



CAPE COD COMMISSION

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DATE: September 10, 1998 TR# 98027
TO: Joseph Maruca, Trustee, Sandwich Alps Realty Trust
FROM: Cape Cod Commission
RE: Development of Regional Impact
Chapter A, Section 3 (c), Barnstable County Ordinance 94-10
PROJECT: Sandwich Alps, as shown on the plan entitled "Definitive Subdivision
Plan of Land known as Sandwich Alps in Sandwich, Massachusetts, "
dated June 1, 1998.
Project Address: frontage on Service Road, Sandwich.
BOOK/PAGE: Book 11265 Page 40 (Map , Parcel)

DECISION OF THE CAPE COD COMMISSION

SUMMARY:

The Cape Cod Commission (the Commission) hereby approves with conditions the application of Joseph V. Maruca, Trustee, of Sandwich Alps Realty Trust for a Development of Regional Impact qualifying under Chapter A, Section 3(c) of the Regulations of General Application, Barnstable County Ordinance 94-10, for the Sandwich Alps Realty Trust as shown on the plan entitled "Definitive Subdivision Plan of Land known as Sandwich Alps in Sandwich, Massachusetts, " dated June 1, 1998. The decision is rendered pursuant to the vote of the Commission on September 10, 1998.

JURISDICTION:

This project qualifies as a Development of Regional Impact under Sections 3(c) of the Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 94-10, as it proposes "to divide, combine or develop any parcel of land totaling 30 acres or more." The project was referred to the Commission by the Sandwich Planning Board and received on June 24, 1998.

Sandwich Alps, Sandwich, MA
September 10, 1998 Decision - TR#98027



PROJECT BACKGROUND AND DESCRIPTION:

The Sandwich Alps parcel is located in Sandwich on the Barnstable/Sandwich Town Line, as shown on the plan entitled "Definitive Subdivision Plan of Land known as Sandwich Alps in Sandwich, Massachusetts," dated June 1, 1998 (see attached plan). The applicant proposes to subdivide the existing 31.44 acre, residentially zoned parcel into seven lots. The seven lots would consist of five residential building lots, a 6.9 acre property upon which no residential development nor further subdivision is permitted, and a 17 acre restricted open space parcel. The open space parcel would encompass the southerly portion of the existing 31.44 acre parcel.

The parcel for which the Sandwich Alps project is proposed was part of the DRI review of the Thayer ANR project approved by the Cape Cod Commission on January 15, 1998. Approval of the Thayer ANR project application allowed for the subdivision of the 57.63 acre parcel owned by the Thayer Family into two lots of 26.19 and 31.44 acres. The Sandwich Alps project is proposed for the larger of the two lots with frontage on Service Road (Thayer ANR Lot 2C).

PROCEDURAL HISTORY:

The project was referred to the Cape Cod Commission on June 24, 1998 by Marie L. Buckner, on behalf of the Town of Sandwich for the Town Planning Board. The following chronology describes the history of the project to date:

- April 15, 1998 - Mr. Maruca submitted an application for a Development of Regional Impact.
- April 16, 1998 - Mr. Maruca met with Commission Staff for a pre-application meeting.
- August 11, 1998 - Commission subcommittee members and staff attended a site visit of the project location with Mr. Maruca.
- August 11, 1998 - Commission subcommittee opened and held a public hearing in the Town of Sandwich. The hearing was continued to the September 10, 1998 full Commission meeting.
- August 24, 1998 - Commission subcommittee held a meeting at the Cape Cod Commission offices to review the Draft Decision report prepared by the Commission staff.

MATERIALS SUBMITTED FOR THE RECORD:

From the Applicant:

- April 15, 1998 Cover letter to DRI application submittal, including the following:
 1. DRI Application dated April 15, 1998.
 2. Two 24" x 36" copies of the Subdivision Plans.
 3. One 11"x17' copy of the Subdivision Plan.
 4. Applicant's Deed to the property.
 5. Copy of applicant's notification to the Massachusetts Historical Commission.
 6. Certified Abutter's List
 7. Check in the amount of \$500 for the filing fee.
 8. USDS Quadrangle map showing the location of the project.
- August 4, 1998 Cover letter and revised draft of Conservation Restriction for lot#7.
- August 17, 1998 One 11' x 17' copy of the revised Subdivision Plan incorporating development envelopes.

Cape Cod Commission:

July 1, 1998 Letter to Mr. Maruca notifying referral by Town of Sandwich.
July 21, 1998 Letter to Mr. Maruca describing plant materials suitable for site.
August 6, 1998 Staff Report faxed to Mr. Maruca.
August 6, 1998 Staff Report mailed to Mr. Maruca.
August 6, 1998 Staff Report faxed to Marie L. Buckner, Town of Sandwich

Other: Memos sent to Subcommittee on July 8, 1998, August 19, 1998
Hearing Notice for August 11, 1998 public hearing
Minutes to August 11, 1998 public hearing, and August 24, 1998
subcommittee meeting.

From the Town of Sandwich:

June 24, 1998 Development of Regional Impact Referral Form (received 6/26/98).
August 10, 1998 Letter from Marie Buckner regarding public gearing, development
envelopes (received 9/13/98).

The application and notices of public hearings relative thereto, Commission's staff notes, exhibits and correspondence, minutes of hearings and all submissions received in the course of our proceedings on file # TR98027 (Sandwich Alps) are incorporated into the record of reference.

TESTIMONY:

The August 11, 1998 public hearing was opened by Subcommittee Chair, Dave Ernst at 7:05 PM. Subcommittee Member Ken Brock read the hearing notice. The applicant, Joseph V. Maruca, described the Sandwich Alps project stating that the project is located on the northern half of the Thayer ANR subdivision and entails 5 residential lots, a non-buildable lot of approximately 7 acres to be retained by Maruca, and a 17 acre restricted open space lot to be open to the public. Mr. Maruca explained that the project is adjacent to Town of Barnstable Conservation Land. He stated that he believes that the project meets the requirements of the Regional Policy Plan and the Minimum Performance Standards of the Cape Cod Commission.

Mr. Maruca stated that there were a few issues still to be resolved, including the projects proposed drainage area and the width of the vegetative buffer along Service Road. He described his concern as to whether a few of the lots would still be buildable with the buffer applied. He further described that another item not yet resolved was the application of development envelopes, which were not of concern to him. He suggested that he thought the development envelopes were workable so long as he had some flexibility to implement them.

Ken Kirkey, Commission staff, summarized the staff report, commenting on natural resources, water resources, transportation, and affordable housing. Regarding Natural Resources, Mr. Kirkey explained that the project site is located in a Significant Natural Resource Area as defined by the Regional Policy Plan and was notable for its unfragmented forest habitat. He discussed the staff recommendation for a vegetative buffer along Service Road and the Development Envelopes for lots 1 - 5. Mr. Kirkey explained that both the Buffer and the Envelopes were in keeping with the Minimum Performance Standards of the Regional Policy Plan. Mr. Kirkey addressed the water resource element of the project stating that it was appropriate for the project's five residential lots to utilize conventional septic systems, rather than denitrifying systems provided the overall # of bedrooms was limited to 19.

Mr. Kirkey addressed the affordable housing element of the project. Mr. Kirkey stated that the Thayer ANR Decision had a condition requiring a proportional affordable housing contribution from the developer of either Thayer ANR lot 2D or lot 2C (the Sandwich Alps site) should the total number of residential units on both parcels meet or exceed ten units. He further described that Mr. Maruca had agreed to contribute toward affordable housing if future development on lot 2D resulted in a total of ten or more residential units.

Subcommittee Member, Ken Brock questioned the need for the Commission to require a vegetative buffer along Service Road. Staff Member, Ken Kirkey replied that the buffer would both benefit future residents by providing screening in relation to nearby Route 6, while also preserving the wooded, rural character of Service Road. Subcommittee Member, Gwen Bloomingdale stated that there is a general desire of residents to buffer themselves from the highway.

Subcommittee Member, Tom Broiderick questioned the amount of access between the subdivision road and lot #6 (undevelopable). Mr. Maruca stated that access was too narrow to allow future development and was for pedestrian access only. Linda Calmes, resident of Sandwich questioned whether a Communications Tower could be located on lot #6 or lot #7. Mr. Maruca replied that a restriction on the development of any Communications Tower could be included in the Conservation Restriction for lot #7. Staff Member, Ken Kirkey indicated that a Condition prohibiting Communications Towers could also be added for lot #6.

Gwen Bloomingdale moved that the hearing be continued to September 10th at the Barnstable Assembly of Delegates, and that the record be left open. Bob Randolph seconded the motion, which was passed unanimously. The Subcommittee agreed to a meeting on August 24th at 11:30 AM at the Cape Cod Commission offices in order to review a draft decision. Tom Broiderick moved that the meeting be closed. Bob Randolph seconded the motion which was passed unanimously. The Public Hearing was adjourned at 7:45 PM.

The August 24th Subcommittee meeting commenced at 11:40 AM. Staff Member, Ken Kirkey stated that Staff had met with the applicant and both parties had reached consensus on the wording of Conditions. Mr. Kirkey presented a plan showing Development Envelopes for lots 1-5. He explained that the Envelopes for lots 4&5 would be enlarged beyond that described on the plan, and that driveways and well sites for lots 1 - 5 could be located outside of the development envelopes.

Regarding wastewater issues, Mr. Kirkey stated that related to the use of conventional septic systems, the number of bedrooms is specified for each lot. Mr. Maruca suggested that language for water resource condition WR2 be changed to state that granting of a Certificate of Occupancy from the Sandwich Building Inspector will be conditional on limiting the number of bedrooms to four bedrooms per lot for lots 1, 2, 4 & 5 and three bedrooms on lot #3. Subcommittee members agreed that this change was appropriate.

Tom Broiderick moved that the Subcommittee approve the decision as amended and send it to the full Commission. The motion was seconded by Ken Brock and unanimously approved. Ken Brock moved the meeting be adjourned. The motion was seconded by Jay Schlaikjer and unanimously approved. The meeting was adjourned at 11:55 AM.

FINDINGS:

Based on the testimony received at the public hearing, application materials submitted by the project proponent, written material submitted by all interested parties and supporting technical information provided by staff, the Commission voted that the proposed Sandwich Alps project, # TR98027, be granted a DRI approval with conditions based on the following findings.

General:

G1. The proposed subdivision of land qualifies as a DRI under Section 3(c) 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. The applicant proposes to create a new residential subdivision on an existing residentially zoned parcel larger than 30 acres in size. Lots 1-5 range in size from 1.0 to 2.0 acres and would be provided access via a proposed roadway 140 feet in length. Lot #6 as proposed is 6.9 acres in size and would be classified as undevelopable for a new single family residence. Lot #7 comprising 17 acres would be restricted open space with a Conservation Restriction applied to the parcel.

G2. The parcel for which the Sandwich Alps project is proposed was part of the DRI review of the Thayer ANR project approved by the Cape Cod Commission on January 15, 1998. Approval of the Thayer ANR project application allowed for the subdivision of the 57.63 acre parcel owned by the Thayer Family and located in Sandwich on the Barnstable/Sandwich Town line, into two lots of 26.19 and 31.44 acres. The Sandwich Alps project is proposed for the larger of the two lots with frontage on Service Road (Thayer ANR Lot 2C).

G3. The development of one single family residence each on lots 1-5 will result in regional impacts as set forth in the findings below. As conditioned by the decision, the proposed development of one single family residence each on each lots 1-5 will meet the Minimum Performance Standards (M.P.S.) of the Regional Policy Plan (RPP). Therefore, the development of one single family residence each shall not require further DRI review.

Natural Resources and Open Space:

NR1 The existing 31.4 acre parcel is located in a Significant Natural Resource Area (SNRA) (Cape Cod Significant Natural Resource Area Map, dated September 5, 1996, as amended).

NR2. The parcel has been identified as a key Cape Cod Pathways regional trail link between the West Barnstable Conservation Area and the Maple Swamp Conservation Area, located in Sandwich.

NR3. The area located under the utility easement, which traverses the property in an east/west direction at the parcel's southerly boundary, is a Priority Site of Rare Species Habitat and Exemplary Natural communities (Massachusetts Natural heritage and Endangered Species Program, 1997).

NR4. M.P.S. 2.5.1.1 of the Regional Policy Plan specifies that development in SNRAs must be clustered away from sensitive resources in order to maintain a continuous corridor for the preservation of interior wildlife habitat. The project accomplishes this by clustering development on five lots in close proximity to Service Road, while permanently protecting a 17 acre restricted open space parcel at the rear of the parcel.

NR5. In order to meet M.P.S. 2.5.1.2 which requires that the set aside open space be contiguous and interconnecting with adjacent open space and that a permanent conservation restriction be placed upon it, the applicant has agreed to donate a conservation restriction to the Sandwich Conservation Trust, on lot #7 at the rear of the property.

NR6. Because the parcel is located in a SNRA, 65% of the parcel's upland area must be set aside as open space (Method A), unless less is required by applying the point system (Method B), as specified in M.P.S. 2.5.1.3 of the RPP. Due to the high resource values on the site, the proponent has opted to utilize the point system in calculating the open space requirement. The point system calculates 16.77 acres of required open space on the 31 acre parcel which the proponent has increased to 17 acres.

NR7. The applicant has agreed to allow public, recreational use of the restricted open space parcel - a key Cape Cod Pathways regional trail link. Cape Cod Pathways is a regional trail network linking the open spaces and communities of Cape Cod.

NR8. In relation to lot #6 (6.9 acres) proposed as an undevelopable lot, the applicant has agreed that the lot will not be developed for residential use and does not have plans for subdivision of the lot at this time.

NR9. The RPP states that: "Clearing of vegetation and alteration of natural topography shall be minimized...the permitting authority may require designation of development envelopes (building envelopes) for structures, lawns, etc, where appropriate to limit removal of vegetation" (MPS 2.4.1.2.). The applicant has agreed to the application of development envelopes for lots 1-5. The size and form of each development envelope is based upon individual lot size and resource characteristics. The approximate sizes of the development envelopes are as follows: Lot 1: 29,000 sq.ft; Lot 2: 26,000 sq.ft.; Lot 3: 24,000 sq.ft; Lot 4: 24,000 sq.ft., and Lot 5: 24,000 sq.ft. Driveways, fences, trails, and wellhead sites capable of serving each individual residence are allowable outside of development envelopes on lots 1-5.

NR10: M.P.S. 6.2.3 states that "The RPP requires: that "all new development shall provide adequate landscaped buffers in order to limit adverse visual impacts on the surrounding community. When new development is proposed adjacent to ...significant vistas, open landscapes, scenic roadways...landscaped buffers shall be provided in order to limit visual impacts on these resources from new development. Preservation of existing natural vegetation in these buffer areas is preferred." In order to meet M.P.S. 6.2.3 the applicant has agreed to maintain a 75' vegetative buffer of existing vegetation along Service Road on lots #1, 2, & 3.

Water Resources:

WR1: The Sandwich Alps parcel lies within the Scorton Harbor/Creek Watershed.

WR2: M.P.S. 2.1.1.2 - C1 specifies that development in Marine Water Recharge Areas must not exceed identified critical nitrogen loading standards. The nitrogen loading standard has not been determined for the Scorton Harbor/Creek Watershed. The applicant has agreed to a payment of \$16.50 per bedroom for the total number of new bedrooms proposed on lots 1-5 as a monetary contribution toward the completion of a flushing study for the Scorton Harbor/Creek Watershed.

WR3: The Scorton Harbor/Creek embayment system was classified as the second most nitrogen overloaded system on Cape Cod during the Commission's first-order review of embayment nitrogen loading (CCC, 195). This preliminary review also found that annual existing nitrogen loading within the Scorton Harbor/Creek system is 4.5 kg/acre of watershed, or 7,129 g/m² of embayment. For comparison, the highest annual areal loading rate recommended by the Buzzards Bay Project, and adopted by the Commission in the Nitrogen Loading Technical Bulletin, is 45g/m².

WR4: Depending upon the number of bedrooms per house, the nitrogen load per acre on the 31.44 acre northern parcel is 2.3. (3 bedrooms) or 2.8 kg/ac (4 bedrooms). If there are eight (8) or more lots as allowed by zoning using denitrifying septic systems with the equivalent number of bedrooms, the impact of development would exceed the load produced by five (5) lots using conventional systems. If there are five (5) lots with 4 bedrooms a piece, their nitrogen load is greater (2.8 kg/ac) than if their eight (8) lots with 3 bedroom houses each using denitrifying septic systems (2.7 kg/ac). Thus, if there are five lots with a maximum of 19 bedrooms on the 31.44 acre parcel using conventional septic systems, the nitrogen loading impact will be the same or less than the impact associated with eight or more houses using denitrifying septic systems. The

applicant has agreed to limit the maximum number of bedrooms to 19 without the application of denitrifying septic systems on any of the proposed residential lots 1-5.

WR5. The Commission is applying the Regional Policy Plan's Flexibility Clause with regard to installing denitrifying systems as it has been shown that the proposed development will result in less nitrogen load than would otherwise occur if the site was developed to the maximum allowed under Sandwich's existing Zoning Bylaw (M.P.S. 2.1.1.2 - C3).

WR6. A Drainage Easement located on lot #2 with a paved runoff path extending from the edge of the gravel subdivision road is proposed as the project's stormwater structure.

Transportation:

TR1: As specified in M.P.S. 4.1.2.1, all DRI projects must reduce the average number of daily automobile trips to and from the development, based on the land use type, by 20 percent. The applicant has agreed to staff recommendations for meeting the trip reduction requirements through the creation of two trail ways on the parcel. The two trip reduction strategies, the north/south and east/west pedestrian ways, are expected to meet the 20% trip reduction requirement for the projects proposed five single family homes.

TR2: The applicant proposes a north/south pedestrian way, paralleling the town boundary line, from the Service Road to the Commonwealth Electric easement. This pedestrian way will provide an important access point to the Cape Cod Pathways trail network which crosses this parcel in an east-west direction. The east-west path proposed by the applicant will be encompassed within restricted open space parcel, lot #7. An east/west pedestrian trail across the 17 acre open space parcel could provide a key link in the Cape Cod Pathways regional trail network by linking the West Barnstable Conservation Area and the Maple Swamp Conservation Area in Sandwich and would also provide an important link in the proposed Cross-Cape Trail stretching from Sandy Neck in Barnstable to South Cape Beach in Mashpee.

TR3. As stated in M.P.S. 4.1.1.5, measured site distances at access/egress locations within public ways must, at the minimum, comply with Massachusetts Highway Department (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping site distance. The applicant has agreed to indicate safe stopping distances on the plan.

TR4. A crest of a hill exists approximately 500 feet west of the Barnstable/Sandwich town line on Service Road. The applicant has sited the subdivision road within 250' of the town boundary in order to provide adequate sight distance.

TR5. In order to meet the 20% trip reduction requirements in the Regional Policy Plan and further the provision of the Cape Cod Pathways walking trail network, the applicant has provided the Cape Cod Commission with east-west and north-south pedestrian ways in accordance with the conditions of the Thayer ANR decision.

TR6. The applicant has received written notification from the Town of Barnstable stating that the town's intention to allow continued public pedestrian access on portions of the existing north-south path, which crosses over into the Town of Barnstable.

TR3. Due to limited sight distance availability on Service Road, all residential driveways access the proposed subdivision roadway.

Affordable Housing:

AH1. Minimum Performance Standard 5.1.2 and 5.1.3 of the RPP state that residential construction and redevelopment projects of 10 units or more (or residential subdivision plans of 10

lots or more) shall provide at least 10% of the proposed units (or lots) as affordable housing (or lots). The unit or lot can be provided for on or off-site or through a cash contribution.

AH2. This proposal of less than ten residential lots does not in and of itself require a contribution toward affordable housing as outlined in the RPP (M.P.S. 5.1.2 and 5.1.3). The affordable housing requirement in the Thayer ANR DRI Decision states that cumulative development on the Sandwich Alps parcel and the other Thayer ANR lot (lot 2D) be considered in relation to MPS 5.1.2 and 5.1.3. The applicant has agreed to contribute toward the provision of affordable housing pursuant to his agreement with the owner of lot 2D.

CONDITIONS:

Based upon the need to address impacts in the findings above, the Commission hereby attaches the following conditions.

General:

- G1. The Applicant shall obtain a pre-conveyance Certificate of Compliance from the Cape Cod Commission or its designee prior to the conveyance of any lot or the issuance of any building permit in the subdivision. With the exception of Condition's WR1 and WR2 (relating to septic system and wastewater resource requirements) all conditions shall be met prior to the issuance of a pre - conveyance Certificate of Compliance or specified in this decision. Notwithstanding Chapter 41 of the General Laws, including Section 81P, lot lines on the property shall not be altered without approval of the Cape Cod Commission or its designee.
- G2. The project plan entitled "Definitive Subdivision Plan of Land known as Sandwich Alps in Sandwich, Massachusetts," dated June 1, 1998 shall become part of the written Decision. The applicant shall record the above referenced plan at the Barnstable County Registry of Deeds and note the Commission's jurisdiction on the said plan.
- G3. The findings and conditions contained within shall apply to the applicant and the future owner's of Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7 as specified.
- G4. The development of one single family residence each or accessory buildings or uses on Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5 shall not require further DRI review. However, the applicant, or his successors shall obtain a post-conveyance Certificate of Compliance from the Commission prior to application for any permanent or temporary foundation or building permit for a single family residence on Lot 1, Lot 2, Lot 3, Lot 4, or Lot 5. All other development on Lots 1, 2, 3, 4, or 5 shall require further review as a DRI.
- G5. The Commission retains jurisdiction over lot #6, which is to be considered undevelopable for new residences. No residence shall be constructed on lot #6, and there shall be no subdivision of said property without the approval of the Cape Cod Commission or its designee.

Natural Resources and Open Space:

- NR1. Prior to issuance of the pre-conveyance Certificate of Compliance, the applicant shall place the restricted open space as required by this decision under permanent conservation restriction pursuant to M.G.L. c. 184 §§31-33, inclusive. The conveyance or restriction, and accompanying plan shall be reviewed and approved by Commission Counsel, and the conveyance or restriction shall be recorded prior to issuance of the pre-conveyance Certificate of Compliance. In accordance with Section 2.5.1.3 (Method B) of the RPP, the applicant shall provide 17 acres of permanent open space. The open space must perpetually remain open to public access. Included in the language of the Conservation Restriction

shall be a prohibition on the construction of personal wireless service facilities or communications towers of any kind in the restricted open space area.

- NR2. Prior to issuance of the pre-conveyance Certificate of Compliance, the applicant shall establish development envelopes for lots 1-5 as required by this decision. The development envelopes drawn on the accompanying plan shall be reviewed and approved by Commission Staff, and recorded prior to issuance of the pre-conveyance Certificate of Compliance. Modification of the location of a Development Envelope shall be considered a minor modification not requiring a public hearing.
- NR3. Prior to issuance of a pre-conveyance Certificate of Compliance, the applicant shall establish and maintain a 75' wide vegetative buffer of undisturbed, mature vegetation parallel to Service Road on lots 1,2, &3 as required by this decision. The vegetative buffer drawn on the accompanying plan shall be reviewed and approved by Commission Staff and recorded prior to issuance of the pre-conveyance Certificate of Compliance.
- NR4. The construction of personal wireless service facilities or communications towers of any kind is prohibited on lot #6.

Water Resources:

- WR1. Prior to issuance of the pre-conveyance Certificate of Compliance, the applicant is required to make a monetary contribution to the flushing study of the Scorton Harbor/Creek flushing study. The amount is \$16.50 per bedroom, plus 15 cents per gallon for any additional wastewater flow. Based upon the assumption that there will be 19 bedrooms in the subdivision, this contribution shall total \$313.50. Should the # of bedrooms exceed 19, an additional contribution shall be made prior to the issuance of post-conveyance Certificate of Compliance and an occupancy certificate from the Town of Sandwich Building Inspector.
- WR2. The applicant or prospective owners of residential lots 1-5 shall not be required to install denitrifying septic systems if the cumulative number of bedrooms on the entire site does not exceed 19. Granting of a post - conveyance Certificate of Compliance will be conditional upon limiting the number of bedrooms on each residential lot to four bedrooms per lot for lots 1,2, 4 &5, and three bedrooms on lot #3. The use of a Massachusetts Department of Environmental Protection - approved denitrifying septic system is required for each lot where the number of bedrooms exceeds the specified number of bedrooms.
- WR3. Prior to issuance of the pre-conveyance Certificate of Compliance, the applicant is required to adequately demonstrate to the local permitting authority that the design and capacity of the project's stormwater structures is adequate, and that the design addresses the DEP Stormwater Standards and M.P.S. 2.1.1.6.

Transportation:

- TR1. Prior to issuance of the pre-conveyance Certificate of Compliance the applicant shall provide safe stopping distance measurements on the plans, subsequent to approval the applicant must demonstrate the location of safe stopping distances on the ground.

Affordable Housing:

AH1. This proposal of less than ten residential lots does not in and of itself require a contribution toward affordable housing as outlined in the RPP (MPS 5.1.2 and 5.1.3). The Thayer ANR decision states "if there is a subsequent DRI review, and should an affordable unit(s) or lot(s) become required, both future owners of Lot 2C (the Sandwich Alps lot) and 2D are required to proportionately share in the cost of the affordable unit(s) or lot(s)." In compliance with the Commission's affordable housing requirements, the applicant will contribute proportionately to the cost of affordable housing pursuant to his agreement with the owners of Thayer lot 2D (M.P.S. 5.1.2 and 5.1.3).

CONCLUSION:

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

The benefits of the proposed development as conditioned outweigh the detriments. This conclusion is supported by the findings and conditions above. The proposed development, as conditioned, is consistent with the Minimum Performance Standards of the Regional Policy Plan. The proposed development is consistent with the Sandwich Zoning Bylaw and Regulations.

The Commission hereby approves with conditions the Development of Regional Impact Application of Sandwich Alps Realty Trust, for the "Definitive Subdivision Plan of Land known as Sandwich Alps in Sandwich, Massachusetts," dated June 1, 1998, pursuant to Chapter A, Sections 3(c) 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.

Herbert Olsen
Herbert Olsen, Chair

9/22/98
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 22nd day of September 1998

Katharine L. Peters
Name, Notary Public



My Commission Expires