

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

MINOR MODIFICATION TYPE #1

Date: July 10, 2013

To: Attorney Andrew Singer, Law Office Of Singer & Singer, LLC, 26 Upper County Road Post Office Box 67, Dennisport, MA 02639

Applicants: Yarmouth Mayflower Place II, Inc. and Turino Associates LLC

Property Owners:

Yarmouth Mayflower Place II, Inc.
Francis J. Dimento, Jr. & Holli V. McAuliffe, Trustees of Town Realty Trust
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Project Name:

Mayflower Place Expansion Development of Regional Impact

Project Location:

579 Buck Island Road, West Yarmouth, MA
164 Route 28, West Yarmouth, MA
23 Mill Pond Road, West Yarmouth, MA
24 Mill Pond Road, West Yarmouth, MA
3 Evergreen Road, West Yarmouth, MA
7 Evergreen Road, West Yarmouth, MA
0 Route 28, West Yarmouth, MA

Project Number:

TR-12035

Town Assessor's and Registry of Deeds Information:

See Exhibit A attached hereto

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 13 of the Cape Cod Commission Enabling Regulations (Revised March 2013, with Revised Fee Schedule Effective July 1, 2013), the Development of Regional Impact (DRI) decision dated March 28, 2013 for the Mayflower Place Expansion project is hereby amended as a *de minimus* Minor Modification Type #1 to allow relocation assistance funds to be held in a mitigation fund, rather than in an escrow account. There have been no prior modification to the Decision.

All findings and conditions attached to the original decision and subsequent modifications continue to apply except as modified herein.

Condition AHC9.5. of the DRI Decision is hereby modified as follows (new, additional language is shown in **bold**; existing, deleted language is shown in ~~strikeout~~).

~~"The Applicant shall deposit into escrow with the Barnstable County Treasurer funds of \$17,400 identified in AHF11 as affordable housing mitigation funds with the Barnstable County Treasurer at the earlier of: (1) No more than (10) days following the Commission's notification to the Applicant of its receipt of the first request for relocation assistance from any of the occupants identified in AHC9 (1); or (2) No more than (10) days following the date the Commission staff approved 90 Day Notice to Vacate has been provided to the occupants.~~

- a. The Commission staff shall notify the Applicant when it has received the first request for relocation assistance from any of the occupants;
- b. These **mitigation** ~~escrow~~ funds ~~account~~ shall be maintained by the Barnstable County Treasurer with the administration and release of funds as approved by Commission staff.
- c. **Any such unexpended funds remaining 42 months after the issuance of a Final Certificate of Compliance shall be used generally for affordable housing purposes in the Town of Yarmouth, as approved by Commission Affordable Housing Staff upon request from the Yarmouth Town Administrator. The Applicant may request that the Commission return any unexpended escrow funds upon the issuance of the Final Certificate of Compliance, other than those funds that Commission staff has determined will be necessary to make continuing relocation assistance payments to the occupants. Notwithstanding the above, the Commission shall return any unexpended funds to the Applicant that still remain in escrow 42 months after the issuance of the Preliminary Certificate of Compliance.** "

ISSUANCE OF MODIFICATION DECISION

Executed this 10th day of July 2013.

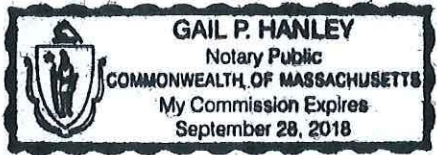
[Signature]
Signature

Patricia Daley, Deputy Director
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss July 10, 2013

Before me, the undersigned notary public, personally appeared Patricia Daley, in his/her capacity as Deputy 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

EXHIBIT A

Town Map and Parcel:

Assessor's Map 45, Parcel 78 (579 Buck Island Road)
Assessor's Map 37, Parcel 82 (164 Route 28)
Assessor's Map 45, Parcel 51 (23 Mill Pond Road)
Assessor's Map 37, Parcel 85 (24 Mill Pond Road)
Assessor's Map 37, Parcel 83 (3 Evergreen Road)
Assessor's Map 37, Parcel 84 (7 Evergreen Road)
Assessor's Map 37, Parcel 82.1 (0 Route 28)

Barnstable Registry of Deeds/Land Court:

579 Buck Island Road:

Lot D on Plan 8609-B, Certificate of Title #164296, and the west half of "Buck Island" (less the certain parcel sold to Maher) plus one additional acre, and Lot C in Plan Book 181, Page 89, Lots A, B, 1, 2, 3, 4, the fee in Bank Lane, the fee in the fifteen-foot path situated between Lots 13 and 14, all shown on a plan in Plan Book 181, Page 89, Lots 5 & 6 in Plan Book 45, Page 17, and a piece of cedar swamp (shown as Parcel II in Deed at Book 590, Page 511) all in Deed Book 14814, Page 281

164 Route 28:

Lots 37, 38, 39 & 40 in Plan Book 45, Page 17, Deed Book 4646, Page 316

23 Mill Pond Road:

Lot 7 in Plan Book 45, Page 17, Deed Book 4719, Page 224

24 Mill Pond Road:

Lot 36 in Plan Book 45, Page 17, Deed Book 2224, Page 205 (Parcel II)

3 Evergreen Road:

Lots 33 and one-half of 34 in Plan Book 45, Page 17, Deed Book 4616, Page 285

7 Evergreen Road:

Lot 35 and one-half of Lot 34 in Plan Book 45, Page 17, Deed Book 8759, Page 306

0 Route 28:

Parcel C in Plan Book 181, Page 89, Deed Book 14814, Page 281 (Parcel III).