

Marini Nominee Trust Settles On Cluster Development

by William F. Galvin

HARWICH – After more than a year of regulatory battles, proponents of the Monomoy Landing development along Muddy Creek are finally agreeing to meet the recommendations of town agencies.

A cluster subdivision plan was filed this week containing provisions for a community or shared septic system kept well away from the abutting nitrogen sensitive river that feeds into Pleasant Bay.

It has been a tumultuous regulatory journey over the past year for Marini Nominee Trust, owners of 17 acres with 760 feet of frontage along the river. The project has twice been sent to the Cape Cod Commission as a discretionary referral as a development of regional impact. Both times the project applications were withdrawn on the local level, ending regional review.

A year ago, the trust was seeking a 12-lot subdivision on 17 acres. But the planning board sought to encourage a cluster development, ensuring open space for protection of the sensitive environment. The board of health also wanted a shared absorption septic system for the development rather than individual septic systems that would be located closer to the river on some parcels.

Nitrogen has been the major concern for development along the river, with town officials citing a Massachusetts Estuaries Program study identifying the need for a 36.5 percent reduction in nitrogen loading to restore the health of Pleasant Bay. Assessments, from the town's water quality task force was for removal of 100 percent of new nitrogen generation in the Muddy Creek area.

Development proponents refused to put forth a cluster subdivision and a community septic facility last year. The board of health then made the referral to the Cape Cod Commission. The project was withdrawn on the local level and the commission did not accept the project for review.

Marini Nominee Trust then filed an approval-not-required plan with the planning board for four of the lots fronting on Church Street and room for a roadway to enter the remaining land. The ANR was approved.

The trust then filed a plan for a subdivision for nine lots on a little

more than 14 acres. Town boards held firm in their positions to require a cluster development and a shared septic facility. Once again the project was sent to the Cape Cod Commission for review and again proponents withdrew the application.

Last week, the trust filed another proposal with the planning board, this time in the form of a nine-lot cluster subdivision with land set aside for a community septic system that would provide enhanced treatment as compared with Title 5 systems.

The plan shows nine lots ranging in size from 17,200 to 31,300 square feet. The development is on 14.7 acres with 12.1 acres in Harwich and 2.6 acres in the town of Chatham.

The plan identifies 64 percent of the land, 9.4 acres, as set aside for open space. The open space comes in the form of a 200-foot buffer from the river as is required under the state's Riverfront Act, and a 50-foot belt that stretches around the perimeter of the subdivision.

The planning board has scheduled a public hearing on the cluster subdivision proposal for Tuesday, Nov. 27 at 7 p.m.

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