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BARNSTABLE, MASSACHUSETTS 02630



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

CAPE COD
COMMISSION

DECISION OF THE CAPE COD COMMISSION

Date: April 4, 2019

Re: Development of Regional Impact (DRI) Exemption
Cape Cod Commission Act, Section 12(k)/ Enabling Regulations, Section 8

Project: Harriett Taylor Conservation Area
(Commission File No. 19006)

Property: 247 Old County Road, Sandwich
(Town Assessors Map 31 Parcel 19; and Map 36 Parcel 93)

Applicant/
Owner: V. Adrian Parsegian
c/o The Compact of Cape Cod Conservation Trusts, Inc.
Mark H. Robinson, Executive Director
P.O. Box 443, Barnstable, MA 02630

Title: Deed Book 3085 Page 119
Plan Book 584 Page 34

FINDINGS

The Cape Cod Commission ("Commission") hereby finds and determines as follows:

F1. The Property consists of two (2) contiguous parcels totaling approximately 32.23 acres containing woodlands, freshwater wetlands and saltmarsh. The land had historically been used for agricultural purposes (cranberry bogs and livestock grazing), and there is a residence/farmhouse dating to the early 1700's on the portion of the land near its frontage on Old County Road. The Property also contains mapped habitat for rare and endangered species, and is located in the Old King's Highway District.

F2. In 2003, the Owner granted a Conservation Restriction to the Sandwich Conservation Trust over approximately 28.4 acres of the Property (See Deed Book 17376 Page 127). The purpose of the Conservation Restriction is to retain those premises in perpetuity "predominantly in its natural, scenic and open condition." At the time, the Owner reserved from said Restriction two

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areas on the Property, “Building Envelope A” and “Building Envelope B.” Building Envelope A includes the existing residence.

F3. The Owner now intends to deed the fee ownership in the land encumbered by said Conservation Restriction (CR) to the Compact of Cape Cod Conservation Trusts, Inc. (“Compact”) or the Sandwich Conservation Trust (“SCT”); the CR on said land would continue to be held by SCT. In addition, the Owner would grant the fee ownership in Building Envelope “B” to the Compact or SCT to be held for conservation purposes in perpetuity. Ultimately, the total amount of the Property held for conservation purposes in perpetuity would be approximately 30.84 acres.

F4. In order to allow conveyance of the conservation land to the Compact or SCT, the Owner proposes to divide and reconfigure the internal parcel boundaries of the Property via an “Approval Not Required” (ANR) plan endorsement from the Sandwich Planning Board. The ANR plan endorsement and subsequent conveyancing and recording with the Barnstable County Registry of Deeds would result in the Property being divided into two parcels: one approximately 60,000 sq. ft. building lot containing the existing residence (mirroring Building Envelope A previously reserved from the CR by the Owner), which would be retained by the Owner; the other, an approximately 30.84 acre parcel that would be deeded and restricted for open space and conservation purposes in perpetuity.

F5. The proposed division of the Property is depicted on the plan submitted with the DRI Exemption request and entitled “Plan of Division of Land in Sandwich, MA. as prepared for V. Adrian Parsegian and Valerie Parsegian,” prepared by Soule Land Surveying, Brewster, MA, dated February 18, 2019.

F6. The proposed land division literally qualifies as a Development of Regional Impact (DRI) because it meets or exceeds the DRI review threshold appearing in Section 3(c) of the *Enabling Regulations Governing Review of Developments of Regional Impact* (Chapter A of the Code of Cape Cod Commission Regulations of General Application), as amended April 19, 2018 (“Enabling Regulations”). Said Section 3(c) provides:

“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 [and is]...not otherwise exempted from review under Section 22(e) of the Act.”

F7. Where proposed development, including land division, literally qualifies as a DRI, Section 12(k) of the Cape Cod Commission Act and Section 8 of the Enabling Regulations allow “*any applicant to apply to the Commission for an exemption from Commission review 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 municipality in which the development is to be located...*”

F8. The Owner submitted a DRI Exemption Application and supporting materials, dated March 4, 2019, for the Project.

F9. The Commission held a duly-noticed hearing on April 4, 2019 to review the DRI Exemption request.

F10. The location, character and environmental effects of the proposed land division will prevent its having any significant impacts on the values and purposes specified under the Act, and in fact, the proposal is consistent with and advances values, goals and purposes of the Cape Cod Commission Act and the Regional Policy Plan relating to conservation, Open Space and natural resource protection. The Owner simply, for land conveyancing purposes only, proposes to create a separate parcel to define an area encumbered by an existing Conservation Restriction, and further to add land to this Conservation Restriction area; no physical development or construction, or other change in physical circumstances, is proposed.

CONCLUSION

Based on the above Findings, the Commission hereby grants the requested DRI Exemption, and the Town of Sandwich may issue permits, approvals and the like for the proposed division of the Property as described herein, subject to the Conditions, below.

CONDITIONS

C1. Pursuant to Section 12(k) of the Act, the Owner has three (3) years from the date of this written decision to exercise the rights granted hereunder.

C2. This Decision shall be filed with the Barnstable County Registry of Deeds.

C3. The Owner shall provide the Cape Cod Commission copies of the following evidencing their filing with the Barnstable County Registry of Deeds:

- Endorsed division plan for the Property as referenced in Finding F5;
- Deed in fee simple to the Compact of Cape Cod Conservation Trusts, Inc or SCT for the approximate 30.84 acre parcel depicted on said division plan, evidencing that the land be restricted for conservation and open space purposes in perpetuity, including, as applicable, any separate Conservation Restriction instrument on said former Building Envelope B area.

(SIGNATURE PAGE FOLLOWS)

SIGNATURE PAGE

Executed this 4th day of April 2019.

Harold W Mitchell
Signature

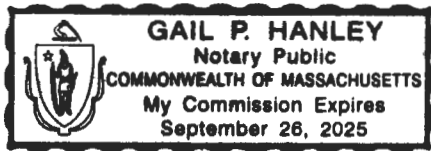
Harold W Mitchell Chair CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

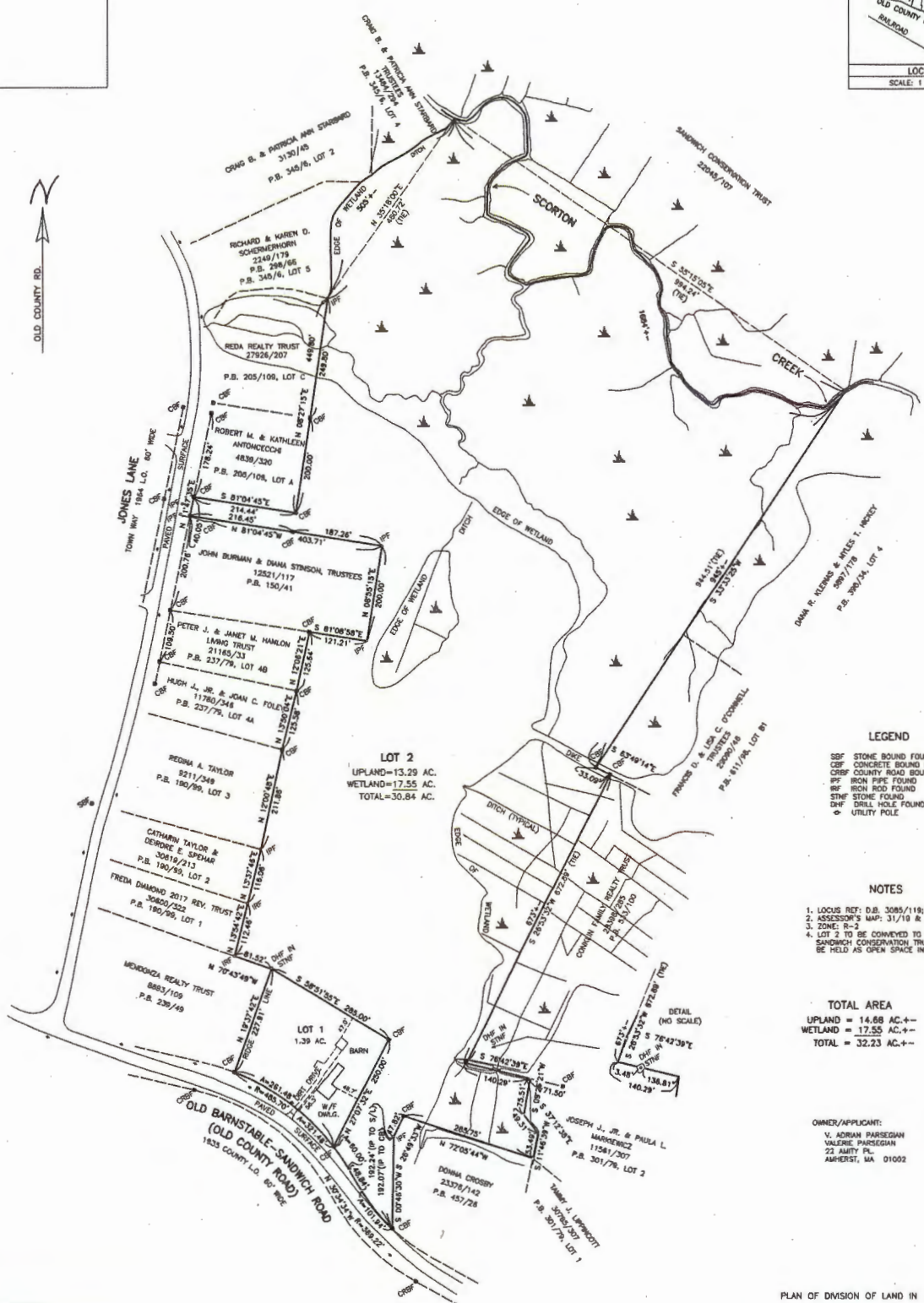
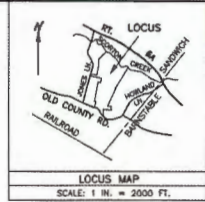
April 4, 2019

Before me, the undersigned notary public, personally appeared Harold W. Mitchell, in his/her capacity as Chairman 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 on behalf of said Commission. 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.



SEAL

Gail P. Hanley
Notary Public
My Commission Expires: 9-26-25



- LEGEND**
- SBF STONE BOUND FOUND
 - CBF CONCRETE BOUND FOUND
 - CRF COUNTY ROAD BOUND FOUND
 - IPF IRON PIPE FOUND
 - RF IRON ROD FOUND
 - STF STONE FOUND
 - DHF DRILL HOLE FOUND
 - U UTILITY POLE

- NOTES**
1. LOCUS REF: D.B. 3085/119; P.B. 584/34
 2. ASSESSOR'S MAP: 31/19 & 36/93
 3. ZONE: R-2
 4. LOT 2 TO BE CONVEYED TO THE SANDWICH CONSERVATION TRUST TO BE HELD AS OPEN SPACE IN PERPETUITY.

TOTAL AREA
 UPLAND = 14.68 AC.+-
 WETLAND = 17.55 AC.+-
 TOTAL = 32.23 AC.+-

OWNER/APPLICANT:
 V. ADRIAN PARSEGIAN
 VALERIE PARSEGIAN
 22 AMITY PL.
 AMHERST, MA 01002

PLAN OF DIVISION OF LAND IN
 SANDWICH, MA.
 AS PREPARED FOR
V. ADRIAN PARSEGIAN
 &
VALERIE PARSEGIAN
 SCALE: 1 IN.=100 FT. FEBRUARY 18, 2019

SOULE LAND SURVEYING
 103 WESPER POND DRIVE
 BREWSTER, MA. 02631
 (508)255-4728



DATE SUBMITTED: _____
 DATE SIGNED: _____
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 SANDWICH PLANNING BOARD

I CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.
 DATE: _____
 PROFESSIONAL LAND SURVEYOR

THE ABOVE ENDORSEMENT DOES NOT CONSTITUTE COMPLIANCE WITH THE PROTECTIVE ZONING BY-LAWS OF THE TOWN OF SANDWICH.