

From: Jonathon Idman
To: ["Rogers"](#)
Subject: RE: Response to question
Date: Tuesday, May 19, 2015 12:06:00 PM

The versions of all Cape Cod Commission Regulations existing at the time of execution and approval of the development agreement (including the RPP and development agreement regulations themselves) would apply for the term of the development agreement, including to any modifications to or extension of the development agreement. Any eventual request for modification or extension of the development agreement would require Cape Cod Commission approval, though for modifications considered "minor" under the current development agreement regulations, no public hearing would be required in reviewing and approving the same. Feel free to contact me with any questions.

From: Rogers [mailto:jandprogers@comcast.net]
Sent: Tuesday, May 19, 2015 10:47 AM
To: Jonathon Idman
Subject: Re: Response to question

Jonathan,

Thanks very much.

I promise not to keep emailing you, but could you clarify a couple of points:

When you say "Commission regulations are frozen", could you be more specific. Which regulations are frozen ?

And "(including, notably, for any modifications to the agreement)"
Does that mean that the nature and size of the project could change significantly without CCC oversight ?

As you may have intuited, I am very skeptical of the Sports Destination Project. It appears to be a very big deal for all of Sandwich, and one that should meet the strictest standards of the CCC.

Thanks for your help.

Jim R

On May 19, 2015, at 10:11 AM, Jonathon Idman
<jidman@capecodcommission.org> wrote:

A development agreement is an alternative Commission review process for a project that would otherwise require DRI review. The Commission's development agreement regulations are contained in Chapter D of the Code of Cape Cod Commission regulations.

In terms of the review process, both DRIs and development agreements require public

hearing. There is not a hard and fast public hearing timeline associated with development agreements as there is with DRI review, though.

Substantively, the key differences with development agreements are that the period to obtain local permits and undertake construction pursuant to Commission approval is longer with development agreements than with DRIs; Commission regulations are 'frozen' for the entire period of a development agreement from the time the agreement is executed and approved (including, notably, for any modification to the agreement); and an applicant has greater flexibility in meeting the requirements of the Regional Policy Plan under a development agreement than under DRI review.

In order to request Commission project review under a development agreement, no local permits can be pending for a Project, and an applicant must first submit a Notice of Intent (NOI) to file a development agreement with the Commission. Reviewing the NOI, pursuant to Section 5 of the Commission's development agreement regulations, the Commission must determine at a public hearing that a Project is suitable for consideration under a development agreement as a prerequisite to filing a development agreement application for project review. As a practical matter, if the Commission acts favorably on an NOI, prior to filing a development agreement application, an applicant must first proceed through the required Massachusetts Environmental Policy Act review process.

Jonathon D. Idman
Chief Regulatory Officer
Cape Cod Commission
3225 Main Street, P.O. Box 226
Barnstable, Mass. 02630
508/744-1260

-----Original Message-----

From: Rogers [<mailto:jandprogers@comcast.net>]

Sent: Tuesday, May 19, 2015 8:19 AM

To: Front Desk

Subject: DRI vs. Developmental Agreement

Good Morning,

As a resident of Sandwich, I am concerned about the proposed Sports Destination Complex and the rubric with which it will be considered by the CCC.

Would the appropriate person at the CCC please outline the difference(s) for me between a DRI and a Developmental Agreement.

I assume that a Developmental Agreement is a less stringent process; otherwise the

Town would not be requesting it.

I have tried to read the CCC regulations, but that has only led to confusion on my part.

Thanks for your assistance.

Jim Rogers
197 Main Street
Sandwich