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CAPE COD
COMMISSION

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Date: April 7, 2016

Property Owner/
Applicant: Sacconneset Golf Society LLC
c/o Kelly Durfee Cardoza
Avalon Consulting Group
41 Cal's Court
Taunton, MA 02780

Re: Modification of Development of Regional Impact Decision
DRI MINOR MODIFICATION TYPE #1

Project/
Project Site: TGC/The Golf Club
(formerly Ballymeade Estates/The Golf Club of Cape Cod)
132 Falmouth Woods Road
Hatchville (Falmouth), Massachusetts 02536
(CCC#99028)

Assessors Pcl. ID: 11-01-014-002

Title Reference: Deed Book 29390 Page 263
Plan Book 578 Page 68, Lot 1

Introduction

Pursuant to Section 13 of the Cape Cod Commission Enabling Regulations (Revised Nov. 2014), the Development of Regional Impact (DRI) decision dated September 6, 2001 (as previously modified by decisions dated January 6, 2003, January 18, 2005, August 15, 2005, May 14, 2007, October 1, 2007 and November 13, 2007.) (collectively, "DRI Decision") for the above-referenced Project is hereby further amended by this Minor Modification Type #1 decision. (The Decision has the benefit of a five year permit extension decision from the Commission's Regulatory Committee, dated September 29, 2008, and the Commonwealth's Permit Extension Act).

The approved Project consists of an 18-hole golf course and associated buildings and site improvements on the approximately 156 acre Project Site. This modification is granted to authorize changes to one of the three approved maintenance/ equipment storage buildings closest to Falmouth Woods Road, as discussed in further detail herein, which changes the Executive Director have determined are *de minimis*, and do not increase impacts to resources protected under the Regional Policy Plan.

Discussion

The subject equipment storage building approved in the Decision (see Architectural Elevation Sheet M-2.2 referenced in the decision) is an unheated one-story equipment storage building with a 4,216 sf footprint (124 feet long by 34 feet wide), ridge height of 25 feet 10 inches, 9.5 pitch roof, and traditional finishes (architectural roof shingles, white cedar shingle siding, etc.).

The Applicant has yet to construct this building, and, because of cost and operational concerns, has requested revisions to the approved building design. The Applicant recently acquired the Project Site out of foreclosure, and is re-assessing operations and management of the Project. After such assessment, the Applicant proposes to construct a more utilitarian, pre-engineered metal structure for storage of golf course maintenance equipment and the like. The location and orientation of the building is the same as approved in the decision. As with the design originally approved, the building will be an unheated one-story storage building. As revised, the building will have a smaller footprint of approximately 4,014 sf. (118 feet long by 34 feet wide), broken into massings of approximately 78' l and 40' l each, with varied ridge and wall heights in those building components, (the ridge heights are lower than originally approved, approximately 23' and 19' maximum, respectively). The roof and walls will be metal panel construction, with metal trim. The coloring is consistent with the other buildings on-site: based on factory color options and the color chart submitted, the roof will be burnished slate (dark gray) and the sidewalls and trim will be ash (light-med) gray.

The proposed, revised building design is not traditional in design like the one originally approved. However, a more utilitarian building is appropriate for golf operations, and given that its location on site is screened from public view on Falmouth Woods Road by substantial existing vegetation required to be preserved by conservation restriction and/ or the Decision, the lack of traditional design will not have a detrimental visual impact on community character. Additionally, the building has been arranged into separate components, with varied roof and wall heights, lengths and façade variation that serve to break up the massing of the building, consistent with traditional design principles, the surrounding area development, and the goals of the community character standards of the Regional Policy Plan.

As a condition of approval in the DRI Decision, a groundwater monitoring and reporting program was required (See Conditions G10, WR4, WR6 and WR7 in the Decision). The scope of the program was set out in Finding WR12 of the Decision, as follows:

The applicant has detailed provisions of a 15-year ground-water monitoring program intended to identify impacts to water quality. The program is adequate for assessing impacts of the project on ground-water quality. The program's principal provisions consist of:

- *Five (5) ground-water quality monitoring well clusters positioned to assess water-quality impacts from turf management and consisting of two wells each, one screened at the water table (10-foot screen)- the other screened immediately below (5-foot screen);*
- *Lysimeter located at a depth of 8 feet within the tee area for hole #10;*
- *Quarterly lysimeter-sample analyses for identified nitrogen and pesticide compounds;*

- *Annual monitoring- and irrigation-well sample analyses for identified nitrogen compounds;*
- *Annual monitoring- and irrigation-well sample analyses for identified pesticide compounds, and tri-annual nitrogen analyses, each triggered by 1 mg/L increase in average baseline nitrogen concentration in ground water or 3-yr decline in lysimeter water-quality; and*
- *The program identifies response actions that will be taken in the event that specified water-quality thresholds are exceeded.*

Though such a program was established, some monitoring was conducted and some reporting provided to the Commission, the program did not continue with regularity, with monitoring and reporting done according to the frequency required in the Decision. The original permittee and applicant's successor in interest experienced financial difficulties in operating the Project, its performance of the groundwater monitoring program faltered, and the Project Site was ultimately foreclosed upon by the current owner/ applicant.

As a condition of this modification decision, the applicant shall re-commence the groundwater monitoring program consistent with the findings and conditions of the Decision.

Conclusion

All findings and conditions attached to the original DRI decision and subsequent modifications continue to apply except as modified herein. To the extent there is conflict or ambiguity between this modification and the Decision, this modification shall control.

The modification is hereby issued to authorize revisions to the equipment storage/ maintenance building as discussed herein, which shall be undertaken consistent with the following plan(s), which shall substitute or supplement for plans and other information previously reviewed and approved in the Decision as the context requires:

- *"Proposed Floor Plans and Elevations TGC Equipment Storage Building" scale: 1/8" = 1'-0", Sheet A1.0, Date: April March 30, 2016, prepared by RESCOM Architectural, Inc.*

Condition(s)

1. Prior to, and as a prerequisite to, issuance of a local building permit for the equipment storage/ maintenance building discussed herein, the applicant shall first obtain a Preliminary Certificate of Compliance from the Commission for the equipment storage/ maintenance building, which certifies that all terms and condition of the DRI Decision required to have been satisfied prior to the issuance of such Certificate have been satisfied, and that the Project is in compliance with the DRI Decision.

- Prior to issuance of a Preliminary Certificate of Compliance from the Commission for the equipment storage/ maintenance building, the applicant shall submit an updated

Groundwater Monitoring Plan to CCC staff for review and approval, consistent with the relevant findings and conditions in the Decision.

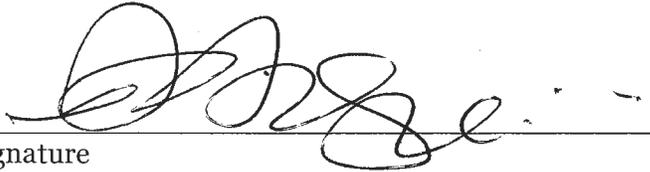
2. Prior to, and as a prerequisite to, issuance of a local Certificate of Use and Occupancy for the equipment storage/ maintenance building discussed herein, the applicant shall first obtain a Final Certificate of Compliance from the Commission for the equipment storage/ maintenance building, which certifies that all terms and condition of the DRI Decision required to have been satisfied prior to the issuance of such Certificate have been satisfied, and that the Project is in compliance with the DRI Decision.

- Prior to issuance of a Final Certificate of Compliance from the Commission for the equipment storage/ maintenance building, the applicant shall, pursuant to the updated Groundwater Monitoring Plan reviewed and approved by Commission staff, have conducted the 2016 Spring round of monitoring/ testing (wells and lysimeter) and provide such monitoring report to the Commission,

3. The applicant shall thereafter operate the Project in accordance with the provisions of the updated Groundwater Monitoring Program review and approved by Commission staff.

**ISSUANCE OF DRI MINOR MODIFICATION TYPE #1 DECISION
TGC, 132 Falmouth Woods Road, Falmouth (CCC#99028)**

Executed this 7th day of April 2016.

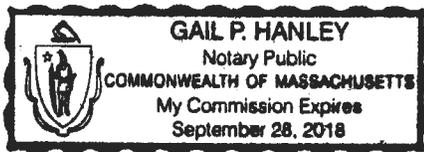

Signature

Paul Niedzwiecki, Executive Director
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss April 7, 2016

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki, in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



Gail P. Hanley
Notary Public
My Commission Expires:

SEAL