

MODIFICATION
OF
STATEMENT OF WITHDRAWAL

The Statement of Withdrawal executed by Shirley B. Peterson and Florence Hager, Trustees of the Peterson Trust ("Applicant") dated October 29, 1997, accepted by the Cape Cod Commission on November 6, 1997, concerning lots of the Peterson 1990 Real Estate Trust shown on the plan of land entitled "Peterson Trust" dated June 28, 1990, recorded at Barnstable County Registry of Deeds at Plan Book 473 Page 33, is hereby modified as follows.

Without DRI review, Lot 10 and Parcel 14 shown on said plan dated June 28, 1990, may be redivided, by plan or plans endorsed by the Falmouth Planning Board, into two (2) lots, Lot 10A and Lot 14 as shown on the plan entitled "Subdivision Plan of Lots 10A and 14, prepared for Cutler Family Residences, in Sippewissett, Falmouth, MA" scale: 1" = 40', dated June 15, 1998, last revised 8/28/98, prepared by Holmes and McGrath, Inc. ("the Plan"), which plan is recorded in said Registry of Deeds at Plan Book 544 Page 100 . Without DRI review, one single family dwelling may be erected on Lot 10A together with related accessory structures, provided that the existing single family dwelling on said Lot 10 shall be removed prior to the occupancy of the new single family dwelling on Lot 10A. Without DRI review one single family dwelling together with related accessory structures, may be erected on Lot 14. The Applicant agrees, as conditions of this modification: (1) to maintain a 100 foot undisturbed buffer area on both lots landward from wetlands and the mean high water mark as noted on the above-referenced plan in conformance with Regional Policy Plan Minimum Performance Standard Section 2.3.1.2 & 2.2.3.7; (2) to install a type of denitrifying septic system approved by the Department of Environmental Protection to serve each new house erected on Lots 10A and 14 and to conform to Regional Policy Plan Minimum Performance Standard 2.1.1.1 so that the total nitrogen loading from the development of both lots and the extension of Gunning Point Avenue shall not exceed 5 ppm of total nitrogen concentration, per Technical Bulletin 91-001; and (3) to construct any building located within the area on the Plan identified as being within FEMA Flood Zone A at an elevation of one (1) foot above the elevation otherwise

required by the Town of Falmouth within such a zone, in accordance with Regional Policy Plan Minimum Performance Standard 2.2.2.2.

Except as so modified with respect to Lot 10 and Parcel 14, the Statement of Withdrawal dated October 29, 1997, and November 6, 1997, remains in full force and effect and binding upon the Applicant and Successors and Assigns. Therefore the Applicant acknowledges that, without DRI review, if one single family dwelling is erected on Lot 14 as provided herein above, the development of Lots 5, 7, 8 and 11 shown on said plan dated 6/28/90 is limited to a maximum of three (3) single family dwellings and related accessory structures.

EXECUTED UNDER SEAL on ^{November 2} September , 1998.

SHIRLEY B PETERSON and FLORENCE HAGER,
TRUSTEES of THE PETERSON 1990 REAL ESTATE TRUST

By: Shirley B. Peterson, Trustee
Shirley B. Peterson, Trustee

and

Florence Hager - Trustee
Florence Hager, Trustee

(Signatures continued on following page)

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November 2
September , 1998

Then personally appeared the above named Shirley B. Peterson and Florence Hager, Trustees, and acknowledged the foregoing instrument to be their free act and deed on behalf of the Peterson 1990 Real Estate Trust, before me,

Robert H. Amato

Notary Public -

My Commission Expires: Nov 9, 2001

Accepted by the Cape Cod Commission.

By: Herbert Olsen

Herbert Olsen, Chair

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November 16
September , 1998

Then personally appeared the above named HERBERT OLSEN, Chair of the Cape Cod Commission and acknowledged the foregoing instrument to be the free act and deed of the Cape Cod Commission, before me,

Katharine L Peters

Notary Public -

My Commission Expires:

