



# CAPE COD COMMISSION

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DATE: December 2, 2002

TO: Attorney Joseph Maruca

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision  
dated September 10, 1998  
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Joseph Maruca  
C/o Sykes & Cole  
420 South Street  
P.O. Box 1358  
Hyannis, MA 02601

PROJECT: Sandwich Alps

PROJECT #: TR-98027

BOOK/PAGE:

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## **MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION**

The Development of Regional Impact decision dated September 10, 1998 for the Sandwich Alps project is hereby amended by a vote of the Cape Cod Commission's Regulatory Committee on December 2, 2002.

All conditions attached to the original decision dated September 10, 1998 shall continue to apply except as modified herein.

## **CONDITIONS**

### **New General Conditions G6, G7 and G8:**

G6. The granting of the Sandwich Alps Development of Regional Impact (DRI) decision (TR98027) created the Sandwich Alps subdivision of five lots. It also annexed a sixth lot to a pre-existing residence and created a seventh lot that was to be placed under Conservation Restriction. The intent of the affordable housing condition in this decision (AH1) was to provide affordable housing when the total number of lots, when considering the land encompassed by both Thayer ANR and Sandwich Alps DRIs,

reaches ten or more buildable lots. Unbuildable or conservation restriction lots shall not be counted in the determination of affordable housing.

G7. The creation of a total of four (4) buildable house lots on the Thayer/Ray property (that fronts on Popple Bottom Road) as noted in condition AH1 of this modification decision does not trigger further review by the Cape Cod Commission.

G8. Notwithstanding other requirements of the Sandwich Alps or Thayer ANR DRI decisions, as modified, both the owner of Sandwich Alps lot or lots and the owner of Thayer ANR lot or lots (that front on Popple Bottom Road) are required to proportionately share the cost of the affordable unit(s) or lot(s). However, the owner of the lot that is developed in a manner that triggers the Cape Cod Commission's requirements to provide an affordable housing unit(s) or lot(s), on whichever piece of property it occurs, including only buildable lots and excluding the 4 buildable house lots on the Thayer/Ray property as noted in condition G7, shall be responsible for the actual development of the affordable unit(s) or the provision of the affordable lot(s).

At the same time, notwithstanding the conditions in this or the Thayer ANR decisions, as modified, if the owner(s) of the Thayer ANR property that fronts on Popple Bottom Road in Sandwich develops the property in such a way that it triggers the Cape Cod Commission's affordable housing requirements after five years starting from February 10, 1999, then the owner(s) of the Sandwich Alps lot or lots shall not be held accountable for contributing to affordable housing.

**New Affordable Housing Condition:**

**The existing condition AH1 shown in the September 10, 1998 decision is stricken and replaced by the language shown below:**

AH1. The owner(s) of the Thayer/Ray property, that fronts on Popple Bottom Road in Sandwich, is hereby allowed to create a maximum of four (4) buildable house lots without triggering the need to provide affordable housing under the requirements of the Thayer ANR or Sandwich Alps DRI decisions, as modified. The four lots shall include the pre-existing house lot granted by the Thayer ANR DRI decision.

Notwithstanding other requirements of the Sandwich Alps or Thayer ANR DRI decisions, as modified, should the owner(s) of the land encompassed by these two DRI decisions create any further buildable lots beyond those recognized by the Thayer ANR and Sandwich Alps DRI decisions, so as to result the total number of lots is ten, including all buildable lots that at such time exist on the land encompassed by these DRIs, then the owner or owners of the lot or lots that cause the total number of lots to reach ten (10) or more shall bear the cost of providing the affordable unit(s) or lot(s). Further, the owner or owners of the lot or lots that results in the total number of lots reaching ten (10) or more lots shall be responsible for the actual development of the affordable unit(s) or the provision of the affordable lot(s).

For the purposes of this calculation all buildable lots, on whichever piece of property it exists, whether the Thayer/Ray property or Sandwich Alps properties, shall be counted.

For clarification, however, it is assumed the Sandwich Alps DRI resulted in a subdivision creating five (5) buildable lots, and the Thayer ANR property that fronts on Popple Bottom Road, could be split into four (4) buildable lots, both without triggering the affordable housing requirements. Therefore, consistent with conditions G6 and G7, above, if a sixth (6<sup>th</sup>) buildable lot is created on the property involved in the Sandwich Alps DRI, or if a fifth (5<sup>th</sup>) buildable lot is created on the Thayer/Ray property that fronts on Popple Bottom Road, then the requirement to provide affordable housing is triggered.

David J Ansel  
Name, Regulatory Committee Chair

1/6/03  
Date

**Commonwealth of Massachusetts**

**Barnstable, ss.**

On this 6<sup>th</sup> day of January, 2003, before me personally appeared David Ansel, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Katharine L Peters  
Notary Public  
Commonwealth of Massachusetts

My Commission expires:

