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CAPE COD  
COMMISSION

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## DEVELOPMENT OF REGIONAL IMPACT EXEMPTION DECISION

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DATE: February 24, 2022

PROJECT: Horton's Campground and North Truro Camping Area (File No. 21010)

APPLICANT: A/C Mobile Home Park, Inc.  
c/o Donald P. Nagle, Esq.  
207 Front Street, Scituate, MA 02066

PROPERTY OWNER: A/C Mobile Home Park, Inc.

PROPERTY/SITE: 67 South Highland Road, Truro, MA 02666  
(Assessors Map 37; Parcel 15)  
10 Old Dewline Road, Truro, MA 02666  
(Assessors Map 37; Parcel 19)

TITLE REFERENCE: BCRD Book 26095, Page 3

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### SUMMARY

The Cape Cod Commission ("Commission") hereby grants Development of Regional Impact ("DRI") Exemption, with Conditions, to A/C Mobile Home Park, Inc. for the division of approximately 9.61 acres of land at 67 South Highland Road and 10 Old Dewline Road ("Property"; "Project Site") for land conservation and the conservation of state-listed species to Truro Conservation Trust, pursuant to a vote of the Commission at its meeting on February 24, 2022.

### FINDINGS

*The Cape Cod Commission hereby finds and determines as follows:*

- F1. The Applicant is proposing to subdivide approximately 9.61 acres of land into four (4) separate parcels from the Adventure Bound Campground at Horton's ("Horton's") currently equaling approximately 39.3 acres ("Project"). The parcels proposed to be divided are shown on the plan titled "Plan of Land AB Campground Mobile Home Park", dated

8/22/2016, labeled Mitigation Area "A" (6.49 acres), Mitigation Area "B" (1.06 acres), Mitigation Area "C" (1.40 acres), and Mitigation Area "D" (0.66 acres).

- F2. The Applicant submitted an application to the Truro Planning Board seeking endorsement of a Plan as Approval Not Required ("ANR") under the Subdivision Control Law to divide the parcels as described above. The Commission received a mandatory DRI referral for the Project from the Town of Truro on August 23, 2021.
- F3. The Project literally qualifies as a DRI because it meets or exceeds the DRI review threshold appearing in Section 3(c) of the Enabling Regulations Governing Review of Developments of Regional Impact, *Chapter A of the Code of Cape Cod Commission Regulations of General Application*, as amended November 17, 2021 ("Enabling Regulations"). Said Section 3(c) provides:
- "Any 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 [and is]...not otherwise exempted from review under Section 22(e) of the Act."*
- F4. Where a proposed development literally qualifies as a DRI, Section 12(k) of the Cape Cod Commission Act and Section 7 of the Enabling Regulations state:
- "Any applicant may apply to the Commission for an exemption from Commission review... where 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 municipality in which the development is to be located."*
- F5. The Applicant submitted a DRI Exemption application for the Project to the Commission on November 12, 2021. Following the submission of additional supporting materials, the application was determined to be complete on January 11, 2022.
- F6. The Committee on Planning and Regulation opened the hearing on the DRI Exemption application on February 10, 2022. At that hearing, the Committee on Planning and Regulation voted to direct staff to draft a Decision approving the DRI Exemption for consideration by the full Commission.
- F7. The Project Site is within the Cape Cod National Seashore, is mapped rare species (Eastern box turtle) habitat, BioMap2 Core Habitat, Critical Natural Landscape, and as Natural Areas Placetype under the 2018 Regional Policy Plan.
- F8. This division of land is required to comply with a Conservation Management Permit (CMP) issued by the Natural Heritage and Endangered Species Program (NHESP) in August 2021 for a take of eastern box turtle habitat associated with site work on the 39.3-acre +/- site for the construction and operation of a permitted wastewater treatment facility to serve Horton's and the North Truro Camping Area (also known as Adventure Bound Camping Resorts – Cape Cod, located at 46 Highland Road in Truro).
- F9. The Truro Conservation Trust will accept fee title conveyance by Quitclaim Deed of the four (4) parcels totaling approximately 9.61 acres for the purposes of natural resources conservation and the express purpose of conservation of state-listed species.

- F10. The location, character and environmental effects of the Project will prevent it having any significant impacts on the values and purposes specified under the Act.
- A. The Project is a division of land and does not propose any physical building or structural development work.
  - B. The subdivided parcels will be deeded to the Truro Conservation Trust for conservation purposes in perpetuity.
  - C. Conservation of the subdivided parcels will result in the permanent protection of 9.61 acres of rare species habitat, BioMap2 Core Habitat and Critical Natural Landscape
  - D. The Project is consistent with and advances values, goals and purposes of the Cape Cod Commission Act and the Regional Policy Plan relative to Wildlife and Plant Habitat and Open Space

## **CONCLUSION**

Based on the above Findings, the Commission hereby further finds and determines that, though the Project literally qualifies as a DRI, it may nonetheless be exempted from Commission DRI review because the Project will have no significant impacts on the values and purposes specified in Section 1 of the Cape Cod Commission Act outside of the municipality in which it is proposed due to the Project location, character, and environmental effects. As such, the Commission hereby grants the DRI Exemption requested by A/C Mobile Home Park, Inc. for the Project described herein, subject to the Conditions, below.

## **CONDITIONS**

- C1. This Decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant). Thereafter, pursuant to Section 12(k) of the Act, A/C Mobile Home Park, Inc. has three (3) years from the date of this written decision to exercise the right granted hereunder.
- C2. A copy of the Decision, when final and prior to commencement of the Project, shall be recorded with the Barnstable County Registry of Deeds.
- C3. A/C Mobile Home Park, Inc. shall provide the Cape Cod Commission a copy of the Quitclaim Deed as filed with the Barnstable County Registry of Deeds for the conveyance of lands as presented herein to the Truro Conservation Trust.
- C4. This Decision applies only to the division of land for conservation purposes as described herein. If further development that meets or exceeds the mandatory DRI Review thresholds under *Chapter A of the Code of Cape Cod Commission Regulations of General Application* is proposed on the Property, the development shall be referred to the Commission.

***SIGNATURE PAGE FOLLOWS***

**SIGNATURE PAGE**

Executed this 2<sup>nd</sup> day of March 2022

For the Cape Cod Commission by:



Harold Mitchell, Chair

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

March 2, 2022

Before me, the undersigned notary public, personally appeared Harold W Mitchell, in his capacity as Chair and on behalf of the Cape Cod Commission, whose name is signed on the preceding or attached 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 [X] personal knowledge of the undersigned.

SEAL



Notary Public

My Commission Expires: 10/09/2026