



CAPE COD COMMISSION

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DATE: December 29, 1999

TO: Sagamore Highlands Realty Trust, Marvin N. Geller,
Trustee
c/o Bernkopf, Goodman and Baseman
125 Summer Street
Boston, MA 02110
Contact Person: Edward Simpson
P.O. Box 1129
Sagamore Beach, MA 02562-1129

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact
Decision, Section 7(d)(ii), Cape Cod Commission
Administrative Regulations 5/12/97

PROJECT: The "Cliffside Open Space Community" Plan in Bourne,
Massachusetts.
Project address: Off Norris Road and Vickerson Avenue
Map 1.4 Parcel 20 N. Sagamore, Bourne MA.

BOOK/PAGE: Deed Book 8447 Page 239

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act, the May 23, 1996 DRI Decision and the Modifications to the Decision dated April 28, 1997, August 13, 1998 and May 17, 1999 issued for Cliffside Open Space Community are hereby modified as a Minor Modification # 2 by the Regulatory Committee of the Cape Cod Commission on December 29, 1999, as follows:

1) Condition #10 is hereby deleted and replaced as follows:

The applicant shall be required to provide a cash contribution to meet the affordable housing requirement in lieu of providing either three units or three lots. The amount of the cash contribution shall be \$120,000, which shall be used for the sole purpose of supporting the creation of affordable housing within the town of Bourne as approved by the Executive Director of the Cape Cod Commission. In accordance with Condition 10 as modified on May 17, 1999, the applicant established an escrow account that was satisfactory to Commission Counsel in both form and content in the amount of \$45,000 to secure the first affordable housing unit. In lieu of conveying or renting the first affordable housing unit, the applicant shall contribute these funds toward meeting the affordable housing requirement. The applicant shall provide an additional \$75,000 in a cashiers check made payable to the Barnstable County Treasurer for a total cash contribution of \$120,000. The cash contribution shall be received and verified by the Commission prior to the issuance of the Final Certificate of Compliance to release the remaining lots.

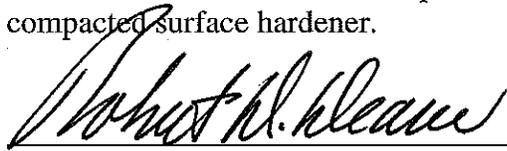
In accordance with Condition 10 as modified on May 17, 1999, the applicant provided to the Commission an Option to Purchase Lot 29 within the Cliffside Estates subdivision for one (\$1.00) Dollar to secure the second and third affordable housing units. In accordance with the Decision and the Option to Purchase, said option shall take effect on February 17, 2000, which is nine (9) months from the date of that modification. The Option to Purchase Lot 29 shall act as security for the affordable housing requirement for units two and three until such time as a cash contribution of \$120,000 has been provided by the applicant and verified by Cape Cod Commission staff, or the Commission exercises the Option to Purchase Lot 29.

Upon verification that the Commission holds the entire cash contribution of \$120,000, the Commission shall return the Option to Purchase Lot 29 for \$1.00 that the applicant provided under Condition 10 of the May 17, 1999 Modified Decision in a manner that is satisfactory to the Cape Cod Commission Counsel and the applicant or the applicants representative. Until such time, the Option to Purchase shall remain in effect and may be exercised by the Cape Cod Commission.

The Commission will make available the principal and interest in the escrow account for the sole purpose of providing affordable housing within the town of Bourne. The Executive Director of the Cape Cod Commission shall only disburse such funds after a proposal is submitted to the Commission for a specific project and is recommended by the Commission's Affordable Housing Specialist based on a determination that such project will provide acceptable affordable housing in the town of Bourne.

2) Condition #11 is hereby deleted and replaced as follows:

In accordance with Section 4.1.2.1 of the RPP, the applicant shall provide a five (5) foot wide pedestrian path from Ridgehill Circle to Old Cedarville Road to the Harlow Estates subdivision along the route of an existing pedestrian path as shown on the Final Approved Cliffside Open Space Community Plan showing the location of Cedarville Road, Bourne, MA. prepared by: Perimeter Land Services, Inc., dated 2/22/96 and last revised 5/15/96. The applicant shall provide a five (5) foot wide pedestrian path to the observation deck as shown on the approved plans. The grade of both pedestrian ways shall not exceed 8% except at the entrance to the Observation Deck Path. The depth of the surface material shall be 4" and shall consist of compacted surface hardener.



Robert Deane
Chairman, Regulatory Committee

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 18th day of January 19 2000



Name, Notary Public

My commission expires:

