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June 20, 2016
0105348-00002

By Hand Delivery and Email

Jon Idman, Esq.
Chief Regulatory Officer
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

Re: Lookout Ridge Subdivision, Sandwich
CCC Project No. HDEX 04010

Dear Jon:

This correspondence is submitted on behalf of Great Hill Equities, Inc. (hereafter, the "Owner"), owner of the land described and shown in the Lookout Ridge Subdivision project (hereafter, the "Subdivision"). The Subdivision received Development of Regional Impact/Hardship approval from the Cape Cod Commission on March 3, 2015 (hereafter, together with the modification of the decision, as referenced below, the "DRI Permit"). The DRI Permit will expire on December 21, 2016, and it is the purpose of this correspondence to request a five (5) year extension of the DRI Permit to enable the Owner to: (a.) further modify the DRI Permit to a more comprehensible form with fewer certificates; and, thereafter, (b.) obtain the necessary certificate (s) from the Commission to enable the sale and/or development of the individual Subdivision lots. A check in the amount of \$2,150, payable to the Barnstable County Treasurer, representing the requisite extension fee is enclosed.

Background / History

By way of background, Lookout Ridge Subdivision consists of 19 single family residential lots clustered off of two cul-de-sac roadways (Astrid Way and Maxwell Lane) and one large open space lot consisting of 27.42 acres. The total land area involved in the subdivision is approximately 40.2 acres. The Subdivision received Cape Cod Commission

approval in March 2005, and was subsequently modified once in March 2007¹. One Final Certificate of Compliance, dated July 24, 2014, has been issued for Lot 11 off of Maxwell Lane.²

The Subdivision also received definitive subdivision approval and a cluster special permit from the Sandwich Planning Board on January 13, 2006 (the “Definitive Approval/Special Permit”).³ The approved Subdivision plans are recorded with the Registry in Plan Book 613, Pages 97-100 (the “Plans”), copies of which are attached as **Exhibit A** to this correspondence. In addition to the DRI Permit, the final certificate of compliance, the Definitive Approval/Special Permit, and the Plans, the following documents relating to the Subdivision are also of record at the Registry:

- Planning Board Scenic Road Approval – January 12, 2006⁴
- Planning Board Covenant – October 5, 2006⁵
- Conservation Restriction and Nitrogen Aggregation Plan – June 30, 2008⁶
- Lookout Ridge Homeowners Association Declaration and Covenants – May 3, 2013⁷
- Town of Sandwich Covenant Release – June 21, 2011⁸
- Town of Sandwich Planning Board Minor Modification of the Definitive Approval / Special Permit – May 23, 2014⁹

¹ The original Cape Cod Commission approval from March 2005 is recorded at the Barnstable County Registry of Deeds (the “Registry”) in Book 20635, Page 1. The March 2007 modification decision is recorded at the Registry in 22122, Page 321.

² This Final Certificate of Compliance is recorded at the Registry in Book 28296, Page 203.

³ Recorded with the Registry in Book 20727, Page 318.

⁴ Recorded in Book 20727, Page 328.

⁵ Recorded in Book 21555, Page 175. This covenant was modified several times to extend the timeframe to complete construction of the Subdivision roads. The modifications are also of record.

⁶ Recorded in Book 23604, Page 90.

⁷ Recorded in Book 27418, Page 206.

⁸ Recorded in Book 28213, Page 45.

⁹ Recorded in Book 28213, Page 44.

Both Subdivision roads – Astrid Way and Maxwell Lane – have been fully constructed and, as noted above, the Town of Sandwich has released its covenant for all the lots thereby confirming that the two roadways have been completed in accordance with the Plans and the Definitive Approval/Special Permit. To date, only Lot 11 off Maxwell Lane is developed with a single family dwelling.

The DRI Permit

The DRI Permit for this relatively simple and straightforward subdivision is exceedingly complicated. It appears to require over 8 certificates of compliance, at various intervals which are difficult (if not impossible) to manage, *plus* additional requirements for specific lots, *and* sign-offs prior to construction of every house. In that the CCC jurisdiction was triggered by the division of the land, and not the construction of the homes, this degree of oversight is overly burdensome.

Moreover, one significant point of confusion is that the DRI Permit does not appear to contemplate that all lots might be released from covenant at one time, and instead, the decision ties various certificates and conditions to the release of individual lots at different time intervals. However, as previously noted, the Town of Sandwich has already released all of the lots at the same time in a single document, which makes the DRI Permit, as currently drafted, virtually impossible to apply or interpret.

Despite these issues, many of the major conditions of the DRI Permit have been satisfied, including:

- G10 – Homeowners Educational Materials
- WR(1)(a), (b), (c), and (d) – Well Plans, Water Testing, Water Table Mapping and Well Siting Plans
- WR2 – Well Construction Impacts
- WR4 – Landscape / Turf Management
- WR5 – Stormwater Management and Grading Plans
- WR6 – Nitrogen Payment for Subdivision
- NR0S1 – Open Space Conservation Restriction Recorded
- T1, T2 and T3 – Sight Distances
- T4 – Purchase of Portable Speed Monitoring Device
- T5 – Installation of Pavement Reflectors
- T6 – Sidewalks
- T7 – Walking Path
- T8 – Public Recreational Path

- T9 – Right of Way on Plans
- T10 – Width of Access
- T11 and T12 – Partial payments made
- WM3 – Hazardous Wastes/Materials
- E1 – Energy Efficiency Measures
- E2 – Homeowner Educational Materials
- AH5 – Affordable Marketing & Tenant Selection Plan
- AH6 – Monitoring Agreement
- AH – Documentation on Existing Tenant
- N1 – Construction Noise Attenuation

Good Cause to Extend

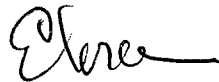
There is good cause to extend the DRI Permit for an additional five years, as requested. The additional time will enable the Owner to thoughtfully work with the Commission to restructure and simplify the DRI Permit which, in its current form, is virtually incomprehensible in its complexity particularly given that all of the lots have been released from covenant. Doing so will benefit not only the Owner, but also the Town of Sandwich and the Commission.

The Owner has made a significant investment in this Subdivision, having completed all the construction work to divide the land, including already restricting over 27 acres of open space. The magnitude of the investment is also good cause for additional time. Further, in August of 2013, Alex Nussbaumer, the named applicant in the DRI Permit, the principal of the Owner, and the individual with the most knowledge of this property and the various conditions of the DRI Permit, passed away. Since his passing, Mr. Nussbaumer's family has been considering various options related to the Subdivision as well as trying to make sense of the DRI Permit. These circumstances further establish good cause for the requested extension.

Jon Idman, Esq.
June 20, 2016
Page 5

Kindly schedule this request for a meeting of the Committee on Planning and Regulation. And, if you have any questions, comments or require additional information, please do not hesitate to ask. Thank you very much.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eliza Cox", with a long horizontal flourish extending to the right.

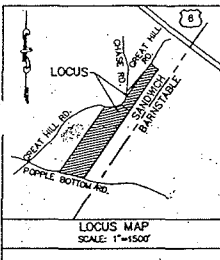
Eliza Cox

EZC:
Enclosures

cc: Great Hill Equities, Inc.

3199521.1

EXHIBIT A



INDEX OF PLANS		
SHEET NO.	TITLE	SCALE
1	DEFINITIVE PLAN OF LAND - LOT LAYOUT PLAN	1"=100'
2	DEFINITIVE PLAN OF LAND - LOT LAYOUT PLAN	1"=40'
3	DEFINITIVE PLAN OF LAND - LOT LAYOUT PLAN	1"=40'
4	DEFINITIVE PLAN OF LAND - LOT LAYOUT PLAN	1"=40'
5	PLAN & PROFILE	40'H/4"V
6	PLAN & PROFILE	40'H/4"V
7	GRADING AND EROSION CONTROL PLAN	1"=40'
8	GRADING AND EROSION CONTROL PLAN	1"=40'
9	DETAIL PLAN	N.T.S.
A001	ASTRID WAY ARCHITECTURAL SITE PLAN	
A002	MAXWELL LANE ARCHITECTURAL SITE PLAN	
L001	ASTRID WAY LANDSCAPING DRAWING	
L002	MAXWELL LANE LANDSCAPING DRAWING	
L101	ENTRANCE BLOW UPS	

INDEX OF PLANS (CONTINUED)		
SHEET NO.	TITLE	SCALE
L102	ASTRID WAY CIRCLE BLOW UP	
L103	MAXWELL LANE CIRCLE BLOW UP	
L104	MAXWELL LANE PATH BLOW UP	
L700	DETAIL SHEET 1 PLANTING	
L701	DETAIL SHEET 2 HANDSCAPING	
L702	DETAIL SHEET 3 WALLS AND LIGHTING	
L703	DETAIL SHEET 4 HOUSE SIGNAGE	

AREA SUMMARY	
TOTAL AREA OF SUBDIVISION	= 40.5 ACRES
TOTAL NUMBER OF RESIDENTIAL LOTS	= 19

LEGEND	
■	EXIST. CBOM
□	CONCRETE BOUND TO BE SET
○	EXIST. STAKE IN STONES
---	EXIST. DIRT PATH/PAVK
---	LOT SHAPE FACTOR
---	LOT FRONTAGE

SANDWICH PLANNING BOARD APPROVAL REQUIRED UNDER THE SUBDIVISION CONTROL LAW.

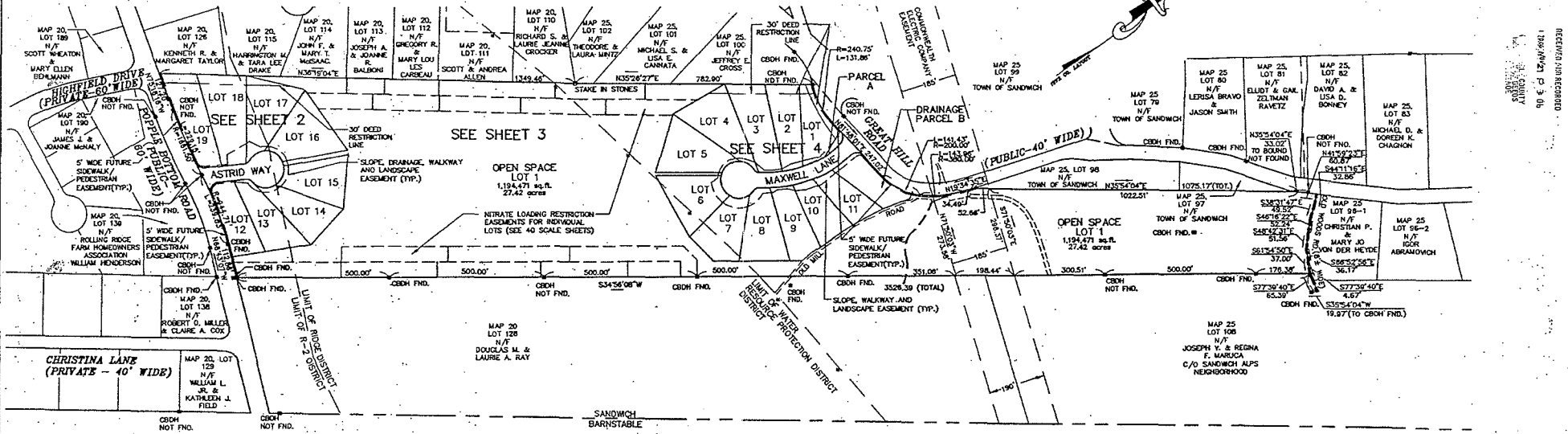
DATE APPROVED: 1/12/06 DATE ENDORSED: 4/20/05

SUBJECT TO COVENANT RUNNING WITH THE LAND, DULY EXECUTED THE DAY OF TO BE RECORDED HERewith. ALSO SUBJECT TO A PHASING COVENANT RUNNING WITH THE LAND, DULY EXECUTED THE DAY OF TO BE RECORDED HERewith.

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE SUBDIVISION REGULATIONS AS SET FORTH IN THE STATUTES OF MASS.

I CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE SANDWICH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED IN THE TWENTY DAYS SUBSEQUENT TO SUCH RECEIPT AND RECORDING.

DATE: 11/11/05



REQUIRED OPEN SPACE CALCULATION	
ENTIRE SITE IS IN AN AREA OF "SIGNIFICANT NATURAL RESOURCE" (PUBLIC WATER SUPPLY AREA OR UNFRAGMENTED FORESTED HABITAT)	
PROPORTION OF TOTAL DEVELOPMENT AREA TO TOTAL OPEN SPACE AREA = 1 : 2	
TOTAL SITE	40.5 ACRES
ROADS, SLOPE EASEMENTS, SIDEWALK EASEMENTS, DRAINAGE EASEMENTS, PARCEL A AND THE DRAINAGE BASIN AREA ON PARCEL B	12.73 ACRES
HORSE BARN AREA (LOCATION TO BE DETERMINED)	0.34 ACRES
OPEN SPACE LOT 1	27.42 ACRES
DISTING ELECTRIC EASEMENT	1.21 ACRES
FUTURE SIDEWALK EASEMENT ON OPEN SPACE LOT 1	0.02 ACRES
DEVELOPED AREA (12.73 + 0.34)	13.07 ACRES
REQUIRED OPEN SPACE 2 x 13.07	26.14 ACRES
PROVIDED OPEN SPACE (27.42 - 13.07)	26.19 ACRES

ZONING REQUIREMENTS - CLUSTER DEVELOPMENT	
MINIMUM LOT SIZE	5,000 sq. ft.
MAXIMUM LOT SIZE	40,000 sq. ft.
MINIMUM LOT FRONTAGE	50'
MAXIMUM LOT FRONTAGE	75'
MINIMUM YARDS:	
FRONT	15'
SIDE	12'-6"
REAR	12'-6"
MAXIMUM LOT COVERAGE	45%
5,000 SF TO 10,000 SF	35%
10,001 SF TO 20,000 SF	30%
20,001 SF TO 30,000 SF	25%
30,001 SF TO 40,000 SF	25%
MAXIMUM BUILDING HEIGHT	35'
MAXIMUM SHAPE FACTOR	< 22

REFERENCES
BARNSTABLE COUNTY REGISTRY OF DEEDS

DEEDS	DEEDS	PLANS	LAND COURT PLANS
BK. 6713 PGE. 86 (LOCUS)	BK. 8881 PGE. 55	BK. 501 PGE. 71 (LOCUS)	38755 A
BK. 6713 PGE. 83 (LOCUS)	BK. 11503 PGE. 106	BK. 157 PGE. 113 (LOCUS)	38755 B
BK. 4608 PGE. 333	BK. 12092 PGE. 98	BK. 247 PGE. 34	42118 A
BK. 10648 PGE. 6	BK. 9036 PGE. 198	BK. 272 PGE. 12	42118 A2
BK. 10478 PGE. 50	BK. 12870 PGE. 33	BK. 290 PGE. 28	39587 A
BK. 4639 PGE. 288	BK. 11355 PGE. 327	BK. 309 PGE. 38	39587 B
BK. 3416 PGE. 42		BK. 374 PGE. 31	39587 C
BK. 8703 PGE. 77		BK. 458 PGE. 43	
BK. 4635 PGE. 57		BK. 536 PGE. 19	
BK. 9705 PGE. 4		BK. 419 PGE. 25	
BK. 7952 PGE. 100		BK. 547 PGE. 90	
BK. 14049 PGE. 163		BK. 547 PGE. 91	
BK. 14577 PGE. 239			

SEE ALSO:
TOWN OF SANDWICH ASSESSORS MAP NO. 20 AND 25.
1972 COUNTY LAYOUT FOR CHASE ROAD

- GENERAL NOTES
- LOCUS PROPERTY IS SHOWN AS TOWN OF SANDWICH ASSESSOR MAP NO. 20, LOT 127 AND TOWN ASSESSOR MAP NO. 25, LOT 107.
 - EXISTING CONDITIONS SHOWN HEREIN WERE COMPILED FROM A FIELD SURVEY BY ATLANTIC DESIGN ENGINEERS, LLC IN FEBRUARY 2003 AND FROM AN AERIAL SURVEY PERFORMED BY COL-EAST, INC IN APRIL 2000.
 - PROPERTY LINES AS SHOWN HEREIN ARE BASED UPON A FIELD SURVEY BY ATLANTIC DESIGN ENGINEERS, LLC IN FEBRUARY 2003 AND FROM RECORD PLANS AND DEEDS.
 - ORIGIN OF BEARING IS THE 1972 COUNTY LAYOUT PLAN FOR CHASE ROAD ENTITLED "COUNTY OF BARNSTABLE: PLAN OF RELOCATING AND WIDENING OF CHASE ROAD AND GREAT HILL ROAD IN THE TOWN OF SANDWICH," DATED 04/04/72.
 - ORIGIN OF ELEVATION IS BASED UPON VERTICAL CONTROL POINTS (NGVD) SET BY CANAL LAND SURVEYING OF SAGAMORE BEACH, MA FOR AN AERIAL SURVEY PERFORMED BY COL-EAST, INC OF NORTH ADAMS, IN APRIL 2000.
 - PARCELS LIE WITHIN FLOOD ZONE X PER FIRM MAP #250012 0006 D, REVISED 09/05/91.
 - EACH LOT SHALL BE SERVED BY PRIVATE WELLS AND PRIVATE ON-SITE TITLE 5 SEPTIC SYSTEMS.
 - DRAINAGE PARCEL B MAY NOT BE UTILIZED AS A SEPARATE, RESIDENTIAL BUILDABLE LOT.

Atlantic DESIGN ENGINEERS, L.L.C.
P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

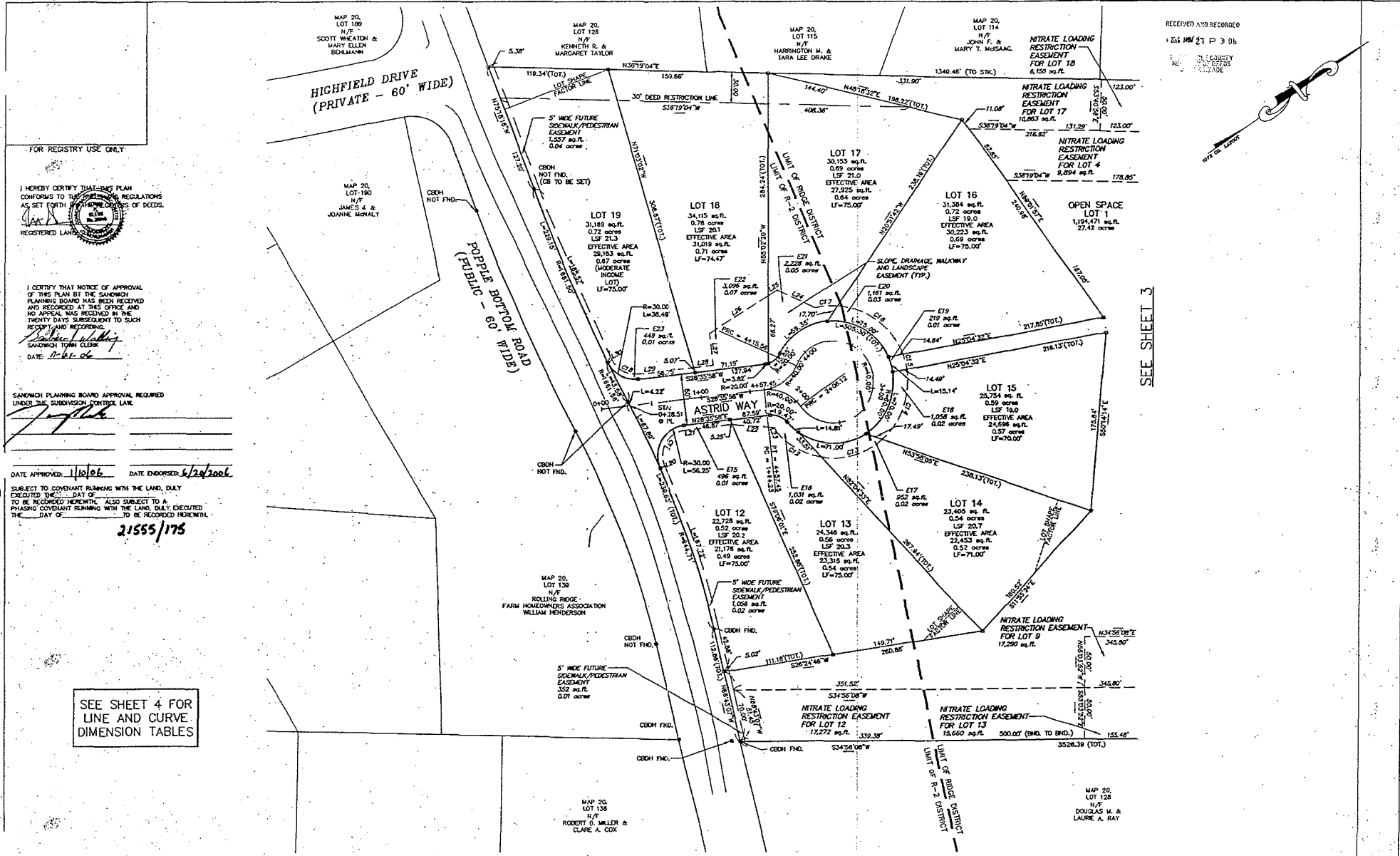
Designed by: _____
Drawn by: _____
Checked by: _____
Survey date by: _____
Approved by: _____

SCALE			
SCALE 1" = 150'			
4	WJ	11/10/05	PER DEC AND TOWN ENGINEER
3	JRW	10/24/05	PER TOWN ENGINEER
2	JRW	9/16/05	PER CAPE COD COMMISSION
1	JRW	5/2/05	PER TOWN COMMENTS
NO.	BY	DATE	REVISION

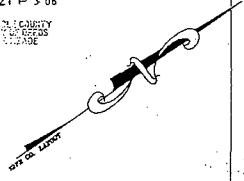
OWNER AND APPLICANT:
ALEX E. NUSSBAUMER
144 EAST 44th STREET
NEW YORK, NEW YORK 10017-4008

DEFINITIVE SUBDIVISION PLAN
FOR
LOOKOUT RIDGE
SANDWICH, MASSACHUSETTS
APRIL 11, 2005

Sheet of 1: 21
JOB NUMBER 2297.0



RECEIVED AND RECORDED
124 PM 21 P 3 06



FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE SUBDIVISION REGULATIONS AS SET FORTH IN THE STATUTES OF DEEDS.

[Signature]
REGISTERED LAND SURVEYOR

I CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE SANDWICH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED IN THE TWENTY DAYS SUBSEQUENT TO SUCH RECEIPT AND RECORDING.

[Signature]
SANDWICH TOWN CLERK
DATE: 11-11-06

SANDWICH PLANNING BOARD APPROVAL REQUIRED UNDER THE SUBDIVISION CONTROL LAW.

[Signature]

DATE APPROVED: 11/02/06 DATE ENDORSED: 6/28/2008

SUBJECT TO COVENANT RUNNING WITH THE LAND, DULY EXECUTED THE _____ DAY OF _____ TO BE RECORDED HEREWITH. ALSO SUBJECT TO A PHASING COVENANT RUNNING WITH THE LAND, DULY EXECUTED THE _____ DAY OF _____ TO BE RECORDED HEREWITH.

21555/175

SEE SHEET 4 FOR LINE AND CURVE DIMENSION TABLES

SEE SHEET 3

Atlantic DESIGN ENGINEERS, L.L.C.
P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

Designed by: _____
Drawn by: _____
Checked by: _____
Survey checked by: _____
Approved by: _____

SCALE
SCALE 1" = 40'
0 10 20 30 40

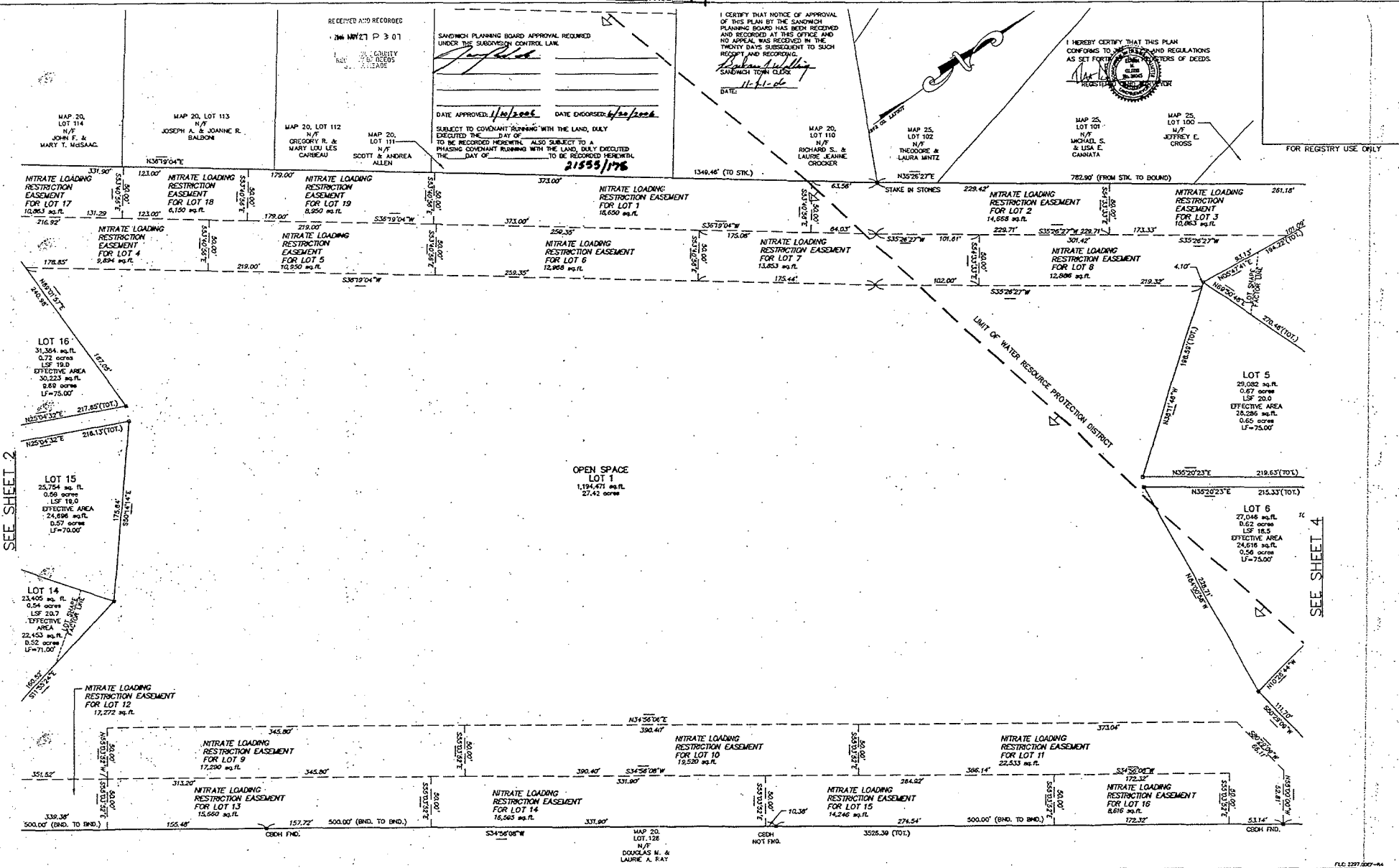
DATE

NO.	BY	DATE	REVISION
4	WJ	11/10/05	PER CCC AND TOWN ENGINEER
3	JRW	10/24/05	PER TOWN ENGINEER
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1	JRW	8/29/05	PER TOWN COMMENTS

OWNER AND APPLICANT:
ALEX E. NUSSBAUMER
144 EAST 44th STREET
NEW YORK, NEW YORK 10017-4008

DEFINITIVE SUBDIVISION PLAN
FOR
LOOKOUT RIDGE
SANDWICH, MASSACHUSETTS
APRIL 11, 2005

Sheet 1 of 1
2 of 21
JOB NUMBER
2297.0



613-99

SEE SHEET 2

SEE SHEET 4

Atlantic DESIGN ENGINEERS, L.L.C. P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282	Designed by: _____ Drawn by: _____ Checked by: _____ Survey chg. by: _____ Approved by: _____	SCALE SCALE 1" = 40' 	DATE: _____	<table border="1"> <thead> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>ML</td> <td>11/16/05</td> <td>PER CDD AND TOWN ENGINEER</td> </tr> <tr> <td>3</td> <td>JRW</td> <td>10/24/05</td> <td>PER TOWN ENGINEER</td> </tr> <tr> <td>2</td> <td>JRW</td> <td>9/16/05</td> <td>PER CAPS CDD COMMISSION</td> </tr> <tr> <td>1</td> <td>JRW</td> <td>6/9/05</td> <td>PER TOWN COMMENTS</td> </tr> </tbody> </table>	NO.	BY	DATE	REVISION	4	ML	11/16/05	PER CDD AND TOWN ENGINEER	3	JRW	10/24/05	PER TOWN ENGINEER	2	JRW	9/16/05	PER CAPS CDD COMMISSION	1	JRW	6/9/05	PER TOWN COMMENTS	OWNER AND APPLICANT: ALEX E. NUSSBAUMER 144 EAST 44th STREET NEW YORK, NEW YORK 10017-4008	DEFINITIVE SUBDIVISION PLAN FOR LOOKOUT RIDGE SANDWICH, MASSACHUSETTS APRIL 11, 2005	FILE 2297-0007-44 Sheet 3 of 21 JOB NUMBER 2297.0
	NO.	BY	DATE	REVISION																							
4	ML	11/16/05	PER CDD AND TOWN ENGINEER																								
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2	JRW	9/16/05	PER CAPS CDD COMMISSION																								
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I CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE SANDWICH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED IN THE TWENTY DAYS SUBSEQUENT TO SUCH RECORDING AND RECORDING DATE: 11/10/2006

SANDWICH PLANNING BOARD APPROVAL REQUIRED UNDER THE SUBDIVISION CONTROL LAW.

CDM# FNO.

RECEIVED AND RECORDED 1/10/2007 P 3 09

LINE	LENGTH	BEARING
L1	59.76	N02°15'14"W
L2	68.15	S10°27'48"E
L3	55.14	S21°37'07"W
L4	44.69	S21°37'07"W
L5	35.74	S04°30'04"W
L6	41.75	S74°00'24"W
L7	32.61	S03°47'08"W
L8	25.12	S02°30'03"W
L9	26.45	N31°34'40"E
L10	6.55	N31°34'40"E
L11	13.90	N02°50'11"W
L12	27.06	N47°40'05"E
L13	37.85	N31°34'40"E

LINE	LENGTH	BEARING
L14	44.05	N15°29'22"E
L15	9.54	N16°29'22"E
L16	62.88	N02°50'11"W
L17	25.05	N32°50'11"W
L18	60.27	N04°53'32"E
L19	5.00	N08°11'59"W
L20	5.00	N11°10'21"E
L21	48.67	S28°25'38"E
L22	43.16	S36°35'48"E
L23	3.99	S78°04'48"E
L24	41.85	S60°15'38"W
L25	10.83	S03°15'17"W
L26	70.07	S03°15'17"W
L27	31.23	S81°24'02"E
L28	19.84	S28°25'38"E
L29	55.90	S28°25'38"E
L30	5.00	S08°17'47"W

CURVE	LENGTH	RADIUS
C1	54.41	416.00
C2	33.01	70.50
C3	77.27	70.50
C4	10.34	70.50
C5	6.32	70.50
C6	77.48	89.50
C7	85.52	81.50
C8	67.70	91.50
C9	34.76	483.00
C10	21.14	114.00
C11	48.88	25.00
C12	52.72	74.48
C13	65.19	74.48
C14	78.12	74.48
C15	15.09	74.48
C16	83.38	74.48
C17	22.11	74.48
C18	36.41	25.00

FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE MASS. REG. REGULATIONS AS SET FORTH BY THE MASS. REG. DEEDS.

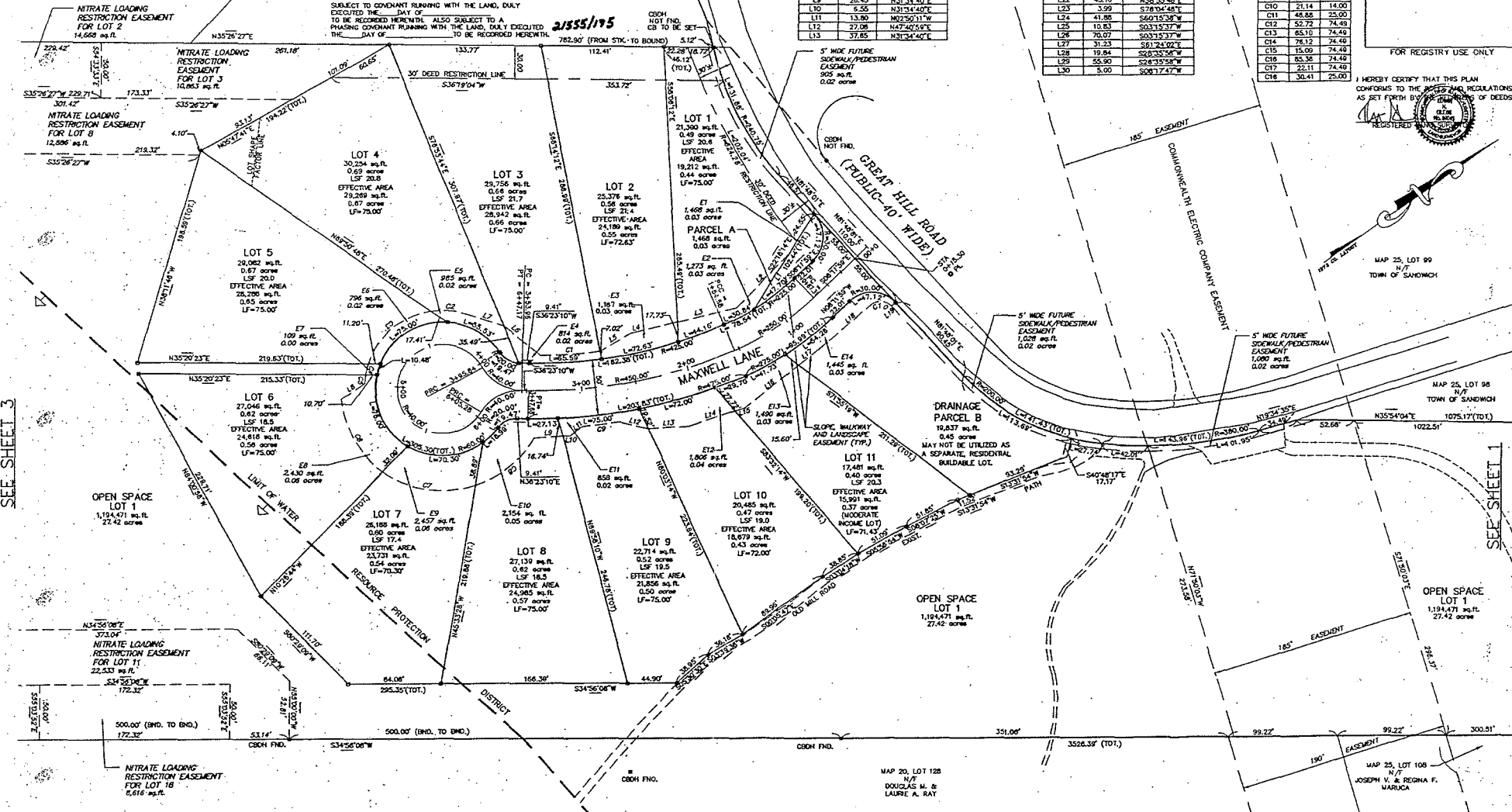


MAP 25, LOT 99 TOWN OF SANDWICH

MAP 25, LOT 98 TOWN OF SANDWICH

OPEN SPACE LOT 1 1,194.471 sq. ft. 27.42 acres

MAP 25, LOT 108 TOWN OF SANDWICH



SEE SHEET 3

SEE SHEET 4

Atlantic DESIGN ENGINEERS, L.L.C. P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

Designed by: Drawn by: Checked by: Surveyed by: Approved by:

SCALE SCALE 1" = 40'

DATE

NO.	BY	DATE	REVISION
1	JRW	6/9/05	PER TOWN COMMISSION
2	JRW	3/18/05	PER CAPS CDD COMMISSION
3	JRW	10/24/05	PER TOWN ENGINEER
4	MJ	11/10/05	PER CDD AND TOWN ENGINEER

OWNER AND APPLICANT: ALEX E. NUSSBAUMER 144 EAST 44th STREET NEW YORK, NEW YORK 10017-4008

DEFINITIVE SUBDIVISION PLAN FOR LOOKOUT RIDGE SANDWICH, MASSACHUSETTS APRIL 11, 2005

Sheet 4 of 21 JOB NUMBER 2297.0