

# Housing project fight in court

## Opponents ask judge to weigh in on proposed Twin Brooks development

**Zane Razzaq**

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Opponents of a 312-apartment proposal for the Twin Brooks golf course in Hyannis are asking a judge in Barnstable County Superior Court to weigh in.

Filed on March 9, the complaint challenges the Cape Cod Commission's vote in February to sign an agreement with developer Quarterra Multifamily Communities. The 19-member commission's decision to greenlight the housing complex, which qualifies as a development of regional impact, is inconsistent with the commission's regional policy plan, according to the plaintiffs.

The Cape Cod Commission Act does not allow for that inconsistency, the plaintiffs say.

"Therefore they lack authority to approve the project," John Ale, a retired lawyer and Save Twin Brooks volunteer, said.

Along with the nonprofit Save Twin Brooks group, the plaintiffs in the lawsuit are abutters Capeway Towing & Transport, Inc. and resident Denise T. Johnson. They are represented by the Boston law firm McGregor Legere & Stevens, PC.

### What is being claimed in the lawsuit?

The lawsuit is seeking a decision declaring that parts of the commission's

regulations governing provisions for development agreements exceed the regulatory body's authority; and that the commission and its subcommittee did not afford "interested persons an opportunity to present data, views, or arguments, in violation" of the Cape Cod Commission Act.

Defendants are the Cape Cod Commission, which declined to comment through a spokesperson, and Quarterra Multifamily Communities, previously known as Lennar Multifamily Communities. Officials there could not be reached for comment.

### What is the Cape Cod Commission's agreement with the developer?

During previous public hearings over the development, the commission said the project was at odds with parts of the regional policy plan such as the water resources section, but that the mismatch is necessary to establish housing opportunities for a substantial segment of the population.

Known as 35 Scudder Avenue Residential Community or Emblem Hyannis, plans call for 13 three-story apartment buildings within walking distance of Main Street, with 13% of the apartments set aside for affordable housing. No less than 10% will be for those making up to 65% of area median income, and 3% will be for those earning up to 80%.



**A Hyannis-based nonprofit that wants to stop a housing project at the former Twin Brooks Golf Course in Hyannis has filed a lawsuit in Barnstable Superior Court, challenging the green-light decision on the proposal by the Cape Cod Commission. The photo is a view of the former golf course in 2021.**

STEVE HEASLIP/CAPE COD TIMES

The development would also include over 460 parking spaces, a clubhouse and a pool.

### Large-scale urban development is alleged by Save Twin Brooks group

The proposal creates the precedent of large-scale urban development in the middle of the villages of Cape Cod, Ale said.

"What makes Cape Cod special is its village-sized, village-scale development rather than massive suburban Boston-type developments on a day-to-day basis," said Ale.

The lawsuit also alleges that the project clashes with municipal develop-

ment bylaws and that the hearings were one-sided. Quarterra and staffers were given unlimited time to speak while Save Twin Brooks and other members of the public were confined to abbreviated, disconnected snippets that prevented them from presenting coherently their detailed analysis and factual evidence, the lawsuit stated.

The property at 35 Scudder Ave. is owned by TFG Hyannis Hospitality LLC, according to town records. The property is currently operated at the Resort and Conference Center at Hyannis, including the golf course.

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