



# CAPE COD COMMISSION

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Date: March 18, 2004  
Re: Development of Regional Impact Exemption Request  
Cape Cod Commission Act, Section 12(k)  
Applicant: Heritage Museums and Gardens  
Project #: #EX04004  
Project: Heritage Museums and Gardens  
67 Grove Street  
Sandwich, MA 02563  
Lot/Plan: 37/6 and 38/31  
Book/Page: 1482-197

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## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of Heritage Museums and Gardens for a Development of Regional Impact (DRI) Exemption under Section 12(k) of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended (Act) for the proposed project. The decision is rendered pursuant to a vote of the Commission on March 18, 2004.

### PROJECT DESCRIPTION

The site consists of approximately 48 acres of contiguous land in the R-1 (residential) district in Sandwich, Massachusetts. Included in the property is an existing but unbuildable 39,830 sf lot and a ±47 acre lot. The applicant proposes to reconfigure the existing lots to create a new buildable lot of 49,965 sf. The lot line defining the existing 39,830 sf lot would be eliminated.

### PROCEDURAL HISTORY

On January 29, 2004, the Cape Cod Commission received a DRI Exemption Request application and supporting materials. The application was deemed complete on February 9, 2004.

On March 2, 2004, a public hearing was opened at Sandwich Town Offices on Jan Sebastian Drive by a hearing officer, and continued to March 8, 2004. An authorized Subcommittee of the Commission conducted a public hearing pursuant to Section 5 of the Act on March 8, 2004 at Sandwich Town Offices at which the Subcommittee unanimously voted to recommend approval of the DRI Exemption Request.

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On March 18, 2004, the Cape Cod Commission voted to approve a DRI Exemption for the project.

#### **MATERIALS SUBMITTED FOR THE RECORD**

- DRI Exemption Application received January 29, 2004
- USGS site locus map received January 29, 2004
- Subdivision plan for "Highview" received February 6, 2004
- Certified abutters list dated received February 9, 2004
- Site Plans dated November 26, 2003 prepared by Canal Land Surveying received January 29, 2004 and February 17, 2004.
- Letter dated March 1, 2004 from Canal Land Surveying describing the project.

Note: No written materials were submitted on this modification request by State officials or the public.

The application and notice of the public hearing relative thereto, the Commission's staff report, and exhibits, minutes of all hearings and all written submissions received in the course of the proceedings, including materials on file for EX04004 are incorporated into the record by reference.

#### **TESTIMONY**

Subcommittee members present: Ernest Virgilio, Chairman, Alan Platt, Tom Broidrick, Elizabeth Taylor, Robert Jones, Lawrence Cole. Staff present: Tana Watt, Project Planner, Dorr Fox, Chief Regulatory Officer

Ms. Miller-Buntich, Director of Planning and Development, said that she does not believe that there are regional impacts as a result of the project.

No testimony was given by members of the public.

The meeting was adjourned at 7:10 PM.

#### **FINDINGS**

The subcommittee has considered the applicant's request for a Development of Regional Impact Exemption for the proposed Heritage Museums and Gardens. Based upon consideration of such request, upon information presented at the public hearing, site visit and submitted for the record, the subcommittee makes the following findings:

- 1) The applicant proposes to reconfigure an existing 39,830 sf unbuildable lot to create a buildable lot of 49,965 sf.
- 2) The existing and proposed lots are adjacent to the existing "Highview" neighborhood and are consistent with character of the residential neighborhood.
- 3) The proposed lot incorporates a portion of the existing lot.
- 4) So that only one buildable lot will be created, the existing lot line will be eliminated when a plan that is consistent with the plan approved by the Commission (Approval Not Required Plan of Land in Sandwich, Massachusetts Prepared for Heritage Museums & Gardens, Shawme Road

& Shaker House Road, dated November 26, 2003) is recorded. The applicant has agreed to provide the Commission with a copy of the recorded site plan showing that the existing lot line has been eliminated.

5) Based on the findings above, the proposed project is not expected to have significant regional impacts to the resources protected by the Cape Cod Commission Act, including hazardous materials/hazardous waste, historic preservation, transportation and water resources, natural resources and open space.

**CONCLUSION**

The Cape Cod Commission concludes that based on the Findings above and on information submitted in the DRI Exemption Application and at the public hearing, the project known as Heritage Museums and Gardens is exempt from Cape Cod Commission Development of Regional Impact Review under Section 12(k) of the Act because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipalities in which the development is located.

Susan Kadar  
Susan Kadar, Chairman

March 18, 2004  
Date

Commonwealth of Massachusetts  
County of Barnstable

On this (18<sup>th</sup>) day of (March), (2004), before me, the undersigned notary public, personally appeared (Susan Kadar), proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose.

Katharine L. Peters  
Notary Public  
Commonwealth of Massachusetts

My Commission Expires: \_\_\_\_\_

