



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

MINOR MODIFICATION #1

Project: Cotuit Landing Redevelopment and Expansion
Route 28, Falmouth Road, Barnstable, Massachusetts

The above project for the redevelopment and expansion of the existing Cotuit Landing Shopping Center on Route 28 in Marstons Mills to 125,584 sf of retail space was approved by the Cape Cod Commission as a DRI on June 21, 2001 and modified on February 19, 2002, March 18, 2002 and June 10, 2002.

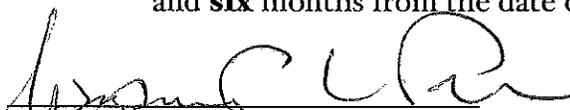
Condition OS1 of the June 21, 2001 Decision requires a conservation restriction to permanently protect 15.48 upland acres plus .69 wetland acres shown on the plan titled "Cotuit Landing Redevelopment and Expansion, Open Space Plan" dated 5/15/01. The Condition requires the conservation restriction to be recorded, and proof of recording provided to the Commission, prior to the issuance of a partial Certificate of Compliance for Phase 2 (Retail D and E and the Stop & Shop). The conservation restriction was not recorded by that time, in which case Condition OS1 allowed the applicant to place the sum of \$100,000 in an escrow account subject to an escrow agreement of form and content satisfactory to Commission counsel to be held until the conservation restriction is recorded, which action was completed. Condition OS1 further states that no final Certificate of Compliance shall be issued until proof of recording of the conservation restriction is submitted to the Cape Cod Commission.

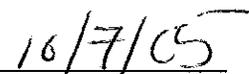
The Escrow Agreement (Escrow Agreement II) set up to hold such funds expired on July 10, 2005, and was amended on July 8, 2005 to expire after an additional three months, on October 10, 2005. The applicant has requested a second extension to extend the expiration date an additional three months, until January 10, 2006, to allow for the recording of the conservation restriction, and has signed such agreement.

Determination

The Executive Director of the Cape Cod Commission has determined that this modification is a *de minimus* change and it is therefore approved as a Minor Modification #1. This action will be reported to the Regulatory Committee on October 31, 2005. The following change shall be made to the Escrow Agreement as modified in July 2005, to reflect the revision described above:

-In the event the Conservation Restriction is not recorded within three years and **six** months from the date of the Agreement....


Executive Director


Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

10/7 /, 2005

Before me, the undersigned notary public, personally appeared MARGARET L. FENN, in his/her capacity as Chairman 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.

Dorr Steven Fox

Notary Public

My Commission Expires:

