December 8, 2000

From other parties:

- Copy of letter to applicant, from North Sagamore Water District, concerning status of water connection review, dated October 20, 2000
- Letter from Sagamore Highlands Association neighborhood group, concerning connection of Norris Road to Old Plymouth Road through the Cliffside Estates and proposed Cape Sagamore Highlands subdivisions, received December 7, 2000.
- Letter from Donald and Nancy Glynn, residents of Norris Road, received January 9, 2001
- Letter from Timothy Blegen, resident of Norris Road, received January 17, 2001

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 subcommittee held the first public hearing on Monday, October 30, 2000, at the Bourne High School library, from 7:00 to 8:45 PM. The applicant's engineer, Robb Sykes, presented the site plan and features of the proposed subdivision; staff planner Van Morrill reviewed the staff report comments on water resources, traffic,

open space, and affordable housing. Several abutters and village residents expressed concerns on traffic pattern and safety consequences. Kathleen Minassian and Donna DeCoste, and Daniel Pavilonis stated that excessive car volume could result if the proposed subdivision road connections were made to Cliffside Estates, and the impact on where Village Green Road meets Old Plymouth Road. Richard Minassian and Daniel Pavilonis expressed their belief that accident potential would increase at the intersection, and that children who now enjoy the rarely used cul-de-sac of Ridgehill Lane in Cliffside would be endangered by the cars using the connecting road. In order to gain more insight on this major safety issue, the subcommittee voted to not make any recommendation at that time, asked the staff to attend the next Bourne Planning Board meeting on this issue, and to hold another public hearing on December 7th.

At the December 7 public hearing, staff and the applicants reported on feedback from the Bourne Planning Board and Bourne public officials. The staff planner, Van Morrill, summarized the November 30 Planning Board meeting, where abutters spoke to the safety problems of connecting the subdivisions, and that based on all testimony coming from people opposed to a connection, the Planning Board voted to recommend that the subdivisions have a removable gate along the boundary, to prevent through-traffic except for emergency vehicles. Mr. Morrill explained that after learning of this Planning Board recommendation, on December 7th the Bourne fire chief, police chief, and DPW director each wrote strong letters to the Commission stating the need for a through-connection. At the public hearing on December 7, testimony was heard from Doug Schofield, Joseph Kennedy, and Michael Frazier, all residents of Sagamore Village near and along Norris Road, who supported the statements of the fire chief, police chief, and DPW superintendent about the importance of having another connecting roadway from Norris Road to Old Plymouth Road through the subdivisions. Kathleen Minassian and Richard Minassian, residents along Village Green Road restated their safety concerns of traffic volume, and impact on Old Plymouth Road, views which were shared by several subcommittee members. Several people asked if the proposed roadways design could be altered or redrawn to create traffic calming and more control of access. The subcommittee asked the applicant's engineer to provide some new site plans that would mitigate the safety concerns that would result from a connecting road to Cliffside. The hearing was continued to the full Commission meeting of January 18, 2001, and a subcommittee meeting was scheduled for December 18.

FINDINGS

The Commission has considered the application of Cape Sagamore Realty Trust and Highland Village Realty Trust, for the proposed Cape Sagamore Highlands subdivision. Based upon the consideration of the application and on the information presented at the public hearings and submitted for the record, the Commission makes the following findings, pursuant to Sections 12 and 13 of the Act:

General

G1. The project is located in the Sagamore Highlands village of Bourne, along Old Plymouth Road. As shown on the original site plan dated August 24, 2000 and all subsequent revisions, the project proposal is to build 33 single family houses, on a

parcel of 31.2 acres of upland, in a cluster subdivision. Each lot would have an area between 15,000 and 16,000 square feet.

G2. The project proposal is consistent with Bourne zoning bylaws, according to the town planner.

G3. With the open space offered for traffic trip reduction being several acres above the required area, and the potential for roadway connection to the adjoining subdivisions, the benefits of the project outweigh the detriments.

Water Resources

WR1. The Regional Policy Plan (RPP) specifies a maximum concentration of 5 parts-per-million (mg/L) for nitrogen load to groundwater (MPS 2.1.1.1). In order to meet this requirement, the project must follow one of two options: build only 2 bedrooms in 6 of the 33 houses (for a total of 93 bedrooms), or have all houses with 3-bedrooms and install denitrifying septic-systems (DEP-approved) for 10 of the lots.

WR2. The project parcel lies within a designated Potential Public Water Supply Area (PPWSA), as described in MPS 2.1.1.2 of the RPP. These areas require the same level of protection as Wellhead Protection Areas, and thus call for the use of denitrifying septic systems. However, the North Sagamore Water District has sent a letter to staff stating that they do not intend to pursue placing any public water wells in this potential supply area. Moreover, this PPWSA was given the lowest rating possible in an evaluation done by the Commission's water staff based on the proximity of existing residential development around the area (Priority Land Acquisition Assessment Project, 1999).

WR3. The applicant has provided to staff a copy of a letter from the North Sagamore Water District stating that all properties within 400 feet of the applicant's parcel are using the District's public supply system, and not private wells. This supports the project's compliance with MPS 2.1.1.3 that requires protection of private water supply sources.

WR4. The applicant has not yet provided detailed and comprehensive stormwater plans for Commission review. Staff cannot verify the adequacy of stormwater treatment of pesticides and fertilizers, nor the potential for stormwater structures to be overwhelmed and nearby lots flooded during large storm events.

Transportation

T1. Cape Sagamore Realty Trust and Highland Village Realty Trust proposes to construct twenty-seven residential homes off Village Green Road and six residential lots on Old Plymouth Road for a total of thirty-three residential lots in Bourne. Old Plymouth Road is a regional road as defined in the Regional Policy Plan.

T2. The trip generation for this project is based on the Institute of Transportation Engineers Trip Generation manual (ITE Code 210 – single family detached homes). The

proposed thirty-three residential homes are expected to generate the following new vehicle trips:

Average weekday	374 trips (187 in/187 out).
Average morning peak hour	35 trips (9 in/26 out).
Average evening peak hour	41 trips (26 in/15 out).
Average Saturday	359 trips (180 in/179 out).
Average Saturday peak hour	40 trips (22 in/18 out).

T3. MPS 4.1.1.3 allows a 20% reduction in project traffic for the propose of determining impacted locations and measuring traffic impacts, when MPS 4.1.2.1. (trip reduction) is met. As stated below, the applicant has met the trip reduction requirements of the RPP. Therefore the peak hour trip generation from the proposed project is estimated to be 33 (41 x 80%) afternoon peak hour trips.

Based on the distribution pattern conducted by the applicant, 67% of the vehicle traffic is traveling south on Route 3A and 33% of the traffic is traveling north on Route 3A. Therefore, the peak hour traffic increase on Route 3A are estimated to be 22 (33 x 67%) vehicle trips.

T4. MPS 4.1.1.1 requires mitigation where project traffic is expected to add 25 vehicles per peak hour on a regional roadway or regional intersection generated by the development. The 22 afternoon vehicle trips are below the threshold of 25 vehicle trips on a regional roadway or regional intersection as outlined in the RPP. Therefore the project vehicle trips are below RPP review thresholds and no analysis or mitigation is required for this project to comply with Minimum Performance Standard (MPS) 4.1.1.1 of the RPP.

T5. Driveway access locations are based on the "Overall Development Plan", revised January 8, 2001. Currently Village Green Road is a cul-de-sac that provides vehicle access for an existing condominium complex onto Old Plymouth Road. The applicant's initial site plan would have connected Village Green Road to Ridgehill Lane, an existing subdivision road (Cliffside estates) to the north. However, on November 30, 2000, the Bourne Planning Board recommended to place a gate between the subdivisions, which would prevent through traffic. Subsequent to that recommendation, the Bourne police chief, fire department chief, and DPW director urged that no gate block these roads. The Bourne Planning Board will revisit this question at a later date, so the connection status is uncertain at present. If the roads are connected, the project will receive a traffic credit of 2.5% of average daily traffic, as provided in the Commission's Technical Bulletin 96-003, part 5. The applicant's plan does establish a new roadway to connect Village Green Road to Meghan's Way, a subdivision roadway in Harlow Farms Estates to the south and east.

