



Kristy Senatori, Executive Director
Cape Cod Commission
3225 Main Street
Barnstable, Massachusetts 02630

August 23, 2021

Dear Kristy,

This letter is a follow up to our call with your staff to discuss how recreational lands are regulated in terms of open space mitigation. We appreciated the time and thought your staff put into preparing for the discussion. We agreed to come back with some recommended changes to the Open Space Technical Guidance; these are attached.

Cape Cod residents are lucky to have the Cape Cod Commission, whose unique oversight and regulatory authority is critical to the long-term health of our communities, economy, and environment. The forward-thinking Regional Policy Plan is a strong blueprint for the future. We know the world around us is always changing, from development trends to climate trends. Therefore, the Commission's Plan and its technical documents regularly adapt as well. The recent work on climate change is a good example.

Now, recent trends in development point to recreational lands as the next favorite place for development, from Falmouth to Barnstable to Yarmouth and beyond. These properties have been at risk for years (see attached perceived open space tables) but only now are current development pressures targeting them. It is critical to address this new trend from a land use regulatory perspective before we lose the places that make the Cape special.

We look forward to hearing your respond to our recommendations.

Sincerely,

Janet Milkman
Executive Director

Cc: Heather McIlroy
Erin Perry
Jessica Rempel

Attachments



Proposed Changes to the Cape Cod Commission's Requirements for Open Space Preservation for Developments on Recreational Open Space

The value of preserving open space for recreational uses is clearly recognized in the Commission's Open Space Technical Bulletin and Regional Policy Plan. One of the eight purposes of the Commission is "the preservation of historical, cultural, archaeological, architectural, and recreational values." The open space protections focus primarily on the preservation of undeveloped, natural lands used for passive recreation. However, other recreational lands such as soccer and baseball fields, golf courses, campgrounds, horse stables, summer camps and other similar facilities also provide significant open space benefits to the Cape Cod community.

We recommend a series of changes to the Commission's Open Space Technical Bulletin to clarify the values of recreational lands, and to establish clearer guidelines on the open space preservation requirements for projects submitted to the Commission for a Development of Regional Impact (DRI) permit or a Development Agreement. An outline of the proposed changes, with comments on the rationale for the changes is provided below:

1. Add a definition for recreational open space. The first objective discussed in the Open Space Technical Bulletin is to "protect and preserve natural, cultural and recreational resources." The value of recreational resources should be further defined to include both passive recreation in undeveloped, natural lands, and active recreation lands such as those identified in the Compact of Cape Cod Conservation Trust's 2006 Perceived Open Space report attached.
2. Clarify the definition of disturbed areas used in evaluating the extent of existing development for a proposed new project on property that is currently developed. The Open Space Technical Bulletin states that "in redevelopment projects, landscaped areas adjacent to existing buildings or parking may be considered as already disturbed area and excluded from the Area of Development Impact." We have received different opinions on how this definition of landscaped areas applies to a recreational field or golf course, with one opinion being that an entire golf course should be considered developed land and could be redeveloped without any open space requirements. The landscaped areas adjacent to existing buildings or parking lots should be limited to small areas such as a vegetated space between parking lanes, or a lawn between a parking lot and a building. Existing recreational areas should not be considered in the same manner. Perhaps the definition could limit the size or type of landscaped areas considered disturbed lands.

3. Establish open space preservation requirements for new developments proposed on recreational open space. The Open Space Technical Bulletin establishes open space protection requirements for developments based on the place type where a development is proposed. For example, a 1:1 requirement for open space protection is required for developments within suburban development areas. The open space requirement for a development can be reduced by 20% if the development land is not within a critical area or if the land proposed for permanent protection is not of high ecological value. Recommendation: Properties proposed on existing recreational open space should meet the open space requirement based on the place type in which they are located, with a 20% reduction in the amount of land area that needs to be permanently protected, i.e., a 0.8:1 ratio.

Appendices:

2006 Top Properties Rec Lands and Similar, Compact of Cape Cod Conservation Trusts
Rec & Other OS, 2006, Compact of Cape Cod Conservation Trusts

August 23, 2021

**CAPE COD PERCEIVED OPEN SPACE PROJECT
SUMMARY TABLES**

	AGRICULTURAL		RECREATIONAL		INSTITUTIONAL		OTHER		TOTALS	
	Acres	Assessed Value	Acres	Assessed Value	Acres	Assessed Value	Acres	Assessed Value	Acres	Assessed Value
Barnstable	687.19	\$12,932,000	712.07	\$71,647,100	124.16	\$16,531,600	0.00	\$0	1,523.42	\$101,110,700
Bourne	255.13	\$4,147,320	348.54	\$18,200,150	43.23	\$6,594,200	0.00	\$0	646.90	\$28,941,670
Brewster	284.27	\$4,567,240	433.10	\$19,432,780	100.47	\$5,440,700	0.00	\$0	817.84	\$29,440,720
Chatham	58.23	\$1,230,915	136.48	\$18,125,900	18.27	\$7,853,600	0.00	\$0	212.98	\$27,210,415
Dennis	36.85	\$63,850	59.52	\$3,662,400	8.20	\$1,766,500	0.00	\$0	104.57	\$5,492,750
Eastham	35.40	\$2,645,710	48.90	\$3,343,570	0.00	\$0	0.00	\$0	84.30	\$5,989,280
Falmouth	476.54	\$9,451,424	845.19	\$27,261,469	345.69	\$37,695,850	33.75	\$5,439,600	1,701.17	\$79,848,343
Harwich	297.47	\$5,673,030	162.76	\$8,094,510	5.80	\$241,100	0.00	\$0	466.03	\$14,008,640
Mashpee	36.83	\$125,010	808.65	\$66,189,900	145.52	\$6,793,800	0.00	\$0	991.00	\$73,108,710
Orleans	68.91	\$10,522,830	397.09	\$20,959,190	0.00	\$0	11.20	\$3,984,600	477.20	\$35,466,620
Provincetown	0.00	\$0	23.45	\$3,362,000	9.51	\$654,900	0.00	\$0	32.96	\$4,016,900
Sandwich	650.70	\$11,035,100	811.96	\$49,093,100	175.22	\$32,837,300	0.00	\$0	1,637.88	\$92,965,500
Truro	80.13	\$3,031,860	115.28	\$4,920,800	0.00	\$0	0.00	\$0	195.41	\$7,952,660
Wellfleet	2.97	\$312,600	120.20	\$3,133,100	0.00	\$0	0.00	\$0	123.17	\$3,445,700
Yarmouth	175.67	\$605,100	612.93	\$9,046,600	83.55	\$3,023,700	0.00	\$0	872.15	\$12,675,400
CAPE TOTALS	3,146.29	\$66,343,989	5,636.12	\$326,472,569	1,059.62	\$119,433,250	44.95	\$9,424,200	9,886.98	\$521,674,008

Capewide by Land Use:	Acres	Assessed Value	
			<i>per acre</i>
Private Golf Courses	2,678.75	\$178,304,588	\$66,563
Cranberry Bogs	1,900.55	\$23,657,354	\$12,448
Children's Camps	1,259.42	\$56,729,100	\$45,044
Other Agricultural Lands	963.65	\$29,529,119	\$30,643
Fish and Game Clubs	614.95	\$9,028,610	\$14,682
Campgrounds	428.21	\$27,585,781	\$64,421
Private Nature Study Lands	426.44	\$30,201,490	\$70,822
Educational Org. Lands	382.50	\$41,380,600	\$108,185
Other Institutional Lands	325.63	\$41,836,100	\$128,477
Religious Org. Lands	274.95	\$33,040,650	\$120,170
Forest Lands	193.16	\$10,395,096	\$53,816
Other Recreational Lands	137.76	\$20,881,230	\$151,577
Equestrian Lands	90.59	\$3,741,770	\$41,304
Nursery Lands	88.93	\$2,762,440	\$31,063
Historical Org. Lands	76.54	\$3,175,900	\$41,493
Other Lands	44.95	\$9,424,200	\$209,660

PERCEIVED OPEN SPACE ON CAPE COD
PRELIMINARY ANALYSIS, April 2006

Most Significant Private Properties, by Category

Private Golf Courses

1. Willowbend, Mashpee, 236 acres
2. New Seabury, Mashpee, 213 acres
3. Hyannisport Club, Barnstable, 156 acres
4. Wianno Club, Barnstable, 148 acres
5. CC Country Club, Falmouth, 147 acres
6. Oyster Harbors, Barnstable, 138 acres (protected by conservation restriction)

Cranberry Growers (*privately-owned lands, not including leases of town bogs*)

1. Brian Handy, Falmouth, 254 acres
2. James Jenkins, Barnstable and Harwich, 184 acres
3. Richard Canning, Sandwich, 122 acres
4. Arthur Handy, Bourne, 98 acres

Farms

1. Windstar Farm, Sandwich, 228 acres (fallow; protected by agricultural restriction)
2. Tony Andrews Farm, Falmouth, 35 acres (pumpkins, strawberries, farmstand)
3. Perry Farm, Truro, 31 acres (chickens; plus, 38 acres of marsh)
4. Tobey Farm (Fishler), 28 acres (pumpkins, vegetables, flowers, farmstand)

Managed Forests (Ch. 61)

1. Grover, Brewster, 36 acres
2. Fellers, Eastham, 35 acres (on Cape Cod Bay)
3. BBJ Cranberry Trust, Brewster, 32 acres (plus 27 acres bog/woods; Town to buy?)
4. Hamilton, Orleans, 25 acres (former sailing camp on Pleasant Bay)

Sportsmens' Clubs

1. Bass River Rod and Gun Club, Yarmouth, 160 acres (protected by conservation restriction)
2. Cape Cod Beagle Club, Falmouth, 149 acres, (protected by conservation restriction)
3. Falmouth Rod and Gun Club, 130 acres, (protected by conservation restriction)

Horse Farms

1. Maushop Stables, Mashpee, 30 acres (owned by Wampanoag Tribal Council)
2. Sea Flash Farm, Barnstable, 26 acres (abuts major town conservation area)

Campgrounds

1. Highland Campground, Truro, 57 acres (proposed for purchase by National Park Service)
2. Sweetwater Forest, Brewster, 56 acres
3. Bayview Campground, Bourne, 45 acres

Summer Childrens' Camps

1. Camp Greenough, Yarmouth, 367 acres (Boy Scouts; half protected by restriction)
2. Camp Burgess/Hayward, Sandwich, 322 acres (YMCA)
3. Camp Good News, Sandwich, 187 acres (Christian camp)
4. Cape Cod Sea Camps, Brewster, 125 acres (on CC Bay and Long Pond)

Religious Lands

1. Corpus Christi Catholic Church, Sandwich, 38 acres (surplus woods abuts town conservation)
2. St. Patrick's Catholic Church, Falmouth, 36 acres (buffer zone to Coonamesett River)
3. Our Lady of the Cape, Brewster, 28 acres (surplus woods abuts town conservation)
4. Roman Catholic Church, Rt. 137, Chatham, 4 acres (all woodland along Rail Trail)

Institutional Lands

1. Woods Hole Oceanographic, Falmouth, 143 acres (excluding parcels of buildings)
2. Heritage Plantation, Sandwich, 92 acres
3. County Fairgrounds, Falmouth, 83 acres (not owned by County)