

CAPE COD COMMISSION

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Date: August 1, 2005

To: Laura Moynihan, Esquire
Ament & Ament Attorneys at Law
39 Town Hall Square
PO Box 919
Falmouth, MA 02541

From: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Section 12 & 13

Project: Woods Hole Quisset Campus Core Redevelopment
DRI # 03018

Applicant: Woods Hole Oceanographic Institution

Lot, Certificate of Title: Lot B, LC Plan 5348C (excluding land shown thereon as "New York, New Haven & Hartford Railroad Company"), Certificate #44053; Parcel A, LC Plan 13436A (excluding Parcel B shown thereon and so much of said Parcel B as lies within the location of the land of the Old Colony Railroad Company), Certificate #44053); Land shown on LC Plan 10087A (excluding Lot A, B, C, D, A¹, B¹, C¹ shown on LC Plan 10087D), Certificate #44053; Lot 6, LC Plan 5348I, Certificate # 94908.

MODIFICATION TO THE DEVELOPMENT OF REGIONAL IMPACT DECISION

SUMMARY

The Woods Hole Oceanographic Institution (WHOI) expansion project has been proceeding with its construction for approximately one year from the Cape Cod Commission decision dated February 5, 2004. Laura Moynihan, Esq., representing WHOI, stated in a letter dated June 22, 2005, that construction on three of the four buildings is ahead of schedule, and WHOI will be seeking to occupy those buildings as soon as they are completed. These include the Marine Resources Facility, the Biogeochemistry building and a 2500 square foot addition to the McLean building. Since a phased construction plan was not contemplated at the time of the decision, all conditions required to be met for a Final Certificate of Compliance were linked to the final

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certificate. WHOI requested that they be awarded Partial Certificates of Compliance for occupancy of the first three buildings, and that they receive a Final Certificate of Compliance when the fourth building is completed. The majority of conditions, excluding recording of the conservation restriction (C/R) (Condition NR2) and completion of the landscape plan (Condition CC3), have been completed at this time.

Commission staff agrees that issuance of Partial Certificates of Compliance are de minimus changes to the project and therefore may be considered as a minor modification #1 pursuant to Chapter A of the Enabling Regulations, dated March, 2005. WHOI has completed C/R review by the Cape Cod Commission, and the C/R is under review by the division of Conservation services, prior to proceeding with local review and acceptance. The fourth (MacLean) building is scheduled for completion in January 2006, and the recording of the C/R (Condition NR2) and completion of landscaping (Condition CC3) are required for that Final Certificate of Compliance.

Materials Submitted by Applicant:

- Letter from William E. McKeon to M. Twombly, dated June 27, 2005
- Letter from L. Moynihan, to M. Twombly dated June 22, 2005
- Letter from Laura Moynihan, Esq., representing Woods Hole Oceanographic Institution, to M. Twombly dated June 13, 2005.

Materials submitted from Commission staff:

- Email from T. Boesch to M. Twombly, dated July 18, 2005
- Email from Tim Boesch to M. Twombly dated July 15, 2005
- Letter from Martha Twombly to Laura Moynihan dated June 29, 2005

MODIFICATIONS TO THE DECISION FOLLOW:

Revise Condition NR2:

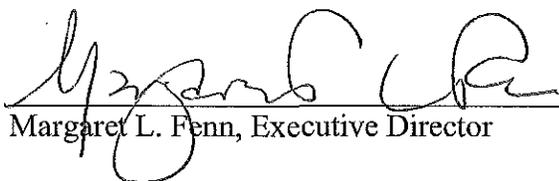
The conservation restriction and site plan shall be executed and recorded and proof of recording at the Registry of Deeds or Registry District of the Land Court shall be provided to the Commission prior to the Final Certificate of Compliance **for the 10,000 square foot McLean core storage building addition**. In order to preserve the significant habitat values of the open space areas protected through this conservation restriction, the land subject to this conservation restriction shall remain undisturbed for conservation and wildlife preservation purposes.

Add new Condition NR4:

Prior to issuance of an occupancy permit for the Marine Resources Facility, the Biogeochemistry Building and the 2500 square foot addition for the McLean Building, the applicant shall receive a Partial Certificate of Compliance from the Cape Cod Commission. Conditions G6, G9, T1, NR2, CC3, CC5, CC6 shall be complied with prior to issuance of the Partial Certificate of Compliance.

Revise Condition CC3:

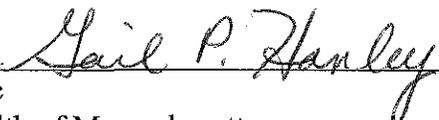
75% of site and landscape work shall be completed prior to issuance of a Partial Certificate of Compliance for occupancy of the Marine Resources Facility, and the Biogeochemistry Building, and all site and landscape work shall be complete for the Final Certificate of Compliance for the 10,000 sf addition to the McLean Building. If all required exterior lighting, site work, and/or other landscape improvements are not complete at the time a Final Certificate of Compliance is sought from the Commission, any work which is incomplete shall be subject to an escrow agreement of form and content satisfactory to Commission counsel. The amount of the escrow agreement shall equal 150% of that portion of the incomplete work, including labor and materials, with the amount approved by Commission staff. The escrow agreement shall be payable to Barnstable County with the work approved by Commission staff prior to release of the escrow funds. Unexpended escrow funds shall be returned to the Applicant, with interest, upon completion of the required work. **All site and landscape work shall be completed within six months of issuance of the Final Certificate of Compliance.**


Margaret L. Fenn, Executive Director

8/1/05
Date

Commonwealth of Massachusetts
County of Barnstable

On this 1st day of August, 2005 before me, the undersigned notary public, personally appeared Margaret L. Fenn, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.


Notary Public
Commonwealth of Massachusetts

My Commission Expires: 10/13/11