

Charles M. Sabatt PC
Attorney At Law
540 Main Street – Suite 8
Hyannis, MA 02601

Telephone
508-775-5050

Facsimile
508-778-4600

November 17, 2021

Town of Bourne Zoning Board of Appeals
Bourne Town Hall
24 Perry Avenue – Room 203
Buzzards Bay, MA 02532-3441

RE: Cape View Way Development

Dear Members of the Board:

The undersigned represents Tudor Cherry Investors LLC (“Tudor”) which owns Cherry Hill Apartments and is a direct abutter northeasterly of the proposed Cape View Way Housing development. I have addressed the Board on behalf of my client at prior hearings.

Enclosed herewith is a document entitled *Condition of Comprehensive Permit RE: Protection of Tudor Cherry Investors, LLC*. In the event that the Board issues a Comprehensive Permit in some form, the Applicant and Tudor have agreed that the attached is to be made a condition of the Comprehensive Permit to be incorporated as a condition within the Comprehensive Permit.

Thank you very much for your attention to this matter.

Sincerely,

/s/ *Charles M. Sabatt*

Charles M Sabatt
cc: Peter Freeman ESQ; Allan Doyle
Enclosure

Condition of Comprehensive Permit
RE: Protection of Tudor Cherry Investors, LLC

Among its permitting plans, the Applicant has submitted a plan entitled "Landscape Rendering" dated April 2021 (hereinafter "the Landscape Plan"). The Landscape Plan shall be attached to and incorporated into the Comprehensive Permit.

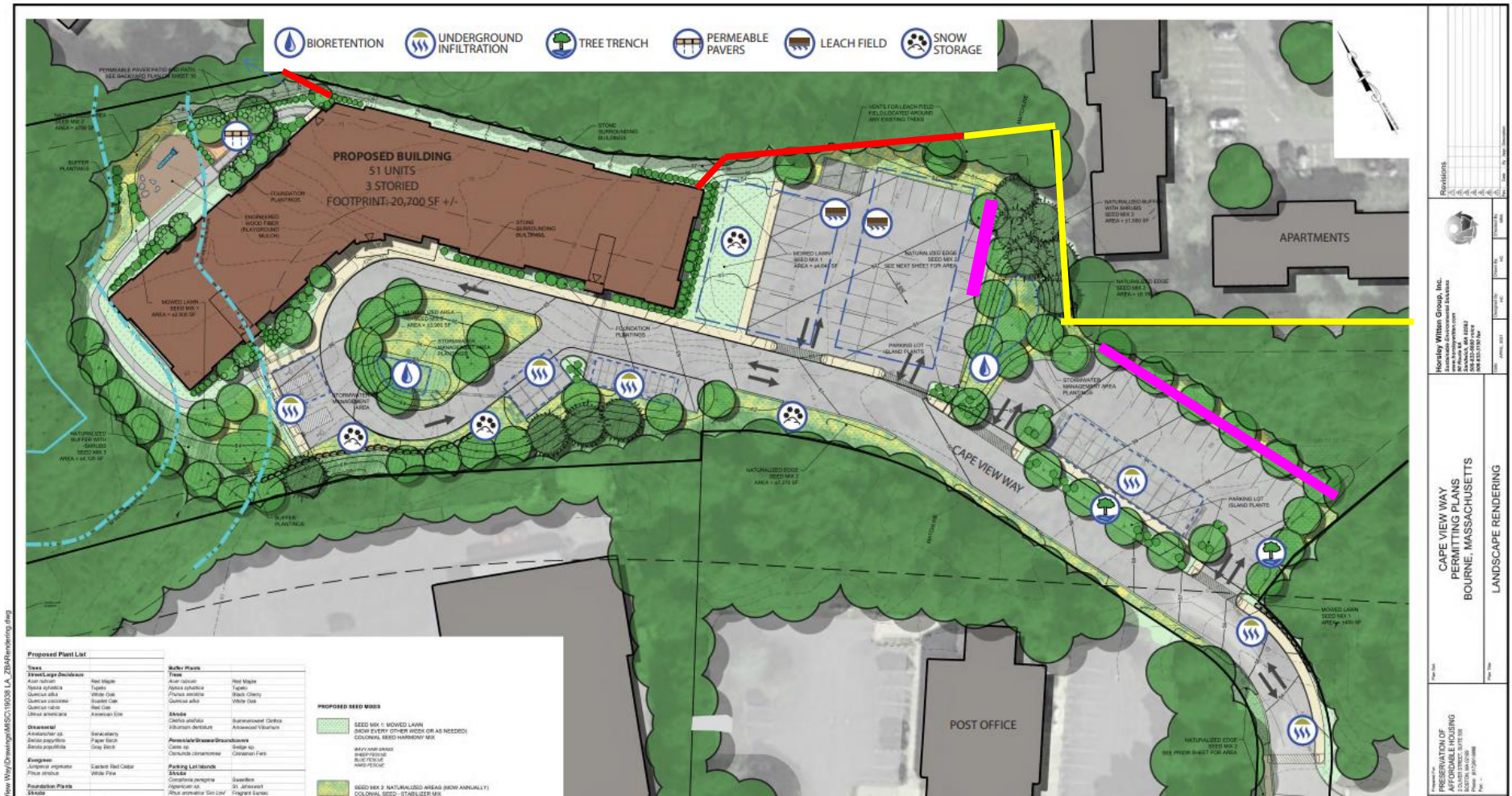
As a condition of the Comprehensive Permit, the Applicant shall construct and maintain a 6 foot high privacy/security fence along the common boundary line between the Applicant's property and Cherry Hill Apartments, which is owned by Tudor Cherry Investors, LLC.

