CAPE COD
COMMISSION

Minutes
Committee on Planning and Regulation (CPR) Meeting
February 10, 2022

Tom Wilson, Chair called the Committee on Planning and Regulation meeting to order on Thursday, February 10, 2022 at 1:00 p.m. The meeting was conducted virtually using the Zoom meeting platform, with all members participating remotely as allowed pursuant to Chapter 20 of the Acts of 2021, an Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021. The Chair announced that all votes or actions would be taken by roll call vote and that the members participating would be announced as the roll call was taken. The Commission Clerk called the roll, and a quorum of members was established as follows:

Elizabeth Taylor (Chair)	Absent
Tom Wilson (Vice Chair)	Present
Harold Mitchell	Present
Jacqueline Etsten	Present
John Harris	Absent
Fred Chirigotis (Alternate)	Present

Summary of Actions Taken/Votes

- **Approval of Minutes:** The minutes of the January 13, 2022 Committee on Planning and Regulation meeting were approved
- **Horton's Campground N. Truro Camping Area:** The DRI Exemption was approved by the CPR and has directed staff to draft a decision for the Cape Cod Commission to approve

Minutes of January 13, 2022 Meeting:

Upon a motion to approve the minutes from January 13, 2022 meeting made by Jacqueline Etsten, seconded by Harold Mitchell, the motion carried. Roll call vote was as follows: Tom Wilson, Yes; Harold Mitchell, Yes; Jacqueline Etsten, Yes; Fred Chirigotis, Yes;

The Chair read the following hearing notice:

The Committee on Planning and Regulation will hold a virtual public hearing to take testimony and consider the following Development of Regional Impact (DRI) Exemption request application. The Committee will discuss the Project and may take a vote to make a recommendation to the full Commission on its decision.

Project: Horton's Campground N. Truro Camping Area (CCC File No. 21010)
Project Applicant: A-C Mobile Home Park, Inc.

DRAFT

Project Location:	10 Old Dewline Road and 67 South Highland Road, Truro, MA 02562 (Assessors Map 37 Parcel 19 and Map 37 Parcel 15)
Project Description:	Division of land totaling 38.64 acres in common ownership to convey a total of 9.61 acres, in four separate lots, to the Truro Conservation Trust

The Chair asked for the Applicant's presentation on the request.

Donald Nagle, the Attorney representing A-C Mobile Home Park, Inc. requesting exemption from DRI review by the Cape Cod Commision for the above project and introduced Robert Singleton, CFO, A-C Mobile Homes. Mr. Nagle stated that A-C Mobile is the owner of a recreational campground comprised of 38.64 acres know as Adventure Bound Campground and Hortons Campground and located within the National Seashore and in operation for at least 50 years and is comprised of 218 campsites as shown on the map and pointed out the location of the state required wastewater facility. He also shared a satellite image of the campground.

He explained that when A-C Homes purchased Hortons Campground in 2012, the Town of Truro notified them that they must upgrade the existing sanitary sewer system to comply with MA standards for treatment of sewage prior to groundwater discharge. A-C Homes retained a permit, from Mass DEP which required the construction of a wastewater treatment facility. The construction of this facility resulted in the alteration of habitat for the Eastern Box Turtle and triggered a requirement to comply with Mass Rare and Endangered Species Program. The applicant applied and was an issued a conservation and management permit requiring mitigation for the alteration of turtle habitat. This mitigation included donation of 9.61 acres comprising of 4 parcels within the 38-acre A-C Mobile Park. The proposal is to transfer that property to the Truro Conservation Trust which has agreed to accept the transfer of 9.61 acres and to keep that property protected from development He explained that the conveyance of land would be subject to an easement held by A-C Mobile Home Park to continue to maintain and operate the well. He reviewed the mitigation areas which are outside the active campground and adjacent to the Cape Cod National Seashore providing land for turtle habitat consistent with the objectives of the Cape Cod National Seashore. He stated that the requirement under the Fish and Wildlife Permit requires this conveyance. The conveyance requires approval by the Truro Planning Board and has been presented to the board. Since the conveyance is more than 30 acres of land, it triggers the threshold for a mandatory review as a DRI by the Cape Cod Commission. Mr. Nagle applied for an exemption from a DRI review given the nature of the conveyance which proposed to convey the land to the Truro Conservation Trust protecting it from development in perpetuity. He believes that this circumstance does satisfy the legal standard for exemption from DRI review. The location, character and environment effects of the development will prevent it from having any significant impacts on the resources, values and purposes protected by the ACT outside the municipality in which the development is to be located. A-C Homes believes that the standard has been met because the conveyance as required by the CMP permit is designed to mitigate alternations to turtle habitat by protecting it from further development. Therefore, we ask that you grant a request for an exemption from DRI review.

The Chair thanked Attorney Nagle for his presentation and asked for staff comments.

Jordan Velozo stated that the project triggered mandatory DRI review because it proposed to divide parcels of land totaling over 30 acres. The referral came from the Truro Planning Board therefore the CCC jurisdiction is limited to that division of land. The subdivision is required to comply with a conservation and management permit issued by National Heritage and Endangers Species Program

for a take on the Eastern Box Turtle Habitat associated with the site work for the permitted wastewater treatment facility described by the applicant. Under the ACT and regulations to grant this exemption, you would have to find that the development would not have any significant impacts on the values and purposes protected by the ACT outside the municipality where it will be located. Factors to consider as you review the request, are that this project is a division of land and doesn't propose physical building or structural development work. The subdivided parcels will be deeded to the Truro Conservation Trust for conservation purposes and perpetuity. Staff's review of the development, the division of land is consistent in in values and purposes of the Commission Act and the RPP, particularly relative to wildlife, plant habitat and open space. If after discussion and public comment you conclude that the development is appropriate for an exemption, you can direct staff to draft a decision and bring this exemption to the full commission.

The Chair thanked Ms. Velozo for her comments asked for comments/questions from the members.

There were no comments from the members.

The Chair asked for public official comments.

There were no comments

The Chair asked if members of the public had any comments.

Paul Kiernan stated that although he is a member of the Truro Planning Board, he is not speaking for the board. He stated that he would like the Commission to consider is that currently the Property is currently 36+ acres and by the gift to the Truro Conservation Trust, it will be less that 30 acres and any further development on the property will no longer be referred to the Cape Cod Commission. If they wish to divide the property currently, into single family home lots, within the 3-acre minimum within the seashore, the CCC would say 1/2 should be in conservation which would leave them a total of 4 home lots. When it is less than 30 acres and A-C Homes decides to divide into home lots it would allow them to have 9 home lots on the property. He understands that Hortons/A-C Homes will be allowed to have a septic system to treat the waste from the 2 locations, his question is will it be limited to the people who stay at the campground, or will it end up as a dumping ground for all RV's that come to the Outer Cape?

Bob Singleton responded and stated that the sewer system will be a state of art system likely the best system on Cape Cod and the sole purpose is to serve the guests at the Campground. He added that with concern that we are somehow doing this to set up to alter the use. He said that they are in the camping business. He said the sole purpose in the division of the property was to settle their dispute with National Heritage and have been working very hard over the years to get things cleaned up, get the sewer plant going and restore the upper area. He said that there are no tricks trying to be played--they are simply trying to get back to running their business and serving their guests.

Ms. Velozo added that this exemption from DRI Review is specific to this division of land, which means that we are only able to make a decision on that division and don't have control over any development that goes on the property. However, if there is development proposed on the property in the future that exceeds a threshold for mandatory development of Regional Impact review, that development would need to be referred to the commission and staff could include a condition to that affect as part of the exemption decision if that was a concern.

Mr. Kiernan thanked everyone for their time and the work that we do.

The Chair closed public comment period and asked if members had any comments.

There were no comments

The Chair asked for a motion.

Upon a motion to recommend approval of the DRI Exemption Request and direct staff to draft a decision for the Cape Cod Commission to approve this request as presented by Jacqueline Etsten, seconded by Fred Chirigotis, the motion carried. Roll call vote was called as follows: Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; Fred Chirigotis, Yes

Upon a motion to continue the public hearing to the February 24, 2022 Cape Cod Commission meeting by Jacqueline Etsten, seconded by Fred Chirigotis the motion carried. Roll call vote was called as follows: Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; Fred Chirigotis, Yes

New Business

There was no new business

Meeting Adjournment

The Chair asked for a motion to adjourn.

Upon a motion to adjourn the meeting at 1:28 p.m. made by Harold Mitchell, seconded by Fred Chirigotis, the motion carried. Roll call vote was as follows: Tom Wilson, Yes; Jacqueline Etsten, Yes; Harold Mitchell, Yes; Fred Chirigotis, Yes

Documents used at the February 10, 2022 meeting

- Committee on Planning and Regulation Agenda, February 10, 2022
- DRAFT Minutes of the Committee on Planning and Regulation, January 13, 2022
- Staff Report
- Meeting Power Point prepared by Cape Cod Commission Staff

Approved by the Committee on Planning and Regulations on:_____