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February 11, 2015
0108871-00001

By Email and First Class Mail

Jon Idman, Esq., Chief Regulatory Officer
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

Re: Monomoy Properties, LLC - Atkins Road Cluster Subdivision
Off Atkins Road, Sandwich

Dear Jon:

Following on our various communications regarding the above-referenced 23-lot residential cluster subdivision project in Sandwich (the "Project"), please allow this correspondence to serve as a formal request for Limited DRI review pursuant to Section 5 of the Commission's Enabling Regulations, as recently revised in November 2014. As you are aware, in March 2014, we had previously filed on behalf of the property owner, Monomoy Properties, LLC, for DRI Hardship Exemption relief for the Project. At this stage, we now request that the Hardship Exemption request be stayed until after the Limited DRI review scope has been determined.

In support of this request for Limited DRI Review, I enclose the following:

1. Completed Cape Cod Commission Cover Sheet requesting Limited DRI Review; and
2. Completed Limited DRI Scoping Checklist for New Development (the, "Checklist").

The "Required Filing Materials" listed on page 2 of the Application Cover Sheet have been previously filed as part of the Hardship Exemption filing and subsequent communications. This includes the \$8,816.50 filing fee which we ask be applied to the Limited DRI review.

As Commission Staff reviews the enclosed Checklist, I note the following:



- In that the Project is a residential subdivision, some of the scoping questions did not appear to apply to the Project.
- In response to the first question under Water Resources, although the locus is mapped as a Potential Public Water Supply Area (“PPWSA”), our site engineer has received communication from the Town that the site is not under consideration as a PPWSA, which I believe has been previously forwarded to you.
- Relative to the first two transportation questions, I have indicated “To Be Determined” (TBD) based upon our discussions and alternative methodologies for calculating trip generation for the Project.
- For the third question under transportation, we have answered “Yes” because the locus abuts Route 6. However, no access from the Project site to Route 6 is proposed and there is a significant buffer from the closest proposed residential lot to Route 6.
- In multiple instances although a shaded box may be indicated, we suggest that no DRI for that area is required given the limited impacts of a residential subdivision.

Please do not hesitate to contact me with any questions regarding the enclosed materials. Once Commission Staff has preliminarily completed its review of this request, we would request an opportunity to discuss that review with you prior to issuance of a formal decision. And, certainly, if we can provide any additional information, please do not hesitate to contact me.

Thank you very much.

Very truly yours,

Eliza Cox

EZC:

Enclosures

cc: Blair Haney, Town Planner, Town of Sandwich (w/ encls.)

Monomoy Properties, LLC (w/ encls.)

Michael Scott, Esq. (w/o encls)

Brian Yergatian, BSC Group (w/o encls.)



Application Cover Sheet

Cape Cod Commission
3225 Main Street, PO Box 226
Barnstable, MA 02630
Tel: (508) 362-3828 • Fax: (508) 362-3136

For Commission Use Only

Date Received:
Fee (\$):
Check No.:
File No:

A Type of Application (check all that apply)

- Development of Regional Impact (DRI) Hardship Exemption Limited DRI Review
- Jurisdictional Determination DRI Exemption Request for Joint MEPA/DRI Review

B Project Information

Project Name: Atkins Road Cluster Subdivision Total Site Acreage: 36.91 acres
Project/Property Location: Off Atkins Road, East Sandwich Zoning: R-2

Brief Project Description:

Include total square footage of proposed and existing development, gross floor area, number of lots existing or to be created, specific uses, description of existing conditions, as applicable (attach additional sheets if necessary).

The Applicant proposes to subdivide approximately 37 acres of land into a 23 lot cluster subdivision off two proposed cul-de-sac roads. Approximately 77% of the land will be restricted open space.

C Owner(s) of Record

List the following information for all involved parcels. Provide copies of each Deed and Purchase and Sale Agreement and/or evidence of lease-hold interest, if applicable, for all involved parcels. Proof of ownership/legal rights for Applicant(s) to proceed with the proposed development must be documented prior to the Commission deeming any application complete (attach additional sheets if necessary).

Map/Parcel	Owner's Name	Lot & Plan	Land Court Certificate of Title #	Registry of Deeds Book/Page #
<u>34/5-13, 51-56</u>	<u>Monomoy Properties, LLC</u>	<u>Lots 1-30 & A1/A2</u>		<u>22864/86</u>
<u>67-81 & 84</u>		<u>PB 299, Pgs 41, 42 & 43 and</u>		
		<u>PB 124, Pg 123</u>		

There **ARE/ARE NOT** (circle one) court claims, pending or completed, involving this property (if yes, please attach relevant information).

D Certification

I hereby certify that all information provided on this application form and in the required attachments is true and accurate to the best of my knowledge. I agree to notify the Cape Cod Commission of any changes on the information provided in this application, in writing, as soon as is practicable. I understand failure to provide the required information and any fees may result in a procedural denial of my project.

NOTE: For wireless communication facilities, a licensed carrier should be either an applicant or a co-applicant.

APPLICANT	Applicant(s) Name: <u>Monomoy Properties, LLC</u> Tel: _____ Fax: _____
	Address: <u>79 Cove Road, South Dennis, MA 02660</u>
	Signature: _____ Date: _____
CO-APPLICANT	Co-Applicant(s) Name: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____
CONTACT	Contact: <u>Michael Scott & Eliza Cox, Esq.</u> Tel: <u>508-790-5431</u> Fax: <u>508-771-8079</u>
	Address: <u>Nutter, McClellan & Fish, LLP, P.O. Box 1630, Hyannis, MA 02601</u>
	Signature: <u>[Signature]</u> Date: <u>2/10/15</u>
PROPERTY OWNER	Property Owner: _____ Tel: _____ Fax: _____
	Address: _____
	Signature: _____ Date: _____
BILLABLE ENTITY	Name: <u>Nutter, McClellan & Fish, LLP</u> Tel: <u>508-790-5431</u> Fax: <u>508-771-8079</u>
	Address: <u>P.O. Box 1630, Hyannis, MA 02601</u>

REQUIRED FILING MATERIALS

The following must be attached to the Application Form at the time of its filing:

- Certified List of Abutters (required for all application types except Attachment 5, Jurisdictional Determination). A list of abutting property owners within 300 feet of the boundaries of the development site and their addresses. Include both local and off-Cape addresses when applicable.
 - This list **must** be formatted in three columns consistent with the Standard Label Format designed to print on Avery Labels #5160.
 - List must be certified by the Town Assessor's office. Note: Assessor's offices may take up to 10 days to certify an abutter's list.
 - If there are more than 50 abutters, applicants must provide **three sets** of the certified list on self-adhesive labels.

- Required Filing Fee. Please calculate according to the Schedule of Fees (see Enabling Regulations, Section 14). Please make check payable to **BARNSTABLE COUNTY TREASURER**.

- An 8 1/2"x 11" copy of the U.S.G.S. quadrangle map of the area, containing sufficient information for the Commission to locate the site of the proposed development.

- Development Plans. File as required for each application type you are making. See list of Attachment(s) below for specific instructions.

- Permits or Actions. List of local, state, or federal agencies or boards from which a permit or other actions have, will, or may need to be sought. Include agency/board name, type of permit, date filed, and file number. If one of the listed permits or actions requires the filing of an Environmental Notification Form under the Massachusetts Environmental Policy Act (MEPA), please contact the Commission's Chief Regulatory Officer to discuss the potential for joint Commission and MEPA review. For information on MEPA regulations contact the Executive Office of Energy and Environmental Affairs, MEPA Unit, at (617) 626-1020. Please attach all relevant MEPA documents and describe the status of the MEPA filing.

Applicants must also submit the necessary attachment(s) based on the type of application(s) being made:

- Attachment 1: DRI Application Filing Procedures & Requirements
- Attachment 2: DRI Exemption Application Filing Procedures & Requirements
- Attachment 3: Hardship Exemption Application Filing Procedures & Requirements
- Attachment 4: Limited DRI Review Application Filing Procedures & Requirements
- Attachment 5: Jurisdictional Determination Application Filing Procedures & Requirements
- Attachment 6: Joint MEPA/DRI Review Application

**LIMITED DRI REVIEW - SCOPING CHECKLIST
NEW DEVELOPMENT**

Land Use	Question	Required Info	Yes	No
Compact Growth and Resource Protection	Is the project consistent with the land use categories and their characteristics? (check "Yes" if Town has not adopted a Land Use Vision Map)	RPP Regional Land Use Vision Map which shows project site	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compact Growth and Resource Protection	Is the development clustered on the site?	Preliminary project plans, Local zoning	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Capital Facilities and Infrastructure	Does the project create new infrastructure?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Capital Facilities and Infrastructure	Does the project propose to construct a new wireless facility?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rural Lands	Is the project site adjacent to rural landscapes or land under active agricultural production?	Staff consultation/Preliminary project plans showing prime agricultural lands	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rural Lands	Is the land capable of sustained agricultural production as evidenced by recent use, soils, or adjacent land use?	Staff consultation/Preliminary project plans showing prime agricultural lands	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Resources	Question	Required Info	Yes	No
Drinking Water Quality and Quantity, Marine Water Embayments and Estuaries, Freshwater Ponds and Lakes	Is the project located in a Wellhead Protection Area, Potential Public Water Supply Area, Marine Water Recharge Area, or Fresh Water Recharge Area?	Site locus map showing watersheds described by Water Resources Classifications Maps I & II	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public and Private Sewage Treatment Facilities	Is the project's wastewater facility an on-site septic system or private treatment plant?	Preliminary project plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General Aquifer Protection	Does the project's nitrogen load from wastewater, stormwater and turf exceed 5 parts per million?	Nitrogen loading calculations per Technical Bulletin 91-001	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater Management	Does the project incorporate Low Impact Design stormwater treatment to the greatest extent possible?	Engineered grading, drainage, and erosion control plans that show existing and proposed conditions and stormwater design details	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stormwater Management	Does the project have a comprehensive engineer-certified Operations and Maintenance Plan (Plan) that 1) demonstrates compliance with the Massachusetts Stormwater Policy & Guidelines 2) provides a schedule for inspection, monitoring and maintenance 3) identifies the parties responsible for Plan implementation and 4) includes an inspection and maintenance log	Copy of project's Stormwater Operation and Maintenance Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coastal Resources	Question	Required Info	Yes	No
Protecting Maritime Industry, Character and Public Access	Does the project involve a new or expanded non-water dependent use within a working waterfront or within 250 feet of the mean high water line?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Protecting Maritime Industry, Character and Public Access	Does the project restrict or impede public access to the shoreline?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Protecting Maritime Industry, Character and Public Access	Does the project limit views of the ocean and/or shoreline from public ways, waterways, access points, and existing development relative to existing conditions?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Hazard Mitigation	Does the project involve any new construction or site disturbance in or within 100 feet of land subject to coastal storm flowage, barrier beach, coastal dune, or coastal bank?	Preliminary project plans indicating flood zone boundary, and Resource Area Delineation through local Conservation Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Preserving Coastal Water Quality and Habitat	Does the project involve any alteration of or propose new development in a coastal wetland or its 100 foot buffer zone?	Resource Area Delineation through local Conservation Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Responses in the shaded boxes may be included in the scope of Commission review. Consultation with Commission staff recommended.

**LIMITED DRI REVIEW - SCOPING CHECKLIST
NEW DEVELOPMENT**

Wetlands/Wildlife & Plant Habitat		Question	Required Info	Yes	No
Wetlands	Does the project involve any alteration of a wetland that is greater than 500 square feet in size or to a vernal pool?	Resource Area Delineation through local Conservation Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wetlands	Does the project involve any alteration of a 100 foot buffer to a wetland that is greater than 500 square feet in size?	Resource Area Delineation through local Conservation Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wetlands	Does the project involve any alteration of a 350 foot buffer to a vernal pool?	Resource Area Delineation through local Conservation Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wetlands	Will the project result in any direct stormwater discharge within 100 feet of a wetland or waterbody of 500 square feet in size or a vernal pool?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Wildlife & Plant Habitat	Will the project disturb or alter naturally vegetated areas?	Existing Conditions Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Wildlife & Plant Habitat	Is the project site mapped as Estimated or Priority rare species habitat by the Massachusetts Natural Heritage & Endangered Species Program (NHESP)?	NHESP Atlas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Open Space Protection & Recreation		Question	Required Info	Yes	No
Open Space & Recreation	Is the project located outside an Economic Center? (Check "Yes" if Town has not adopted a Land Use Vision Map)	RPP Regional Land Use Vision map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Open Space & Recreation	Is the project located within a Significant Natural Resource Area (SNRA)?	SNRA Map, Preliminary project plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Open Space & Recreation	Outside of SNRA, will the project disturb or alter more than 2 acres of land?	SNRA Map, Preliminary project plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Energy		Question	Required Info	Yes	No
Energy	Has the project been designed to meet LEED Certification?	Design information or LEED Certification Checklist	<input type="checkbox"/>	<input type="checkbox"/>	
Energy	Is the project Mixed Use as defined by the Regional Policy Plan?	Project description, RPP definition of Mixed Use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Energy	Is the project located in an Economic Center? (check "No" if Town has not adopted a Land Use Vision Map)	RPP Regional Land Use Vision Map which shows project site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Economic Development		Question	Required Info	Yes	No
Low Impact and Compatible Development	Is the project located outside an Economic Center or an Industrial Service & Trade Area? (check "Yes" if Town has not adopted a Land Use Vision Map)	RPP Regional Land Use Vision Map which shows project site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Low Impact and Compatible Development	If located in an Industrial Service & Trade Area, will this project accommodate non-industrial uses as defined in the Regional Policy Plan? (check "Yes" if Town has not adopted a Land Use Vision Map)	Statement from Applicant	<input type="checkbox"/>	<input type="checkbox"/>	
Low Impact and Compatible Development	Is the project located in a resource-based economically productive area?	Existing Conditions Plan, Assessors Data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Balanced Economy	Does the development involve Class III gaming?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Infrastructure Capacity	Will the project develop new infrastructure as defined in the Regional Policy Plan?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Affordable Housing		Question	Required Info	Yes	No
Affordable Housing (Residential Projects)	Does the project include 10 or more units/lots in a Town that has an affordable housing bylaw under which this project will be permitted?	Project affordable housing narrative, Local affordable housing bylaw	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Equal Opportunity	Does the project include 10 or more units/lots in a Town that has an affordable housing bylaw under which this project will be permitted?	Project affordable housing narrative, Local affordable housing bylaw	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Community Participation (Commercial Projects)	Does the project involve additional commercial development?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

N/A

N/A

**Responses in the shaded boxes may be included in the scope of Commission review.
Consultation with Commission staff recommended.**

**LIMITED DRI REVIEW - SCOPING CHECKLIST
NEW DEVELOPMENT**

Transportation	Question	Required Info	Yes	No
Congestion Management	Will the project generate more than 250 new daily trips?	ITE Trip Generation Manual	<input type="checkbox"/>	<input type="checkbox"/>
Transportation Balance & Efficiency	Will the project generate more than 250 new daily trips?	ITE Trip Generation Manual	<input type="checkbox"/>	<input type="checkbox"/>
Safety	Does the project have direct access on or does the project directly abut a regional roadway?	Cape Cod Metropolitan Planning Organization functional classification	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety	Will the project generate more than 25 new peak hour trips at a high crash location?	State / Local crash data	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage Preservation & Community Character	Question	Required Info	Yes	No
Historic Structures / Cultural & Archaeological Resources	Is the building and/or site listed on the National Register of Historic Places or within a National or Local Historic District?	Historic District Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic Structures / Cultural & Archaeological Resources	Is any part of the site known to be archaeologically significant or archaeologically sensitive, including areas within 100 feet of a wetland or water body?	Massachusetts Historical Commission consultation, Resource Area Delineation through local Conservation Commission	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic Structures / Cultural & Archaeological Resources	Is there a building or structure on the property, which is more than 75 years old or known to be historically significant?	Local Historical Commission / staff consultation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site & Building Design	Is the development proposed within a distinctive area, such as a historic district, along a scenic road, cultural landscape, regional road or shoreline?	Staff consultation	<input type="checkbox"/>	<input type="checkbox"/>
Site & Building Design	Outside of distinctive areas, does the project consist of a single mass greater than 15,000 square feet?	Preliminary project plans	<input type="checkbox"/>	<input type="checkbox"/>
Site & Building Design	Does the project incorporate site design and building design features consistent with the Commission's Design Manual and Design Manual Addendum guidelines?	Staff consultation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Landscape Design	Is the project subject to habitat restoration requirements resulting from on or off-site disturbance of significant wildlife or plant habitat?	SNRA Map, Preliminary project plans	<input type="checkbox"/>	<input type="checkbox"/>
Landscape Design	Is the project's landscape design consistent with MPS HPCC2.10 and does it include the use of site appropriate, non-invasive plantings to reduce water use and maintenance needs?	Preliminary project plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Exterior Lighting Design	Is the project's exterior lighting design consistent with MPS HPCC2.11 and the Exterior Lighting Technical Bulletin?	Exterior lighting information including fixture cut sheets and foot-candle plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials & Waste	Question	Required Info	Yes	No
Hazardous Materials and Waste Management	Does the project involve greater than household quantities of hazardous materials or hazardous wastes in an existing Wellhead Protection Area or Potential Public Water Supply	Project Inventory, RPP Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials and Waste Management	Does the project use, handle, generate, treat or store hazardous waste?	Project Inventory	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste	Does the project involve greater than 25,000 square feet of new development?	Preliminary project plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste	Does the project involve a significant amount of land clearing wastes or construction and demolition debris?	Estimate of amounts of land clearing and construction/demo wastes, Plan to address recycling and disposal of wastes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Local Concerns	Question	Required Info	Yes	No
Town Concerns	Has the Town identified issues or concerns that should be addressed through DRI review?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Comment / Concerns	Has the public identified issues or concerns?		<input type="checkbox"/>	<input checked="" type="checkbox"/>

TBD

TBD

N/A, Subdivision

N/A, Subdivision

TBD

Responses in the shaded boxes may be included in the scope of Commission review. Consultation with Commission staff recommended.