T6. 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 a "Driveway Analysis" report (dated October 6, 2000) submitted by the proponent's traffic engineer (Atlantic Design Engineers,

L.L.C.), the stopping sight distances for the shared driveway locations on Old Plymouth Road are adequate.

T7. 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. Twenty-seven (27) of the proposed lots within the Cape Sagamore Highlands Subdivision will access an existing roadway and therefore this MPS does not apply to these lots. Based on a "Driveway Analysis" report (dated October 6, 2000) submitted by the proponent's traffic engineer (Atlantic Design Engineers, L.L.C.), the proposed new shared driveways on Old Plymouth Road will operate at better than LOS C.

T8. MPS 4.1.1.7 states that "Regardless of project size or traffic generation, there shall be no degradation in public safety as a result of a Development of Regional Impact." During the public hearing process, several local residents voiced their concerns relative to safety at both the existing Village Green Road/Old Plymouth road intersection and the safety relative to the through traffic on Village Green Road (via the new interconnect between Village Green Road and Cliffside Estates). To address these concerns, the proponent has agreed to install "No Left Turn" signs on Village Green Road and three-way Stop signs on the new intersection of Village Green Road and Meghan's Way.

T9. MPS 4.1.1.17 requires that access/egress be designed to minimize impacts on the adjacent road system. The proposed six residential lots on Old Plymouth Road will share driveways such that only three new driveways will be constructed. This measure will minimize impacts on the adjacent roadway system.

T10. 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). The total vehicle trips for the development are 374 daily vehicle trips. The road connection to Megan's Way gives the project a traffic credit adjustment of 9 daily trips (2.5% of 374), for a revised total daily vehicle trips of 365. The proponent must reduce the average daily automobile trips by 20% or 73 trips (365 X .20). The applicant has proposed a trip reduction plan that includes the following:

- reserving open space for a footpath that traverses the subdivision parcel. The footpath would be used as a walking/biking trail and connects existing subdivision to the north and to the east.
- enhancing bicycle and pedestrian access within the site by constructing a sidewalk within the subdivision.
- donating vacant developable land, in excess of Regional Policy Plan open space requirements.

T11. Donating vacant developable land, in excess of Regional Policy Plan open space requirements, to partially meet Regional Policy Plan transportation requirements is allowed under Other Development Review Policy (ODRP) 4.1.3.2 and under Minimum Performance Standard (MPS) 4.1.2.1. The required vacant developable land is based on trip generation estimates of 10 vehicle trips per residential lot. The residential lot size is based on the Town Bylaw requirement of one acre per building lot. Therefore, 8 residential lots or 8 acres is required to meet the 20% trip reduction (73 trips) requirement.

T12. In order to meet the trip reduction requirement (MPS 4.1.2.1), the proponent has offered 14.66 acres of vacant developable land. The parcel is located south of the Cape Cod Canal, along the east side of General MacArthur Boulevard, and adjacent to the western boundary of the Massachusetts Military Reservation. This parcel of vacant developable land is a viable trip reduction mitigation measure for the following reasons:

- The Town of Bourne is undertaking a Growth Strategy study for the General MacArthur Boulevard, focusing on new requirements for site plans, curb cuts and open space preservation efforts.
- General MacArthur Boulevard is a critical link in the regional transportation system.
- Removing developable land in this area will help maintain safety and traffic flow on General MacArthur Boulevard and enhance the local effect of preserving the corridor.

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 vegetation community, significant shrub layer, kettle hole depressions, and the presence of dead standing trees, or snags. The kettle hole area was classified as having high wildlife activity in the Natural Resource Inventory, which also recommended against directing stormwater drainage into the area.

