

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

DRI Procedural Denial Decision

December 15, 2016

Owner/Applicant: Mr. Leo V. Marshall
Route 130 Land Development, LLC
3 Clara Street South
Seekonk, MA 02771

Project/
Project Site: Cape Crossing Commercial Subdivision
Off Route 130, Sandwich, MA
CCC Project Number: TR16016

Assessors Parcel ID: Map 11 Parcels 241 & 267

Title Reference: Deed Book 29066 Page 208
Plan Book 639 Page 10, Lot 2
Plan Book 659 Page 90, Parcel 1

1. The Project is a proposed commercial subdivision purportedly of 17.93 +/- acres of land located off Route 130 in Sandwich (Forestdale) for seven (7) commercial lots and a road layout, depicted in the plan set entitled "CAPE CROSSING OFF ROUTE 130, SANDWICH, MASSACHUSETTS, DEFINITIVE SUBDIVISION PLANS," prepared by Prime Engineering, Lakeville, MA, dated September 21, 2015 and with a revised date of March 29, 2016, consisting of a cover sheet and sheets EX-1, GR-1, RI-1, PP-1, D-1, D-2 and D-3. (The Owner/ Applicant owns approximately 19.025 acres of contiguous land on Route 130, of which this 17.93 acres is a portion).
2. The Project is a mandatory Development of Regional Impact (DRI) pursuant to Section 3(c) of the Cape Cod Commission's *Enabling Regulations Governing Developments of Regional Impact*, as "any 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."
3. The Project Site of 17.93 +/- acres, and the entirety of the Owner/ Applicant's subject land along Route 130, was held in common ownership with abutting land and totaled 30 acres or more of land in common ownership, on or after September 30, 1994. *See deeds recorded with the Barnstable Registry of Deeds in Book 24279 Page 43 and Book 24279 page 49.*
4. The Project is not exempt from the Cape Cod Commission Act under the provisions of Section 22 of the Commission Act, and is not exempt from Commission DRI review under other relevant provisions of the Commission Act or Code of Cape Cod Commission Regulations.

5. The Town of Sandwich Building Commissioner referred the Project to the Commission as a mandatory DRI on July 11, 2016.
6. The Commission provided notice of this referral to the Applicant by certified letter dated July 14, 2016.
7. The DRI hearing period was opened for procedural purposes by Commission hearing officer on September 9, 2016.
8. The DRI hearing period closed on December 7, 2016, and the Commission published notice of the same.
9. The Applicant never submitted a DRI application to the Commission for the Project, such that the Commission could review and hold hearings on the Project within the Commission's statutory DRI hearing and review timelines set out in the Commission's *Enabling Regulations Governing Developments of Regional Impact*.
10. The Commission considered procedural denial for the Project at its meeting on December 15, 2016.
11. The Cape Cod Commission hereby procedurally denies the Project described herein without prejudice pursuant to Section 15 of the Commission's *Enabling Regulations Governing Developments of Regional Impact*.
12. The Town of Sandwich may not further review or issue permits, licenses or approvals for the Project, including for building on any individual lot or lots in the subdivision, and no building, site or development work for the subdivision, or for any lot therein, may be undertaken until the Project has been reviewed and approved by the Commission as a Development of Regional Impact. Any local permits, licenses or approvals granted for the subdivision, or for any lot therein, are without force or effect.
13. If the Applicant should submit a DRI application for the Project to the Commission, the DRI hearing and review timelines will commence when the Applicant has submitted a DRI application for the Project and it has been deemed complete by the Commission.

(Signature page follows)

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Executed this 15th day of December 2016.

For the Cape Cod Commission, By:

Harold W Mitchell
Signature

Harold W Mitchell, Chair
Print Name and Title

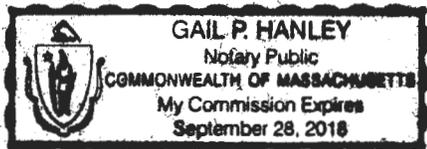
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

December 15, 2016

Before me, the undersigned notary public, personally appeared

Harold W. Mitchell, in his/her
capacity as Chair 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
My Commission Expires:
9-28-18

SEAL

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