CAPE COD COMMISSION

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Date	February 18, 1999
To	Frederick and Sheila Jensen 487 Boxberry Hill Road East Falmouth, MA 02536
From	Cape Cod Commission
Re	Development of Regional Impact Exemption Cape Cod Commission Act, Section 12 (k)
Project	Boxberry Hill Road Subdivision
Applicant	Frederick and Sheila Jensen
Book/Page #	1779/160

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission hereby approves the application of Frederick and Sheila Jensen for a Development of Regional Impact Exemption, pursuant to Section 12 (k) of the Cape Cod Commission Act, c. 716 of the acts of 1989, as amended, for the Boxberry Hill Road Subdivision in East Falmouth, Massachusetts. The decision is rendered pursuant to a vote of the Commission on February 18, 1999.

PROJECT DESCRIPTION

The project involves the subdivision of 42± acre parcel into two lots consisting of a 1.84 acre lot and a 40± acre lot in East Falmouth between Route 151 and Boxberry Hill Road. A single family dwelling is proposed on the 1.84 acre lot.

PROCEDURAL HISTORY

The Town of Falmouth made a mandatory referral of the project to the Cape Cod Commission on January 28, 1999.

On February 18, 1999 a subcommittee of the Commission held a public hearing at the Gus Canty Recreation Center in Falmouth.

On February 18, 1999, the Commission held and closed a public hearing at the Assembly of Delegates Chambers in the First District Court House to consider the DRI Exemption, and voted to approve the request unanimously.

TESTIMONY

Jeff Jensen presented the project. Heather McElroy presented the staff report and discussed the draft decision. An abutter, Alan Alai, stated concern over segmented development, but did not oppose the construction of the house. The subcommittee voted to recommend to the full Commission that the DRI Exemption be granted.

MATERIALS SUBMITTED FOR THE RECORD

Materials submitted by the applicant

1. DRI Exemption application received 1/28/99.
2. DRI application received 1/28/99.
3. Plan entitled "Plan of Land, Boxberry Hill Road, Falmouth, MA," dated 1/20/99.

Materials submitted by the Cape Cod Commission

1. Commission staff report dated 2/12/99.
2. Letter from the Commission to Frederick Jensen dated 2/3/99.

Materials submitted by Town of Falmouth officials

1. DRI referral form and letter from Brian Currie, received 1/28/99.

Materials submitted by interested parties

1. Project Notification Form stamped by the Massachusetts Historical Commission, received 2/12/99.

The application and notice of the public hearing relative thereto, the Commission's staff report, exhibits, minutes of all hearings and meetings and all submissions received in the course of the proceedings, including materials submitted on file #TR99001 are incorporated into the record by reference.

JURISDICTION

The proposed Boxberry Hill Road Subdivision qualifies as a Development of Regional Impact under Barnstable County Ordinance 90-12, as amended, due to the proposed subdivision of 30 or more acres.

FINDINGS

1. The project involves the subdivision of an existing 42± acre parcel into a 1.84 acre lot and a 40± acre lot to accommodate a single family dwelling.

2. The 42± acre parcel is located within Significant Natural Resource Area (SNRA) due to the presence of unfragmented forested habitat. The parcel is located outside of estimated habitat for rare or endangered species.

3. The Commission finds that the project will likely not result in significant impacts to the regional road system, regional water supply, natural resources, historic or archaeological resources or other interests protected by the Cape Cod Commission Act.

4. The project will have no significant regional impacts on the values and purposes identified in the Cape Cod Commission Act outside of the Town of Falmouth due to the project's location, character, and environmental effects.

5. Any future development on the remaining 40± acre parcel shall be subject to Cape Cod Commission review as a DRI for consistency with the minimum performance standards of the Regional Policy Plan in effect at that time, including impacts pertaining to traffic, water, open space, affordable housing, or other interests protected by the Cape Cod Commission Act. Subsequent review of the remaining 40± acres as a DRI shall include the cumulative impacts of the development on the 1.84 acre parcel.

CONCLUSION

Given that the impacts of the proposed project are minor and that the location, character, and environmental effects of the project will not have significant regional impacts outside of the Town of Falmouth, the Commission hereby grants the DRI Exemption request.

Herbert Olsen 2/18/99

Herbert Olsen, Chair Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

subscribed and sworn to before me this 18th day of February 1999.

Katharine L Peters

Katharine L. Peters, Notary Public

My commission expires:

OFFICIAL SEAL
KATHARINE L. PETERS
NOTARY PUBLIC-MASS.
BARNSTABLE COUNTY
My Comm. Expires Nov. 19, 2004