Open Space

OS1. The project parcel is 31.2 acres, is located within a Significant Natural Resource Area, so pursuant to MPS 2.5.1.3, the project must provide 65% of its area as permanently protected open space, which is 20.3 acres for this project. While the site contains unfragmented forest, there are no critical or unusual habitats onsite, nor any wetlands or wetland buffers. The site is adjacent to existing protected open space associated with the Cliffside Estates residential subdivision to the north. The applicant has proposed to provide the 20.3 acres open space through a combination of on-site and off-site open space. This will satisfy the open space requirement.

OS2. The applicant's proposal will provide 15.4 acres of open space on-site, as shown on the plan revised January 8, which does not include the slopes in excess of 25% or drainage easements. The applicant has offered to place a conservation restriction on the on-site open space.

OS3. The remaining portion of required open space to meet MPS 2.5.1.3 is 4.9 acre. This will be satisfied with an off-site parcel of 5.0 acres, located in Bourne to the east of MacArthur Boulevard (Assessors Map 28, Lot 1; Registry Book 2023, page 90). The off-site 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 off-site parcel is east of MacArthur Boulevard, adjacent to the western boundary of the Mass. Military Reservation, and north of open space owned by the Bourne

Conservation Trust. When combined with the on-site open space, the off-site open space meets the open space requirement for this project. Town of Bourne staff have indicated that they are satisfied with this proposal.

Affordable Housing

AH1. The proposed residential subdivision will have 33 house lots. 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 this project, 3 affordable units are required. This can be met through one of three options, either on-site houses or lots, off-site houses or lots, or a monetary contribution of \$80,000 per lot, which would require a total contribution of \$240,000 for three equivalent units. Provision of the lots, units or cash contribution will be subject to a timeline established by the Commission, as given in condition G7.

If actual units are provided, the lots or houses would be subject to Commission's sale price and rental limits. The occupants of the affordable units must be income eligible as defined by the Commission. The affordable units created through this section would be subject to the Commission's forty-year Affordable Housing Deed Restriction. The intent of the restriction is to preserve the long-term affordability of the unit in order to provide housing opportunities for future low-income homebuyers. The applicant would be required to submit a marketing/selection plan, subject to Commission approval, that describes how the lots/units will be made available to, and purchased/rented by, the eligible households.

CONCLUSION

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 provides 35 acres of protected open space (8 more acres than required), a contribution of \$240,000 for affordable housing, mitigation for wastewater nitrogen loading, and improvements for traffic safety.
- The project, as proposed, complies with the Regional Policy Plan, as noted in the findings.
- The project complies with local zoning and development bylaws, as supported by the finding G2.

The Commission hereby approves the application of Cape Sagamore Realty Trust and Highland Village Realty Trust for the proposed Cape Sagamore Highlands

subdivision as a Development of Regional Impact, provided the following conditions are met:

CONDITIONS

General

G1. The Commission approves the proposed subdivision plan titled "Overall Development Plan.", revised January 8, 2001, consisting of 33 units of single family house lots, clustered within the 31.2-acre parcel.

G2. This DRI decision is valid for 7 years from the date of the decision. Local development permits related to the construction of the subdivision infrastructure may be issued pursuant hereto for a period of 7 years from the date of the written decision. Houses or additions may be constructed after the 7 year period.

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 Bourne Planning Board shall be submitted to the Commission upon receipt of local approvals.

G7. Prior to receiving any Building Permits from the Bourne building inspector or lot releases from the Bourne Planning Board, and prior to the conveyance of any individual lot, the applicant shall obtain certificate(s) of compliance from the Cape Cod Commission. To coordinate with the town's phasing permit process, there will be four (4) separate certificates of compliance, with specific conditions to be met before they are granted, each of which allows the release of a specified number of house lots, as shown in the schedule below. All non-monetary conditions will note which certificate they satisfy.

First certificate:	Eight (8) lots -- provide one-fourth of the Affordable Housing monetary mitigation (\$60,000)
Second certificate:	Eight (8) lots -- provide the second one-fourth of Affordable Housing mitigation (\$60,000)
Third certificate:	Eight (8) lots --provide third one-fourth of Affordable Housing mitigation (\$60,000)
Fourth certificate	Nine (9) lots -- provide the final one-fourth of Affordable Housing mitigation (\$60,000)

As noted in the Affordable Housing section, these mitigation payments shall be paid no later than four years **from the date of approval of the project by the Bourne Planning Board, or the end of any appeals.** .

Water Resources

WR1. In order to meet the RPP nitrogen loading maximum concentration of 5 ppm, the applicant shall choose one of two options to control the wastewater nitrogen load to groundwater before issuance of the first Certificate of Compliance:

- Build 6 of the houses with 2 bedrooms instead of 3, making a total of 93 bedrooms in the subdivision
- If all houses have 3 bedrooms, then 10 of the house lots shall have a DEP-approved denitrifying septic system installed.

A site plan indicating which lots will have 2 bedrooms or have the denitrifying septic systems shall be provided. Deed and permit restrictions shall be used to limit the number of bedrooms and specify which lots are to have a denitrifying septic system.

WR2. For stormwater management, the project shall incorporate Best Management Practices (BMP's) to maximize stormwater treatment and minimize surface runoff. Biofiltration or equivalent treatment methods, along with deep sump catch basins with oil traps shall be used to maximize stormwater quality. Stormwater structures shall be designed to accommodate the rainfall from a 25-year storm of 24-hours duration. An operation and maintenance plan for stormwater shall be created and submitted to the Commission, specifying an inspection and maintenance schedule, and identifying the parties or company responsible for stormwater system maintenance. Before issuing the first certificate of compliance, the staff must review and verify that the stormwater management plans meet RPP standard 2.1.1.6.

Transportation

T1. Prior to receiving the third Certificate of Compliance, the applicant shall install "No Left Turn" or "Do Not Enter" signs on Village Green Road at its intersection with Old Plymouth Road and shall install three-way "Stop" signs at the new intersection of Village Green Road and Meghan's Way.

T2. Prior to receiving the first Certificate of Compliance or release or conveyance of any lots within the Cape Sagamore Highlands residential subdivision, the applicant shall purchase, place a conservation restriction upon, and donate to the **Town of Bourne Conservation Commission** the 14.66-acre parcel (Bourne Assessors Map 28, Lot 18; Registry Book 2118, page 270) including frontage on General MacArthur Boulevard and provide the Commission with proof of recording of such donation. This parcel provides vacant developable land to meet the traffic trip-reduction requirement (MPS 4.1.2.1), and with its donation to the town, shall be permanently restricted to prohibit all development on the parcel. The donation and accompanying plan of land shall be executed and recorded; a proof of recording shall be provided to the Commission prior to the receipt of the first Certificate of Compliance. The form and content of the

conservation restriction and donation shall be approved by Cape Cod Commission counsel.

T3. Prior to receipt of the first Certificate of Compliance, the proponents shall survey and clearly mark the **northern** boundary of the off-site vacant developable land parcel (Bourne Assessors map 28, lot 18) with concrete bounds.

Natural Resources

NR1. In conjunction with condition WR2., the project's stormwater management plan shall not discharge stormwater into the large kettle hole area located in the southwest portion of the property. Staff must review and verify that the stormwater plans meet this requirement before issuance of the first certificate of compliance.

Open Space

OS1. Prior to receipt of the first Certificate of Compliance or release or conveyance of any lots within the Cape Sagamore Highlands residential subdivision, the proponent shall place a conservation restriction on the 15.4 acres of on-site open-space as shown on the site plan revised January 8, 2001, consistent with Massachusetts General Laws Chapter 184. The form and content of the conservation restriction shall be approved by Cape Cod Commission counsel. The restriction and accompanying plan of land shall be executed and recorded; proof of recording shall be provided to the Commission prior to the receipt of the first Certificate of Compliance.

OS2. Prior to the issuance of the first Certificate of Compliance or release or conveyance of any lots within the Cape Sagamore Highlands residential subdivision, the proponent shall donate the off-site open space parcel **to the Town of Bourne Conservation Commission** to be held for permanent conservation purposes. The off-site open parcel is 5-acres, identified as Bourne Assessors Map 28, Lot 1 (Registry Book 2023, page 90). Prior to donating the land, the applicant shall place a conservation restriction on the parcel, consistent with Massachusetts General Laws Chapter 184, and accompanying plan to be approved by Commission counsel. The restriction and accompanying plan of land shall be executed and recorded; proof of recording shall be provided to the Commission prior to the receipt of the first Certificate of Compliance. The form and content of the donation and conservation restriction shall be approved by Cape Cod Commission counsel.

OS3. Prior to receipt of the first Certificate of Compliance, the proponents shall survey and clearly mark the boundaries of the permanent on-site open space with concrete bound. **The southern boundary of the off-site open space parcel (Map 28, Lot 1)** shall also be surveyed and marked with concrete bounds.

Affordable Housing

AH1. The applicant shall make a monetary contribution of \$240,000 to Barnstable County/Cape Cod Commission, to be used for at least three affordable housing units

in Bourne. This money shall be held in escrow by the County/Commission and shall be of a form and content satisfactory to Commission counsel (see condition G7 on pg.10 for the schedule of payments). The cash contribution shall occur according to the phasing schedule described in condition G7, but in the event that the project takes over four years to complete, the full affordable housing contribution amount shall be provided no later than four (4) years **from the date of approval of the project by the Bourne Planning Board, or the end of any appeals.**

The Cape Cod Commission hereby approves with conditions the application of Cape Sagamore Realty Trust and Highland Village Realty 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 Cape Sagamore Highlands Subdivision located in Bourne, Massachusetts.

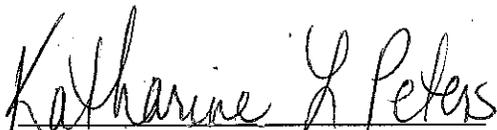

Frank Shephard
Cape Cod Commission chairman

1-18-01
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 18th day of Jan, 2000.

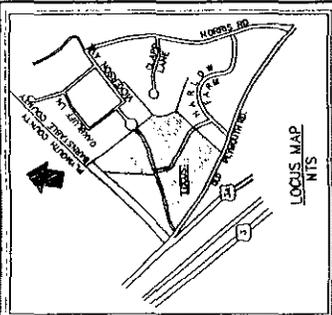
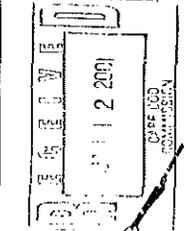

Name, Notary Public



FINAL PLAN APPROVED

BY THE CAPE COD COMMISSION

DATE: 1/18/01



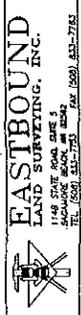
SUMMARY OF AREAS
 TOTAL AREA: 31.196 ACRES
 DEVELOPABLE AREA: 55% REQUIRED
 11.96 ACRES - LOTS
 2.28 ACRES - ROADS
 14.28 ACRES - DEVELOPABLE AREA

OPEN SPACE: 65% REQUIRED
 20.27 ACRES - 65% OPEN SPACE REQUIRED
 16.83 ACRES - OPEN SPACE ON-SITE
 1.03 ACRES - SLOPES IN EXCESS OF 3%
 0.45 ACRES - DRAINAGE EASEMENTS
 14.43 ACRES - ALLOWABLE OPEN SPACE ON-SITE
 4.85 ACRES - REQUIRED OFF-SITE

ROAD "A" = 66.0' LINEAR FEET
 ROAD "B" = 71.5' LINEAR FEET
 ROAD "C" = 53.7' LINEAR FEET

THE LOUIS PROPERTY IS COMPRISED OF THE FOLLOWING LOTS:
 ASSESSORS MAP 1, LOTS 64, 67, 68, 69, 70, 71
 VILLAGE GREEN ROAD AND PART OF SAGAMORE PARK ROAD
 LOUIS IS IN THE NORTH SAGAMORE WATER RESOURCE DISTRICT
 DEED REFERENCE: DEED BOOK 1138A, PAGE 022
 DEED REFERENCE: DEED BOOK 1138A, PAGE 031

ZONING DISTRICT: B-30 (RESIDENTIAL)
 OPEN SPACE COMMUNITY SECTION 4600 (Special Permit)
 MINIMUM LOT AREA = 10,000 SF
 MINIMUM LOT USE = 300 SF
 MINIMUM FRONT YARD = 30 FEET
 MINIMUM SIDE AND REAR YARDS = 15 FEET
 MAXIMUM LOT COVERAGE = 20%
 MAXIMUM BUILDING HEIGHT = 25 FEET
 ADD LOTS WITH A MINIMUM OF 10,000 SF IN AREA
 SHAPE FACTOR: P=213.5, Q=213.5, R=213.5, S=213.5, T=213.5, U=213.5, V=213.5, W=213.5, X=213.5, Y=213.5, Z=213.5

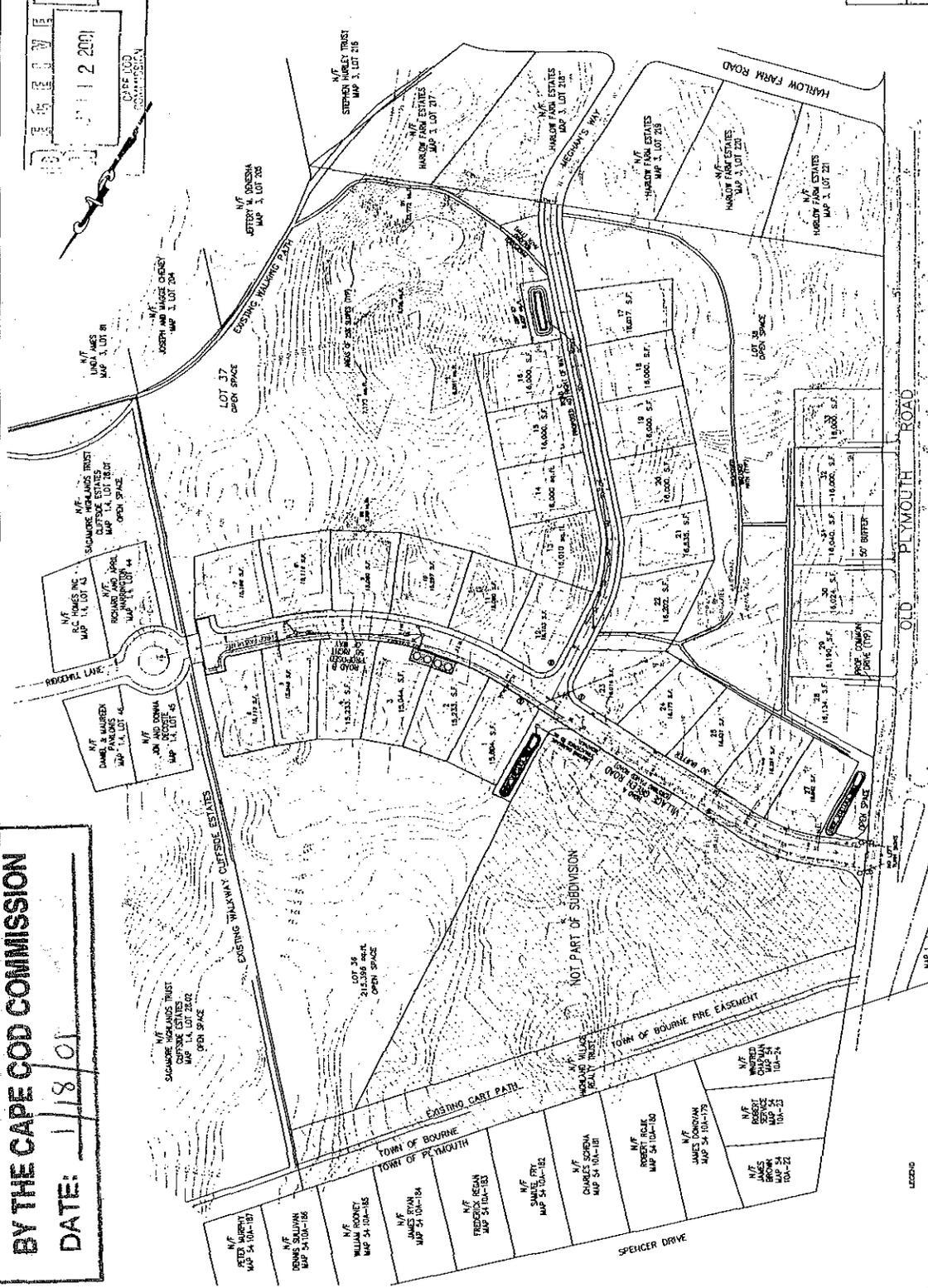


EASTBOUND
 LAND SURVEYING, INC.
 1148 STATE ROAD, SUITE 1
 SAGAMORE BEACH, MASSACHUSETTS 02562
 TEL: (508) 852-2755 FAX: (508) 852-2756

OVERALL DEVELOPMENT PLAN

CAPE SAGAMORE HIGHLANDS
 SAGAMORE BEACH, MASSACHUSETTS

PROPERTY AND APPLICANT	DATE	ADD'D	NO. OF	AS NOTED	DATE	NO. OF	SHEET
CAPE SAGAMORE REALTY TRUST, INC. 1148 STATE ROAD, SUITE 1 SAGAMORE BEACH, MASSACHUSETTS 02562	06/21/00	000	00	000003			1



REVISION	DATE	BY	REASON
1	12/20/00	JMS	INITIAL
2	1/18/01	JMS	REVISIONS
3	1/18/01	JMS	REVISIONS
4	1/18/01	JMS	REVISIONS
5	1/18/01	JMS	REVISIONS
6	1/18/01	JMS	REVISIONS
7	1/18/01	JMS	REVISIONS
