

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



CAPE COD
COMMISSION

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

APPLICANT: LENNAR MULTIFAMILY COMMUNITIES, LLC (“LMC”)
C/O BRIAN DUGDALE, ESQ., GOULSTON & STORRS
400 ATLANTIC AVENUE, BOSTON, MA 02110

**RE: NOTICE OF INTENT TO ENTER A DEVELOPMENT AGREEMENT
WITH THE CAPE COD COMMISSION**

PROJECT: 35 SCUDDER RESIDENTIAL COMMUNITY (CCC FILE #DA20065)

PROPERTY: 35 SCUDDER AVENUE, BARNSTABLE (HYANNIS), MA 02630 (M 289 P 110)

DATE: FEBRUARY 25, 2021

FINDINGS

The Cape Cod Commission finds as follows:

1. Pursuant to Section 5 of Chapter D of the Code of Cape Cod Commission Regulations of General Application/ Development Agreement Regulations (November 2014), the Applicant submitted to the Cape Cod Commission (Commission) a Notice of Intent (NOI) to enter into a Development Agreement with the Commission dated December 18, 2020. In filing the NOI, the Applicant requests a determination from the Commission that the proposed development described in the NOI is eligible and suitable for a Development Agreement with the Cape Cod Commission.
2. The property addressed as 35 Scudder Avenue, Hyannis is approximately 54 acres and currently improved with the Hyannis Resort and Conference Center and the Twin Brooks Golf Course.
3. Under the Development Agreement: Applicant LMC would divide the property into two lots: an approximately 14-acre lot and another approximately 40-acre lot. The 14 +/- acre lot would contain the Hyannis Resort and Conference Center; subsequently LMC proposes to acquire the 40 acre +/- lot, which contains the golf course, and redevelop it with a residential development consisting of 312 new rental homes located in thirteen (13), multiunit buildings, a recreation building, and other associated improvements and amenities (Project).
4. LMC has entered into a Purchase and Sale Agreement with property owner TFG Hyannis Hospitality, LLC (with a redacted copy of the P&S agreement included in the NOI application) for the aforementioned 40 +/- acre parcel. Under said P&S agreement, LMC is authorized to undertake permitting for,

pursue and effectuate the Project.

5. The Project would exceed one or more mandatory Development of Regional Impact (DRI) review thresholds set out in Chapter A of the Code of Cape Cod Commission Regulations of General Application, and thus would otherwise require DRI review by the Commission.
6. No municipal development permits are currently pending for the Project, and the Applicant is investigating what review might be required for the Project under the Massachusetts Environmental Policy Act (though it anticipates that no MEPA review will be necessary).
7. The Barnstable Town Manager has provided a letter dated 12/10/2020 in support of LMCs NOI request. (copy included in NOI application).
8. At its January 28, 2021 meeting on the NOI, the Committee on Planning and Regulation (CPR) voted to recommend to the Commission that the proposed development is eligible and suitable for a Development Agreement with the Commission.
9. The Commission held a hearing on the NOI February 25, 2021.
10. The Project meets the criteria for consideration as a Development Agreement with the Commission under Section 5 of the Development Agreement Regulations, including that:
 - a. The Property includes a large land area of approximately 54 acres;
 - b. The Project consists of multiple buildings;
 - c. The Project would benefit from a comprehensive review of its foreseeable and planned elements to allow for efficient planning and implementation of infrastructure needs. In particular, the development agreement process would be more effective than DRI review in negotiating the capital facilities and infrastructure to be provided by the Applicant as appropriate to the Project, and further, the development agreement process would allow the Commission to better administer how and when such capital facilities and infrastructure are to be provided.

CONCLUSION/ DETERMINATION

The Commission hereby determines that the Project is eligible and suitable for a Development Agreement with the Commission, and the Applicant may proceed to file a Development Agreement Application with the Commission for the Project, in accordance with the Commission's Development Agreement Regulations and application guidance, within one year of the date of this written determination, which time may be extended under the relevant provisions of said Development Agreement Regulations..

(Signature page follows)

SIGNATURE PAGE

Executed this _____ day of _____ 2021.

For the Cape Cod Commission by:

Signature

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____, 2021

Before me, the undersigned notary public, personally appeared _____, in his/her capacity as _____ 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 the Cape Cod 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.

Notary Public
My Commission Expires:

SEAL