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CAPE COD
COMMISSION

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STAFF REPORT

PROJECT: LIMITED DRI REVIEW
ATKINS ROAD CLUSTER SUBDIVISION
ATKINS ROAD, EAST SANDWICH
TR/LR 14005

OWNER/APPLICANT: MONOMOY PROPERTIES, LLC ("APPLICANT")

SUBCOMMITTEE: HAROLD MITCHELL (CHAIR)
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DATE: AUGUST 13, 2015
REV. AUGUST 14, 2015
REV. AUGUST 21, 2015

PROJECT DESCRIPTION

The Project proposes to subdivide 36.911 acres into a 23-lot single-family residential cluster. Approximately 27.58 ac. will be preserved as open space. The Project is located on Atkins Road in East Sandwich, Massachusetts.

JURISDICTION

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(c) of the Commission's Enabling Regulations (revised November 2014) as "(a)ny development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act."

PROCEDURAL HISTORY

The full DRI Scoping application was received by the Commission on December 30, 2014. The DRI Scoping application was deemed complete on March 5, 2015.

DRI review was limited to the issues areas of Land Use, Water Resources, Wildlife & Plant Habitat, Waste Management, Open Space/Recreation, Community Character (HPCC Goal 2) and Affordable Housing by a Limited DRI Scoping Decision, dated March 23, 2015. This Decision was accepted and adopted as final by the Committee on Planning and Regulation at its meeting on March 19, 2015.

The Limited DRI application was received on February 13, 2015. The DRI mandatory town referral was received by the Commission on May 7, 2015. The Applicant submitted additional materials in March, May, June and July 2015. The DRI hearing period was opened for procedural purposes by hearing officer on July 2, 2015 at Cape Cod Commission offices located at 3225 Main Street, Barnstable, Massachusetts. The DRI application was deemed complete, sufficient to proceed to a substantive public hearing, on August 3, 2015.

The first substantive hearing on the Limited DRI has been noticed and scheduled for August 27, 2015, at 5:30 PM at the Town of Sandwich Human Services Building located at 270 Quaker Meetinghouse Road, Sandwich, Massachusetts.

COMMISSION STAFF RPP ANALYSIS

Commission staff reviewed the Limited DRI application, pursuant to the applicable Regional Policy Plan (RPP) and provides the following analysis in the issue areas that the Executive Director indicated should be reserved for DRI review in his March 23, 2015 decision.

It should be noted that Commission Staff worked with the Applicant for over two years on the subdivision design of this project. The design that is now before the subcommittee for review is an improvement from the original design in that the lots are smaller and more clustered, the clearing of vegetation and alteration of natural topography has been minimized, and there is significantly more open space than originally proposed.

LAND USE

The Project site is mapped as "Other" on the approved Land Use Vision Map (LUV) for Sandwich. Land Use MPS LU1.1 (Development Location) requires that projects be located in appropriately mapped area. Though the Town has adopted a LUV, given that the area has

been left unmapped by the Town, the Project is consistent with the LUVM and meets MPS LU1.1.

MPS LU1.2 (Compact Development) requires that residential subdivisions of five or greater lots cluster development if consistent with local by-laws. The RPP defines cluster development as: “a form of development that permits a reduction in lot area requirements, frontage, and setbacks to allow development on the most appropriate portions of a parcel of land in return for provision of a compensatory amount of permanently protected open space within the property subject to a development application.” Sandwich’s Cluster Development zoning by-law provisions identify cluster development as the preferred form of subdivision design within the Town.

MPS LU1.2 further requires that the Project maximize contiguous open space. The current subdivision plan proposed is preferable to and more compact than the one the applicant originally submitted for review when it filed for DRI Scoping. The Project clusters the lots to the north, away from the most valuable site habitat and abutting town conservation land to the east, and exceeds RPP requirements for open space to development ratio. The proposed configuration, however, may create some additional fragmented wooded areas between the two branches of the subdivision. Gains in less fragmented open space could come from moving the northerly road to the south, reconfiguring the lots between roadways A & B, and removing the open space buffer between these lots. However, this less fragmented open space would be provided in the northern portion of the site, which may be considered less desirable in terms of habitat resource protection. Commission staff also notes that the southerly of the two roads proposed most closely follows natural topography, so the additional grading that may be required to bring the road closer to the northerly road may be impractical or undesirable. The Subcommittee should weigh these competing concerns with the Applicant’s intent to provide a wooded buffer between the lots along subdivision roads A & B, and reducing costs associated with additional road development.

MPS LU1.2 also requires that the Project respect the topography and character of the site. Site design is challenging as the site has significant variation in topography that makes a more cohesive and compact subdivision design more difficult than the one proposed. The Project currently proposes two separate roads that end in cul-de-sacs, which, given the variation in topography, creates two streets with separation between clusters of lots and thus reduced neighborhood cohesion. Though the subcommittee could consider requiring a design, such as a “loop” road that connects the two subdivision streets, such a design would involve additional road surface and thus additional impervious coverage, may reduce the overall amount of undisturbed open space on site, may result in additional construction costs to the applicant, and may require additional stormwater facilities.

Finally, MPS LU 1.2 requires that the Project employ shared wastewater and water service infrastructure, and employ LID design to allow for more compact development. The Project is able to meet nitrogen loading standards with use of standard Title 5 septic systems given the watershed in which the Project is located, and in staff’s opinion, sufficiently compact and cluster development according to this MPS without the requirement for shared wastewater infrastructure. Thusly, Staff recommends granting flexibility from the requirement of providing shared wastewater infrastructure, as the compact development intent of the MPS is otherwise met by the Project. The Project does include vegetated swales and natural site features as part of its stormwater treatment, consistent with LID design. The Project proposes to connect to municipal water service, and proposes to work with the Sandwich Water District to install a new water main that improves existing water service to the project site and surrounding area by

providing redundancy in the event of emergencies, and more consistent water pressure along the entire line (see open space comments regarding proposed continuation of the water line through proposed open space area to serve abutting property).

The Project does not involve as its principal purpose the development of significant infrastructure nor does it abut agricultural lands, thus Land Use Goals **LU2** (Capital Facilities and Infrastructure) and **LU3** (Rural Lands) do not apply to the Project. Staff does note that the proposed open space abuts conservation land to the east of the project site.

WATER RESOURCES

The project consists of the subdivision of approximately 36.9 acres into 23 residential lots, road layout, and a large open space lot. Individual septic systems are proposed to manage project wastewater and a series of proprietary and traditional stormwater designs are proposed to manage project runoff primarily from new roadways. Stormwater is proposed to be discharged to naturally low areas on the site. The project is not located in an existing Wellhead Protection Area. The project is partially located in an area designated by the RPP as Potential Public Water Supply Area. The project is entirely located in the Scorton Creek watershed.

The project is consistent with the General Aquifer Protection goal of the RPP and associated minimum standards (**MPS WR1.1-1.5**). The project seeks relief from a provision of MPS WR 1.4 that requires shared wastewater infrastructure. The applicant proposes individual septic systems to serve each of the proposed lots. Municipal water supply is proposed to be extended to the project, and in turn looped to other surrounding properties. The applicant indicates that MPS WR1.5 will be met through use of drought- and pest-resistant plantings, which landscaping is also undergoing review and comment by Commission design staff; Commission water resources staff suggests that any DRI approval for the project be conditioned on receipt of a landscape maintenance protocol for common developed areas in the subdivision that demonstrates consistency with HPCC2.10 and MPS WR1.5.

Minimum Performance Standard WR1.1 limits project nitrogen loads to 5 milligrams-N per liter (ppm-N). Nitrogen loading calculations submitted by the applicant indicate a project nitrogen load of 6.2 ppm-N with the use of standard Title 5 septic systems and design flows. By incorporating actual wastewater flows, as provided by Technical Bulletin 91-001, Staff calculates a project nitrogen load of 4.3 ppm-N per Technical Bulletin 91-001 that meets and is lower than the 5 ppm-N nitrogen loading limit under MPS WR1.1.

The project is consistent with the Drinking Water goal of the RPP and associated minimum standards (**MPS WR2.1-2.6**) to the extent that the goal applies. The project is not located within an existing Wellhead Protection Area. The project is partially located in a Potential Public Water Supply identified in the RPP. The applicant submitted a letter from the Sandwich Water District indicating that the district has no plans to develop a water supply on the property. Based on this correspondence, Staff recommends that the Commission release PPWSA designation on the Project Site.

