



# CAPE COD COMMISSION

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DATE: February 2, 2009

TO: Attorney Jonathan Fitch  
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RE: Modification  
Development of Regional Impact Exemption Decision dated  
December 5, 1991  
As amended in a Minor Modifications April 1, 2002, November 3,  
2003, and October 31, 2005  
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: P.A. Landers, Inc. (TR-91054)

PROJECT: P.A. Landers Sand & Gravel  
Kiah's Way, Sandwich, MA

LOCUS: Map 53, Parcels E-4, E2-2

REGISTRY INFORMATION: Book 15426 Page 17 Book 14405 Page 214 Book 13013 Page 268  
Book 12897 Page 103 Book 12514 Page 105 Book 12362 Page 204 Book 11236 Page 181  
Book 9696 Page 234 Book 9505 Page 152 Book 7341 Page 44 Book 6478 Page 110  
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REGISTRY PLANS: Book 571 Page 67 Book 399 Page 80 Book 569 Page 55 Book 370 Page 70  
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ASSESSORS INFORMATION: Map 27 Parcels 2 to 10 Map 32 Parcel 57 Map 33 Parcel 61 Map 39 Parcel 146

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

The Development of Regional Impact decision dated December 5, 1991, as amended in  
Minor Modifications of April 1, 2002, November 3, 2003 and October 31, 2005, for the



P.A. Landers sand and gravel project, is hereby amended as a Minor Modification Type #2 by a vote of the Cape Cod Commission (Commission) Regulatory Committee on February 2, 2009.

All findings and conditions attached to the original decision dated December 5, 1991, and as modified in the April 1, 2002, November 3, 2003, and October 31, 2005 decisions continue to apply except as modified herein.

#### **Modification to P.A. Landers Decision**

In accordance with the February 2, 2009 vote of the Commission's Regulatory Committee, the following modifications are made to finding #4 and condition #13 of the December 5, 1991 decision (as modified). All other findings, requirements and conditions of the December 5, 1991 decision, as modified, shall continue to apply.

#### Finding #4

**"4. The project as approved by the Cape Cod Commission in a decision dated December 5, 1991 was required to provides provide 22 acres of open space and an undisturbed buffer of approximately 700 feet between the limit of work and the critical habitat/wetland area. The project [as approved in a decision dated December 5, 1991] was also provides required to provide a buffer area between the operations and the abutting town owned properties. Since the 1991 DRI decision, the entire 33-acre site, including the 13-acre work area has been mapped by the Massachusetts Natural Heritage and Endangered Species Program as priority habitat for rare species, according to the 2008 Natural Heritage Atlas."**

#### Condition #13

**"13. The gravel removal operation must commence within seven (7) years of the approval date. The approval shall be valid until February 2, 2011.**

**P.A. Landers, Inc. may continue work currently occurring on the 13-acre site described by condition 19 of the 1991 DRI decision (as amended) and as shown on a plan entitled *Phase Plan/Landscape & Site Layout Plan: Land in SANDWICH, MASS.*, prepared for P.A. Landers, Inc., drawn by Down Cape Engineering, inc, John McElwers, dated September 18, 1991 until February 2, 2011 provided that within forty (40) calendar days of the notarization of the signing of this modification decision by the Chair of the Commission's Regulatory Committee that P.A. Landers shall formally request a determination from the Massachusetts Natural Heritage and Endangered Species Program as to whether the existing sand and gravel removal and processing operation on the 13-acre site qualifies for an exemption from the Massachusetts Endangered Species Act in light of the 2008 mapping of the entire 33-acre parcel as priority habitat for rare species.**

Within fourteen (14) business days of receipt by P.A. Landers of a determination from the Massachusetts Natural Heritage and Endangered Species program as to whether the existing sand and gravel removal and processing operation on the 13-acre site qualifies for an exemption from the Massachusetts Endangered Species Act, P.A. Landers shall provide a copy of such determination to the Cape Cod Commission.

In addition, if the proposed land exchange described in the Cape Cod Commission's DRI decision of August 4, 2005 between P.A. Landers and the Town of Sandwich is completed prior to February 8, 2006 in a manner consistent with the August 4, 2005 decision, then the approval granted in this condition shall remain valid until February 8, 2009."

Royden Richardson  
Royden Richardson, Regulatory Committee Chair

February 20, 2009  
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Feb 20, 2009

Before me, the undersigned notary public, personally appeared

Royden Richardson

in his/her capacity as Chairman of the Cape Cod Commission's Regulatory Committee, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness, or  personal knowledge of the undersigned.

Gail P. Hanley  
Notary Public

My Commission Expires:

10/13/11