

# CAPE COD COMMISSION

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DATE: November 14, 1996 MOD-TR-95022

TO: Mr. John Pfeffer  
155 Bridge Street  
Chatham, MA 02633

FROM: Cape Cod Commission

RE: Modification of Approved Development  
of Regional Impact Decision  
Section 9(n) of DRI Enabling Regulations

APPLICANT: Mr. John Pfeffer

PROJECT: Cape Cod National Golf  
Brewster/Harwich, MA

BOOK/PAGE: Book 9884, Page 195  
Book 9862, Pages 195 and 284  
Book 2843, Page 237, parcels 1 and 2  
Book 2172, Page 001  
Book 3260, Page 304, parcel 4  
Book 6267, Page 214  
Book 9941, Page 345  
Book 3260, Page 302, parcel II  
Book 3260, Page 302, parcel 1  
Book 3260, Page 302, parcel III  
Book 9442, Page 51  
Book 9442, Page 47  
Book 9862, Page 197, parcels 1 and 2

CERTIFICATES: #138410  
#76712  
#84958  
#137395  
#135528

## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of Mr. John Pfeffer for a Modification to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations to modify Condition #HM1 to allow issuance of a Certificate of Compliance for the Superintendent's House and Turf Management Center prior to issuance of a Certificate of Compliance for

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the remainder of the Cape Cod National Golf project. The decision is rendered pursuant to the vote of the Commission's Regulatory Committee on November 12, 1996.

**PROJECT DESCRIPTION**

The proposed project consists of the development of an 18-hole private golf course on an approximately 149-acre site. The property straddles the Brewster/Harwich town lines, with approximately 81.2 acres located in Harwich and 67.8 acres in Brewster. The site is bordered by Route 39 to the west, Route 28 to the east, Pleasant Bay Road the south, and Tar Kiln Road approximately 2/10 mile to the north. Pleasant Bay is located directly east of the project site. The site is zoned for residential use with surrounding land use consisting primarily of single family residences and the Wequasset Inn.

The site consists primarily of pitch pine/oak woodland on rolling terrain, with several deep kettle holes found throughout the site. A shrub swamp/abandoned cranberry bog totaling 1.62 acres in size is located in the eastern section of the property and extends eastward beyond the site boundaries. A graded roadway of approximately 1600 feet in length is located in the northern portion of the site at Route 39.

Approximately 98.7 acres of the 149-acre total is proposed to be altered for construction of the golf course. Proposed construction includes a 13,826 s.f. clubhouse and a 12,000 s.f. turf management center. An existing structure on the site, the Nickerson Homestead, is proposed for reuse as a golf employee residence. Two ponds for the storage of irrigation water and stormwater attenuation are proposed to be created from existing kettle holes on the site.

**PROCEDURAL HISTORY**

In late October, 1996, Commission staff was notified by Mr. William Burbank of Abbellire, Inc. representing Mr. Pfeffer, of a request by Mr. Pfeffer to construct and occupy the Superintendent's House and Turf Management Center prior to obtaining a Certificate of Compliance for the remainder of the Cape Cod National Golf project. The occupancy of these two buildings would be for the purposes of maintaining site security and storage of construction equipment to be used during golf course construction.

On November 6, 1996, staff received a letter from Mr. Burbank requesting a modification to the original DRI Decision rendered on May 9, 1996 (TR-95022) concerning the Turf Management Center and Superintendent's House relative to Hazardous Waste and Materials Condition #HM1.

On November 12, 1996, the Commission's Regulatory Committee considered Mr. Pfeffer's request for a modification to Condition #HM1 of the Cape Cod National Golf Decision. At this meeting, the Regulatory Committee voted unanimously to approve the modification to Condition #HM1 of the Cape Cod National Golf Decision. The Regulatory Committee also voted to consider the request a Minor Modification #2 under the Commission's 10/17/96 policy without a public hearing, a project review fee, or further action by the Commission.

**MATERIALS SUBMITTED FOR THE RECORD**

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

Letter, requesting modification	11/6/96
Information on Turf Management Center	11/8/96
Preliminary plans for Turf Management Center and Superintendent's House	11/8/98

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

None

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**MATERIALS SUBMITTED FOR THE RECORD (Continued):**C. Materials submitted by the Town:

None

D. Materials submitted by the Public:

None

E. Materials submitted by Cape Cod Commission:

None

All submissions received in the course of the proceedings on this Modification, including materials submitted on file TR-95022 and MOD-TR95022 are incorporated into the record by reference.

**REGULATORY COMMITTEE DISCUSSION**

At the November 12, 1996 meeting of the Regulatory Committee, Mr. Bill Riley recused himself from discussion of this project. Ms. Sharon Rooney, a Planner with the Commission, described the modification request. She noted that the Regulatory Committee had recommended at its September 30, 1996 meeting that the Applicant await the outcome of the Commission's vote on proposed revisions to the policy concerning modifications to approved DRIs before submitting a modification request. Mr. William Burbank of Abbellire, Inc., representing Mr. John Pfeffer, the Applicant, described the reasons for the modification request. He noted the Applicant wished to construct and occupy the Turf Management Center and Superintendent's House prior to a Certificate of Compliance being issued for the remainder of the Cape Cod National Golf project. He noted that the Applicant intended to comply with all the Conditions of the original Decision, but that he be allowed to seek a Certificate of Compliance for the Superintendent's House and Turf Management Center sooner than completion of the rest of the course. Mr. Burbank also stated that the building permit for the Turf Management Center had been applied for with the Town on November 8, 1996. Staff recommended that Condition #HM1 be modified to require that provisions a, b, c, f and g to be complied with prior to occupancy of either of the buildings. Staff also recommended that provisions d and e of Condition #HM1 be complied with prior to commencement of golf course construction. The Regulatory Committee discussed staff's recommended changes to Condition #HM1. The Committee noted that requiring compliance with provisions d and e of #HM1 would be stricter language than originally required by the May 9, 1996 DRI Decision. Mr. Prince moved that with the exception of provision d, Condition #HM1 be modified such that it be complied with by the Applicant prior to issuance of a Certificate of Compliance for the Turf Management Center and Superintendent's House and that the modification be considered a Minor Modification #2 under the 10/17/96 Cape Cod Commission policy. Mr. Brock seconded the motion. The Regulatory Committee voted all in favor of the motion.

**JURISDICTION**

The proposed project qualifies as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations.

**FINDINGS**

The Commission's Regulatory Committee has considered the application of Mr. Pfeffer to modify Condition #HM1 of the Cape Cod National Golf Decision. The purpose of Condition #HM1 as written in the original Decision was in part to help insure proper management of hazardous materials and wastes generated at the golf course, promote spill prevention and response planning and insure proper management of lead-based paint coated building debris.

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The modification of Condition #HM1 sought in this Decision would allow issuance of a Certificate of Compliance for the Superintendent's House and Turf Management Center prior to issuance of a Certificate of Compliance for the remainder of the Cape Cod National Golf project. Such modification of the Cape Cod National Golf project would not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and/or the Regional Policy Plan. No other changes to the Decision were requested or approved. The Regulatory Committee also voted on November 12, 1996 to deem the request a Minor Modification #2 under the 10/17/96 policy which does not require a public hearing, a project fee or other action by the full Cape Cod Commission.

### CONDITIONS

The Cape Cod Commission hereby modifies, with re-lettering, Condition #HM1 of the Cape Cod National Golf Decision (TR-95022) to the following:

HM1. Prior to issuance of a Certificate of Compliance by the Commission for the Turf Management Center and the Superintendent's House, the Applicant shall:

- a.) notify the DEP as a Very Small Quantity Generator (VSQG) for the purposes of any hazardous waste generated from this project.
- b.) develop and implement a plan designed to train employees about how to prevent releases of hazardous materials or wastes.
- c.) register with the Barnstable County Department of Health and the Environment's hazardous materials program.
- d.) submit for Commission staff review and approval a plan which designates staging areas on-site for the stockpiling of fuels, lubricants and other hazardous materials as well as for the refueling and maintenance of construction equipment used during construction. These designated areas shall be outside of any wetland buffer areas or buffer areas to adjacent homes and shall be constructed of an impervious surface with berms to provide for spill containment.
- e.) use an above-ground, double-walled fuel storage tank to hold fuel for on-site maintenance equipment as approved by the Brewster Fire Department.
- f.) provide documentation of the Fire Department's approval of the fuel storage tank design and installation.

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**CONDITIONS (Continued):**

In addition, prior to opening of any part of the project to the public, the Applicant shall submit for Commission staff review and approval a narrative which describes how any C&D debris coated with lead-based paint will be managed in accordance with the state Hazardous Waste Regulations.

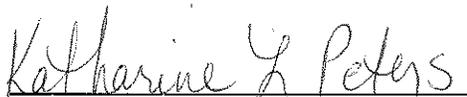
  
\_\_\_\_\_  
Greg Silverman, Chairman  
Cape Cod Commission

11/13/96  
\_\_\_\_\_  
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

Subscribed and sworn to before me this 13<sup>th</sup> day of Nov, 1996.

  
\_\_\_\_\_  
NAME, Notary

My Commission expires: 