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CAPE COD  
COMMISSION

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**MINOR MODIFICATION TYPE #1**

DATE: June 15, 2017

TO: Eliza Cox, Esq.  
Nutter McClennen & Fish LLP  
1471 Iyannough Road  
Hyannis, MA 02601

PROJECT APPLICANT/  
PROPERTY OWNER: Monomoy Properties LLC

PROJECT: Atkins Road Subdivision  
TR/LR 14005

PROJECT SITE/  
LOCATION: off Atkins Road, E. Sandwich, MA

TITLE REFERENCE: Deed Book 22684 Page 86  
Plan Book 124 Page 123

COMMISSION DECISION RECORDED IN DEED BOOK PAGE 29247 PAGE 53

ASSESSORS' INFORMATION: Map 34 Parcels 5 through 12, 51 through 56, & 67 through 83

**SUMMARY**

Pursuant to Section 13 of the Cape Cod Commission (Commission) Enabling Regulations Governing Developments of Regional Impact (Revised November 2014) the Limited Development of Regional Impact (DRI) decision dated September 17, 2015 for the above-referenced Project is hereby amended as a Minor Modification Type #1 to allow *de minimus* changes to the approved project plans as discussed herein.

**DISCUSSION**

Atkins Road Subdivision, E. Sandwich, MA  
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The Commission issued a Limited DRI decision, with conditions, dated September 17, 2015 which approved the Project. (The Project also has the benefit of a DRI Scoping decision dated March 25, 2015, which limited DRI review to the 2009 Regional Policy Plan (RPP) issues areas of Land Use, Water Resources, Wildlife & Plant Habitat, Waste Management, Open Space/Recreation, Community Character (HPCC Goal 2) and Affordable Housing. The DRI Scoping decision and Limited DRI decision are referred to herein collectively as the "Decision").

The approved Project proposed the subdivision of approximately 36.911 acres of land off Atkins Road in East Sandwich into 23 clustered, single family residential building lots, road layout, an approximate 27.58 acre open space lot, and common residential subdivision improvements such as landscaping, sidewalks and drainage facilities.

The Commission received a request from the Applicant to modify the Decision and plans approved therein to reflect a slightly reconfigured, more consolidated subdivision layout that was required and approved by the Town of Sandwich Planning Board. The Project still consists of 23 building lots, though the access road to the lots has been shortened, obviating a need from the Planning Board for a subdivision waiver related to restricted access limitations. The Project's total development area has been reduced to approximately 11.61 acres. The proposed reconfigured Open Space lot still meets and exceeds the Commission's Open Space performance standards at approximately 26.54 acres in area. The proposed layout is preferred as it is more compact and has better internal connectivity; rather than two cul de sacs, the Project has a full loop road. Within the center of the loop road, there are proposed common areas in addition to building lots, though these common areas are, appropriately, not proposed to be subject to the Open Space/ conservation restriction, though they will serve as a valuable amenity to those residents within the subdivision. Grading, drainage, and stormwater management plans have also been revised and submitted to account for the proposed changes to the subdivision layout. Because of the revised layout, more grading is required than originally proposed, and less of the roadway run-off is handled through discharge to naturally low lying areas of the Site, but is handled instead by greater use of lined infiltration basins. The stormwater management system, as proposed to be operated and maintained, adequately manages stormwater run-off from the Project.

Finally, among other things, the Decision requires that the Applicant grant and record easements to the town over the 30' wide emergency connection to Marie Lane shown west of the proposed loop road on the revised plans, and over the 20' wide connection to the town's abutting land to the east of the Project Site. This modification decision clarifies that the Applicant shall offer said easements to the town under the terms and conditions of the Decision (with evidence of the same provided to the Commission prior to issuance of a Preliminary Certificate of Compliance). Thereafter, the Applicant shall only be required to grant and record said easements to the town if the town expresses interest in and accepts such easements.

#### **CHANGES TO THE DRI DECISION**

As conditioned herein, the proposed work will not result in substantial impacts on the purposes and values of Section 1 of the Commission Act and represents a *de minimus* change to the Project.

The Decision is hereby modified, with conditions, to allow for the proposed revised subdivision layout which shall be done in accordance with the following plans which are hereby incorporated by reference into the Decision to substitute for or supplement, as the case may be,

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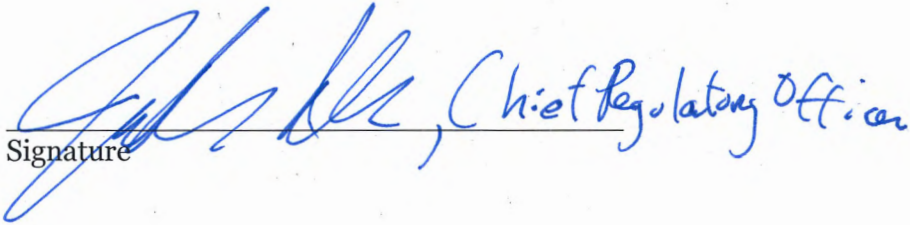
those plans approved under the Decision. All findings and conditions to the original Decision and subsequent modifications continue to apply except as modified herein. To the extent there is conflict or ambiguity between this modification decision and the Decision, this modification decision shall control.

- Project Site Plan Set entitled “Definitive Cluster Subdivision Plan, Atkins Road, Sandwich, Massachusetts,” prepared by the BSC Group for Monomoy Properties, LLC, consisting of the following sheets:
  - Title Sheet, with a revised date of May 15, 2017
  - Photometrics Plan, with a revised date of May 15, 2017
  - General Notes, with a revised date of May 15, 2017
  - Existing Conditions Plan, dated April 5, 2017
  - Overall Lotting Plan, with a revised date of May 15, 2017
  - Lotting Plan, with a revised date of May 15, 2017
  - Lotting Plan II, with a revised date of May 15, 2017
  - Site Plan, with a revised date of May 15, 2017
  - Plan and Profile Atkins Road (2 sheets), with a revised date of May 15, 2017
  - Landscape Plan, with a revised date of May 15, 2017
  - Erosion & Sediment Control Plan, with a revised date of May 15, 2017
  - Details (3 sheets), with a revised date of May 15, 2017
  - Disturbed Area & Open Space Plan, with a revised date of May 30, 2017
- Stormwater Report rev. April 5, 2017, prepared by the BSC Group

***SEE NEXT PAGE FOR SIGNATURE***

**SIGNATURES**

Executed this 15th day of June 2017.

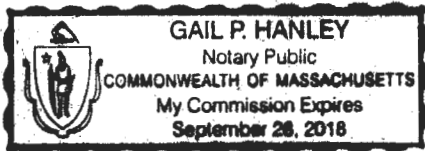
  
Signature \_\_\_\_\_, Chief Regulatory Officer

**COMMONWEALTH OF MASSACHUSETTS**

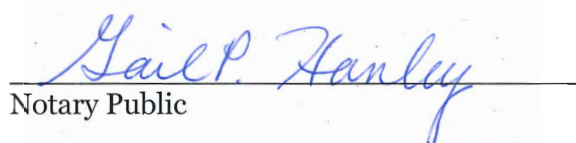
Barnstable, ss

June 15, 2017

Before me, the undersigned notary public, personally appeared Jonathon Idman, in his capacity as Chief Regulatory Officer of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he 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 [ X ] personal knowledge of the undersigned.



SEAL

  
Notary Public  
My Commission Expires: 9-28-18