

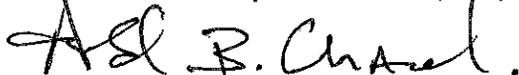
MASHPEE COMMONS II, LLC

January 9, 2015

Mashpee Sewer Commission  
16 Great Neck Road North  
Mashpee, MA 02649

Mashpee Commons LP has been in discussions and worked cooperatively with the Sewer Commission since the late 1980's regarding the Commission's interest in the possibility of municipal ownership of our existing and proposed wastewater collection and treatment facilities and in the potential connection of additional properties to our system, as partially described in the Commission's Draft Watershed Nitrogen Management Plan. This is to indicate Mashpee Commons LP's continued willingness to work with the Commission toward implementing those portions of the Plan involving our facilities, provided that Mashpee Commons L.P. own requirements for wastewater treatment can be accommodated.

On behalf of Mashpee Commons, L.P.,



Arnold B. Chace, Jr., Managing General Partner



Mashpee Sewer Commission

16 Great Neck Road North

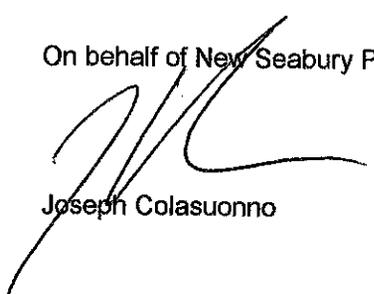
Mashpee, MA 02649

December 19, 2014

Dear Mashpee Sewer Commission:

New Seabury Properties LLC has been in discussions with the Sewer Commission for a number of years regarding the Commission's proposal to discharge treated wastewater effluent under certain of our golf course fairways, via a subsurface drip system as described in the Commission's Draft Watershed Nitrogen Management Plan, as well as the possibility of municipal ownership of our existing and proposed wastewater collection and treatment facilities for compensation. This is to indicate New Seabury Properties' continued willingness to work with the Commission toward implementing the portions of the Plan involving our properties, keeping in mind the need to minimize any impacts to our golf operations.

On behalf of New Seabury Properties, LLC



Joseph Colasuonno

**SOUTHWORTH**

Development LLC

**Peter A. Alpert**  
Executive Vice President &  
Director of Development  
617.630.4927  
palpert@southworthdevelopment.com

March 10, 2015

Mashpee Sewer Commission  
16 Great Neck Road North  
Mashpee, MA 02649

Dear Sewer Commissioners:

Southworth Willowbend LLC has been in discussion with the Sewer Commission for a number of years regarding the Commission's proposal to discharge treated effluent under certain of our golf course fairways at Willowbend, via a subsurface drip system as described in the Commission's Draft Watershed Nitrogen Management Plan.

This letter is to indicate Southworth's continued willingness to work with the Commission toward implementing the portions of the Plan involving our properties, keeping in mind the need to minimize any impacts to our golf operation. Southworth Willowbend LLC has a long-term lease on the golf course which has in excess of seventy years remaining on the term. While we do have the authority under the lease to grant easements to the Town for such purposes, as a matter of courtesy, we would want to update our landlord, the Willowbend Community Trust, on the Plan, but we would not anticipate any objections.

Sincerely yours,

Peter Alpert

**Special Permit Decision**  
**SM Realty Trust**  
**Main Street Village**

Conditions:

18. The Applicant agrees to reasonably cooperate with the Mashpee Sewer Commission in planning and development of a municipal sewer system, including the feasibility and terms, based on mutual benefit, of including the project's wastewater treatment facilities and collection system as part of such municipal system.
  
21. The applicant, his heirs and assigns, including any condominium or other association to which the applicant transfers ownership of roadways or other common facilities within the project site, shall be responsible for all costs associated with the operation, maintenance, upgrade and other management activities related both to the wastewater collection, treatment and disposal facilities and the stormwater collection, treatment and disposal facilities, including maintenance of vegetation in the proposed bioretention facilities and all other activities called for under the stormwater operations and maintenance plan contained in Attachment A. Any deeds, declaration of covenants, conditions and restrictions, association bylaws, rules and regulations transmitted to buyers of property or units within the project site shall contain a notice of said responsibility and of the fact that failure to properly conduct said activities shall be considered a violation of this special permit enforceable by all means available to the Town.
  
33. All conditions of this special permit shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.

This special permit decision has been approved by the Mashpee Planning Board on this 20th day of April, 2005.

**Special Permit Decision**  
**340-342 Main Street LLC**  
**Center Street Village Phase II (KenMark)**

Conditions:

16. The proposed building shall be served by a de-nitrifying wastewater system approved by the Mashpee Board of Health. Copies of any water quality testing results submitted to the Mass. Department of Environmental Protection or the Mashpee Board of Health shall be provided to the Planning Board.
  
17. The Applicant agrees to reasonably cooperate with the Mashpee Sewer Commission in planning and development of a municipal sewer system.
  
32. All conditions of this special permit shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.

This special permit decision has been approved by the Mashpee Planning Board on this 7th day of June 2006.

**Special Permit Decision**  
**C. Talanian Realty Co., Inc.**  
**South Cape Village**

Conditions:

19. The proposed Waste Water Treatment Facility ("WWTF") shall be designed and operated to produce total nitrogen in plant effluent of 5 mg/l. Copies of any monthly water quality testing results submitted to the Mass. Department of Environmental Protection shall be provided to the Planning Board and Sewer Commission.
20. The Applicant agrees to reasonably cooperate with the Mashpee Sewer Commission in planning and development of a municipal sewer system, including the feasibility and terms, based on mutual benefit, of including the project's WWTP and collection system as part of such municipal system.
21. The Applicant agrees to reasonably cooperate with the Town of Mashpee in the determination of the feasibility of utilization of the WWTF in a fashion that allows for discharge of WWTF effluent outside of the Mashpee River Recharge Area and, in the event that a facility or mechanism to allow for same should become available, to pay for the cost of piping to be installed to allow for connection at the Project boundary.
22. The Applicant, his heirs and assigns shall be responsible for the conduct of a periodic water quality sampling and analysis program as follows:
  - A. Six monitoring wells, numbered P-1 through P-6, shall be installed and maintained as shown on the plan entitled "Hydrology Plan, Southcape, 650 Falmouth Road, Mashpee, MA 02649" prepared by Coler & Colantonio Inc., Engineers & Scientists, 101 Accord Park Drive, Norwell, MA 02061-1685, scale 1"=100', dated May 1, 2001, and as approved by the Mashpee Board of Health in order to measure any change in water quality resulting from the wastewater treatment facility, the recharge of parking lot runoff and other on-site activities. Said wells shall be installed using PVC or other casing approved by the Board of Health, grouted in place, with a protective locking cover and be otherwise in conformance with accepted standards for long-term groundwater monitoring wells. For each well, completion reports and logs, including elevation based on USGS vertical datum, Massachusetts Coordinate Plane coordinates as well as surveyed location tied to an established roadway or property bound, depth ranges of the various soils and sediment layers found in development of each well and water quality sample reports on levels of sodium, chloroform, benzene, phosphorus, total coliform bacteria, pH, conductivity, nitrate-nitrogen, carbon tetrachloride, lead, phenolics, PCB (1254), PCB (1260), trichloroethylene, tetrachloroethylene and 1,1,1trichloroethane shall be submitted, in conformance with the requirements of Article VI, Section 174-27.B.(9) of the Zoning Bylaw, to the Board, the Local Water Resource Management Official (Town Planner), the Board of Health and the Barnstable County Health and Environmental Department. Said wells shall be installed and reports filed before the issuance of any occupancy permit for this project. Prior to installation, proposed well depth, design and method of installation and sediment sampling shall require review and approval by the Local Water Resource Management Official and Board of Health Agent.
  - B. For the wells required above, a map shall be prepared on a 24" x 36" sheet which accurately depicts the location of each monitoring well in relation to Project elements and, in particular, to drainage leaching facilities and areas, to the treatment plant and to

the Mashpee River. Said map shall be prepared at a scale of 1" = 100' or other scale approved by the Local Water Resource Management Official and shall indicate the Massachusetts Coordinate Plane coordinates, elevation of top of casing based on USGS vertical datum, the applicant's property lines and any existing or approved roadways or buildings and other structures useful in identifying the well location on the ground. One set of mylar or velum originals of said map shall be submitted to the Local Water Resource Management Official and the map shall become an attachment to this special permit document. The Board of Health, Local Water Resource Management Official and Barnstable County Health and Environmental Department shall not be denied access to said wells and keys to any locking covers shall be provided to the Local Water Resource Management Official.

C. Each of the monitoring wells shall be monitored for static water level (USGS datum), total nitrogen and phosphorus on a quarterly basis (preferably on or near the first day of January, April, July and October). In addition, the monitoring wells associated with the wastewater treatment plant, numbered P-1, P-2 and P-3, shall be tested, on the same schedule required by the Mass. Dept. of Environmental Protection as part of its discharge permit for the WWTP, for static water level (USGS datum) and specific conductance and quarterly (preferably on or near the first day of January, April, July and October) for pH, nitrate-nitrogen and sodium. Monitoring wells #P-2 and P-4 shall be tested annually (preferably on or near the first day of October) for total volatile organic compounds using USEPA procedure #624.

D. Water quality monitoring reports shall be filed for these wells with the Board, the Local Water Resource Management Official, the Board of Health and the County Health and Environmental Department on the same schedule that reports for the treatment plant wells are filed with the State DEP under the Groundwater Discharge Permit issued for the wastewater treatment plant.

E. The applicant, his heirs and assigns, including any condominium or other association to which the applicant transfers ownership of roadways or other common facilities within the project site, shall be responsible for all costs associated with the emplacement, construction, relocation, collection, analysis and evaluation (including distribution of results) of monitoring wells, samples and other items required under this monitoring program. In order to insure performance, the applicant shall provide funding for the monitoring program by one of the following methods:

- (1) Establishment of an endowment account benefiting the Town, based on a certified estimate by a firm or firms established in the field of hydrogeologic studies and water quality monitoring, of the annual costs required to conduct the specified monitoring program and of the amount of the endowment required to produce the necessary income to the Town to fund the monitoring program, (in which case monitoring would be the responsibility of the Town using the endowment income), or
- (2) Establishment of a donation account in an amount equal to \$1000 for each monitoring well, or an alternate amount sufficient to fund the monitoring program for a period of one year, with said amount established following the procedures specified above for an endowment account (in which case monitoring would be the responsibility of the applicant, with the Town conducting monitoring only in the event of his failure to perform, using the funds contained in the donation account).

F. Any deeds, declaration of covenants, conditions and restrictions, association bylaws, rules and regulations transmitted to buyers of property or units within the project site shall contain a notice of responsibility for the conduct and funding of this monitoring program and of the fact that failure to conduct the required monitoring or to correct on-site conditions resulting in significantly reduced water quality identified by the monitoring program shall be considered a violation of this special permit enforceable by all means available to the Town and that the cost of any work conducted by or contracted by the Town to carry out the monitoring program or to correct identified conditions on the site resulting in reduced water quality shall become a lien against all owners' property within the project site. The Town may use funds collected under such liens to replenish the donation account noted above.

35. All conditions of this special permit shall be binding not only upon the applicant but also on all successors-in-interest and assigns of the applicant.

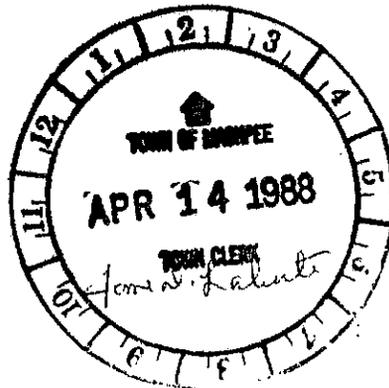
## **VII. Signature and Filing.**

This special permit decision document, which incorporates by reference herein all appendices and plans, has been approved on this 2nd day of May, 2001. A copy of same shall be filed with the Town Clerk in accordance with applicable law.

STRATFORD PONDS

SPECIAL PERMIT

EGERTON DEVELOPMENT CORPORATION



interest in the land.

4. No more than 49 occupancy permits shall be issued unless and until the applicant (or its successors in interest), at its own expense, widens and improves the roadway surface within the layout of Route 130 in accordance with a plan prepared by Vanasse Hangen Brustlin, Inc. entitled "Transportation Improvement Project," dated February 11, 1988. The applicant (or its successors in interest) shall give the Mashpee Director of Public Works and the Barnstable Department of Public Works thirty (30) days prior written notice of its intention to commence construction of the roadway improvements.

5. The applicant shall, within six months of the recording of this special permit, provide landscape screening along the frontage on Route 130 of Mr. Mendes' property at 13 Main Street in accordance with a plan developed by a registered landscape architect. The landscaping shall be completed to the reasonable satisfaction of Mr. Mendes, but in no event shall the applicant's cost of providing the landscaping exceed \$12,000.

6. If the on-site sewage treatment plant as depicted and located on the Site Plan (the "On-Site Plant") is constructed, it shall be constructed, operated and maintained in full compliance with the requirements of DEQE and of the Mashpee Board of Health including specifically those requirements relating to nitrate-nitrogen removal. Notwithstanding any more lenient requirements of DEQE, the On-Site Plant shall be designed to achieve an effluent limitation for nitrate-nitrogen of five parts per million (ppm) at the point of discharge to the ground.

7. The unit density for this project shall be reduced from the 172 units originally applied for to 161 units and one single family residence. The 161 units shall not contain in the aggregate more than 322 bedrooms. The condominium to be formed on this site shall be limited to the 161 units and related accessory structures shown on the Site Plan and there shall be no further expansion of the condominium on the land beyond that shown on the Site Plan. No "loft" areas in any unit may be used for bedroom or sleeping facilities.

8. The single family structure to be located on Lots 2 and 3 shown on the Definitive Plan shall contain one model unit and may have accessory off-street parking facilities for not more than six (6) automobiles. The applicant shall have the right, at the completion of the project, to convey the single-family structure on Lots 2 and 3 independent of the project and the requirements of this special permit, provided the structure does not contain more than two bedrooms.

9. The applicant shall landscape Lots 2 and 3 shown on the Site Plan and the proposed 40-foot buffer strip between the single-family structure and Route 130 in accordance with the Landscaping Plans described on Schedule A. Weather permitting, the applicant shall complete this landscaping as soon as is reasonably possible. If Lots

Planning Board, which will determine at a public meeting whether the changes are significant or warrant additional Board review and action or public hearings for revision of the Special Permit. Schedule A attached lists the plans approved and endorsed by the Planning Board as of the date of signature of this decision.

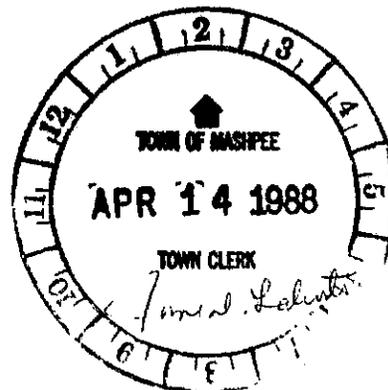
Date: April 13, 1988

*Richardson H. Jonas*  
Richardson Jonas

*Judy H. Mills*  
Judy Mills

*Louise Behrman - April 14, 1988*  
Louise Behrman

*Scott McAskill*  
Scott McAskill



*Fox Run/Willowbend*



# Town of Mashpee

P. O. BOX 1108  
MASHPEE, MA 02649

## PLANNING BOARD

### SPECIAL PERMIT DECISION

#### I. REGARDING:

Petition of applicant Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, for a Special Permit under previous Sections 9.3 (Open Space Multi-Family) and 9.4 (Cluster Development) of the Mashpee Zoning By-law for development of a residential, golf course community south of Rte. 28 in East Mashpee. The "Fox Run" project will consist of 173 detached single family and 165 attached single family housing units. The applicant also seeks approval under M.G.L. Chapter 41, Section 81 (inclusive) and the Rules and Regulations for the Subdivision of Land in Mashpee for the cluster portion of the development.

#### II. JURISDICTION:

This decision is issued by the Mashpee Planning Board pursuant to Sections 9.3 and 9.4 of the Mashpee Zoning By-law as they existed on November 6, 1985, and applicable provisions of Massachusetts General Law, Chapter 40A, Section 9. Under this latter section, a Planning Board is granted the authority to impose conditions upon the issuance of a special permit.

#### III. CHRONOLOGY OF APPLICATION:

On November 6, 1985 the applicant submitted a preliminary plan of the cluster subdivision to the Planning Board. On December 18, 1985 this plan was approved subject to conditions. Meetings with the Planning Board were continued on February 19, 1986 and May 21, 1986 at which time the definitive plan for the cluster portion of the project was submitted. At the May 21 meeting, a request for extension of the 60 day review period for definitive plans was granted, and definitive approval of the cluster portion of the development was made subject to a final decision on the special permit. On July 16, 1986 the applicant appeared

14. The applicant shall schedule construction of the proposed culvert beneath Quinaquisset Ave. so as to minimize impact on thru traffic. No portion of Quinaquisset Ave. shall be closed to thru traffic during the summer months.
15. Should the Town DPW Director deem it advisable, the applicant will post traffic control signs at its development entrances and exits to control the direction in which traffic will flow onto public roads.
16. The applicant will post appropriate signs to alert traffic to pedestrians and golf carts which will cross any private or public way, and where necessary, and with the permission of the Mashpee DPW Director where applicable, will provide paving treatment to draw additional attention to those areas.
17. The applicant shall not interfere with or prohibit travel on those public ways located within the development and in particular Quippish Rd. from Rte. 28 to Quinaquisset Ave., Simons Rd. from Sampson's Mill Rd. to Bryant's Cove Rd. and Bryant's Cove Rd. from Quinaquisset Ave. to the southern property line of this site. Any relocation of any portion of these roads shall require the approval of the Board of Selectmen in conformance with M.G.L. Chapter 82. Any discontinuance of any portion of these roads shall require the approval of a Town Meeting in conformance with M.G.L. Chapter 82 after a report by the Planning Board under M.G. L. Chapter 41, Section 81.
18. The applicant shall pay fifty (50) percent of all engineering and construction costs associated with the realignment and improvement of the proposed relocated section of Sampson's Mill Rd. between Simon's Rd. and Rte. 28 as per the Town Planner's proposal for a four-way signalized intersection at Rte. 28 and Noisy Hole Rd. Said funds shall be paid upon request by the Mashpee Board of Selectmen at one time, or from time to time, as they shall deem appropriate to accomplish the layout and construction of said road relocation. Should such request not be made within eight years from the signature of this permit, this condition shall become null and void.
19. The applicant complete an engineering survey, to be conducted by a qualified, registered engineer to determine the structural condition and ability of the current crossing of Sampson's Mill Rd. over the Santuit River to safely carry vehicular and pedestrian traffic projected at the time of completion of the "Fox Run" project, or 10 years from the signature of this permit, whichever is sooner.
20. The applicant shall construct a sewage treatment plant to provide a "tertiary" level of treatment for all wastewater produced by the proposed development, said treatment to include at least 90% denitrification and conformance with requirements and

standards of the wastewater discharge permit issued and monitored by DEQE.

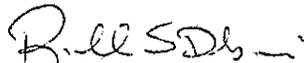
21. The applicant will install a deodorization unit at the sewage treatment plant to insure that nuisance odors do not emit from the plant.
22. The applicant shall maintain the sewage treatment facility in conformance with all requirements of the DEQE until such time as the common areas and facilities are turned over to the Homeowners Association or Associations which are being formed. Following such a transfer, the Association(s) shall have the responsibility to maintain the sewage treatment facility(s) as required by the DEQE. The applicant and its successor shall establish a budget and collect appropriate monthly fees to insure the proper care and maintenance of the treatment plant. If a Town sewer district is established, or the Town establishes a sewer department to oversee operations of sewage treatment plants within the Town, the sewage treatment facility, collection system and any other appurtenant items and necessary easements shall be transferred upon request of the Town, to it or to the sewer district under terms similar to the water distribution system.
23. The applicant shall include in a set of restrictive covenants a limitation on the amount of lawn area which can be planted on single family house lots and common condominium lot areas. Specifically, no more than 35% (exclusive of foundation and driveway areas) of either of these areas shall be managed as lawn area.
24. The golf course, specifically fairways, roughs, and edges, and all areas exclusive of greens and tees shall be designed and maintained as a low-impact, low-maintenance facility. Grass species and other planted vegetation will be selected to require minimal amounts of pesticide and fertilizer applications. Management practices shall reflect those used at the Dennis Highlands golf course in Dennis, Massachusetts. The applicant will provide to the Planning Board and the Conservation Commission, on an annual basis, a listing of pesticides and fertilizers used on the golf course, the volumes applied, and describe any real or potential adverse affects on receiving water quality and proposed mitigating measures. Any areas to which pesticides or other potentially hazardous materials are applied shall be posted with warnings to that effect for a period of at least 72 hours following each application.
25. The cranberry bogs will be designed and maintained as low-impact, low-maintenance cranberry operations. Specifically, the bogs will be maintained for aesthetic purposes, not for intensive cranberry production. Pursuant to this purpose, fertilizer and pesticide applications will be held to minimum amounts necessary. All operations of the bogs will be subject to the Order of Conditions imposed by the Conservation Commission. The applicant

VI. DECISION:

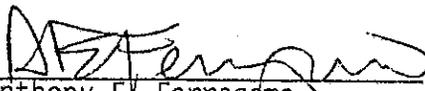
The Mashpee Planning Board, acting under its authority established by applicable sections of M.G.L. Chapter 40A and 41, and under the authority granted it by the Mashpee Zoning By-laws, hereby grants a special permit to applicant Daniel C. Hostetter and John A. Largay, Trustees of Fox Run Realty Trust, for construction of a 338 unit residential/golf course community known as "Fox Run" or "Willow Bend" south of Rte. 28 in East Mashpee. Grant of this special permit is contingent upon the successful execution of and adherence to the aforementioned findings and special permit conditions.

Any appeal made to the grant of this special permit shall be made within twenty (20) days of filing of the signed permit with the Mashpee Town Clerk, pursuant to M.G.L. Chapter 40A, Section 17.

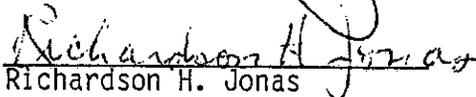
Hereby Signed on this 15 day of April, 1987 by the Mashpee Planning Board:



Richard S. Dubin, Chairman



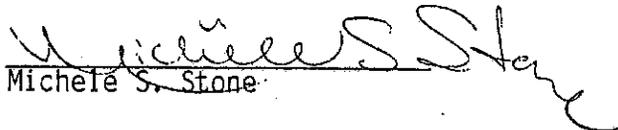
Anthony E. Ferragamo



Richardson H. Jonas



Judy M. Mills

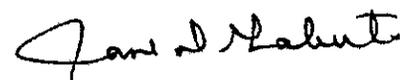


Michele S. Stone

This decision has been duly filed on 16 April, 1987 with the Town Clerk of Mashpee.

RECEIVED

APR 16 1987

  
JANE D. MAHUT  
TOWN CLERK

MASHPEE PLANNING BOARD  
SPECIAL PERMIT DECISION  
APPLICANT: SANDCASTLE MASHPEE, INC.

I. JURISDICTION

This decision is issued by the Planning Board of the Town of Mashpee (the "Board") pursuant to Section 9.383(d) of the Zoning By-Laws of the Town of Mashpee (the "By-Laws"), the Rules and Regulations of the Planning Board of the Town of Mashpee (the "Regulations") and the applicable provisions of Massachusetts General Laws, Chapter 40A, Section 9 (the "Statute").

II. CHRONOLOGICAL BACKGROUND

On January 8, 1986, the applicant submitted a preliminary conceptual plan for an open space multi-family development. Pre-application conferences, pursuant to Section 9.37 of the By-Laws were held, and consisted of formal appearances by the applicant and its engineers, architects, attorneys and advisors before the Board on February 5, March 5 and June 18, 1986. In addition, the applicant met with the Design Review Committee pursuant to Section 9.6 (February 7 and July 23, 1986), the Conservation Commission (February 6, 1986), as well as numerous conferences and meetings with members of the Town Planning Department and other interested boards, committees and commissions with the Town. The pre-application conference also included site visits by the Town Planning Department Staff and members of the Board in October of 1985.

10. The Board finds further that the visual impact of the development on adjoining properties and the Mashpee River corridor is an important and relevant factor in the Board's review of the project, and the required associated buffer zone on the project. The applicant has represented that any visual impact from the Mashpee River Corridor and Park would be negligible.

11. Based on the foregoing, the Board specifically finds that:

(A) the open space multi-family development plan as submitted by the applicant does not substantially derogate from the intent of the Mashpee Zoning By-Laws;

(B) the proposed use of the land, as shown on the site plan and the applicant's supporting documents will not be substantially detrimental to the adjoining property; and

(C) the open space multi-family development shown on the site plan and associated documents as approved by the Planning Board at its hearing on February 4, 1987, is superior to a conventional subdivision plan in preserving open space for conservation and for recreation, utilization of natural features of the land, and allows for more efficient provision for public services.

#### CONDITIONS

The provisions of this decision and the issuance of the Building Permits by the Building Inspector for the Town of Mashpee shall be conditioned upon the following:

1. Execution by Sandcastle Mashpee, Inc. of a wastewater monitoring agreement for a monitoring program in the form substantially as exists in a draft entitled "Waste Water Treatment Monitoring Plan" dated ~~April~~ <sup>MARCH</sup> 28, 1987 and attached as Exhibit C to this decision. *No construction will be commenced prior to the execution of said Agreement*
2. That the applicant will participate in the funding of a Special program to be established by the Town to supplement present and/or future water quality studies of the Mashpee River and its estuarine area at Popponeset Bay.
3. The issuance of a groundwater discharge permit by the Massachusetts Department of Environmental Quality Engineering, and that the affects of the wastewater treatment plant

effluent on ground water and surface water quality will be monitored in accordance with all applicable state requirements, the monitoring program referred to in condition 1 above, and such additional requirements as may reasonably be imposed by the Board of Health of the Town of Mashpee.

4. That the applicant will, upon written request of the Town of Mashpee and after the establishment of a municipal waste water treatment commission (or equivalent governmental entity within the Town of Mashpee) transfer ownership of the waste water sewage treatment plant to the Town of Mashpee, pursuant to M.G.L., Chapter 79, or by agreement with the Town.

5. That the applicant execute appropriate documents to convey the open space areas to an entity within the meaning of Section 9.362 shown within the applicant's site plans.

6. That all physical structures or elements of the project integral to construction, including foundations, buildings, roadways, paved areas, utilities and recreational facilities be constructed and the Buffer area maintained in such a manner as to protect the privacy of the adjoining land owners and to not be substantially detrimental to adjoining Property, pursuant to the requirements of Sections 9.352 and 9.372 of the Zoning By-law, especially Timber Landing Road, River Road, The Mashpee River Corridor, and Mashpee River Park. Specifically, this condition requires that no clearing, trimming or alteration of land and/or vegetation take place outward (toward the property perimeters) beyond twenty (20') feet of any foundation wall, ten (10') feet of any roadway or walkway pavement, and five (5') from the center line of site utilities, without the express written permission of the Planning Board of the Town of Mashpee.

7. That the project be completed in 4 phases, as depicted on a map entitled "Wind Chime Point - Phasing Plan" and be constructed according to the phasing schedule attached as Appendix B hereto. In addition, that no clearing, construction or building shall take place in any phase unless necessary to the development of that phase. Thirty (30) days prior to the anticipated completion of any phase, the applicant shall

Permit shall be binding upon and inure to the benefit of the applicant and its heirs, successors, assigns and grantees.

This Decision has been duly filed pursuant to M.G.L. Chapter 40A, Section 11, on April 24<sup>th</sup>, 1987, with the Town Clerk of Mashpee. Any appeal to this Special Permit Decision shall be made within twenty (20) days of said filing pursuant to M.G.L. Chapter 40A, Section 17.

Pursuant to M.G.L. Chapter 40A, Section 9, this Special Permit shall lapse if, within two (2) years from the date said decision is recorded construction has not commenced, or, for good cause shown an extension of said two (2) year limitation is granted by the Planning Board.

Signed this 22nd day of April, 1987.

PLANNING BOARD OF THE TOWN  
OF MASHPEE

Alfred Chairman

Judy Mills

DT Fenner

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0942B

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APR 24 1987

MASHPEE TOWN CLERK