



CAPE COD COMMISSION

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DATE: January 4, 1996 TR# 95009

TO: Verbon Trust, Mr. Daniel Striar, Trustee
P.O. Box 271
225 Plymouth Street
Middleborough, MA. 02346

Carl W. Oaks
P.O. Box 1094
East Dennis, MA. 02641

FROM: Cape Cod Commission

RE: Development of Regional Impact
Chapter A, Section 3 (c) & (d), Barnstable County Ordinance 94-10.

PROJECT: The "Round Hill Estate" Definitive Subdivision in Sandwich
Massachusetts, dated November 1, 1994.
Project address: 302 Quaker Meetinghouse Road, Sandwich.

BOOK/PAGE: Deed Book 5364 Page 68
Deed Book 5067 Page 281
Deed Book 6317 Page 183
Deed Book 4575 Page 120, Parcel 1, Lot 2
Deed Book 4575 Page 120, Parcel 1, Lot 3
Deed Book 4575 Page 120, Parcel 2
Deed Book 4575 Page 120, Parcel 3, 1st piece
Deed Book 4575 Page 120, Parcel 3 2nd piece
Deed Book 6028 Page 203
Deed Book 4756 Page 111
Deed Book 5393 Page 081
Deed Book 5504 Page 233
Deed Book 5338 Page 018 and
Deed Book 5135 Page 269

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves with conditions the application of Verbon Trust, Daniel Striar, Trustee and Carl W. Oaks for a

Round Hill Estates

DRI Decision

1/4/96

Development of Regional Impact qualifying under Chapter A, Section 3(c) and 3(d) of the Regulations of General Application, Barnstable County Ordinance 94-10, for the "Round Hill Estate" Definitive Subdivision in Sandwich Massachusetts, dated November 1, 1994, The "Deed Plan Property of Verbon Trust" in Sandwich Massachusetts, dated May 8, 1995; The "Project Area Plan" in Sandwich Massachusetts, dated November 1, 1995; revised 11/8/95, 11/17/95, 11/20/95, 11/21/95, 11/29/95 and 11/30/95 and the "Conservation Restriction Plan" in Sandwich, Massachusetts, dated December 18, 1995, all plans prepared by Youngquist, James & Associates, Inc. The decision is rendered pursuant to the vote of the Commission on January 4, 1996.

JURISDICTION:

The proposed subdivision of land qualifies as a DRI under Section 3(c) and 3(d) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10, as any development which proposes to divide land of thirty acres or more and (any as) development which proposes to divide land into thirty or more residential lots.

DESCRIPTION:

The Round Hill Definitive Subdivision is a 326 + acre parcel proposed to be divided into 36 numbered lots; 33 of the lots are proposed for construction of single family homes. It should be noted that Lot 23 of the subdivision is more than 50 acres in size and lot 35 is more than 100 acres in size. Lot 23 contains the clubhouse and a portion of the golf course. Lot 35 also contains a portion of the golf course. No other uses are proposed on either Lots 23 or 35 at this time. The majority of the residential lots are in the wooded area between Quaker Meetinghouse Road and the existing golf clubhouse building. This area has been recently rezoned a Growth Center Technology District. The topography of the proposed residential lots ranges from 200 to 250 feet above sea level. The topography becomes more dramatic and varied on the southeast portions of the area.

LOCATION:

The property is located to the east of Quaker Meetinghouse Road and south of the Mid-Cape Highway (Route 6) at Exit # 3 and Service Road. The 326 + acre parcel, includes an existing 18 hole golf course and country club, runs to the southeast and abuts the South Shore YMCA property and ends near Popple Bottom Road. The present access through the property is off of Service Road by way of a previously approved subdivision roadway which runs past the clubhouse. This 42 lot subdivision has not had its covenant released by the Sandwich Planning Board and therefore is subject to Commission jurisdiction. The applicant proposes to construct a new road heading east from Quaker Meetinghouse Road. This road would connect to the existing roadway just south of the clubhouse.

PROCEDURAL HISTORY

The above listed plans, which are the subject of this requested DRI, were referred to

the Commission on 11/17/94. The following chronology describes the history of the review of this project by the Cape Cod Commission to date:

- Nov. 16, 1994 Applicant files with the Planning Board a new Form C, Definitive Subdivision for a portion of the original Round Hill subdivision TR# 90039.
- Nov. 17, 1994 Planning Board refers the Form C, Definitive Plan and a Form A, Approval Not Required Plan to the Commission.
- Jan. 18, 1995 In a certified letter from Commission Counsel, Patricia Daley, dated January 18, 1995, the commission staff requested the information to complete the DRI applications to be submitted by 2/15/95 and providing notice that failure to do so may result in procedural denial of the projects.
- March 9, 1995 Staff sent a reminder to the applicant that the extension of the decision period would end on March 31, 1995 and that no information had been received to date and the Commission would hold a public hearing on March 30, 1995.
- March 16, 1995 Subcommittee held a meeting on all four applications and voted to recommend a procedural denial on all plans.
- March 30, 1995 The Commission held a public hearing on all four projects on file with the Commission contained within the original Popple Bottom and Round Hill Subdivision Plans. Attorney Feldman, representing the applicant submits letters of withdrawal for the original Round Hill and Popple Bottom Plans TR# 90039/TR# 90050 and requested an extension on the Round Hill (ANR) Plan TR# 95010 and the Round Hill Estates Definitive Plan TR# 95009.
- March 30, 1995 An extension of the DRI decision period until September 28, 1995 was signed for TR# 95009 and TR# 95010. The extension contained a condition that the applicant submit a fully completed DRI application by June 1, 1995.
- April 11, 1995 Staff sent a memo to Attorney Feldman explaining the information needed for both the Round Hill Estates Definitive Subdivision Plan (TR# 95009) and the Round Hill ANR Plan (TR# 95010).
- April 12, 1995 Staff met with Attorney Feldman and town officials to discuss the information needed to complete both applications.

- June 14, 1995 Staff sent a memo to Attorney Feldman explaining the information still needed for the Round Hill Estates Definitive Subdivision Plan (TR# 95009 and EX # 95009) and requesting a letter of withdrawal for the Round Hill ANR Plan (TR# 95010).
- June 14, 1995 Attorney Feldman contacts staff and explains a letter of withdrawal may be sent but they are uncertain the course of action Mr. Striar may want them to take with respect to the ANR plan.
- August 7, 1995 Staff sent the applicant and Attorney Feldman a certified letter giving 45 day notice of a possible procedural denial of the Round Hill ANR Plan (TR# 95010) if a letter of withdrawal is not submitted. It was requested that the letter of withdrawal be submitted by August 31, 1995.
- August 31, 1995 No information on the Round Hill ANR Plan (TR# 95010) was filed by the applicant.
- September 21, 1995 The Commission voted to procedurally deny the Round Hill ANR Plan (TR# 95010) without prejudice.
- November 2, 1995 The DRI public hearing is opened in Sandwich. The subcommittee is informed by an abutter that some residents did not receive notice of the public hearing, due to an incomplete abutter's list.
- November 20, 1995 The DRI Exemption public hearing is opened with testimony and closed due to time frame requirements and notice problems with some of the abutters.
- December 14, 1995 The DRI Exemption hearing is reopened with additional testimony taken. The Subcommittee voted 6 to 0 to recommend to the full Commission denial of the DRI Exemption application.
- December 14, 1995 The full Commission after closing the public hearing voted to deny the DRI Exemption application.
- December 26, 1995 The subcommittee voted 3 to 0, based on the information presented to date to recommend to the full Commission to Approve with Conditions the Round Hill Estates DRI application.

MATERIALS SUBMITTED FOR THE RECORD

1.) Round Hill Estates

Sandwich Planning Board Dec. 29, 1994

Round Hill Estates

DRI Decision

1 / 4 / 96

2.) Extension of the Decision Period		March 30, 1995
3.) Joel Feigenbaum	Letter of opposition	March 30, 1995
4.) Letter to applicant	Information needed	April 11, 1995
5.) Receipt of DRI application	Sandwich Planning Board	June 1, 1995
6.) Letter to applicant	information needed	June 14, 1995
7.) Letter to applicant	45 day notice of action	August 7, 1995
8.) Additional Traffic Data	Carlson Con. Assoc.	August 9, 1995
9.) Additional Traffic Data	Carlson Con. Assoc.	August 23, 1995
10.) Extension of the Decision Period		August 28, 1995
11.) Additional Traffic Data	Carlson Con. Assoc.	September 20, 1995
12.) Constitutional Challenge	Davis, Malm & D'Agostine	November 2, 1995
13.) DRI and Exemption Comments	Sandwich Board Selectmen	November 2, 1995
14.) Proposed Restrictive Covenant	Davis, Malm & D'Agostine	November 2, 1995
15.) Missing Abutters Names	Youngquist, James & Assoc.	November 10, 1995
16.) Response to Constitutional Issues	Choate, Hall & Stewart	November 13, 1995
17.) Proposed Restrictive Covenant II	Davis, Malm & D'Agostine	November 20, 1995
18.) Traffic Affidavit	Carlson Con. Assoc.	November 20, 1995
19.) Nitrogen Loading	Green Environmental, Inc.	November 20, 1995
20.) Extension of the Decision Period		November 20, 1995
21.) Lake George Study	U.S. EPA	November 27, 1995
22.) New Project/Open Space Plans	Davis, Malm & D'Agostine	December 1, 1995
23.) Letter Against Exemption	REPS	December 7, 1995
24.) Reduce Plans	Davis, Malm & D'Agostine	December 8, 1995
25.) Nitrogen Loading for 33 homes	Youngquist, James & Assoc.	December 13, 1995
26.) Traffic Affidavit	Carlson Con. Assoc.	December 14, 1995
27.) Nitrogen Loading	Green Environmental, Inc.	December 14, 1995
28.) Letter Against Exemption	Sandwich LCP Committee	December 14, 1995
29.) Draft 4 Conser. Restriction	Davis, Malm & D'Agostine	December 28, 1995

The application and notice of the public hearing relative thereto, the Commission's staff reports, and exhibits, minutes of the hearings and all submissions received in the course of the proceedings, including materials submitted on file TR & EX # 95009 are incorporated into the record by reference.

TESTIMONY

The following summarizes the testimony regarding the DRI application at the November 2, 1995 public hearing:

Paul Feldman, representing Verbon Trust, Daniel Striar Trustee, addressed the subcommittee. He noted the long history with regard to this property. He was asked to represent the Trust in March of 1995 to seek permits. They have been working to present a project that is in compliance with the Regional Policy Plan. He noted that although they do not always agree with the staff's recommendations, he appreciates their professionalism. The staff was valuable to the property owner and has made a difference in the review. He stated that the project is 32 lots and complies with town zoning and subdivision regulation. He noted that drawing a new lot line along the WRPD boundary resulted in an increase in the size of the project; had the applicant

stayed within the pre-existing lot lines when filing with the Sandwich Planning Board it would have been a smaller project. He added that the existing golf course occupies approximately 150 acres and will not be changed.

He noted responses to the issues raised in the staff report. With regard to transportation, the applicant has considered the staff recommendations for mitigation and submitted plans. Several bicycle path options have been discussed with staff. The applicant is willing to contribute to this bicycle path network. He stated that the applicant is committed to providing \$36,000 in mitigation requirements and is willing to leave up to the Commission how it should be spent. He said that it appears that the cost of a 10' wide bike path is approximately \$20/linear foot. The additional 1800' presented in the staff report tonight and the pedestrian walkway would far exceed the mitigation requirements under the minimum performance standards. Bike path options are to the school or along the Service Road. The suggestion that both are required is excessive. They are not willing to provide the \$36,000 plus an additional 500' of bike path. With regard to water resources, he stated that they are considerably inland of Scorton Creek/Harbor and the groundwater is 100' below the surface. He finds it hard to believe that there is more than a theoretical connection, but understands the staff's comments. He appreciates the need for a flushing study for the Creek and paying half of the study cost is acceptable since it is a relatively small amount. With regard to affordable housing he said that he had no additional comments. He agrees with the staff report. His client is aware of the Commission requirements and his options and has had experience providing affordable housing in other communities. With regard to solid and hazardous waste they need to do some work to be clear about what is needed by way of a solid waste management plan. They are willing to work with staff on this. Finally with regard to open space they have reviewed the staff report and don't agree with everything in it. They feel that some of the comments in the Fugro report have been taken out of context. Nevertheless they are prepared to agree to most of the suggestions. They have prepared a revised open space plan that they would like to propose as a middle ground. They are not willing to dedicate the 11 acre finger of land on the south side as open space since it is outside of the water resources district and regulated differently than other land. The revised plan will provide for a continuous greenbelt of open space across the site.

In his closing comments, Mr. Feldman noted that the Act requires them to point out possible takings issues. He has raised concerns about constitutional issues in the past with staff. He is not saying there is an intent to commence litigation despite his client's prior statements, but wants to point out these issues. He distributed a copy of a memo on these issues to the subcommittee and noted that he would be happy to respond to any questions.

Mr. Brock asked Mr. Tilton if he has agreed to the \$36,000 mitigation on top of the \$5000.00 Mr. Tilton said yes the \$5,000.00 was the applicant's fair share of mitigation for level of service improvements at three intersections listed in the staff report. He

explained that the \$36,000.00 was the applicant's 20% trip reduction amount if the applicant choose to put money into escrow versus building the bike and walking paths. Mr. Feldman said that he has asked Mr. Tilton to provide further information with regard to the level of service calculations.

Mr. Lambros asked which affordable housing option would likely be selected. Mr. Feldman said that they had not yet decided. His client has another project where they are building it into the same subdivision. They may make use of adjacent parcels. They are aware of their options.

Mr. Olsen asked if there was agreement between the staff and the applicant's representatives on the 20% trip reduction and the level of service MPS requirements had been addressed.

Mr. Feldman responded that the applicant has agreed with staff on the \$36,000. Exactly what it will be has not yet been decided. They could go north or south and 8' or 10' wide.

Mark Galkowski, Sandwich Conservation Administrator, noted the need to discuss the open space with the Conservation Commission. He said that he would not be in favor of relocating the motorbike trail since this is not a legal activity. The Commission should consider requiring the property owner to inhibit this illegal use. Mr. Feldman said that the applicant was in agreement with Mr. Galkowski.

Alan MacKay, Assistant Town Engineer, asked the applicant to comment on the status of the land at the west end of Popple Bottom Road. Mr. Feldman said that he didn't know anything about it. Mr. MacKay said that it had been represented that this was Striar's land on a previous plan. Mr. Feldman said that he had little knowledge of Popple Bottom. Mr. Guimond explained the relevant history.

Bruce Netherwood, Executive Director of the South Shore YMCA, said that they had some negotiations with Striar that were never completed. This land is still owned by the YMCA.

Judy Koenig asked why residential use was being proposed instead of commercial. Mr. Feldman said that approval of the residential plan does not mean that it will be built, but if they don't proceed now they will lose the opportunity. What they do with the property will depend on the market.

Sue Walker, REPS, said they were pleased about the \$5000. They do think that 10' is too wide for a bicycle path and that 8' should be sufficient. Because this is such a large project, she is hopeful that this will propose good habitat areas as open space in a manner that is as unfragmented as possible. She supported the staff recommendations on p. 9. The garage and pond should be deleted from the open space. With regard to water resources, she noted that nitrogen travels for miles. The

Snake Pond area affects Waquoit Bay for example. She said that a flushing study should be required. She is interested in the details of the affordable housing proposal. She supports the staff's recommendations on solid and hazardous waste and on-site servicing of construction equipment. She asked who enforces the conditions.

Mr. Feldman asked Sue Walker, through the subcommittee chairman, what the town prefers for affordable housing. Ms. Walker noted that all three options were acceptable. She thinks the idea of integration of affordable housing in the subdivision is a good one, but she can live with all of the options.

FINDINGS

The Commission makes the following finding subject to Section 12 and 13 of the Cape Cod Commission Act:

- 1). The Round Hill Definitive Subdivision is a 326 + acre parcel proposed to be divided into 36 numbered lots. Of these, 33 lots are proposed for construction of single family homes. This overall project also includes Lot 23 of the subdivision which is more than 50 acres in size and Lot 35 which is more than 100 acres in size. The 326 acre parcel is shown on "Project Area Plan, Property of Verbon Trust in Sandwich Massachusetts ", dated November 1, 1995, revised 11/8/95, 11/17/95, 11/20/95, 11/21/95, 11/29/95 and 11/30/95, all plans prepared by Youngquist, James & Associates, Inc. The plan approved by this decision is the "Project Area Plan, Property of Verbon Trust in Sandwich Massachusetts", dated November 1, 1995, revised 11/30/95, prepared by Youngquist, James & Associates, Inc.
- 2). The proposed subdivision of land qualifies as a DRI under Section 3(c) and 3(d) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10, as any development which proposes to divide land of thirty acres or more and any development which proposes to divide land into thirty or more residential lots.
- 3). The regional impacts from the proposed development of Lots 23, 35 and 36 were not examined and are not addressed by this decision.
- 4). The "Project Area Plan" shows a 42 lot subdivision contained in Lot 36, which exceeds the 30 residential lot threshold (Chapter A, Section 3 (d), Barnstable County Ordinance 94-10) and subject to Commission jurisdiction. The "Project Area Plan" includes a note that "THE EXISTING SUBDIVISION IS NOT INCLUDED IN THIS FILING ALTHOUGH IT IS IN THE PROJECT AREA". The Sandwich Planning Board has informed the Commission staff that the covenant on the Subdivision has not been released.
- 5). The proposed project is located near the Route 6, Exit 3 Interchange and will impact said interchange. The transportation network surrounding the Route 6, Exit 3 Interchange is a vital part of Cape Cod's transportation system. Route 6, Quaker

Meetinghouse Road, and Service Road form key links between towns within the regional transportation system. These three roads are included in the *Regional Policy Plan's* roadway classification system. The classification and importance of each road is discussed below.

Route 6 - Class A/ Route 6A - Class B

Route 6 is classified as a Major Regional Roadway. Route 6 is an east-west principal arterial providing mobility to all of Cape Cod. Interchange 3 is an important link connecting traffic to other major roadways within the transportation system via Quaker Meetinghouse Road; Route 6A to the north and Route 130 to the south. Route 6A is a Class B Roadway.

Service Road and Quaker Meetinghouse Road- Class C

Service Road and Quaker Meetinghouse road are classified as Local Roadways of Regional Significance. Service Road is a collector road that serves east-west traffic travelling between towns and also provides an alternative to Route 6. Quaker Meetinghouse Road is a collector road that serves north-south traffic travelling between towns.

6). The proposed project will generate approximately 360 daily vehicle trips which results in 38 PM peak hour vehicle trips. The project traffic will impact a number of intersections and roadways near the site. The number of vehicle trips (daily and PM peak) estimated to travel through key intersections is shown below.

<u>Locations</u>	<u>Vehicle Trips</u>	
	<u>Daily</u>	<u>PM Peak</u>
a. Quaker Meetinghouse Road/Site Drive	360	38
b. Quaker Meetinghouse Road/Service Road	256	27
c. Quaker Meetinghouse Road/Route 6 Eastbound Ramp	256	27
d. Quaker Meetinghouse Road/Route 6 Westbound Ramp	227	24

The traffic generation numbers do not include future uses on Lots 23, 35 and 36 which could potentially add significant traffic to this road network.

7). The following three intersections operate at unacceptable levels of service (LOS D-F) under no-build and build conditions: Under no-build conditions (with Round Hill in place), Quaker Meetinghouse Road at the Service Road and at the Route 6 Eastbound Ramp approach capacity at LOS E, and Quaker Meetinghouse Road at the Route 6 Westbound Ramp operates beyond capacity at LOS F.

8). The project will impact roadways and intersections of regional significance. Projected traffic will degrade intersection operations at the three locations (noted in finding #5 above) based on performance indicators.

9). The proposed residential subdivision will increase pedestrian and bicycle activity

in the area. This is especially true since there is a designated bikeway (Boston - Cape Cod Bikeway) on Service Road and two schools (Oakridge Elementary School and Sandwich High School) on Quaker Meetinghouse Road near the site. The applicant has prepared a "Bike Path Layout Plan, Property of Verbon Trust in Sandwich Massachusetts", dated 9/1/95, prepared by Youngquist, James & Associates, Inc.

10). The proposed project will have two curb cuts, one newly proposed curb cut on Quaker Meetinghouse Road and one existing curb cut at the intersection of Round Hill Road and the Service Road. The newly proposed curb cut (providing access to the subdivision, existing golf course and future uses of Lots 23 and 35) will impact traffic operations and safety at Quaker Meetinghouse Road.

11). The applicant has determined that the safe stopping sight distance will be adequate following construction of the proposed subdivision roadway at the intersection with Quaker Meetinghouse Road and following the reconstruction of the intersection of Round Hill Road at the Service Road consistent with the "Intersection Improvements Plan, Property of Verbon Trust in Sandwich Massachusetts", dated 9/1/95, prepared by Youngquist, James & Associates, Inc.

12). A large portion (over 100 acres) of the project is contained in a Zone of Contribution to Nye Pond.

13). The proposed 33 residential lots of the project are not located within a wellhead protection area, but are located within the marine water recharge area to Scorton Harbor/Creek.

14). Scorton Harbor does not have an identified marine water standard because a flushing study has not been completed for this embayment. However, existing nitrogen loading to the harbor has been estimated at 7,129 g/m²/yr, which significantly exceeds all the recommended nitrogen loading limits for coastal embayments contained in the Commission's Nitrogen Loading Technical Bulletin. The highest of these recommended limits is 45 g/m²/yr.

15). The proposed project will produce 16,650 gallon per day (gpd) of wastewater based on Title 5; 11,220 gpd from the residential portion of the project and 5,430 gpd from the golf course portion of the project.

16). The proposed development is on a 326 + acre site that is located within the Capewide Open Space/Greenbelt Network designated in the Regional Policy Plan.

17). The Regional Policy Plan requires that for residential development, 60% of the site be set aside as permanent open space to "provide benefits to wildlife, residents and, in appropriate cases, the general public." The proposed open space restriction may exclude public access.

18). The Regional Policy Plan provides that required open space may be provided on site or off-site within the same Town. The proposed development will provide 198.32 acres of open space consisting of 169.9 acres on site and 28.42 acres off-site and adjacent to the proposed subdivision. This is 8.05 acres more than is required for the proposed development and up to 8.05 acres may be removed from permanent restriction, consistent with the open space restriction approved by Commission counsel. A portion of the proposed open space will be used for golf course purposes associated with the existing 18-hole Round Hill Country Club.

19). The proposed 198.32 acre open space area fulfills the 60% open space requirement for the entire 326 acre property shown on the Project Area Plan referenced above (although not otherwise included in the review or decision). If any new use of any of the project area is proposed in the future which requires Commission review or approval, the open space dedication required by this decision shall be deemed to satisfy the open space requirement for any new use in the project area.

20). This project entails the development of a 33 lot subdivision in Sandwich. Section 5.1.3 of the Regional Policy Plan requires that a residential subdivision plan creating more than 10 residential dwelling units set aside 10% of the units for affordable housing.

21). The applicant has submitted a Plant and Wildlife Habitat Assessment for the site. The Assessment notes that the "wooded section of the site supports a relatively undisturbed oak/pine secondary growth forest." The Assessment also notes that "the wooded uplands may provide suitable forest interior habitat for those avian species associated with large, unbroken forest tracts, such as the red tailed hawk, hermit thrust, and ovenbird." Other species noted in this area include woodpeckers, flickers and other cavity nesting birds. The presence of a deer migration corridor from the wooded uplands to an area behind the school was also noted. Construction of the subdivision in this unfragmented forest area will result in the loss of a natural ecosystem that provides wildlife habitat that is rapidly vanishing across Cape Cod.

22). The southeastern portion of the site contains a scrub wetland/quaking bog located within a deep kettle hole. This bog is located within the area to be set aside as permanent open space. A small man-made lined freshwater pond is also located on the golf course and used for stormwater and irrigation purposes relating to the golf course.

23). The Regional Policy Plan requires protection of wetlands and requires protection of a 100' undisturbed buffers around such wetlands. Due to the fact that the pond is man-made and has been and will continue to be used for golf course purposes, the Commission finds that it is appropriate to modify the applicability of the RPP standards to this area. This modification will continue to allow the pond and portions of its 100' buffer to be used for golf course purposes. As conditioned, the project will protect the scrub wetland/quaking bog within the permanent open space on site and

will designate a minimum 150'+ wide buffer around this area which will remain undisturbed. In addition, the applicant has agreed to take reasonable steps to eliminate existing off road vehicle use within the bog and its buffer which is having an adverse impact on the soils and vegetation within the bog.

24). The proposed project would develop 65.32 acres for residential homes and provides frontage for an additional 51 + acres containing the golf clubhouse.

25). Subdivision projects typically involve the use of heavy equipment to prepare the site for building construction. Research indicates that hazardous materials and hazardous wastes are generated during such projects including paint wastes, other ignitable wastes (strippers, cleaners, epoxies), spent solvents (cleaners/degreasers), wastes containing toxic chemicals (coatings, polishes, thinners), and wastes from plumbing operations.

26). The Regional Policy Plan requires developments to dispose of construction & demolition debris & other solid waste in a manner that will minimize the contribution of solid waste to the Cape's disposal facilities.

27). The RPP requires that developments and redevelopments make reasonable efforts to minimize hazardous waste generation through source reduction, reuse, material substitution, employee education and recycling. It also requires developments and redevelopments to be in compliance with the Massachusetts Hazardous Waste Regulations.

28). It is estimated that a flushing study of Scorton Harbor would cost \$5,000.

Since the total amount of wastewater from the proposed project is comparable in impact to a small wastewater treatment plant, the current fee schedule for wastewater treatment facilities could be used to determine the appropriate contribution for the proposed project towards a flushing study of the harbor. This fee is \$0.15 per gallon, which results in a total fee of \$2,497.50.

CONDITIONS

Based on the need to address the impacts noted in the findings above, the Commission hereby attaches the following conditions:

- 1). All plans submitted shall become a part of the written decision and any changes to these plans shall be approved by the Cape Cod Commission.
- 2). The applicant shall obtain a Certificate of Compliance from the Commission or its designee before any of the following actions take place: the issuance of a building permit on any lot by the Sandwich Building Inspector or the conveyance of any lot in the subdivision.

3). Any further subdivision, new construction, redevelopment or change of use as defined by the Commission Definition of Change of Use dated June 9, 1994 for Lot 23 and 35 shall be referred to the Commission for review.

4). Based on the wastewater impact of the project and the estimated sensitivity of Scorton Harbor, the proponent shall contribute \$2,497.50 towards a flushing study of Scorton Harbor or prove to the satisfaction of the Commission that wastewater generated on the project site will not discharge into Scorton Harbor.

5). In accordance with Section 5.1.3 of the RPP the applicant will set aside a minimum three lots for the express purpose of creating three affordable housing units. This standard can also be met through the provision of off-site lots/units or a cash contribution of \$120,000.

6). The monthly mortgage costs (i.e., PITI) of on-site or off-site units cannot exceed 30% of the gross income for a household at or below 80% of the median income, with adjustments for household size. Prior to the conveyance of the affordable housing units, the applicant shall submit documentation to the Cape Cod Commission indicating the sales price and verifying the income eligibility of the prospective

households. At this time the income-eligibility limits are as follows:

<u>Household Size</u>	<u>Income Limit</u>
one	\$26,200
two	\$29,950
three	\$33,700
four	\$37,450
five	\$40,450
six	\$43,450
seven	\$46,400
eight	\$49,400

6). Affordable housing units created by this section shall remain affordable year-round through the use of the Cape Cod Commission Affordable Housing Deed Restriction. These restrictions shall be made known to the prospective household prior to the conveyance of the affordable housing lots.

7). The applicant will be required to submit a marketing plan, subject to Commission approval, that describes how prospective buyers will be contacted for these units. Additionally, the affordable housing units created through this section are to be purchased by eligible households through a lottery process to be approved by the Commission.

8). To meet Minimum Performance Standard 4.1.1.1 and 4.1.1.2 of the RPP, the applicant is required to provide a fair share contribution of \$5,535 to alleviate the regional impact of the project on the surrounding roadway and intersections.

Payment shall be in the form of an escrow account and shall be in form and content satisfactory to counsel to the Commission. The fair share analysis assesses the applicant's proportional fair share of costs for improvements needed to alleviate regional impacts of the project. Monies not expended or obligated for the design and/or construction of transportation improvements within ten (10) years of the date of deposit shall revert to the Cape Cod Regional Transit Authority (CCRTA) for general transit service expenses.

9). To meet Minimum Performance Standard 4.1.2.1 of the RPP, the applicant is required to provide an alternate transportation mode contribution of \$36,000. Payment shall be in the form of an escrow account (payable to the Town of Sandwich), in form and content satisfactory to counsel to the Commission, to be used towards pedestrian/bikeway improvements along Quaker Meetinghouse Road. Monies not expended or obligated for the design and/or construction of said pedestrian/bikeway improvements within ten (10) years of the date of deposit shall revert to the Cape Cod Regional Transit Authority (CCRTA) for general transit service expenses.

10). The applicant shall construct the site drive/ Quaker Meetinghouse Road and the Round Hill /Service Road intersections to meet safe stopping distances as discussed in the Traffic Impact Study performed by Carlson Consulting Associates Dated August 8, 1995 and September 13, 1995.

11). The applicant shall submit a plan depicting the 198.32 acres to be permanently restricted as open space in compliance with the Regional Policy Plan prior to issuance of a Certificate of Compliance. Such open space shall be substantially the same as that shown on a plan "Open Space Plan, Property of Verbon Trust in Sandwich, Massachusetts," dated 5/24/95, last revised 12/14/95. Future activities within this area shall be governed by the terms of the conservation restriction required by condition # 12.

12). The applicant shall provide the Cape Cod Commission with a conservation restriction to be approved by Commission counsel and recorded at the Registry of Deeds which provides that all of the open space areas shown on the site plan noted in condition #11 shall remain as permanent open space. Said restriction shall provide for the removal of up to 8.05 acres of land from the terms of the restriction subject to review and verification by the Cape Cod Commission. Such restriction shall be substantially similar in form and content to a draft restriction "Draft 5" dated January 4, 1996 and the associated Conservation Restriction Plan, Property of Verbon Trust in Sandwich, Massachusetts, dated 12/18/95, revised 1/3/95, prepared by Youngquist, James and Associates, Inc. The restriction and site plans shall be recorded prior to issuance of a Certificate of Compliance from the Commission.

13). No disturbance of lands within the "Limited Use Zone" as shown on the plan referenced in condition #12 above, including lands within the buffer to the scrub wetland/quaking bog, shall occur except as otherwise specified in the restriction

referenced in condition #12 above.

14). The applicant shall, after consultation with the Sandwich Conservation Commission/Administrator, implement reasonable measures to eliminate the use of off road vehicles within and adjacent to the scrub wetland/quaking bog in the southeastern portion of the site. A revegetation/restoration plan, utilizing native vegetation, shall be submitted to the Cape Cod Commission, unless a site visit by Commission staff indicates that area has adequately revegetated naturally. Such measures shall be undertaken prior to issuance of a Certificate of Compliance.

15). The applicant shall provide storage areas for any recyclable materials generated from construction activities including but not limited to office paper and cardboard.

16). The applicant shall submit a narrative for review and approval by Commission staff which describes how construction and demolition debris generated by construction activities will be handled in accordance with the integrated solid waste management hierarchy.

17). The applicant shall submit a narrative for review and approval by Commission staff which describes the steps taken to provide right to know training to construction employees, recycle hazardous wastes generated by construction activities and use least toxic substitutes for construction materials including but not limited to latex and low-VOC paints.

18). The applicant shall provide documentation that construction contractors will operate in conformance with the Massachusetts Hazardous Waste Regulations. This includes but is not limited to proper management of paint wastes and used oil generated during construction and site preparation.

19). The applicant shall submit plans for review and approval by Commission staff showing an area designated for on-site fueling and maintenance of construction vehicles.

20). The applicant shall be restricted to no more than 275 gallons of all hazardous materials and wastes to be used or stored on site at any one time during site preparation and housing construction.

21). All on-site servicing of construction equipment shall be limited to greasing of fittings and joints. Major engine repairs or servicing of equipment is prohibited.

CONCLUSION

Based on the finding and conditions above, the Cape Cod Commission hereby concludes:

The benefits of the proposed development outweigh the detriments. This conclusion is

supported by the findings and conditions noted above. The proposed development as conditioned is consistent with the Minimum Performance Standards of the Regional Policy Plan. The proposed development as conditioned is consistent with the Sandwich Zoning Bylaw and Regulations.

The Commission hereby approves with conditions the Development of Regional Impact Application of Verbon Trust, Daniel Striar, Trustee and Carl W. Oaks for the "Project Area Plan" in Sandwich Massachusetts, dated November 1, 1995, pursuant to Chapter A, Sections 3(c) and 3(d) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10 and Sections 12 and 13 of the Cape Cod Commission Act, as amended, provided the conditions noted above are met.

Summer Kaufman
Summer Kaufman, Chairman

1/4/96
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 4th day of Jan 1996

Katharine J. Peters

NAME, Notary

My Commission expires:

FOR REGISTRY USE ONLY

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE REQUIREMENTS OF THE REGISTERED PROFESSIONAL LAND SURVEYOR

OPEN SPACE CALCULATIONS
 TOTAL LOT AREA 326.88 AC.
 LESS
 POND & POND EMBANKMENT 2.71 AC.
 TOTAL UNUSABLE LAND 9.77 AC.
 TOTAL USABLE LAND 317.11 AC.
 FOR OPEN SPACE CALCULATION
 OPEN SPACE REQUIRED 196.27 AC. (61.88%)
 OPEN SPACE PROVIDED ON SITE AREA 169.90 AC.
 OFF SITE OPEN SPACE 28.52 AC.
 TOTAL OPEN SPACE PROVIDED 198.42 AC. (62.54%)

AREA SUMMATION
 PROPOSED SUBDIVISION DEVELOPMENT 65.32 AC. (19.99%)
 EXISTING CLUB HOUSE FACILITY 15.41 AC. (4.72%)
 MAINTENANCE GARAGE & ACCESS ROAD 1.78 AC. (0.54%)
 REMAINING AREA (2) 156.89 AC. (47.75%)
 TOTAL AREA 328.39 AC.

(2) REMAINING AREA OPEN SPACE
 AREA A 41.32 AC. 41.32 AC.
 AREA B 94.04 AC. 94.04 AC.
 AREA C 5.38 AC. 5.38 AC.
 AREA D 23.80 AC. 23.80 AC.
 AREA E 0 AC. 0 AC.
 AREA F 0 AC. 0 AC.
 AREA G 3.88 AC. 0 AC.
 AREA H 5.38 AC. 5.38 AC.
 156.81 AC. 156.80 AC.

NON-REMOVAL AREA (98.32 AC.)
 LIMITED USE AREA (48.76 AC.)
 OFF SITE OPEN SPACE (28.42 AC.)

DRAWN BY
 CARL W. CRANE
 225 BROADWAY
 EAST DENVER, MASS. 02841
 DEED BK 6138 PG 248
 ASSESSORS REFERENCE
 SHEET 28 LOT 25

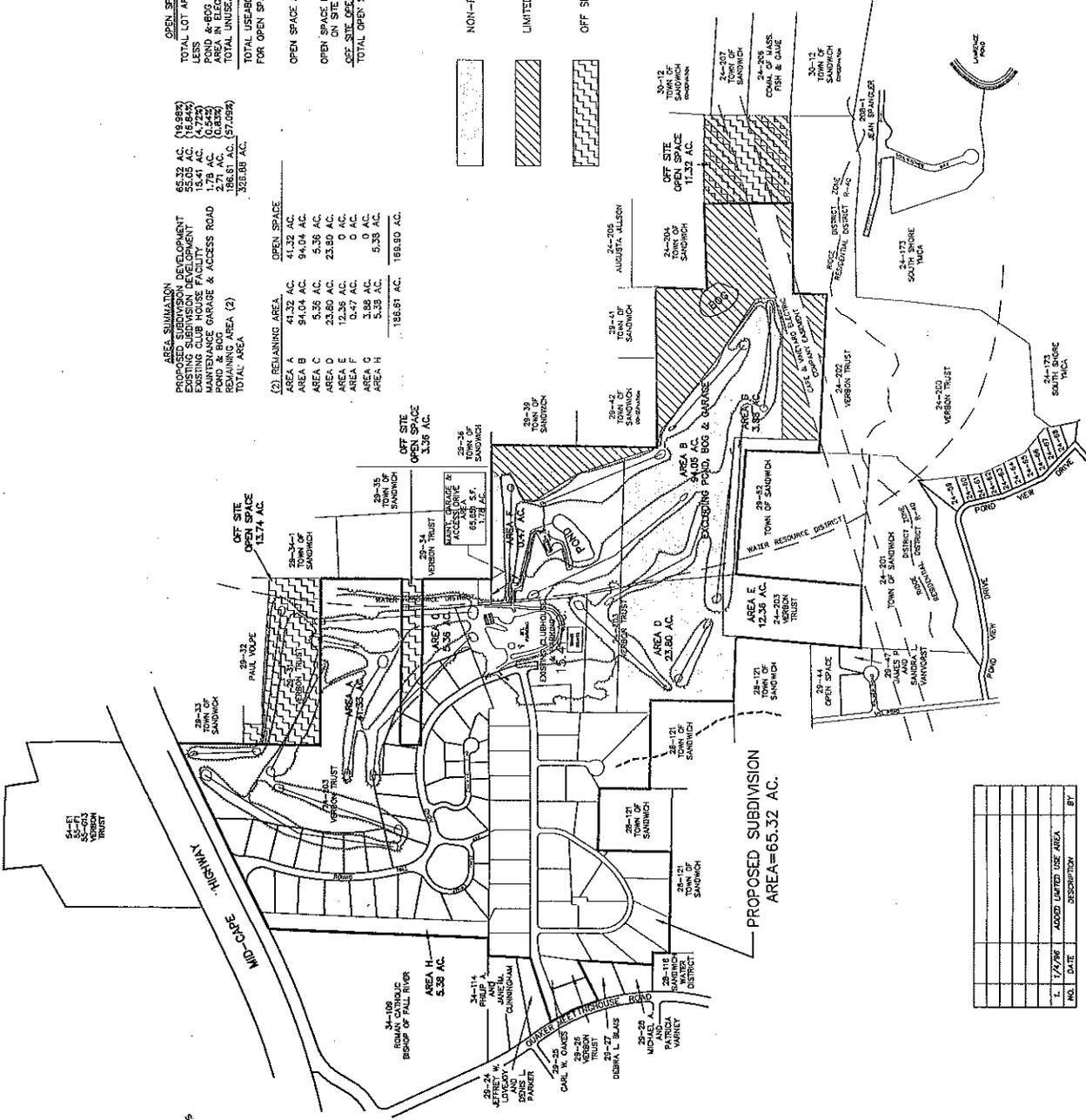
OWNER & APPLICANT
 VERBON TRUST
 225 BROADWAY
 P.O. BOX 271
 225 BROADWAY STREET
 SANDWICH, MASS. 02546
 TEL 781-500-9471-9471
 ASSESSORS REFERENCE
 SHEET 24 LOTS 23, 24 & 43
 SHEET 24 LOT 42
 SHEET 24 LOT 42

CONSERVATION RESTRICTION PLAN
 PROPERTY OF VERBON TRUST
 IN
 SANDWICH, MASSACHUSETTS

SCALE: 1"=400' DECEMBER 18, 1995

YOUNGQUIST, MERRILL ASSOCIATES, INC.
 1000 WEST 12TH STREET
 MIDDLEBOROUGH, MASS. 02948
 TEL 1-(800)-846-0237
 FAX 1-(800)-847-8873

400' 0 400 800 1200'
 1:50,000 S.W.C.



PROPOSED SUBDIVISION
 AREA=65.32 AC.

RESIDENTS OF POND VIEW DRIVE

- 24-89 MARGARET M. SLATE
- 24-90 PAUL E. AND SANDRA W. FEELEY
- 24-91 MILTON R. JR. AND JEAN M. COOK
- 24-92 BEVERLY A. HOPARTY, DONALD AND MARY K. LANGCHESIER
- 24-93 MICHAEL E. AND JORDANTIA MCCARDY
- 24-94 JOHN S. BAW
- 24-95 DANIEL BRAMO AND LAURA BROWN
- 24-96 GEORGE BASSETT
- 24-97 STACEY A. DAVIS

NO.	DATE	ADDED LIMITED USE AREA	DESCRIPTION	BY
1.	1/17/96			