8	1/18/01	JMS	REVISIONS
9	1/18/01	JMS	REVISIONS
10	1/18/01	JMS	REVISIONS
11	1/18/01	JMS	REVISIONS
12	1/18/01	JMS	REVISIONS
13	1/18/01	JMS	REVISIONS
14	1/18/01	JMS	REVISIONS
15	1/18/01	JMS	REVISIONS
16	1/18/01	JMS	REVISIONS
17	1/18/01	JMS	REVISIONS
18	1/18/01	JMS	REVISIONS
19	1/18/01	JMS	REVISIONS
20	1/18/01	JMS	REVISIONS
21	1/18/01	JMS	REVISIONS
22	1/18/01	JMS	REVISIONS
23	1/18/01	JMS	REVISIONS
24	1/18/01	JMS	REVISIONS
25	1/18/01	JMS	REVISIONS
26	1/18/01	JMS	REVISIONS
27	1/18/01	JMS	REVISIONS
28	1/18/01	JMS	REVISIONS
29	1/18/01	JMS	REVISIONS
30	1/18/01	JMS	REVISIONS
31	1/18/01	JMS	REVISIONS
32	1/18/01	JMS	REVISIONS
33	1/18/01	JMS	REVISIONS
34	1/18/01	JMS	REVISIONS
35	1/18/01	JMS	REVISIONS
36	1/18/01	JMS	REVISIONS
37	1/18/01	JMS	REVISIONS

SCALE: 1" = 40'
 PLAN
 JAMES L. & WENDY WORTH TRS
 SPOON BOX, INC.
 SAGAMORE BEACH, MASSACHUSETTS 02562
 MAP 1, LOT 201

SYMBOL	DESCRIPTION
—○—	PROPOSED CATCH BASIN
—○—	PROPOSED DRAIN LINE/ MANHOLE
—○—	PROPOSED STORM DRAIN
—○—	PROPOSED INFILTRATION STRUCTURES
—○—	PROPOSED WATERMAIN
—○—	PROPOSED HYDRANT
—○—	EXISTING WATERMAIN