



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

Date: October 19, 2006

Re: Development of Regional Impact Exemption Request
Cape Cod Commission Act, Section 12(k)

Applicant and
Property Owner: Society for Christian Activities
P.O. Box 1295
Forestdale, MA 02644

Project #: #EX06021

Project: Camp Good News
67 Route 130
Forestdale, MA 02644

Map/Parcel: 11/57

Land Court Cert.
of Title: Lot A, Land Ct. Plan 41405A Cert No.138467

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of the Society for Christian Activities, Inc. for a Development of Regional Impact (DRI) Exemption under Section 12(k) of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended (Act) for the proposed project. The decision is rendered pursuant to a vote of the Commission on October 19, 2006.

PROJECT DESCRIPTION

The project consists of the subdivision of a 215.91 acre parcel of land called Camp Good News into four parcels: Lot 1 with 2.61 acres (non-conforming lot), Lot 2 (2.11 acres for new construction), Lot 3 (2.28 acres with existing structures) and Lot 4 (208.91 acres with existing structures).

PROCEDURAL HISTORY

On August 1, 2006, the applicant submitted a DRI Exemption application under Section 7 of the Enabling Regulations Governing Review of Developments of Regional Impact. The application was deemed complete on August 31, 2006 for the purposes of scheduling a public hearing. A public hearing was held on September 28, 2006 at the Sandwich Town Offices on Jan Sebastian Drive to consider the DRI Exemption request for the project.

On October 19, 2006, the Cape Cod Commission voted to approve a DRI Exemption for the project.

MATERIALS SUBMITTED FOR THE RECORD

- Letter from Robert L. Fultz, Sandwich Director Planning & Development
- Letter from Edward L. Bell, Massachusetts Historical Commission, dated 9/19/06
- Letter from Edward L. Bell, Massachusetts Historical Commission, dated 8/18/06
- Letter from Edward L. Bell, Massachusetts Historical Commission, dated 8/10/06
- DRI Exemption Application received 8/1/06
- Letter from Atty. Jonathan D. Fitch and fee waiver application, dated 6/29/06

The application and notice of the public hearing relative thereto, the Commission's staff report, and exhibits, minutes of all hearings and all written submissions received in the course of the proceedings, including materials on file for EX06021 are incorporated into the record by reference.

TESTIMONY

- 1) Ms. Elaine Cary, whose land abuts Route 130 and the present driveway, said the project is necessary, but the existing driveway is in a dangerous location. She said there were many cars on Route 130, and wondered if the proposed lot is large enough for the proposed use.
- 2) Mr. Rich Banais, an abutter, said he was concerned that there is no proposed building for lot 1. He asked why the lot was created the way it is? Mr. Fitch said the rear property line is just straight across from the rear corners of the adjacent lots. Mr. Banais asked if lot 1 could be denuded of vegetation when it was developed. Mr. Fultz said that local bylaws require 30% natural coverage, and that if anything were to be proposed on the lot it would require a local hearing.

FINDINGS

The subcommittee has considered the applicant's request for a Development of Regional Impact Exemption for the proposed Camp Good News subdivision. Based upon consideration of such request, upon information presented at the public hearing, site visit and submitted for the record, the subcommittee makes the following findings:

- 1) The applicant proposes to subdivide a 215.91 acre parcel of land called Camp Good News into four parcels: Lot 1 with 2.61 acres (non-conforming lot), Lot 2 (2.11 acres for new construction), Lot 3 (2.28 acres with existing structures) and Lot 4 (208.91 acres with existing structures).
- 2) The existing and proposed lots are adjacent to Route 130 and are consistent with the character of the neighborhood.
- 3) Although the site is located in a significant natural resource area due to the presence of unfragmented forest, potential public water supply area and rare species habitat, the lots to be created are either developed, or are adjacent to development, and are located on the front of the parcel on Route 130. These lots are not located in mapped rare species habitat, nor are they adjacent to wetlands, and their creation will not further fragment this large undeveloped habitat area. Based on the location, character and lack of environmental effects of the three lots to be created through this division of land, they will have not have any significant impacts on the values and purposes protected by the Act outside of Forestdale.
- 4) The subdivision of the property does not involve any currently proposed development, and is not expected to generate new trips. Therefore, it will have no adverse impact on the regional roadway system. Future development and redevelopment of the lots shall be reviewed by the Cape Cod Commission as a DRI if such development meets or exceeds DRI Thresholds under Section 3 of the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended, Chapter A.

5) The new lots created by the subdivision will likely each have their own driveway. Preliminary review shows acceptable sight distances at probable driveway locations. However, future development proposals on the site will likely trigger sight distance review either at the DRI level or at the Town level.

The applicant has stated that when the lots are developed or redeveloped, they will consolidate existing and proposed driveways to maintain the same number of curb cuts that currently exist on Route 130. A sidewalk along the west side of Route 130 exists currently and the subdivision proposal will likely not interfere with the continued existence of this sidewalk. The applicants will ensure that the Town retains an easement for any portions of the sidewalk that are located on the applicant's property, and they will make provisions for any proposed or existing public paths.

6) The 215 acre site is located in the watershed to Popponesset Bay which is experiencing severe water quality problems (Howes, et al, 2004). The Massachusetts Department of Environmental Protection has also issued a Total Maximum Daily Load (TMDL) for Nitrogen loading for the watershed (DEP, 2006). The TMDL is the identified critical nitrogen loading rate as defined in section 2.1.1.2 C1 in the Regional Policy Plan. According to the minimum performance standard, a DRI must not contribute more than the identified critical loading rate. The following is an analysis of the application of the new TMDL and its bearing on the DRI exemption application for the proposed subdivision.

The critical loading rate identified by DEP for the Popponesset watershed is 16.17 kg/yr, which translates into a nitrogen loading rate of 0.8 kg/acre/yr. The Camp Good News site, due to its size and location near the top of the aquifer mound, is located within several sub-watersheds to the Mashpee Pond watershed, which feeds into the Mashpee River and ultimately discharges into Popponesset Bay. The critical nitrogen loading rate for this area of Sandwich is greater than areas in Mashpee due to nitrogen attenuation in the fresh surface waters: 30% in the Mashpee River, 50% in Mashpee Pond and 50% more in Pimlico Pond.

The nitrogen loading rates for the Camp Good News subdivision are applied to the individual lots due the complexity of the watersheds in this area (Howes, et.al. 2004). The acceptable nitrogen loading rate for Lot 1, which is in the Pimlico Pond watershed, is 4.6 kg/acre. The critical nitrogen loading rate for Lots 2, 3 and 4 is 2.3 kg/acre. Since lots 2, 3, and 4 are all in the same watershed with the same per acre limit, their cumulative allowable annual load is 488 kg. Because Lot 1 is located in an area with a different limit, it should be treated separately. Using the area of the planned lots, the total allowable load for each of the lots is 12.5kg, 4.8kg, 5.3 kg and 478kg for lots 1, 2, 3 and 4 respectively.

The applicant provided 5 years of water records for Camp Good News. There are five separate water accounts for the Camp Good News parcel. The total annual average flow rate for the five accounts is 350 gallons per day or 16.9 kg per year. Because the existing nitrogen load is below the cumulative allowable load for the whole parcel, we find that this prevents the proposed development from having any significant impacts outside the municipality upon the values and purposes of the Act involving water quality and supply.

Future projects on the lots, however, that exceed DRI thresholds will need to meet the identified critical nitrogen loading rates as described above.

7) The Massachusetts Historical Commission (MHC) stated, in a letter dated September 19, 2006, that portions of the project area are archaeologically sensitive and likely to contain significant archaeological sites. In order to determine whether future proposed development of the property is likely to affect significant archaeological resources, scaled project plans showing existing and

proposed conditions should be submitted to MHC for review prior to applying for local development permits. Development should be configured to preserve and protect any archaeological sites determined eligible for listing on the National Register of Historic Places. Based upon the proposed subdivision submitted before the Commission for this decision, there are no significant impacts upon archaeological values as a result of this subdivision.

8) Based on the findings above, the proposed project is not expected to have any significant regional impacts to the resources and values protected by the Cape Cod Commission Act, including natural resources and open space, historic preservation, transportation and water resources outside the municipality of Sandwich.

CONCLUSION

The Cape Cod Commission concludes that based on the Findings above and on information submitted in the DRI Exemption Application and at the public hearing, the project known as Camp Good News is exempt from Cape Cod Commission Development of Regional Impact Review under Section 12(k) of the Act because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipalities in which the development is located.

Brad Crowell, Chairman

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

_____, 2006

Before me, the undersigned notary public, personally appeared _____, in his/her capacity as Chairman 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.

Notary Public

My Commission Expires: