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CAPE COD
COMMISSION

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MINOR MODIFICATION TYPE #1

DATE: June / , 2018

TO: Owner/ Applicant Evergreen Energy LLC
c/o Michael D. Ford Esq.
72 Main Street, P.O. Box 485, West Harwich, MA 02671

PROJECT: Evergreen Circle Subdivision/ Evergreen Industrial Park (CCC File No. 11008)
fka Cape Cod Cooperative Bank Preliminary Plan

PROJECT SITE/ LOCATION: 588 Main Street (Route 130), Mashpee

TITLE REFERENCE: Deed Book 29541 Page 136
Plan Book 674 Pages 38, 39 & 40

ASSESSOR'S ID: Map 19 Parcel 10

Pursuant to Section 13 of the Enabling Regulations Governing Review of Developments of Regional Impact (Revised November 2014, with Revised Fee Schedule Effective July 1, 2017), the Cape Cod Commission (Commission) modifies the Development of Regional Impact/ Hardship Exemption decision dated December 15, 2011 for the above-referenced Project ("Decision") by this Minor Modification Type #1 decision, where the Executive Director, through Commission staff, has determined that changes to the project and Decision described below are *de minimus* and do not create new or different impacts to those values and resources protected under the Commission Act or the Cape Cod Regional Policy Plan.

The Decision approved, with conditions, the subdivision of approximately 48 acres into 11 commercial or industrial building lots and a 28.6-acre open space lot.

The Owner/ Applicant Evergreen Energy LLC (Evergreen) desired to reduce the length of the subdivision road and the size of the road cul-de-sac (with a corresponding reduction in paved impervious area) from that proposed in the subdivision preliminary plan previously reviewed and approved by the Commission. Evergreen proposed such changes and has had them approved by Mashpee Planning Board in the definitive subdivision plan for the Project. The corresponding lot configuration associated with the road redesign reduces the proposed open space lot by approximately 1.6 acres (to approx. 25.97 acres), though less building lot area is now located within the area of the Project Site mapped as a Zone II. The open space lot still far

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exceeds the minimum open space size (approx. 22 acres) required under the Cape Cod Regional Policy Plan, and a new connection from the proposed open space to a neighboring town owned parcel is proposed.

All Findings and Conditions from the Decision shall continue to apply as written except as modified herein. The Project changes approved herein shall be undertaken and the Project subsequently maintained in accordance with the following plans, which are hereby incorporated into the Approved Project Plans under the Decision and shall, as the context requires, either substitute for or supplement previously-Approved Project Plans referenced in the Decision. To the extent there is conflict between the plans referenced below and previously-Approved Project Plans, the following plans shall control:

- *Revisions, Definitive Subdivision Plan, Evergreen Circle, prepared for Evergreen Industrial Park, #588 Main Street (Route 130) in Mashpee, MA by Holmes and McGrath, Inc., last revised dated 11/20/17, consisting of sheet 1 of 3 (Cover Sheet), sheet 2 of 3 (Layout Plan 1), and sheet 3 of 3 (Layout Plan 2).*

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 1st day of June 2018.

Kristy Senatori
Signature

Kristy Senatori, Acting Executive Director
Print Name and Title

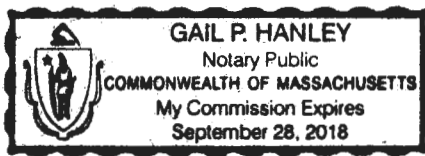
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

June 1, 2018

Before me, the undersigned notary public, personally appeared Kristy Senatori,

in his/her capacity as Acting 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.



SEAL

Gail P. Hanley
Notary Public