A privacy/security fence consisting of Vinyl/PVC tongue & groove style (similar to those shown in Exhibit B) six (6) feet in height shall be installed along that section of the common property line which is **highlighted in Yellow** on Exhibit A attached hereto. A chain link fence, six (6) feet in height shall be installed along that section of the common property line which is **highlighted in Red** in Exhibit A.

Additionally, the Applicant shall be required to install and maintain a dense vegetative barrier consisting of ornamental grass or some other plantings which is at least 4 feet in height and will remain in full bloom and be of a consistent density year- round to protect the residents in buildings 2 & 3 at Cherry Hill Apartments from headlight intrusion from Cape Way's upper and lower parking lots. The location of this headlight intrusion barrier is shown in Exhibit A and **highlighted in Purple**.

The plantings and other vegetation should be maintained in such manner so as to ensure their continuing survival. The Applicant shall be responsible for maintaining and repairing the fences when required. The terms of this condition shall be binding upon the Applicant and its successors and assigns.

EXHIBIT A



GUIDE

6 Foot Vinyl Privacy Fence

6 Foot Chain Link Fence

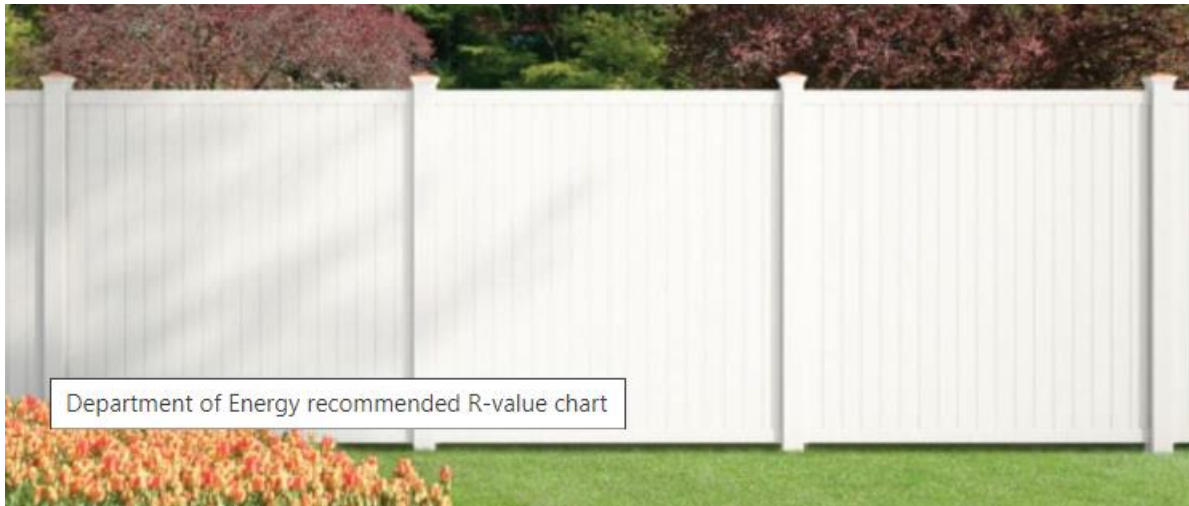
Auto headlight protection barrier

YELLOW

RED

PURPLE

EXHIBIT B



PRIVACY TONGUE &
GROOVE W/ CROWNED "F"-
RAIL



PRIVACY TONGUE &
GROOVE W/ SCALLOPED "G"-
RAIL