



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: January 2, 2001 MOD-TR99030 (Modification/type 2)

TO: Thomas Evans, Headmaster
Cape Cod Academy
P.O. Box 469
Osterville, MA 02655

RE: Modification of an Approved DRI Decision
Section 9(n) of Enabling Regulations

APPLICANT: Thomas Evans, Headmaster

PROJECT: Cape Cod Academy – New Lower School
50 Osterville-West Barnstable Road
Osterville, MA 02655

BOOK/PAGE: Book: 4065 Page: 25
Book: 5109 Page: 327

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of Mr. Thomas Evans, Headmaster of Cape Cod Academy, for modifications to an Approved Development of Regional Impact Decision under Section 9(n) of the DRI Enabling Regulations for the sole purpose of changes to the decision to reflect minor interior adjustments to the new Lower School.

The changes are hereby approved as a Minor Modifications #2 under Section 7 of the *Administrative Regulations* (as revised). This decision is rendered pursuant to a vote of the Commission's Regulatory Committee on January 2, 2001.

ORIGINAL PROJECT DESCRIPTION and MATTERS AT ISSUE

In a DRI decision dated November 18, 1999, the Commission approved, with conditions, a proposed addition to the existing Cape Cod Academy campus consisting of a "33,000 square foot, mostly one-story building" to house classes for Kindergarten to fifth grade. Several of the findings of the decision describe the size and intended uses of the various new spaces within the proposed new addition. In addition, condition G1 states that "all plans submitted for the project review and listed in this decision shall become part of the written decision" and that "the project shall be constructed consistent with these plans."

Based on the newspaper article and letters and plans received from the Headmaster on December 7th and 11th, 2000, the proposed new Lower School addition will be several thousand square feet larger than what the Commission approved.

The previous size (33,000 square feet) was noted in the decision, specific project development plans were referenced in the decision which were based on a 33,000 square foot project, and the project's potential project impacts were based on the information submitted during the DRI review.



Under Section 7.0 of the *Administrative Regulations*, any proposal which would include "a substantially similar proposal to the original project but [which] involves a minor change of use, a minor change to the site plan, or a technical correction or small change to the findings or a condition of the original approval which does not affect the intent or outcome of the finding or condition" are subject to Commission review as modifications, specifically Minor Modifications Type #2. The *Regulations* go on to stipulate that proposed changes which can be deemed a Minor Modifications Type #2 "shall not result in different or increased impacts to the resources protected by the Cape Cod Commission Act and/or RPP."

PROCEDURAL HISTORY

In a letter December 5, 2000, staff informed the Headmaster of Cape Cod Academy, Thomas Evans, that it was possible that recent modifications to the proposed project could qualify as a modification to the approved DRI decision. A letter and revised interior floor plans were received from the Headmaster on December 7th and 11th, 2000 and this matter was placed on the Regulatory Committee's regular meeting Agenda for consideration on January 2, 2001.

COMMENTS/DISCUSSION AT THE REGULATORY COMMITTEE MEETING

No comments from the public were received at the January 2, 2001 Regulatory Committee meeting on this project. Staff described the modifications to the Lower School and noted that based on a staff analysis, the modifications were unlikely to result in different or increased impacts to the resources protected by the Cape Cod Commission Act and/or Regional Policy Plan. Mr. Evans explained the proposed changes to the Regulatory Committee.

The Commission's Regulatory Committee considered the modifications to the November 18, 1999 DRI Decision that resulted from the new Lower School being 36,169 square feet in size instead of 33,000 square feet. At this meeting, the Regulatory Committee voted unanimously to consider the change a Minor Modification #2 under Section 7 of the *Administrative Regulations* (as revised).

MATERIALS SUBMITTED FOR THE RECORD

A. Materials submitted by the Applicant:

Letter, describing changes	12/7/00
Letter, describing changes	12/11/00
Revised plans	12/11/00

B. Materials submitted by Cape Cod Commission:

Letter, to Headmaster, about possible modification	12/5/00
Memorandum, to Regulatory Committee	12/22/00

Note: No written materials or verbal comments were submitted on this modification request by the State officials, Town officials or the Public.

The information and notice of the public hearings relative thereto, the Commission's staff reports, exhibits, minutes of all hearings and meetings and all submissions received in the course of the proceedings, including materials submitted on file TR-99030, EX-99030 and MOD-TR99030 are incorporated into the record by reference.

JURISDICTION

The proposed changes to Cape Cod Academy's new Lower School project qualify as a modification to an approved DRI Decision under Section 9(n) of the DRI Enabling Regulations.

FINDINGS

The Commission's Regulatory Committee considered the proposed changes to the new Lower School and voted unanimously to consider the addition of 3,169 square feet of interior floor space a Minor Modification #2 under Section 7 of the *Administrative Regulations* (as revised).

MODIFICATIONS TO THE DRI DECISION

In accordance with the vote of the Regulatory Committee, the following modifications are made to the November 18, 2000 DRI decision:

In the DRI decision, where the proposed new Lower School is described, it should be noted that it is not 33,000 square feet, but is instead 36,169 square feet of interior floor space. And, the footprint of the building has not changed.

In Finding G1, "33,000 square feet" is replaced with "36,169 square feet" and "86,000 square feet" is replaced with "89,169 square feet."

In Finding WR2, "33,000 ft²" is changed to "36,169 ft²."

In Finding T2, the heading reading "33,000 SF" is changed to "36,169 SF."

David J. Ansel
David J. Ansel
Chair, Regulatory Committee

1/27/01
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 4th day of January, 2001.

Katharine L. Peters
NAME, Notary

My Commission expires:

