

# CAPE COD COMMISSION

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DATE: December 19, 1991 EX# 91086

TO: Peter Place Cook  
Quail Hollow, Route 130  
Sandwich, MA. 02563

FROM: Cape Cod Commission

RE: Development of Regional Impact Exemption Application  
Cape Cod Commission Act, Section 12(k)

APPLICANT: Peter Place Cook

PROJECT: The subdivision of land to create an additional house lot  
Map 43, Parcel 1 (Quail Hollow), Sandwich, MA.

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of Peter Place Cook, for a Development of Regional Impact Exemption under Section 12 (k) of the Commission Act (the Act), c. 716 of the Acts of 1989, as amended for the establishment of a single family house lot. The decision is rendered pursuant to the vote of the Commission on December 19, 1991.

### PROJECT DESCRIPTION

The site is located on Route 130 (Water Street) in Sandwich, across the street from the Wing School, south of the town center. The wooded site contains a single family house, barn and outbuildings. The portion of the property that the two acre lot is being created from is thirty nine acres. The two acre lot contains some wetlands (13, 400 sq.ft.) in the southwest corner of the property. The applicant has request an exemption for a single family house to be constructed on the two acre lot to be created.

### PROCEDURAL HISTORY

A DRI Exemption application was filed by the applicant on October 31, 1991. The public hearing was opened and closed on December 13, 1991. The subcommittee report was presented to the full

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Commission on December 19, 1991.

### **MATERIALS SUBMITTED FOR THE RECORD**

**A. Materials submitted by the applicant:**

1. A DRI Exemption Application October 31, 1991

**B. Materials submitted by the Town:**

1. Comments from the Planning Board November 12, 1991

**C. Materials submitted by the public:**

1. A letter from Frances H. Smith December 9, 1991

The Commission also received oral testimony from public officials and members of the public as described in the minutes of the subcommittee public hearing dated December 13, 1991.

The application and notice of public hearings relative thereto, the Commission's staff's reports, notes and exhibits, minutes of all hearings and all written submissions received in the course of the proceedings are incorporated into the record by reference.

### **JURISDICTION**

The proposed project qualifies as a Development of Regional Impact under Section 12(c)(4) "Any development which proposes to divide land of fifteen acres or more which was in common ownership as of January 1, 1988 and which was the result of an earlier subdivision within the last seven years".

### **FINDINGS**

The Commission has considered the Development of Regional Impact Exemption application of Peter Place Cook, for the proposed subdivision of land for the creation of an additional house lot. Based on consideration of such application, the information presented and Commission staff recommendations, the Commission makes the following findings pursuant to Sections 12 and 13 of the Act:

1. The site is not within a critical wildlife or plant habitat area as defined by the Massachusetts Natural Heritage and Endangered Species Program.
2. The site is not within a Water Resource Protection Area. The lot is approximately 600 feet from Shawme Lake. The proposal does not present a significant impact to the regional water resources of Cape Cod.
3. Section 2.3.1.2 of the Regional Policy Plan requires a 100' wetlands buffer from the edge of all coastal and inland wetlands. No construction is proposed within this buffer area.

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4. The proposed single family residence could be expected to produce approximately ten trips a day (five in /five out) and one trip during the peak hour. Such a development would not present significant regional transportation impacts under Section 4.1 of the RPP.

5. Section 5.1.1 of the RPP states that *affordable housing shall be encouraged in all areas that are appropriate for residential...development*. Section 5.1.3 of the RPP also requires that *residential developments of ten or more lots provide at least 10% of the proposed lots as affordable sites*. While the proposed project does not include provisions for affordable housing, the applicant proposes just one additional lot. Therefore, the proposed project does not represent a significant impact on available housing supply in the Town of Sandwich.

6. The property is within The Old Kings Highway Regional Historic District. Therefore, concerns of building design, height, scale and architectural style can be addressed by the Historic District Commission.

7. The Town of Sandwich has not yet developed it's local comprehensive plan.

8. The Zoning By-law of the Town of Sandwich allows the proposed use by right.

9. At this time there are no Districts of Critical Planning Concern in Sandwich. Therefore, this review standard is not applicable to the application.

10. The applicant's proposal to create one new lot at this time will result in more limited impacts to the property than would result from full build-out of the site under existing zoning.

11. If the remainder of the property is subdivided in the future, issues including but not limited to transportation, natural resources and affordable housing will be reviewed at that time.

### CONCLUSION

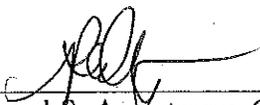
Based on the findings above, the Cape Cod Commission hereby concludes:

The location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by this act outside of the municipality (Sandwich) in which the development is to be located. This conclusion is supported by finding(s) #1, 2, 6 and 10 listed above.

The application is consistent with the Commission's Regional Policy Plan. This conclusion is supported by finding(s) # 3, 4, 5 and 7 listed above.

The application is consistent with local development by-laws. This conclusion is supported by finding # 8 listed above.

The Commission hereby approves the Development of Regional Impact Exemption Application for Peter Place Cook, pursuant to Section 12(k) of the Act.

  
Richard S. Armstrong, Chairman

12/19/91  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 19<sup>th</sup> day of Dec 1991.

Katharine G Peters  
Name, Notary

My Commission Expires December 5, 1997

My Commission Expires: \_\_\_\_\_  
Date