



CAPE COD COMMISSION

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Date: January 6, 2003
To: Kelly Durfee Cardoza
Avalon Consulting Group LLC
41 Cal's Court
Taunton, MA 02780
From: Cape Cod Commission
Re: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13
Applicant: Rosario Lattuca
Falmouth Golf LLC
218 Speen Street
Natick, MA 01760
Project #: JR99028
Project: Ballymeade Estates (The Golf Club at Cape Cod)
Off Route 151, Hatchville (Falmouth), Massachusetts
Book/Page: Book 9449 Page 188
Book 13857 Page 260
Book 11493 Page 228
Book 11781 Page 29
Book 8944 Page 0170
Book 3790 Page 139

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The September 6, 2001 DRI Decision issued to Falmouth Golf LLC for Ballymeade Estates (The Golf Club at Cape Cod) is hereby amended as a Minor Modification #2 by a vote of the Regulatory Committee on January 6, 2003. All conditions attached to the September 6, 2001 decision continue to apply except as modified herein.



FINDINGS

Transportation Findings:

Finding T7 shall be modified as follows: *Developments of Regional Impact (DRIs) are required to reduce site-generated traffic by 20 percent (MPS 4.1.2.1).* The estimated average daily traffic for the development is 672 vehicle trips. The proponent must reduce the average daily automobile trips by 20% or 134 trips.

The 1999 Decision required the proponent to permanently protect 27.26 acres of developable land in excess of the RPP open space requirements to comply with MPS 4.1.2.1.

On December 9, 2002, the Commission received correspondence from Heather B. Harper, Asst. Town Administrator, requesting that a conservation restriction on the approved 27.26 acres be transferred to another parcel in the study area instead. The proposed land, recently purchased by the Town, is identified as Braeburn Farms and consists of three parcels totaling 31.97 acres. The largest parcel (23.69 acres) is suitable for a 12 to 14 unit subdivision.

While meeting trip mitigation requirements, the Braeburn Farms parcel is also desirable for open space preservation. Based on a site visit conducted by Commission staff, the parcel is located on Route 151 across from Crane Wildlife Management Area; is in a Significant Natural Resource Area; contains frontage on Route 151; is adjacent to or in proximity to other Town-owned open space to the east; contains walking trails; is wooded with a mix of vegetation that is less common than the typical pitch pine/oak forest found on Cape Cod; and likely contains good quality agricultural soils.

CONDITIONS

Open Space Conditions:

OS3. To comply with Condition T3, prior to a Preliminary Certificate of Compliance, Falmouth Golf LLC 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 for **three parcels of land identified as Braeburn Farms totaling 31.97 acres as identified on a map entitled “Special Town Meeting – Article 6 Land Acquisition” attached to this modification.** 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 Preliminary Certificate of Compliance.

Prior to a Partial Certificate of Compliance I, Falmouth Golf LLC shall provide the Cape Cod Commission with proof of recording of a deed transferring the **three Braeburn Farms parcels totaling 31.97 acres** to the Town of Falmouth Board of Selectmen **for open space conservation and passive recreational purposes.**

Transportation Conditions:

T3. Prior to receiving a Preliminary Certificate of Compliance, the applicant shall permanently protect by conservation restriction approximately **31.97** acres of vacant developable land shown Braeburn Farms parcels 10 02 007 182, 10 02 006B001 and 10 04 007 190 as shown on a map entitled "Special Town Meeting – Article 6 Land Acquisition" and provide the Commission with proof of recording of such conservation restriction as outlined in Condition OS3. The land permanently protected shall be in excess of the open space requirements of the RPP and shall be held by the town of Falmouth for permanent open space protection.

David Ansel
David Ansel, Chairman

2/6/03
Date

Commonwealth of Massachusetts
County of Barnstable

On this 6th day of February, 2003, before me personally appeared David Ansel, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Katharine L. Peters
Notary Public
Commonwealth of Massachusetts

My Commission expires:

