

BARNSTABLE COUNTY ASSEMBLY OF DELEGATES

In the Year Two-Thousand-Three

Ordinance 03-15

To amend the boundary of the Quivet Neck/Crowe's Pasture District of Critical Planning Concern, Dennis, Massachusetts, pursuant to the Cape Cod Commission Act.

Barnstable County hereby ordains:

SECTION 1.0 SOURCE OF AUTHORITY AND GENERAL PURPOSES

As authorized by Sections 10 and 11 of the Cape Cod Commission Act, the Cape Cod Commission ("Commission") hereby proposes to amend the boundaries of the Quivet Neck/Crowe's Pasture District of Critical Planning Concern ("District" or "DCPC"). The District was designated by Barnstable County Ordinance 02-04 on March 20, 2002. The purpose of the District is protection of natural resource interests including unfragmented forest habitat, rare plant and wildlife habitat, vernal pools, freshwater and saltwater wetlands, coastal plain pondshores, aquaculture, shellfish beds and wildlife corridors; protection of historic and archaeological resources including Native American settlement areas and the character of the rural landscape; protection of groundwater quality and water quality in Cape Cod Bay, Quivett Creek, and freshwater ponds; to maintain scenic views from Cape Cod Bay and beaches, Route 6A and the town of Brewster; to maintain scenic views of pondshores; to encourage the continued and future use of land within the District for open space and passive recreational purposes; and to manage growth in a manner that is compatible with the resource protection goals of the District.

SECTION 2.0 EFFECTIVE DATE

This ordinance shall take effect upon the effective date of this Ordinance or upon recording of this Ordinance at the Barnstable County Registry of Deeds, whichever occurs later.

SECTION 3.0 DESCRIPTION OF THE BOUNDARY AMENDMENT

The Quivet Neck/Crowe's Pasture District of Planning Concern (DCPC) is generally bounded on the southeast by Quivett Creek and on the north by Cape Cod Bay. The westerly boundary abuts parcels that are adjacent to Sea Street, Coles Pond Drive, Dalton Lane and South Street. The proposed boundary amendment would exclude two parcels of land consisting of four acres (Parcel 1, 400' x 400') in the southwest corner of the District and .32 acres (Parcel 2, 30' x 466') on the southwest boundary as illustrated on the attached Official Boundary Map.

SECTION 4.1 REASONS FOR THE BOUNDARY AMENDMENT

Barnstable County Ordinance 02-04 identifies threats to resources within the Quivet Neck/Crowe's Pasture DCPC from potential development. These resources include natural resources and open space; archaeological/cultural resources; water resources; coastal resources and scenic character. Based on potential threats to these resources, the Barnstable County Ordinance 02-04 was adopted to allow the Town to plan and zone for appropriate development that respects the capacity of the area and that will preserve or maintain values and resources intended to be protected by the Act.

The Town of Dennis has entered into a Purchase and Sale Agreement with private sellers whereby the Town will purchase 33 acres of a 37-acre parcel of environmentally, historically, culturally and visually significant land.

Although the resource value of a majority of the 37-acre parcel is significant, including visual, historic and natural resources, the westernmost portion (containing Parcel 1 as identified on the attached Official Boundary Map) has less resource value. It is not located in critical habitat area, or in an area of high archaeological or historic sensitivity. The parcel is located within the Scenic Vista Overlay District, but would be shielded from view for most of the year by mature trees on the cemetery property, as well as a front yard setback of 150 feet, which is required as a condition of the purchase.

Parcel 2 (as identified on the Official Boundary Map) is located on the southwest boundary of the DCPC. The strip would be subject to a conservation restriction that would allow limited uses to occur.

With approved DCPC implementing regulations in place, 12 houses could be constructed on the 37 acres. If the Town acquires the property, two houses would be constructed and the remainder of the land will be permanently protected.

The proposed Town acquisition of the 33-acre parcel will better protect the purposes of the District than would DCPC Implementing Regulations alone. The proposed boundary modification is reasonably related to the purposes of the District and is consistent with Barnstable County Ordinance 02-04. The package of DCPC Implementing Regulations, land acquisition and boundary modification are consistent with the purposes of the District as originally proposed.

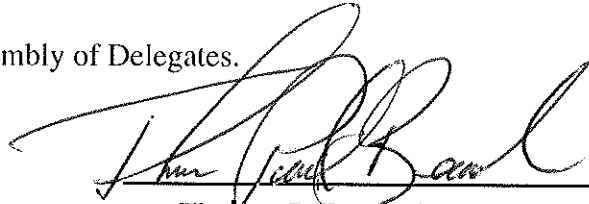
4.2 REGULATORY FRAMEWORK

Parcel 1 will be subject to the Town's existing regulatory framework, including the Dennis Zoning Bylaws, Subdivision Rules and Regulations, Wetlands Regulations, Old Kings Highway Historic District Regulations, and Dennis Board of Health Regulations.

Parcel 2 will be subject to a conservation restriction allowing limited uses.

The area within the DCPC boundary will be subject to DCPC implementing regulations.

Adopted on July 16, 2003 by the Assembly of Delegates.



Thomas P. Bernardo, Speaker

Approved by the Board of County Commissioners, JUL 23 2003 at, 10:01 AM.
Date Time



