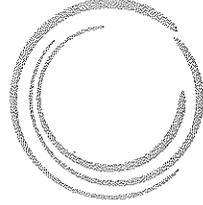


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CAPE COD
COMMISSION

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DATE: June 14, 2010

TO: E.J. Jaxtimer
E.J. Jaxtimer Builder, Inc.
48 Rosary Lane
Hyannis, MA 02601

FROM: Cape Cod Commission

RE: Modification of the Development of Regional Impact Decision

PROJECT: Duane Historic Residence, 68 Dale Avenue, Hyannisport, MA

APPLICANT: Jon R. Duane and Catherine J. Friedman, Tr.
c/o Michael D. Ford, Esquire
72 Main Street, P. O. Box 485
West Harwich, MA 02671

PROJECT#: TR08011

BOOK & PAGE: Book 339/Page 46

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act (Act) c. 716 of the Acts of 1989, as amended, and Section 13(c)(i) of the Cape Cod Commission's Enabling Regulations Governing Review of Developments of Regional Impact (DRI), the Duane Historic Residence, 68 Dale Avenue Hyannisport DRI Decision (decision) dated February 5, 2009, and modified on May 4, 2010, is hereby amended to accommodate the removal of the roof of the Gothic Revival cottage in order to straighten the building's exterior walls. On June 7, 2010, the Regulatory Committee of the Cape Cod Commission reviewed the modification request and determined that the proposed changes constituted a Minor Modification #1. All findings and conditions attached to the original decision continue to apply, except as modified herein.

Minor Modification #1

Modified Findings:

The decision is modified to include these additional findings:

14. In a letter dated May 26, 2010, the applicant's contractors, E.J. Jaxtimer and Joe Moreau, proposed a modification to the existing plans to allow the removal the existing roof rafters and roof sheathing boards of the Gothic Revival cottage on site in order to straighten the building's exterior walls. The applicant's engineer submitted a letter stating that the only way to straighten the building is by removing the roof structure, straightening the building walls ("racking them"), and then rebuilding the roof structure with new materials.

15. The applicant's contractor proposes to retain all of the existing decorative trim that is at the eaves of the roof, but will remove the rafters and roof sheathing that are within the exterior walls. Upon inspection, it is clear that some, if not much, of the existing roof sheathing boards and rafter structure have been replaced in the mid to late 20th century. This newer wood is clearly visible from an interior photograph of the building taken recently, and submitted by the applicant.

16. While the existing plans for this project call for retaining the existing structural frame of the cottage, including its roof, the Commission finds that the proposed modification is appropriate given the lack of alternatives available to address this situation, the fact that the applicant has agreed to preserve all of the existing architectural trim associated with the cottage roof, and the fact that the proposed reconstructed roof will look exactly the same as the existing roof when viewed from the exterior. References on Plan Sheets A.3 and A.5: "original cottage to remain," and A.6 "existing roof rafters to remain" now acknowledge that the existing roof structure will be replaced.



Paul Niedzwiecki, Executive Director, Cape Cod Commission 6/14/10
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

June 14, 2010

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki
_____, in his/her 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/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.

Loayze R. Cruzfiga
Notary Public
My Commission Expires: 5/13/16