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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT SCOPING DECISION

DATE: March 23, 2015

TO: ELIZA COX, ESQ.
NUTTER, MCCLENNEN & FISH, LLP
PO BOX 1630 HYANNIS, MA 02601

PROJECT APPLICANT/ PROPERTY OWNER:	MONOMOY PROPERTIES, LLC 79 COVE ROAD, SOUTH DENNIS, MA 02660
PROJECT NUMBER:	14005
PROJECT:	ATKINS ROAD CLUSTER SUBDIVISION
LOCATION:	ATKINS ROAD, EAST SANDWICH
RECORDING INFORMATION:	DEED BOOK 22684 PAGE 86 PLAN BOOK 124 PAGE 123
ASSESSORS INFO:	TOWN ASSESSORS MAP 34

SUMMARY

The Cape Cod Commission (Commission), through the Executive Director, hereby determines that mandatory Development of Regional Impact (DRI) review of the proposed residential subdivision Project located on Atkins Road, East Sandwich (Project) shall be scoped and limited to the Regional Policy Plan (RPP) issue or sub-issue areas of Land Use, Water Resources, Wildlife & Plant Habitat, Waste Management, Open Space/ Recreation, Community Character (HPCC Goal 2) and Affordable Housing, and that Monomoy Properties, LLC (Applicant) may proceed with its application for said Limited DRI approval for review under said issue and sub-issue areas.

PROJECT DESCRIPTION

The Project proposes to subdivide 36.911 acres into a 23-lot single-family residential cluster. Approximately 28.4+/- ac. will be preserved as permanently protected open space. The Project is located on Atkins Road in East Sandwich, Massachusetts.

The Project includes paved roads, underground utilities, municipal water, stormwater best management practices (BMPs), and wastewater infrastructure with increased nitrogen reduction capabilities.

PROCEDURAL HISTORY

The full DRI Scoping application was received by the Commission on December 30, 2014. The DRI Scoping application was deemed complete on March 5, 2015.

JURISDICTION

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(c) of the Commission's Enabling Regulations (revised November 2014) as *"(a)ny development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act."*

The Project is also subject to an ENF certificate issued under MEPA March 12, 2010.

In accordance with Section 5(a) of the *Enabling Regulations, "[f]or any Project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review."*

Pursuant to Section 5(e)(v) of the Enabling Regulations, *"[t]he Executive Director shall issue a written decision following his/her determination of the scope of DRI review."*

FINDINGS

The Executive Director hereby finds as follows:

GENERAL FINDINGS

GF1. The Applicant submitted application materials to scope DRI review on March 3 & December 30, 2014; the Scoping application was deemed complete on March 5, 2015.

GF2. As the date of the application being declared complete was March 5, 2015, this Project was reviewed subject to the 2009 RPP, as amended in August 2012.

GF3. The Executive Director considered the Limited DRI Scoping Checklist for new development in his review of the scoping application, and determination of the scope of review.

GF4. The Project consists of: the open space/ cluster subdivision of 36.911 acres into 23 single family residential lots, with common residential subdivision appurtenances.

GF5. The Project is subject to and shall be implemented and constructed in accordance with the materials submitted by the Applicant relevant to its scoping request, specifically including the plans and other information and documents referenced below:

"Definitive Cluster Subdivision Plan, Atkins Road, Sandwich, Massachusetts " by Momomoy Properties, LLC

Title Sheet, dated 2/5/14, revised 11/25/14, p.1 of 13
General Notes, dated 2/5/14, revised 11/25/14, p. 2 of 13
Existing Conditions Plan, dated 2/5/14, revised 11/25/14, p. 3 of 13
Overall Lotting Plan, dated 2/5/14, revised 11/25/14, 3/5/15, p. 4 of 13
Lotting Plan, dated 2/5/14, revised 11/25/14, p. 5 of 13
Site Plan, dated2/5/14, revised 11/25/14, p. 6 of 13
Plan and Profiles, dated 2/5/14, revised 11/25/14, p. 7-9 of 13
Landscape Plan, dated 2/5/14, revised 11/25/14, p. 10 of 13
Details, dated 2/5/14, revised 11/25/14, p. 11 - 13 of 13

Stormwater Report, dated 2/5/14, revised 12/2/14

GF6. The Applicant has provided a copy of the recorded Deed and Plans for the land comprising the Project Site, in which the record property owner is the Applicant.

GF7. The Project shall be reviewed as a DRI under the RPP issue or sub-issue areas of Land Use, Water Resources, Wildlife & Plant Habitat, Waste Management, Open Space/ Recreation, Community Character (HPCC Goal 2) and Affordable Housing, as the Project may have significant impact upon the purposes and values identified by Section One of the Act and the RPP with respect to these issue or sub-issue areas, and thus warrants DRI review thereunder.

ECONOMIC DEVELOPMENT

EDF1. MPS ED1.1 (Location in Economic Centers), ED1.2 (Industrial and Service Trade Areas), ED 1.3 (Waiver) do not apply to residential subdivisions.

EDF2. The Project is not located on or near agricultural, waterfront or recreational lands. Therefore MPS ED1.4 (Resource-based Economic Areas) does not apply.

EDF3. The Project does not involve gaming. Therefore MPS ED2.1 (Gaming) does not apply.

EDF4. The Project does not involve the development of public infrastructure and/or capital facilities. Therefore MPS ED4.1 (Demonstrated Need and Public Benefit) does not apply.

EDF5. The Project does not involve substantial deviation from the Economic Development Minimum Performance Standards and would not have significant impacts upon the purposes and values identified by Section One of the Act, and does not require substantive DRI review for the issue area of Economic Development.

NATURAL RESOURCES

NRF1. The Project does not require substantive DRI review under the RPP issue or sub-issue areas of Coastal Resources, Marine Resources, or Wetlands because those resources do not exist on or proximate to the Project site, and are not impacted by the Project, and thus these issue or subissue areas do not apply to the Project.

TRANSPORTATION

TRF1. As outlined in the application materials, the Applicant is proposing 23 units of single-family detached housing to be located on Atkins Road in Sandwich. Atkins Road is a local roadway with access onto the regional roadway network provided by a connection to Route 6A (Cranberry Highway).

TRF2. Trip generation estimates were developed by Commission Transportation staff based on rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition (2012) for Single-Family Detached Housing (ITE Land Use Code [LUC] 910). The expected increases in traffic from the project during different time periods are presented in the following table:

Table 1: Trip Generation

Time Period	Weekday Daily Trips	Weekday AM Peak Hour	Weekday PM Peak Hour	Saturday Daily	Saturday Peak Hour
Trip Generation*	219	18	24	238	22

*Based on rates ITE LUC 910, Single-Family Detached Housing, 23 Units

TRF3. The Scoping Checklist for limited DRI review contains three transportation related questions. Based in part on the following responses to the scoping questions, it is appropriate to scope this project out of transportation review.

Table 2: Scoping Questions - Transportation

Will the project generate more than 250 new daily trips?	**No**, the proposed project will not generate more than 250 new daily trips.
Will the project generate more than 25 new peak hour trips at a high crash location?	**No**, the project will not generate more than 25 new peak hour trips through a high crash location.
Does the project have direct access on or does the project abut a regional roadway?	**No**, Atkins Road is a local roadway and; therefore, the project does not have direct access nor abut a regional roadway

TRF4. The Project does not involve substantial deviation from the Transportation Minimum Performance Standards and would not have significant impacts upon the purposes and values identified by Section One of the Act, and thus does not require substantive DRI review under the RPP issue area of Transportation, based upon Project consistency with the scoping application materials provided by the Applicant.

ENERGY

EF1. The Project does not require substantive DRI review under the RPP issue area of Energy, as the minimum performance standards therein do not apply to new single-family residential subdivision development.

HERITAGE PRESERVATION

HPCCF1. The proposed undeveloped Project site does not include any historic structures or archaeological known resources and is not located within or adjacent to any historic districts or other distinctive areas. The Applicant filed a PNF with the Massachusetts Historical Commission (MHC), and MHC determined by correspondence dated 10/8/13 that the Project is unlikely to affect significant archaeological or historic resources.

HPCCF2. The Project will not involve substantial deviation from the Heritage Preservation (HPCC Goal 1) Minimum Performance Standards of the RPP and would not have significant impacts upon the purposes and values identified by Section One of the Act, and as such, the Project does not require substantive DRI review under the sub-issue area of Heritage Preservation (HPCC Goal 1).

CONCLUSION

Based on the foregoing findings, the Executive Director, hereby finds and determines that the proposed development project located on Atkins Road in East Sandwich, Massachusetts as outlined in this Decision requires DRI review, which shall be limited to the RPP issue or subissue areas of Land Use, Water Resources, Wildlife & Plant Habitat, Waste Management, Open Space/ Recreation, Community Character (HPCC Goal 2) and Affordable Housing. The RPP issue or sub-issue areas of Economic Development, Coastal Resources, Marine Resources, Wetlands, Transportation, Energy, and Heritage Preservation (HPCC Goal 1) are scoped out of DRI review. This Decision is subject to the conditions below.

CONDITIONS

GC1. This Decision shall run with the property/Project Site and allow the Applicant or its successors in title or interest to file a Limited DRI application and undertake DRI review with the Commission, consistent with this terms and conditions of this decision and under the 2009 RPP (as amended in August 2012), within one year from the date of this Decision, which time may be extended upon mutual agreement of Commission and the Applicant.

GC2. The Project is subject to and shall be implemented and constructed in accordance with the materials submitted by the Applicant relevant to its scoping request, specifically including the plans and other information and documents referenced below:

"Definitive Cluster Subdivision Plan, Atkins Road, Sandwich, Massachusetts " by Monomoy Properties, LLC

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Stormwater Report, dated 2/5/14, revised 12/2/14

GC3. The terms and conditions of this Decision shall be incorporated into any substantive Limited DRI decision for the Project.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 23rd day of March 2015.

Signature

Paul Niedzwiecki, Executive Director
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss March 23, 2015

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki,

in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [√] personal knowledge of the undersigned.

GAIL P. HANLEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
September 28, 2018

SEAL

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18