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

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

CAPE COD COMMISSION

MINOR MODIFICATION TYPE #2 DECISION

DATE:	March 19, 2025
APPLICANT/ PROPERTY OWNER:	21 Hunters Brook Rd. Inc c/o Eliza Cox, Esq. Nutter McClennen & Fish LLP 1471 Iyannough Rd P.O. Box 1630 Hyannis, MA 02601
PROJECT:	Canal Street Crossing (CCC No. 19007)
SITE ADDRESS:	21 Hunters Brook Road, Sagamore Beach, MA 02562
ASSESSOR'S ID:	Map 11 Parcel 27
TITLE REFERENCE:	Book 30451 Page 57

Cape Cod Commission Decision Recorded: Deed Book 32230 Page 86

SUMMARY

Pursuant to Section 11 of the Cape Cod Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations") (revised November 2021), the Development of Regional Impact (DRI) decision dated July 11, 2019, (the "DRI Decision"), for the above referenced Project is hereby modified by a Minor Modification Type #2 such that the Project will be substantially similar to the original proposal and will not result in different or increased impacts to the resources protected by the Cape Cod Commission Act ("Act") or the Regional Policy Plan ("RPP").

BACKGROUND

By DRI Decision dated July 11, 2019, and further modified by modification dated April 29, 2024, the Cape Cod Commission (Commission) granted approval for "Canal Street Crossing," a mixed-use development which includes: a three-story, +/- 40,000-sf medical

office building, fifteen (15) age-restricted townhomes, and a +/- 89,000-sf assisted living facility, with associated site work including site access and driveways, utilities, landscaping, and stormwater management ("Approved DRI"). The requested modification would decrease the size of the medical office building and lower it from three floors to two floors, eliminate the assisted living facility, and add seventeen (17) townhomes to the Project ("Proposed Modification").

The Project has not been constructed. Though it has not yet been exercised, the DRI Decision is still valid and effective, and local permits may still be obtained pursuant to the DRI Decision.

The Applicant submitted a request for a Minor Modification Type #2 to the Approved DRI on July 1, 2024. Supplemental information was submitted on August 30, 2024; December 4, 2024; December 16, 2024, and February 3, 2025.

The Committee on Planning and Regulation discussed the matter at Public Meetings on October 31, 2024 and February 13, 2025. The Committee on Planning and Regulation reviewed the Approved DRI in relation to the Proposed Modification and assessed the changes for impacts to resources protected by the Act or RPP.

The Committee on Planning and Regulation hereby finds and determines as follows:

FINDINGS

F1. The Proposed Modification consists of the following changes to the Approved DRI: decrease the size of the medical office building by +/- 2,800 s.f. and lower it from three floors to two floors; eliminate the 90-bed, four-story assisted living facility; add seventeen (17) townhomes to the Project, for a total of thirty-two (32) townhomes; add a clubhouse building and tennis court associated with the townhome portion of the Project.

F2. With the request for the Proposed Modification, the Applicant submitted a proposed plan set entitled "*Canal Street Crossing: Development of Regional Impact Modification*" Sagamore Beach, Massachusetts, dated June 28, 2024, prepared by Green Seal Environmental, LLC for 21 Hunters Brook Road, Inc, consisting of 42 sheets.

F3. A traffic memorandum associated with the revised site plan was submitted and supplemented by the Applicant. The Proposed Modification is not likely to result in a major change to the overall trip generation in comparison to the Approved DRI. The Proposed Modification would result in an overall reduction of daily trips, with a small reduction of both peak hour morning trips and the afternoon peak hour.

F4. No different or increased impacts to the regional transportation network are expected.

F5. Certain transportation mitigation measures included with the Approved DRI were largely associated with the assisted living facility. These mitigation measures, a signal upgrade a Sandwich Road/Mid-Cape Connector and a bus stop on the Site, are not necessary without the assisted living facility.

F6. The Applicant's proposal for affordable housing is consistent with the requirements of the Approved DRI and the RPP. The Proposed Modification includes four (4) of the thirty-two (32) townhouse units as affordable to those earning 80% or less than Area Median Income (AMI). This will result in 12.5% of the units being designated as affordable, exceeding the 10% requirement of the Approved DRI and the RPP.

F7. The Approved DRI requires the Applicant to procure a portion of the site's energy from renewable sources in the form of a five-year power purchase agreement. The Proposed Modification will instead incorporate approximately 250 kW of on-site solar. The Applicant's proposal to install on-site solar is consistent with the terms and conditions of the Approved DRI and does not alter the requirement that the Applicant install solar panels on the townhouse units and incorporate energy conservation measures as proposed.

F8. The building design of the Proposed Modification is consistent with the Approved DRI and the Community Design Technical Bulletin. The townhouses will be clustered and the Proposed Modification would result in a slight decrease in impervious surface.

F9. No different or additional work is proposed in wetland resource areas.

F10. The Proposed Modification would generate significantly less wastewater than the Approved DRI such that the Applicant has removed the wastewater treatment plant. The Applicant instead proposes alternative (I/A) wastewater treatment.

F11. The Applicant submitted the following plans and other materials together with and in support of its modification request, which plans and materials further depict and describe the proposed site and building changes:

F12. The Applicant's modification request is properly reviewed as a Minor Modification Type #2 under Section 11 of the Enabling Regulations, where the proposal is substantially similar to the original Project but involves a minor Change of Use, a minor change to the site plan, or small change to the findings or a condition of the original approval which does not affect the intent or outcome of the finding or condition approved in the DRI Decision.

   a. The use and site plan of the Proposed Modification is substantially similar to that which was originally approved;
   b. the proposed changes do not meet or exceed a mandatory threshold for new DRI review;
   c. impacts are not new or different in kind than those addressed in the DRI Decision; and
   d. the proposed changes are not contrary to the findings and conditions contained in the DRI Decision, and are consistent with the applicable provisions of the RPP.

CONCLUSION

The Proposed Modification as presented by the Applicant is substantially similar to the original Project but involves a minor change which does not affect the intent or outcome of the findings or conditions in the Approved DRI Decision and does not result in different or increased impacts to resources protected by the Act or RPP.

Based on the above Findings, the Committee on Planning and Regulation hereby approves the Applicant's request to further modify the Development of Regional Impact (DRI) decision for Canal Street Crossing as a Minor Modification Type #2, subject to the following Conditions:

CONDITIONS

C1. All findings and conditions in the DRI Decision continue to apply except as modified herein.

C2. The DRI Decision, as modified herein, shall be appurtenant to and run with the Property/ Project Site, and shall bind and be enforceable against, and inure to the benefit of, the Applicant/Owner, its heirs, successors, and assigns.

C3. This decision shall be effective upon its recording at the Barnstable County Registry of Deeds. The Applicant shall bear the costs of recording.

C4. The Project shall be undertaken, constructed and maintained in accordance with the Findings and Conditions of the DRI Decision as modified herein, including with the Approved Project Plans, as modified herein. All other plans and documents required to be submitted as Conditions of the DRI Decision, as modified herein, shall be deemed incorporated into the Approved Project Plans as and when received, reviewed, and approved by Commission staff.

C5. A copy of the DRI Decision and Approved Project Plans, both as modified herein, shall be maintained on site at commencement and through completion of the Project.

C6. Condition C12 in the DRI Decision is deleted.

C7. The Applicant shall perform all traffic mitigation measures as conditioned within the original DRI approval except that Condition C14 is hereby modified by eliminating the required mitigation associated with the signal upgrade a Sandwich Road/Mid-Cape Connector and the addition of an on-site bus stop, in accordance with Finding F5 above.

C8. The following are hereby incorporated into the DRI Decision as Approved Project Plans and shall substitute for those site and building plans referenced in DRI Decision:

- Plan set entitled "*Canal Street Crossing: Development of Regional Impact Modification*" Sagamore Beach, Massachusetts, dated June 28, 2024, prepared by Green Seal Environmental, LLC for 21 Hunters Brook Road, Inc, consisting of the following sheets:

Cover	G-1
General Notes & Legend	G-2
Existing Conditions Plans	V-100
Sediment & Erosion Control Plan	C-100
Zoning Compliance Plan	C-101
Materials & Layout Plan	C-102

- Utility Plan (Sewer) C-103
- Utility Plan (Water) C-104
- Utility Plan (Drainage) C-105
- Utility Plan (Roof Drain) C-106
- Utility Plan (Electric) C-107
- Grading Plan C-108.1 – 108.3
- Traffic & Striping Plan C-109
- Pedestrian Movement Plan C-110
- Profiles C-200 – C-202
- Site Lighting Plan C-300
- Wastewater Disposal Systems C-400 – C-402
- Details C-500 – C-510
- Landscape Plans LA-100 – LA-107

- Architectural Plans & Renderings, submitted as Plans for the Application for Modification to the Existing DRI Approval, received July 3, 2024

    - Medical Office Building - Floor, Roof, Elevation, and Exterior Materials List (2 sheets)

    - Townhomes – Site Plan. Floor Plans, Elevations, and Exterior Materials List (3 sheets)

    - Club House - Floor, Roof & Elevation Plans (1 sheet)

- Construction Period Pollution Prevention Plan, prepared for 21 Hunters Brook Road, Inc. by Green Seal Environmental, LLC, submitted as Appendix D to the Stormwater Design Summary & Calculations for Canal Street Crossing with the Application for a Modification to the Existing DRI Approval, dated June 2024

- Long Term Operation and Maintenance Plan, prepared for 21 Hunters Brook Road, Inc. by Green Seal Environmental, LLC, submitted as Appendix E to the Stormwater Design Summary & Calculations for Canal Street Crossing with the Application for a Modification to the Existing DRI Approval, dated June 2024

SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE

Executed this _____ day of March 2025.

_____
Tom Wilson, Chair, Committee on Planning and Regulation
Cape Cod Commission

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss March ___, 2025

Before me, the undersigned notary public, personally appeared _____ in his capacity as _____of the Committee on Planning and Regulation 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 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 [**X**] personal knowledge of the undersigned.

_____
Notary Public:
My Commission expires:

SEAL