



CAPE COD COMMISSION

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DATE: January 18, 2005

TO: Kelly Durfee Cardoza
Avalon Consulting Group, LLC
41 Cal's Court
Taunton, MA 02780

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision
dated September 6, 2001 and modified January 6, 2003
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Rosario Lattuca
Falmouth Golf, LLC
218 Speen Street
Natick, MA 01760

PROJECT: Ballymeade Estates (The Golf Club at Cape Cod)
Off Route 151, Hatchville (Falmouth), MA

PROJECT #: JR99028

BOOK/PAGE: Book 9449, Page 188
Book 13857, Pages 260
Book 11493, Page 228
Book 11781, Page 29
Book 8944, Page 0170
Book 3790, Page 139

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact decision dated September 6, 2001 and modified January 6, 2003 for the Ballymeade Estates/Golf Club at Cape Cod project is hereby amended by a vote of the Regulatory Committee on January 18, 2005. All conditions attached to the original decision dated September 6, 2001 and modified January 6, 2003 continue to apply except as modified herein.

CONDITIONS

Replace conditions OS1 and OS2 with the following conditions:

OS1. A total of 187.97 acres shall be permanently protected, including the 156 acre Falmouth Golf Parcel which shall be protected through a conservation restriction, and the 31.97 acre Braeburn Farm parcel which shall be protected through deed transfer to the Town of Falmouth.

OS2. Prior to issuance of the preliminary Certificate of Compliance, Falmouth Golf LLC shall provide the Cape Cod Commission with a conservation restriction consistent with Massachusetts General Laws Chapter 184, Section 31 – 33 and accompanying plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court which provides that 156 acres, identified as Parcel 1 on the plan titled "Property Line Plan C-2", dated 5/11/01, shall be preserved as permanent open space. The restriction shall provide for public access to the one mile walking trail running along the west and north periphery of the site. The Restriction and site plan shall be executed and recorded and proof of recording shall be provided to the Commission prior to the receipt of a preliminary Certificate of Compliance. In order to preserve the habitat values of the undisturbed open space areas, these areas shall remain undisturbed, including fallen dead wood and snags.

Frank Hogan
Frank Hogan, Chair

1/31/05
Date

Commonwealth of Massachusetts
County of Barnstable

On this 31st day of January, 2005, before me personally appeared Frank Hogan, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

Dorr Steven Fox
Notary
Commonwealth of Massachusetts

My Commission Expires: _____

