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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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MINOR MODIFICATION TYPE #1

Date: February 19, 2014

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

Applicant(s):
Coridian Associates, LLC

Property Owners:
Towering Oaks Associates

Project Name:
MP Renaissance

Project Location:
0 Harwich Road (Rte. 124), Brewster

Project Number:
TR-12002

Town Assessor's Information:
Map 40 Parcel 9-1-R

Registry of Deeds Information:
Deed Book 3448 Page 40
Deed Book 21259 Page 246
Plan Book 611 Page 21

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Summary

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 August 2, 2012 for the Mayflower Place Expansion project is hereby amended as a Minor Modification Type #1 to allow *de minimus* changes to the approved project as discussed herein.

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

Background/ Reason for Modification Request

Construction must begin within a limited period of time under the terms of local zoning relief obtained for the project. Additionally, Condition EDC1 of the Decision basically does not allow construction activities within the summer months.

Accordingly, in order to begin and proceed with project construction in the required time periods set out in the Decision and local approvals, the Applicant seeks a modification to the Decision, which currently prohibits any development work being undertaken until all conditions precedent to issuance of a Preliminary Certificate of Compliance set out in the Decision are satisfied.

The modification granted herein allows the building foundation to be constructed subject to the satisfaction of certain conditions associated with the issuance of the Preliminary Certificate of Compliance in the Decision, and the issuance of a first Preliminary Certificate of Compliance. Subsequently, before the Applicant may continue with building construction and other development work, the Applicant must satisfy the remainder of the conditions associated with the Preliminary Certificate of Compliance, and obtain a second Preliminary Certificate of Compliance. The conditions precedent to issuance of the first and second Preliminary Certificates of Compliance, respectively, are contained and specified in the modified condition, below.

Modification to Decision

Based on the foregoing, the following Condition GC8 of the DRI Decision is hereby modified as follows (new, additional language is shown in **bold**; deleted language is shown in ~~strike-out~~), as a Minor Modification Type #1 to the Decision:

“GC8. **Except as otherwise authorized hereunder, P**prior to issuance of a **Building Permit for, or undertaking** any, development as “**development**” is defined by the Act **and approved herein**, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in this Decision required to have been met for issuance of ~~a Building Permit or~~ a Preliminary Certificate of Compliance have been met. Such Certificate of Compliance shall not be issued unless all applicable conditions have been complied with. ~~Prior to the issuance of a Building Permit for development, the~~

~~Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to the issuance of a Building permit have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Preliminary Certificate of Compliance have been complied with.~~

Notwithstanding anything else provided herein, construction of the building foundation, and associated sitework, shall be allowed upon issuance of a first Preliminary Certificate of Compliance (“Preliminary Certificate of Compliance #1”). The following conditions in the Decision shall be satisfied prior to issuance of the Preliminary Certificate of Compliance #1:

GC5, GC7, GC10, WRC6, TC5, SWC1, LUC1, WPHC1, LSCDC2, OSC1.

Further development and building construction (beyond the building foundation as authorized by the Preliminary Certificate of Compliance #1) shall not be allowed until issuance of a subsequent, second Preliminary Certificate of Compliance (“Preliminary Certificate of Compliance #2”). The following conditions of the Decision shall be satisfied prior to issuance of the Preliminary Certificate of Compliance #2:

WRC1, WRC5, HWC1, EC2, EXLC2, AHC1 through AHC7, LSDC1, LSDC4.”

**ISSUANCE OF MODIFICATION DECISION
MP Renaissance
TR12002**

Executed this 19th day of February 2014.

Signature 

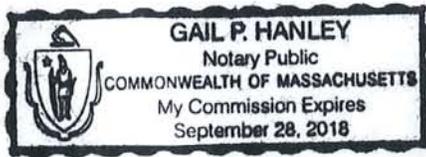
Paul Niedzwiecki Exec Director
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

February 19, 2014

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

SEAL