



CAPE COD COMMISSION

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Date: November 6, 2007

To: Eliza Cox
Nutter, McClennen & Fish
1513 Iyannough Road
Hyannis, MA 02601-1630

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Joshua Zuckerman
Pleasant Bay Health and Living Center
383 South Orleans Road
Brewster, MA

Project #: TR-20075

Project Name/Location: Pleasant Bay Assisted Living Facility
South Orleans Road, Brewster, MA

Book/Page: Book 10930 Page 75
Book 09773 Page 341
Book 8660 Page 197
Book 609 Page 28 (Parcel A)

Background

The above referenced project, the Pleasant Bay Assisted Living Facility, was approved as a Development of Regional Impact (DRI), with conditions, by a vote of the Cape Cod Commission (Commission) on January 9, 2003. This DRI decision was modified by Minor Modification Type #1 decisions issued on October 2, 2006 and February 5, 2007 which dealt with changes to the exterior lighting and facility's exterior siding, respectively.

In correspondence with Commission staff in August and October 2007, Attorney Eliza Cox of Nutter, McClennen & Fish discusses including language in the draft Conservation Restriction to reserve the right to place and maintain a driveway within the open space area.



Determination

The Executive Director of the Cape Cod Commission has determined that the requested inclusion of a driveway within the open space area as described below constitutes a *de minimus* change and is approved as a Type 1 Minor Modification.

The following change shall be made to condition NR/OS-1 of the 2003 DRI decision (as modified):

NR/OS-1. Prior to the Preliminary Certificate of Compliance, Pleasant Bay Assisted Living shall provide the Cape Cod Commission with a draft conservation restriction consistent with Massachusetts General Laws Chapter 184, §§31 – 33 and accompanying plan to be approved by Commission counsel which provides that 8.52 acres located on Parcels A and B and identified as open space on the plan titled "The Residences at Pleasant Bay Brewster, MA, Open Space Master Plan" dated 10/02/03(*sic*) shall be preserved as permanent open space. The conservation restriction as approved by Commission Counsel and plan shall be executed and recorded at the Registry of Deeds or Registry District of the Land Court and proof of recording shall be provided to the Commission prior to the receipt of the Final Certificate of Compliance. In order to preserve the water supply protection and habitat values of the open space areas protected through this conservation restriction, the land subject to this conservation restriction shall remain undisturbed, though provision may be made for habitat management, and public walking trails, and placement and maintenance of a single driveway, and utilities under this driveway, across the Premises for the purpose of providing vehicular access to the land located directly to the south/west of the LLC Land. The paved portion of the driveway across the Premises shall not exceed 20 feet in width or such width as may be required by the Town of Brewster and shall not be located within that area designated on the Plan as a Zone II.


Paul Niedzwiecki, Executive Director

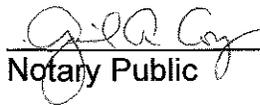
11/8/07
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

November 8, 2007

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki in his 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 signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned.


Notary Public

My Commission expires:

