



CAPE COD COMMISSION

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Date: December 7, 2005

To: Attorney Andrew Singer
Law Office of Singer & Singer, LLC
26 Upper County Road
P.O. Box 67
Dennisport, MA 02639

From: Cape Cod Commission
Development of Regional Impact Hardship Exemption
Cape Cod Commission Act, Section 23
Applicant: Sandwich Old Harbor, LLC
205 Worcester Court
Falmouth, MA 02540

Project #: HDEX 05006

Project: Olde Harbor Estates/Sandwich
4-6 Dewey Avenue, Sandwich, MA

Book/Page: Book 15516 Page 130 Lot/Parcel: Lot 74, Parcel 64
Book 15516 Page 122 Lot 74, Parcel 65

DECISION OF THE CAPE COD COMMISSION

Summary

The August 4, 2005 DRI Decision issued to Sandwich Old Harbor, LLC for the Olde Harbor Estates residential subdivision is hereby amended as a Minor Modification #1 by the Executive Director of the Cape Cod Commission on December 5, 2005. All conditions attached to the August 4, 2005 decision continue to apply except as modified herein.

Findings

Finding HPCC5 shall be modified to include the highlighted language as follows:

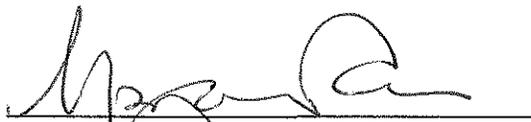
Finding HPCC5. In conformance with MPS 6.2.9, the applicant submitted a landscape plan by Horiuchi & Solien Landscape Architects, dated 7/7/05, indicating mature holly trees to be relocated on-site into a 25' wide buffer area on Lot 1 along Dewey Avenue that will be protected via a 30-year deed restriction. The landscape plan also identifies the location on open space Lot 9 onto which a mature holly will be transplanted. **The optimal season to transplant mature hollies is in the fall and early winter.** The applicant submitted a draft Land Maintenance Agreement for the Old Field area and the common areas within the roadway layout and

emergency access easement. The Land Maintenance Agreement includes mowing, removal of invasive species, mulching, watering, Integrated Pest Management, fertilizing, pruning of deadwood and replacement of dead plant material if necessary, and specifies that the Olde Harbor Estates Homeowners Association will enter into the contract with the landscape maintenance contractor. The Land Maintenance Agreement should also include the transplanted hollies on Lots 1 and 9.

Conditions

Condition G5 shall be modified to include the highlighted language as follows:

Condition G5: No development work, as the term "development" is defined in the Act, shall be undertaken until all appeal periods have elapsed or, if such an appeal has been filed, until all judicial proceedings have been completed, **with the exception of the mature hollies, which should be transplanted in the fall and early winter.**



Margo Fenn, Executive Director
Cape Cod Commission

12/9/05
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

12/9, 2005

Before me, the undersigned notary public, personally appeared Margo Fenn, in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires:

10/13/11