



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

Date: November 2, 2000

To: Richard Gavin Barry, Esq.
4728 Falmouth Road
Cotuit, MA 02635

From: Cape Cod Commission

Re: Modification of a Development of Regional Impact Decision, Cape Cod Commission Act, Section 12

Project: Smith Point Subdivision
Great Island, Yarmouth, MA
CCC #TR90046

Applicant: Christian Nolen & Susan Denny
57 Russell Avenue
Watertown, MA 02472

Certificate #: #145891

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

This decision is written in accordance with a vote of the Regulatory Committee of the Cape Cod Commission taken on October 30, 2000, acting upon a request by the applicant for a Minor Modification #2 pursuant to its Administrative Regulations adopted 10/10/91 as amended 6/3/99. This decision hereby modifies the October 25, 1990 Development of Regional Impact (DRI) Decision issued for Smith Point Subdivision, pursuant to Section 12 of the Cape Cod Commission Act, as follows:

1. By modifying Condition #5 to replace "...Lots 1,2,3 or 4..." with "...Lots 1,2 or 4...."
2. By inserting a new condition as Condition #5a with the following language:

"No residential structure shall be placed on Lot 3 except in the "Approximate Building Envelope" (approximate house and septic areas shown as hatched area on plan) delineated on the plan entitled "Title 5 Site Plan of Lot 101, Smith's Point Road, (Great Island) West Yarmouth, prepared for Christian



Nolen and Susan Denny" by Arne H. Ojala, PE, PLS, of Down Cape Engineering, Inc., dated February 25, 2000, as revised on October 25, 2000."

PROCEDURAL HISTORY

A letter of Request for Determination and/or Minor Modification to Cape Cod Commission file #TR90046 Lot #3 was submitted to the Regulatory Committee of the Cape Cod Commission on September 26, 2000 by Richard Gavin Barry, PC, attorney for applicants Christian Nolan and Susan Denny. Contractor for the applicant, Tracy Pratt at Pratt Construction, raised concerns that the proposed location of the residence was not located with the "Approximate Building Envelope" as originally approved in the Commission's DRI Decision of October 25, 1990. The applicant therefore sought a Minor Modification to shift the building envelope. The Regulatory Committee first heard this matter on October 2, 2000. A site visit was scheduled and the meeting was continued until October 16, 2000 pending both the site visit and allowing time to notice all abutters.

The meeting was again continued until October 30, 2000 in order for the applicant to submit revised engineering drawings reflecting the proposed shift in the "Approximate Building Envelope." Based on the site visit and submitted drawings, it was evident that the small change would not adversely affect the intent or outcome of the original findings and conditions and that the proposed change would not result in different or increased impacts to the resources of the site. The newly proposed boundary of the "Approximate Building Envelope" is located outside of the wetland boundary. Additionally, the total area of the building envelope was reduced (as attested to in a letter submitted on October 26, 2000 to the Commission by Down Cape Engineering, Inc.).

The Commission hereby grants this Modification to the Development of Regional Impact Decision dated October 25, 1990.

David Ansel 11/3/00
David Ansel, Chair Date

Commonwealth of Massachusetts
Barnstable, ss.

Subscribed and sworn to before me this 3rd day of NOV ~~19~~ 2000

Katharine L. Peters
Name, Notary Public

My commission expires:

