

## CAPE COD COMMISSION

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Date: December 18, 2007  
To: Attorney Samuel H. Crowell  
From: Cape Cod Commission  
Re: Modification of Development of Regional Impact Decision dated April 23, 1998 and recorded at the Barnstable Registry of Deeds Land Court Division document #740,315-1, and modified September 22, 1998 and recorded at the Barnstable Registry of Deeds Land Court Division document #748,642-1  
Cape Cod Commission Act, Sections 12 and 13  
Applicant/Owner: Dillingham Properties, LLC  
c/o Samuel H. Crowell  
Law Office of William E. Crowell  
49 Elm Avenue  
Hyannis, MA 02601  
Project: Catherine B. Lowell Trust ANR  
Project #: TR96024  
Unregistered Land:  
Book/Page: 16696/312  
Registered Land:  
Certificate: #168790, plan 4686E, 4686C

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### **MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION**

The Development of Regional Impact Decision dated April 23, 1998 and recorded at the Barnstable Registry of Deeds Land Court Division document #740,315-1, and modified September 22, 1998 and recorded at the Barnstable Registry of Deeds Land Court Division document #748,642-1 for the Lowell Trust ANR project is hereby amended by a vote of the Regulatory Committee on November 26, 2007. All conditions attached to the original decision dated April 23, 1998 and modifications dated September 22, 1998 continue to apply, except as modified herein.



## Findings

Finding G-1 is modified to add the following language:

Based on a modification request by the applicant, the Dillingham Properties, LLC, the site area subject to this DRI is amended, and in addition to the 58.98 acre parcel described above, includes "Lot 2 L.C. 4686-C Dillingham Real Estate Trust," (hereinafter "Lot 2") as shown on the DRI-approved plan titled "Plan of land in Barnstable, MA for The Catherine B. Lowell Trust" dated July 26, 1996, and revised April 14, 1998, which is appended to this decision as Exhibit A.

A new finding G-2 is added:

G-2. Based on information provided by the applicant, Dillingham Properties, LLC, Lots F, G, and H, as shown on Exhibit A, are in common ownership with Lot 2, as shown on Exhibit A. Any future division of Lot 2 for development purposes other than open space protection, is subject to review by the Cape Cod Commission as a DRI.

A new finding NR/OS-5 is added:

NR/OS-5. In December 2007, the Dillingham Properties, LLC proposed to permanently protect through conservation restriction to the Barnstable Land Trust a total of 19.21 acres on Lots F, G, and H and on the adjacent Dillingham Real Estate Trust parcel (Lot 2), of which 16.09 acres were required previously through the Lowell Trust ANR DRI decision, and of which 3.12 upland acres are provided in excess of that open space requirement. Following preservation of the 3.12 upland acres by conveyance and recording of a conservation restriction to the Barnstable Land Trust, the Dillingham Properties, LLC shall receive a "credit" toward future open space requirements that may be required through a future DRI approved on the Dillingham Real Estate Trust parcel (Lot 2 on Exhibit A).

The draft conservation restriction referenced above and reviewed by Commission staff is consistent with the requirements of the 1998 DRI decision.

Conditions

Add a new condition G-9:

G-9. Any future division of Lot 2, as shown on the DRI-approved plan titled "Plan of land in Barnstable, MA for The Catherine B. Lowell Trust" dated July 26, 1996, and revised April 14, 1998 (Exhibit A) for development purposes other than open space protection, shall be subject to review by the Cape Cod Commission as a DRI.

Frank Hogan  
Frank Hogan, Chair

12/18/07  
Date

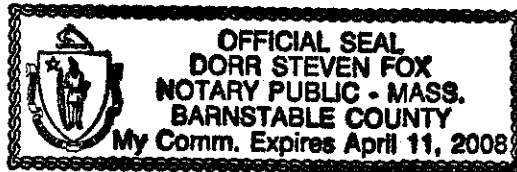
Commonwealth of Massachusetts  
County of Barnstable

On this 18<sup>th</sup> day of December, 2007 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: \_\_\_\_\_



PLAN OF LAND IN BARNSTABLE, MA.

