

FURTHER MODIFICATION OF STATEMENT OF WITHDRAWAL

The Statement of Withdrawal executed by Shirley B. Peterson and Florence M. Hager, Trustees of the Peterson Trust ("Applicant") dated October 29, 1997, accepted by the Cape Cod Commission on November 6, 1997, as amended by the Modification of Statement of Withdrawal executed by Applicant on November 2, 1998, accepted by the Cape Cod Commission on November 16, 1998, 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 further modified as follows:

Without DRI review, Parcel 2 shown on said plan dated June 28, 1990, may be divided, by plan endorsed by the Falmouth Planning Board, into not more than three (3) parcels, substantially as shown on a plan entitled "Plan of Land in Falmouth, Mass. owner Shirley B. Peterson, Trustee, Florence M. Hager, Trustee" Scale: 1" - 80', Date: 11/9/98, prepared by Wm. M. Warwick & Assoc. Inc., which plan shall be recorded in Barnstable County Registry of Deeds herewith if endorsed by the Falmouth Planning Board, on the following conditions:

(1) Parcel A is not a building lot; no development as defined by the Cape Cod Commission Act may occur on Parcel A, excepting not more than two (2) docks may be installed into Flume Pond (including the existing dock or a replacement thereof) and walkways thereto, if approved by the Falmouth Conservation Commission and subject to the condition that no vessels which utilize internal combustion engines shall be used on Flume Pond; otherwise all of Parcel A shall be maintained as an undisturbed buffer (this condition does not prevent the development of footpaths not wider than four feet, nor vista pruning, as may be allowed by the Falmouth Conservation Commission). Without limiting the generality of the foregoing no building or sewage disposal system may be erected, installed or maintained on Parcel A. Parcel A may be further divided and portions thereof may be annexed to one or more adjacent lots with frontage on Gunning Point Road, but, without DRI review, the development of Lots 5, 7, 8 and 11 shown on said plan dated 6/28/90 remains limited to a maximum of three (3) single family dwellings and related accessory structures, and, without DRI review, only one single family dwelling and related accessory structures may be erected on each of Lot 10A and Lot 14 shown on the plan dated June 15, 1998, recorded in Barnstable County Registry of Deeds Plan Book 544 Page 100;

(2) Prior to the filing of any application for any development permit with respect to Parcel A or Parcel C, other than the filing of the plan dated 11/9/98 for endorsement by the Falmouth Planning Board, Parcel B, containing 28.6 acres more or less, shall be permanently restricted and protected from any development (a) by the filing of a Conservation Restriction pursuant to General Laws Chapter 184

Sections 31-33, or (b) by donation to The 300 Committee, Inc., or to another not for profit land trust designated by the Cape Cod Commission, or the Town of Falmouth; and

(3) Without DRI review, one single family dwelling together with related accessory structures may be erected on Parcel C, provided that Applicant agrees (a) to maintain a 100 foot undisturbed buffer on said Parcel C from wetlands and the mean high water mark in conformance with Regional Policy Plan Minimum Performance Standard Sections 2.3.1.2 and 2.2.3.7 (this condition does not prevent the development of footpaths not wider than four feet, nor vista pruning, as may be allowed by the Falmouth Conservation Commission); (b) if a house is erected on Parcel C to limit the number of bedrooms, or to install a type of denitrifying septic system approved the Department of Environmental Protection, to conform to Regional Policy Minimum Performance Standard 2.1.1.1 by limiting the total nitrogen loading from any development on Parcel C to no more than 5 ppm of total nitrogen concentration, per Technical Bulletin 91-001; and (c) to construct any building located within FEMA Flood Zone A on Parcel C 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.

Nothing set forth herein shall prohibit The Peterson 1990 Real Estate Trust or any successor owner of Parcel B from developing Parcel B with DRI review and in accordance with a DRI decision and any other applicable regulations.

Except as so modified with respect to Parcel 2, the Statement of Withdrawal dated October 29, 1997, and November 6, 1997, as amended by the Modification of Statement of Withdrawal dated November 2, 1998 and November 16, 1998, remains in full force and effect and binding upon the Applicant and its Successors and Assigns.

Executed under seal on December 3, 1998.

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

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

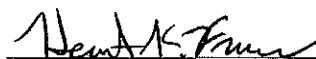
By: Florence M. Hager - Trustee
Florence M. Hager, Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

December 3, 1998

Then personally appeared the above named Florence M. Hager, Trustee, and acknowledged the foregoing instrument to be her free act and deed as Trustee of the Peterson 1990 Real Estate Trust, before me,



Notary Public - Heather K. Fraser

My Commission Expires: 09/09/2005

Accepted by the Cape Cod Commission.

By:




COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

December 7, 1998

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



Notary Public -

My Commission Expires:

