

CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

DATE: January 8, 2007

TO: Douglas Storrs, Vice-President
Mashpee Commons Limited Partnership

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision dated March 4, 1993 and modified April 26, 1993, April 11, 1994, May 12, 1994, August 1, 1994, October 16, 1995, June 18, 1997, December 19, 2002 and July 19, 2004. Cape Cod Commission Act, Sections 12 and 13.

APPLICANT: Douglas Storrs, Vice-President, Mashpee Commons Limited Partnership

OWNER: Mashpee Commons Limited Partnership
P.O. Box 1530
Mashpee, MA 02649

PROJECT: 151 North Market Street
Route 151/Great Neck Road North
Mashpee, MA 02649

PROJECT #: TR90009A

LAND COURT CERTIFICATE: #172447

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact decision dated March 4, 1993 and modified April 26, 1993, April 11, 1994, May 12, 1994, August 1, 1994, October 16, 1995, June 18, 1997, December 19, 2002 and July 19, 2004 for the 151 North Market Street project is hereby amended by a vote of the Regulatory Committee on January 8, 2007. All findings and conditions attached to the original decision and modifications continue to apply except as modified herein.

Finding #11 is modified as follows:

8). In an agreement between the Town of Mashpee and the applicant in 1985, the applicant agreed to pay 50% of the construction cost of re-alignment of the Police/ Fire Station driveway with Job's Fishing Road onto Route 151 and the signalization of the four-way intersection in addition to other mitigation required for the North Market Street project or related properties.

151 North Market Street #TR90009A – Modification Decision

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In the July 19, 2004 Modification to this Decision, the applicant agreed to pay the full cost of the above-referenced re-alignment and intersection improvements, in exchange for transportation mitigation credits against any future DRI. It was estimated that the cost of the mitigation for the above-referenced improvements in 1985 would have been \$ 175,000 and that the current true and actual mitigation cost, certified by the Town and the CCC, based upon documentation supplied by the applicant, are \$828,255.08, as opposed to the estimated cost of \$600,000 set out in the July 19, 2004 Modification Decision. The Commission and the applicant agree that the difference between 50% of the original cost of the project (\$87,500) and the current true and actual cost of the project (\$828,255.08) are the amount credited as mitigation for any future DRI proposed by the applicant (\$740,755.08).

Water Resources Condition #1 added as part of the July 19, 2004 Modification shall be modified by adding the following to the end of the condition:

“The credit shall be reduced by 47.1 kilograms per year in accordance with the DRI approval for the Jobs-Whiting Neighborhoods decision dated December 14, 2006 (TR #98049). The future credit associated with this condition shall be 39.9 kilograms per year.”

Transportation Condition #2 approved as part of the July 19, 2004 Modification shall be modified to read as follows:

“The Applicant shall receive a maximum transportation mitigation credit of \$740,755.08 for completion of the intersection work described in findings #13 and #16.”



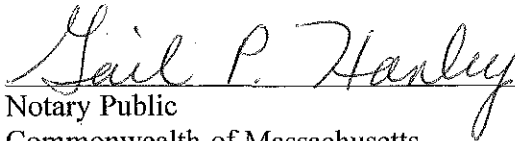
Frank Hogan, Chair Regulatory Committee
Cape Cod Commission

1/8/07

Date

Commonwealth of Massachusetts
County of Barnstable

On this 8th day of January, 2007, before me, the undersigned notary public, personally appeared, 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