TO: Town Clerk, Building Inspector, Planning Board
FROM: Lisa Dillon, Commission Clerk
SUBJECT: CYCC/WCT Land Division
Development of Regional Impact Exemption Decision
CCC File No. 20046
DATE: April 21, 2020

Enclosed please find a copy of the Development of Regional Impact Exemption Decision for the CYCC/WCT Land Division project that was approved by the Cape Cod Commission's on Thursday, April 16, 2020.

Should you have any questions, please do not hesitate to contact our office.
DECISION OF THE CAPE COD COMMISSION

Date: April 16, 2020

Re: Development of Regional Impact (DRI) Exemption
Cape Cod Commission Act, Section 12(k)/ DRI Enabling Regulations, Section 8

Project: CYCC/ WCT Land Division
(Commission File No. 20046)

Property: 680 Chequessett Neck Road, Wellfleet 02667
(Town Assessors Map 19 Parcel 81)

Applicants: Chequessett Yacht and Country Club Trust
Wellfleet Conservation Trust
c/o Eliza Cox, Esq., Nutter, McClennen & Fish LLP
1471 Hyannough Road, P.O. Box 1630 Hyannis, MA 02601

Title Reference: Land Court Certificate of Title No. 78460; Lot 57, Land Court Plan 10669-10

FINDINGS

The Cape Cod Commission ("Commission") finds and determines as follows:

1. The Chequessett Yacht and Country Club (CYCC) sits on approximately 105 acres, all of which is currently owned by the co-applicant hereunder Chequessett Yacht and Country Club Trust (CYCCT) and situated on the north and east sides of Chequessett Neck Road in Wellfleet.

2. This CYCC land is composed of a number of contiguous parcels. One of the constituent parcels is approximately 79.17 acres (Property).

3. CYCCT proposes to divide the Property resulting in three new parcels of approximately 59.17 acres, 18.51 acres and 1.69 acres.
4. The land division is depicted on the “Approval Not Required” plan (submitted to the Commission in support of the current request) entitled “Plan showing a Division of the Remainder of Lot 57, LCP 10669-10, #680 Chequessett Neck Road, Wellfleet, MA, prepared for the Chequessett Yacht and Country Club Trust Ctf. #78460,” prepared by Outermost Land Survey, Inc., dated November 10, 2019, represented as Sheet 1 of 2. (ANR Plan)

5. The division is for land conveyancing purposes. To facilitate the land division and conveyancing, CYCCT proposes to submit the ANR Plan to the Wellfleet Planning Board for endorsement pursuant to MGL Ch. 41 ss. 81L and 81P. The ANR Plan would then be filed with the Land Court for approval and registration.

6. The 50.17 acre ‘remainder’ parcel (Lot 85 on the ANR Plan) would be retained by CYCCT; the 18.31 acre parcel (Lot 83 on the ANR Plan) would ultimately be conveyed to co-applicant hereunder Wellfleet Conservation Trust (WCT) to hold for purposes consistent with its conservation and open space mission; and the 1.69 acre parcel (Lot 84 on the ANR Plan) would be conveyed to the abutter to annex to her property, subsequently subject to an MGL Ch. 184 ss. 31-33 Conservation Restriction that would be held by the WCT.

7. WCT is a 501(c)(3) private not-for-profit organization established to assist and promote the preservation of natural resources and rural character of the town of Wellfleet, with a mission to conserve land in its natural state in perpetuity for enjoyment by current and future generations.

8. The Property is undeveloped and has ecological value and sensitivity. It contains wetlands, forest, abuts an Area of Critical Environmental Concern (ACEC), is mapped for BioMap2 Critical Natural Landscapes, and is adjacent to the Herring River and the Mill Creek sub-basin of the Herring River Estuary system.

9. The proposed land division/endorsement of the ANR Plan literally qualifies as a Development of Regional Impact (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 April 19, 2018 (“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."

10. Where proposed development, including land division, literally qualifies as a DRI, Section 12(k) of the Cape Cod Commission Act and Section 8 of the Enabling Regulations allow “any applicant to apply to the Commission for an exemption from Commission review 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 municipality in which the development is to be located...”

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11. The Co-Applicants CCYCT and WCT submitted a DRI Exemption Application and supporting materials to the Commission, dated February 25, 2020, for the proposed land division.

12. The Commission held a duly-noticed hearing on April 16, 2019 to review the DRI Exemption request, and voted at the hearing to grant the requested DRI exemption.

13. The location, character and environmental effects of the proposed land division will prevent its having any significant impacts on the values and purposes specified under the Act, and in fact, the proposal is consistent with and advances values, goals and purposes of the Cape Cod Commission Act and the Regional Policy Plan relating to conservation, Open Space and natural resource protection. There are no significant development effects from the proposed land division because no physical development is proposed at this time, and the conveyance of land as proposed would eliminate development potential in the Property.

CONCLUSION

Based on the above Findings, the Commission hereby grants the requested DRI Exemption, and Town of Wellfleet officials may issue permits, approvals and the like (including endorsement of the ANR Plan) for the proposed division of the Property as described herein, subject to the Conditions, below.

CONDITIONS

1. Pursuant to Section 12(k) of the Cape Cod Commission Act, as amended, the rights granted hereunder may be exercised within three (3) years from the date of this written decision.

2. This Decision shall be filed with the Barnstable Registry District of the Land Court.

3. The Applicants shall provide the Cape Cod Commission copies of the following as filed with the Barnstable Registry District of the Land Court:
   - The endorsed ANR Plan;
   - The Deed in fee simple to WCT for Lot 83/ the approximate 18 acre parcel depicted on the ANR Plan.

(SIGNATURE PAGE follows)
Executed this 16th day of April 2020.

For the Cape Cod Commission by:

[Signature]

[Print Name and Title]

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

April 16, 2020

Before me, the undersigned notary public, personally appeared __________, 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 in his/her capacity as ________ of the Cape Cod Commission. 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.

[Notary Public]

[Seal]

[Notary Public]

[Seal]

[Notary Public]

[Seal]