FOR

THE CATHERINE B. LOWELL TRUST

0 50 100 200

SCALE IN FEET 1"=100'

JULY 26, 1996

REVISED DEC. 1, 1997

REVISED APRIL 14, 1998

EDWARD E. KELLEY

REG. PROF. LAND SURVEYOR

BOX 51

CUMMAGUO, MA. 02637

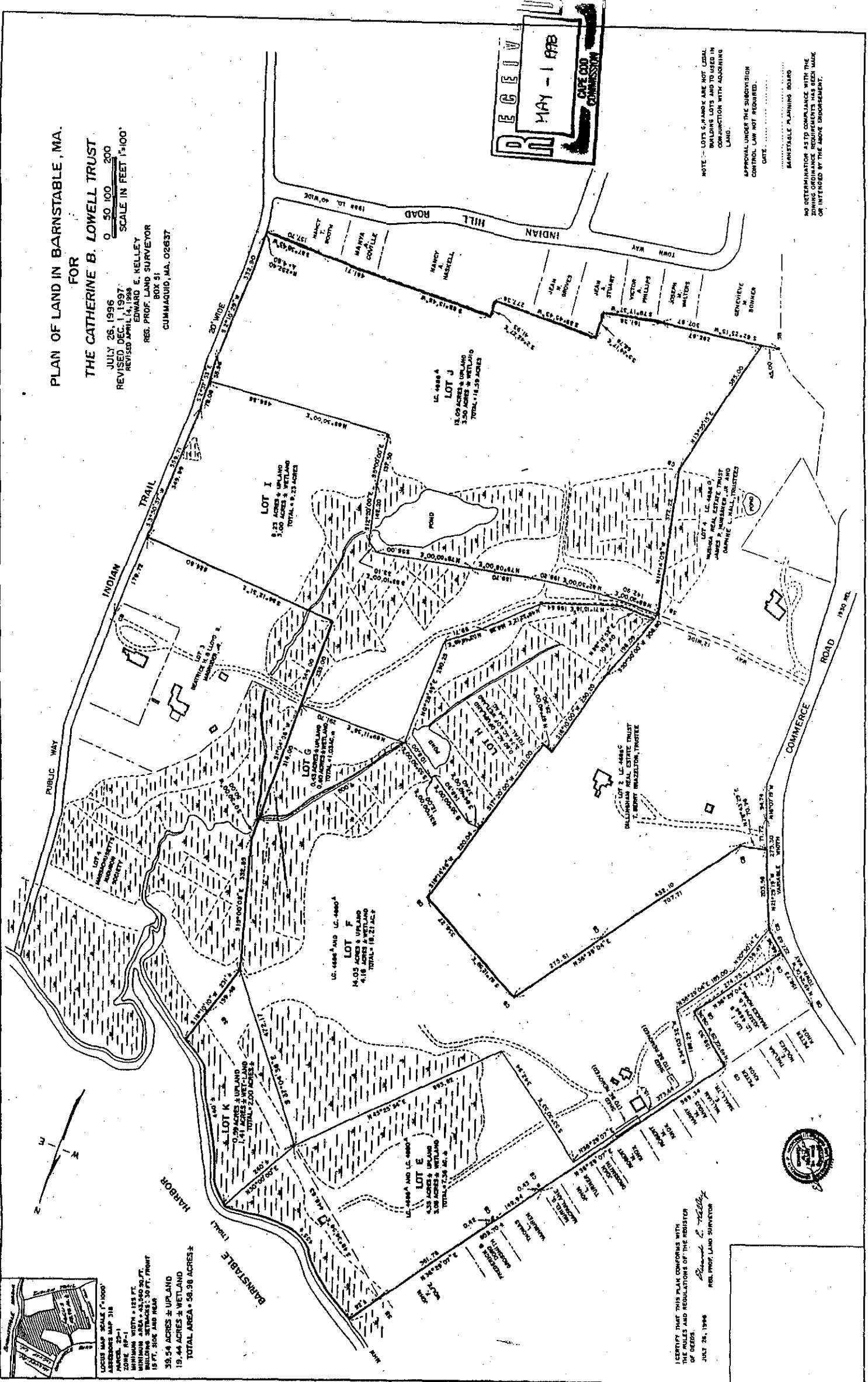
RECEIVED  
MAY - 1 1998  
CAPE COD  
COMMISSION

NOTE: LOTS & PLANS ARE NOT LEGAL BUILDING LOTS AND TO BE USED IN CONJUNCTION WITH ADJOINING LAND.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED.

BARNSTABLE PLANNING BOARD

NO DETERMINATION AS TO COMPLIANCE WITH THE ZONING ORDINANCE REQUIREMENTS HAS BEEN MADE OR INTENDED BY THE ABOVE ENDORSEMENT.



LOCUS MAP SCALE 1"=1000'  
AREAS MAP 318  
PARCELS 22-1  
MINIMUM WIDTH = 125 FT.  
MINIMUM AREA = 43,560 SQ. FT.  
BUILDING SETBACKS: 30 FT. FRONT  
15 FT. SIDE AND REAR  
39.54 ACRES ± UPLAND  
19.44 ACRES ± WETLAND  
TOTAL AREA = 58.98 ACRES ±

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.  
JULY 28, 1998  
Edward E. Kelley  
REG. PROF. LAND SURVEYOR

EXHIBIT A