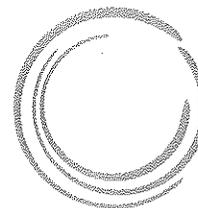


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CAPE COD
COMMISSION

Minor Modification Type #1

Date: September 18, 2012

To: Jerry E. Rogers, Trustee
689 Gifford Street
Falmouth, MA 02540

From: Cape Cod Commission

Project Applicant: Jerry E. Rogers, Trustee
Falmouth Self Storage

Property Owner: Jerry E. Rogers, Trustee

Project: Falmouth Self Storage

Project Location: 689 Gifford Street, Falmouth, MA 02540

Project Number: CU-07012

Map and Parcel: 34-01-03-000

Book and Page: Book: 18216 Page: 157

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 13 of the Cape Cod Commission *Enabling Regulations* (revised March 2011, Revised Fee Schedule Effective July 1, 2012), the Limited Development of Regional Impact Determination for Change of Use decision issued on August 20, 2007, and as modified on February 19, 2008 is hereby amended to recognize changes in the site landscaping.

Background

The Falmouth Self Storage project was approved as a Limited Development of Regional Impact Determination for Change of Use by a vote of the Cape Cod Commission (Commission) on August 20, 2007. It was modified by a vote of the Commission's Regulatory Committee in a Type #2 Modification decision dated February 19, 2008.

On June 3, 2010 and June 25, 2010, Commission staff conducted site visits to inspect the installed landscaping. Commission staff found that the installed landscape design was not what

was approved by the original decision Findings FG-3 and F-CC6. Commission staff received a copy of the revised landscape plan on June 3, 2010.

According to a June 7, 2010 letter received from Heather Wright, the landscape designer who developed the plans reviewed by the Commission as part of the 2007 decision, the approved landscape design "was revised due to installation of a large utility transformer and additional septic structures in front of the property." This letter also indicates that Ms. Wright produced a revised plan that provides additional Leyland Cypress to screen the utility transformer, removed two proposed flagpoles, and changed the location of some other plants.

Commission staff also found during the site visits that a group of Pitch Pine trees that existed on the site, and were to be retained at the western entrance of the property had been removed. These trees were to be retained according to Findings FG-3 and F-CC6. The property owner, Mr. Rogers, indicated the site contractor had removed these trees without consultation. However, the understory shrubs as required on the revised landscape plan (*Shasta Viburnum*) received by Commission staff on June 3, 2010 had been installed.

Commission staff received an Email dated 9/17/12 indicating that the four Eastern Red Cedars had been planted on 9/12/12 to replace the group of Pitch Pines. Commission staff inspected the site on 9/13/12 and determined the proposed plantings had been installed.

Determination

The Executive Director of the Cape Cod Commission has determined that these revisions to approved landscape plan constitute *de minimus* changes and are approved as Type 1 Minor Modifications.

The following changes shall be made to the Findings of the Limited DRI Determination for Change of Use decision, as amended, to reflect the new landscape plan and addition of four (4) Eastern Cedar trees (*Juniperis virginiana*) as noted above.

All Findings attached to the original decision and subsequent modifications continue to apply except as modified herein. New language is shown in **bold**. Text to be deleted is shown in ~~strikeout~~.

CHANGES TO FINDINGS AS MODIFIED 2/19/08

The Landscape Plan reference in Finding F-G3 on page 7 of the 2007 decision is modified as follows:

*Finding F-G3: **Revised** Landscape Plan, ~~dated 7/17/07~~, prepared by Heather Wright, Landscape Design, for Jerry Rodgers, and ~~dated and received by the Commission staff on 7/23/07~~ **6/3/10**.*

Finding F-CC6 on page 10 of the 2007 decision is modified as follows:

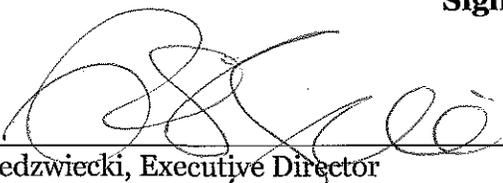
*Finding F-CC6: The **Revised** Landscape Plan, ~~dated 7/17/07~~, prepared by Heather Wright, Landscape Design, for Jerry Rogers, and ~~dated and received by the Commission staff on 7/23/07~~ **6/3/10**, includes massed plantings that will replace the paved front yard and significantly improve the character of the site. The existing uses are poorly screened from view*

from the street and the front yard area is paved and used for parking. A small parking area to be used by customers (8 spaces) will remain in front of the building that is screened from the roadway by a row of Eastern Red Cedars. The proposed landscape plan incorporates a mix of evergreens and deciduous species that will provide both color and screening from the regional road.

A new Finding F-CC10 is added to page 11 of the 2007 decision as follows:

FCC-10. The Applicant shall plant four (4) Eastern Red Cedar trees (*Juniperis virginiana*) in the location of the group of Pitch Pines that were to be retained at the western entrance.

Signatures



Paul Niedzwiecki, Executive Director

9/19/12
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Sept 19, 2012

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.

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18