The project is consistent with Marine Water Recharge Area goal of the RPP and associated minimum standards (**MPS WR3.1-3.6**). The project is located in the Scorton Creek watershed. The Massachusetts Estuaries Project report for Scorton Creek, published in 2013, indicates that the estuary is not presently nitrogen overloaded and that the estuary has sufficient capacity to assimilate additional nitrogen from the proposed project.

The project is not located within a Freshwater Recharge Area (RPP Section **WR4**). Therefore, the RPP goal and associated minimum standards that apply to Freshwater Recharge Areas do not apply to the proposed project.

The project is not located in a Water Quality Improvement Area (RPP Section **WR5**) and the RPP goal and associated minimum standards that apply to projects in Water Quality Improvement Areas do not apply to the proposed project.

A wastewater treatment facility is not proposed to treat project wastewater. Therefore, the RPP goal and associated minimum standards that apply to wastewater treatment facilities (RPP Section **WR6**) do not apply to the proposed project.

The project is consistent with Stormwater goal of the RPP and associated minimum standards (MPS **WR7.1-7.11**). As a condition of any DRI approval, pursuant to MPS WR7.10, a professional engineer will have to certify in writing that the stormwater system is constructed and performing as designed and approved.

The project is consistent with goals of the RPP and associated minimum standards. The DRI application addresses compliance with each standard. As noted above, the Commission should require the applicant to provide a landscape maintenance protocol to demonstrate consistency with MPS HPCC2.10 and MPS WR1.5.

The applicant seeks relief from the RPP requirement that a subdivision employ shared wastewater infrastructure (MPS WR1.4). The applicant instead proposes the use of individual septic systems on each residential lot that would be constructed by individual lot owners. Though common wastewater facilities represents the most efficient approach to managing wastewater generated from the Project Site, staff suggests that such relief may be granted by way of the 'flexibility clause' in the RPP allowing the use of individual septic systems in lieu of shared wastewater infrastructure as required by minimum standard WR1.4, as the use of individual septic systems would otherwise meet the applicable nitrogen loading goals and standards of the RPP.

WILDLIFE & PLANT HABITAT/ OPENSOURCE & RECREATION

Wildlife and Plant Habitat is under review due to the fact that the site is mapped for rare species habitat for Eastern box turtle. Consistent with MPS **WPH1.1**, the applicant provided a habitat assessment for the project site in its application materials. With regard to MPS **WPH1.5**, there are no vernal pools on the site.

The applicant initiated discussions with the Natural Heritage and Endangered Species Program regarding layout and design of a subdivision on this property early in project development. On July 9, 2015, the applicant received a comment letter from NHESP in response to the applicant's filing of development plans (dated 2/5/15 and revised 1/5/15). Based on the plan submitted, the NHESP indicated that the project will not result in a take of endangered species. Commission staff discussions with the applicant have resulted in some minor changes in the plan from the one filed with NHESP; staff does not anticipate that NHESP will change its determination based on these changes, but the applicant should file the final plan with the agency when available. Based on the NHESP determination, Commission staff recommends that the project is consistent with MPS **WPH1.4**.

With regard to invasive species (MPS **WPH 1.6**), the habitat assessment on the property did not identify the presence of invasive species. Commission staff recommends that, should the subcommittee recommend approval of the project, the applicant incorporate best management practices into the construction plan for the site to ensure that invasive species are not introduced to the site during project development.

Open Space is under review due to the site's location within rare species habitat. Open space is required to be provided at a minimum ratio of 2:1 open space to developed or disturbed area because the project is located in a Significant Natural Resource Area. Commission staff has met and corresponded with the applicant to discuss the open space on the project site. The proposed plans are an improvement over the initial plans filed with this project; the lots are smaller and more clustered, and the clearing of vegetation and alteration of natural topography has been minimized. These changes greatly reduced the area of impact and fragmentation of habitat on the project site. Similar to MPS LU 1.2, MPS OS 1.5 requires shared wastewater treatment for residential subdivisions of five lots or greater in order to maximize compact development, and staff suggests that the Commission could grant flexibility to the applicant in meeting this standard, as the sizes of the lots proposed with individual septic systems are no larger than would be achieved with shared wastewater facilities. As such, MPSs **WPH 1.2**, **WPH 1.3**, **OS1.1**, **OS 1.5** and **OS1.6** are satisfied.

The current "Disturbed Area & Open Space Plan" (dated 7/28/15 and revised 7/29/15), itemizes the total disturbed area on the site, calculating a total of approximately 11.5 acres. The plan indicates that a total of approximately 27.6 acres of open space will be provided on the site, exceeding the requirement by approximately 4.6 acres. Of the 27.6 acres, 2.2 acres will be disturbed during construction and revegetated; 1.6 acres of this construction impact is a result of grading for road installation and drainage, and 0.6 acre is for the installation of a water line from the south. Within this 27.6 acres, the project proposes to protect 25.4 acres of undisturbed woodland and box turtle habitat. The provision of open space over and above the minimum ratio required could be considered a project benefit.

It should be noted that in addition to the residential lots and road, the project will result in activities on the property that will introduce some changes and fragmentation to the site; however, staff suggests that these activities are minor or temporary, and will likely not result in long-term adverse impacts to the interests of habitat protection. The following impacts are noted:

1. The drainage easement at the end of cul-de-sac A is a cleared area that ends in a natural bowl. During significant storm events this bowl may fill with stormwater to elevation 126 ft (estimated) at times, and over time the introduction of water at this location will change the vegetation, and may result in the formation of a wetland.
2. The applicant agreed, at its own cost, to provide an access easement to the Town of Sandwich from the subdivision road to the adjacent property to the east, which the town owns for conservation. Recreational access is a feature that the RPP supports, but this easement will result in some additional minor alteration to the existing vegetation at this site to allow for vehicle access, within the proposed open space.
3. The applicant proposes to create a new walking trail to connect with existing trails on the site (**OS 2.1** and **OS2.2**); again, the RPP supports access to recreation, and the impact should be very minor.

4. The 1.2 acres of open space located between the cul-de-sacs and behind the residential lots is fragmented from the other proposed open space, and will likely have little habitat value.
5. The proposed 30 ft wide access easement linking the two cul-de-sacs with Marie Lane to the west, depending on the level of use or maintenance that this drive receives, may contribute to some fragmentation of the existing woodland habitat.

For those activities located within the proposed open space, the impact is estimated to be cumulatively less than the 4.6 acres of excess open space proposed under the applicant's subdivision plan. The fragmentation impacts that may result from the emergency access easement and the other activities should be relatively minor, noting that the accessway within the emergency access easement is proposed to be constructed with pervious paving; the town conservation land accessway is proposed to be gravel; the emergency access and access to the town conservation area are proposed to be gated; the area of the water line and road grading are proposed to be revegetated or naturalized; and the drainage area in the southwest of the site is not proposed to be fenced. With consideration of the foregoing impacts in mind, staff recommends that the subcommittee may find the project consistent with MPS OS1.3.

The applicant has discussed with the Sandwich Conservation Commission its willingness to hold a conservation restriction over the proposed open space (MPS **OS 1.2**).

Staff recommends that, as a condition of any DRI approval, prior to the commencement of any development, lot release from covenant, or conveyance, the applicant provide for Commission staff review and approval:

- evidence that the conservation commission will hold the CR on the open space, further noting that the commission is comfortable with the various encumbrances and provisions within the proposed area (e.g. water line, drainage outside the proposed easement areas, access trails, etc.);
- a draft conservation restriction and conservation restriction site plan consistent with the open space/ disturbed area plan with further details relevant to the project's open space approach, such as the proposal to run water line through a portion of the open space;
- Copies of easements to the town for the water line, emergency access and connection to the town conservation land to the east of the project site;
- Copies of said easements and conservation restriction and plan shall be provided to the Commission as recorded and prior to the Commission's final certification of the project.

MPS OS 1.7 and **MPS OS1.8** do not apply to this project.

WASTE MANAGEMENT

The Project does not involve the storage or use of hazardous materials and/or wastes, thus Waste Management Goal **WM1** (Hazardous Materials and Waste) does not apply to the Project.

A significant amount of clearing and grading wastes will be produced by the Project. To comply with MPS's **WM2.1** (Construction Waste) and **WM2.2** (C&D Waste Plan), staff suggests that, as a condition of any DRI approval, the Applicant must provide a detailed narrative of these

anticipated wastes and disposal needs prior to commencement of the Project. As there are no anticipated Project-related wastes post-construction, MPS's **WM2.3** (Post-construction Waste) and **WM2.4** (Food-waste Recycling) do not apply to the project.

HERITAGE PRESERVATION/COMMUNITY CHARACTER (Goal 2)

Landscaping

Within the context of residential subdivisions, the Commission reviews landscaping proposed within common areas of the subdivision. The Minimum Performance Standards that apply to landscape review are MPS **HPCC2.10** (*Landscape Plan Requirements*) and MPS **WR1.5** (*Turf and Landscape Management Plan*). HPCC2.10 requires that development implement a landscape plan that addresses the functional aspects of landscaping, such as drainage and innovative stormwater technologies, erosion prevention, screening and buffering, provision for shade, and energy conservation; retention of existing vegetative buffers necessary to prevent adverse visual impacts from development; and a maintenance agreement for a minimum of three growing seasons to insure that any new plantings are properly established. Relatedly, MPS **WR1.5** requires that development adopt Best Management Practices such as a turf and landscape management plan that incorporates water conservation measures including the use of native and drought resistant plantings and the use of drip irrigation, and minimizes the amount of pesticides and chemical fertilizers. The proposed project does include a functional landscape/planting plan that uses plants that are characteristic of the region, and includes native and drought resistant plant material, and incorporates some LID design through vegetated drainage areas.

On its landscape plan, the applicant did not specifically detail the method of re-vegetating disturbed and graded areas within the road layout and drainage facilities. Staff requests that the applicant provide a draft Landscape Maintenance protocol that details the installation and ongoing maintenance of proposed plantings and vegetation within common areas, the specific methods of revegetation of disturbed and graded areas (presumably with conservation seed mix, which type should be specified, and/ or specific ground cover plantings), and installation and ongoing maintenance of proposed drainage areas that are functionally part of the landscape.

Such provisions should identify the responsible party for undertaking such work and maintaining such areas consistent with information submitted during DRI review (such as the stormwater O&M plan, landscape and open space/ disturbed area plan) and the relevant RPP standards (such as provision for irrigation and minimization of fertilizer and pesticide use, and replacement of plantings or vegetation that die). Ultimately, staff recommends that, as a condition of any DRI approval: the applicant incorporate such provisions into protective covenants for the subdivision and provide them to Commission staff for review prior to recording of the protective covenants and commencement of any development, release of lots from covenant, or lot conveyance; and a copy of such protective covenants reviewed and approved by Commission staff as recorded shall be provided to Commission staff.

Exterior Lighting/Signage

The Project proposes lighting as shown on the plan set titled *Photometrics Plan*, prepared by BSC Group for Monomoy Properties LLC, dated January 25, 2014, and revised March 16, 2015. The plan set, inclusive of its proposed Sternberg Lighting Omega LED (model 1521RLED-CFG-

4ARC45T3) fixture, is consistent with MPS **HPCC2.11** (Exterior Lighting). Specifically, the proposed lighting utilizes an appropriate decorative luminaire and mounting height, creates a total cutoff of light at less than 90-degrees from vertical, provides total cutoff of all light at the property line of the Project, and meets the maximum initial horizontal foot-candle level of not more than 8.0 foot-candles as measured directly below the luminaires at grade. To the extent that any subdivision signage is to be proposed, staff shall review any associated signage and sign lighting for consistency with MPSs **HPCC2.11** and **HPCC2.12**.

The project proposes underground utilities and is consistent with MPS **HPCC 2.13**.

AFFORDABLE HOUSING

The applicable Affordable Housing MPS for the Project is **AH1.2** (Ten-percent Requirement for Subdivisions of 10-plus Lots). Further, MPS **AH1.4** (Calculation of Affordable Units) stipulates that for the purposes of calculating the 10-percent affordable housing contribution, all numbers shall be rounded to the highest whole figure. Thus, to meet MPS AH1.2 for the proposed 23-lot subdivision, three (3) lots are required to be restricted for affordable housing purposes. It is suggested that, as a condition of any DRI approval, the Applicant work with Commission staff to designate a grantee qualified for affordable housing purposes to receive the donation of three (3) lots in the subdivision that are commensurate in size with the market rate lots, and are appropriately dispersed throughout and integrated into the subdivision. Additionally, as a condition of any DRI approval, staff recommends that the Commission require that the applicant deed the affordable lots to said qualified grantee prior to the commencement of the Project.

CONCLUSION

Commission staff recommends that, with appropriate conditions, the project complies with MPS's under the issue areas of Land Use, Water Resources, Wildlife & Plant Habitat, Waste Management, Open Space/Recreation, Community Character (HPCC Goal 2) and Affordable Housing, subject to subcommittee input. Additionally, the project must remain in compliance with the DRI Scoping decision, dated March 23, 2015, and all of its conditions.

Based the letter dated July 9, 2015 from Sandwich Town Planner, Blair Haney, Commission staff suggests that the project is consistent with Sandwich's LCP and municipal development by-laws. The required permits for this project will include:

- 1) Cluster Development Special permit from the Town of Sandwich Planning Board
- 2) Definitive Subdivision Approval from the Town of Sandwich Planning Board, including:
 - a. Demonstrate compliance with and/or obtain a waiver from the Town of Sandwich Subdivision Rules and Regulations due to Atkins Road being non-conforming to Section 4.B.3 which stipulates that "No street shall have a length where a condition of restricted access exists which is greater than 500 feet."

No local DCPC's apply to the project site. Town implementing regulations were neither adopted nor are in effect pursuant to the Cape-wide Fertilizer Management DCPC; thus consistency with such implementing regulations is inapplicable to the Project.

The subcommittee should discuss the probable project benefits relative to the probable project detriments, and their relative weight.

The Applicant characterizes the Project's benefits as:

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- 1) Easement to the Town of Sandwich Natural Resources Department to provide town staff access to adjoining conservation land.
- 2) The proposed project is located in a significant natural Resources Area. In accordance with the RPP, the applicant is required to provide open space at the rate of 2 to 1 in comparison to the development footprint. This corresponds to approximately 17.0 acres of open space for this development. The applicant is proposing to provide a total of 27.58 acres of open space. This is more than the required provision, and results in a ratio of 2.40.
- 3) Working with the Sandwich Water District, the developer is proposing to install a 12-inch water main under Route 6 to serve the proposed development. The proposed water main will extend water service from the Service Road on the south side of the highway to the proposed subdivision, and will be interconnected with the existing 12-inch water main at the terminus of Atkins Road. The water main will operate at a higher hydraulic grade line than the main in Atkins Road, and this will be hydraulically isolated by a closed gate valve. The interconnection will afford the Sandwich Water District redundancy in its water supply, as well as the potential to boost water pressures in the surrounding neighborhood, should the Sandwich Water District opt to install a pressure-reducing valve in the future. In the event of a fire, the District could back-deed the Atkins road hydraulic zone to increase pressures and water flow, which will significantly increase its ability to fight fires.
- 4) BDP WR 1.7 Use of Water-conservation Technologies – water conservation devices will be installed in all houses of the subdivision to achieve a 40% reduction of water use.
- 5) BDP WR1.8 Alternatives to Chemical Fertilizers and Pesticides – Organic fertilizers will be used to maintain plantings within the right of ways.
- 6) BDP WR1.9 Greater Protection of Groundwater/Surface water – the proposed development will result in a lower Nitrogen load than the 5 ppm standard.
- 7) BDP OS2.2 Provision of Recreation Areas – Walking trails and benches will be provided for passive recreation for residents of the subdivision within the open space land.
- 8) BDP HPCC 2.20 Underground Utilities/ Road Improvement Projects**(note: staff would suggest that this BDP is not applicable to the Project, and is not eligible for potential treatment as a project benefit. The intent of this BDP is to encourage projects undertaking work in road rights of way to relocate existing utilities underground. This Project does not propose to relocate existing utilities underground, and does not propose road work improvements outside the new roads proposed as part of the subdivision. In fact, MPS HPCC 2.13 requires that a project locate new utilities underground, which is proposed in the Project.*

Among other benefits and detriments the Subcommittee may want to consider, Staff suggests that the Subcommittee may consider the following additional benefit and detriments:

- 1) Benefit: The emergency access easement that connects to Marie Lane would allow for access and faster response time to the project Site and neighboring properties for first responders in the event of an emergency.
- 2) Detriment: The Project proposes a less compact road network and more changes to natural grade than would otherwise be proposed on a site with fewer topographic challenges of this site.
- 3) Detriment: The proposed emergency access easement and development associated with it would fragment rare species habitat areas of the Project's proposed open space.

If the Commission finds any of the above to be project benefits, it should consider imposing conditions, as appropriate, in any DRI approval to ensure that such benefits are realized.