

CAPE COD COMMISSION

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DATE: December 19, 2002

TO: South Shore Young Men's Christian Association, Inc.

FROM: Cape Cod Commission

RE: Development of Regional Impact
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: South Shore Young Men's Christian Association, Inc.
P.O. Box 376
Quincy, MA 02269-0376

PROJECT #: TR02007

PROJECT: South Shore YMCA ANR
Off Stowe Road and Pinkham Road, Sandwich, MA

BOOK/PAGE: 612/254
1395/017
454/225
952/455
4199/033
665/015

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission) hereby approves with conditions the application of South Shore Young Men's Christian Association (YMCA), Inc., as a Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of



the Acts of 1989, as amended, for the proposed South Shore YMCA ANR project. The decision is rendered pursuant to a vote of the Commission on December 19, 2002.

PROJECT DESCRIPTION

The proposed project is the subdivision of approximately 284.87 acres of land in Sandwich, MA, which are entirely within the boundaries of the Three Ponds District of Critical Planning Concern (DCPC) and within the Three Ponds local zoning district.

The project area consists of approximately 284.87 acres that are commonly owned by the South Shore YMCA, Inc. and are proposed for subdivision into three (3) parcels as follows:

- Parcel 1 is approximately 80 acres, intended for purchase by the Town of Sandwich for open space purposes;
- Parcel 2 is approximately 36.16 acres, intended for purchase by the Sandwich Water District for district purposes including public water supply opportunities and wellhead protection; and,
- Parcel 3 is approximately 168.71 acres, to remain under the ownership and operation of the South Shore YMCA, Inc. for camp-related purposes.

The site is bounded generally on the north by land owned by the Town of Sandwich, on the northeast by Popple Bottom Road, on the east by Lawrence Pond and Cape Cod YMCA property, on the southwest by Stowe Road, and on the west by Spectacle Pond. The area surrounding the South Shore YMCA, Inc. property, and just outside of the DCPC borders, is mainly residential neighborhood. Proposed Parcels 1, 2, and 3 are primarily wooded lands with scattered YMCA camp-related structures within the boundaries of what is to become Parcel 3.

PROCEDURAL HISTORY

The Town of Sandwich Planning Board referred the project to the Commission on February 6, 2002, after receiving a local Application for Approval Not Required. The Commission received the referral on February 8, 2002. The Commission opened and closed a public hearing at pro-forma hearings on April 4, 2002, and July 1, 2002, respectively. A DRI Application was filed with the Commission on June 28, 2002, by Singer & Singer LLC, on behalf of the applicant, South Shore YMCA, Inc. On July 8, 2002 the applicants requested and received an Extension Agreement from the Commission's Regulatory Committee, extending the Decision time period through February 28, 2003.

A duly noticed public hearing was conducted by the Commission pursuant to Section 5 of the Act by an authorized subcommittee of the Commission on September 23, 2002. The public hearing was closed on September 23, 2002 and the record was left open for submission of written materials until December 19, 2002.

The subcommittee held public meetings after the close of the public hearing to deliberate on this project on October 10, October 24, November 13, and November 25, 2002. These meetings were held to discuss the drafting of a decision for the project.

At the November 25, 2002 subcommittee meeting, the subcommittee voted 3 to 1 to recommend to the full Commission that the project be approved as a DRI, subject to conditions. A final public hearing was held before the full Commission on December 19, 2002. At this hearing, the Commission voted unanimously to approve the project as a DRI, subject to conditions.

Materials Submitted for the Record

From the applicant:

- DRI Application and supporting materials filed June 28, 2002
- letter from Singer & Singer to Massachusetts Historical Commission dated 8/28/02
- letter from Singer & Singer to Massachusetts Historical Commission dated 8/29/02
- Plans (sheets 1-4), as revised 9/18/02, titled *Town of Sandwich and Sandwich Water District Acquisition of South Shore YMCA Property, Sandwich, MA*, received 9/23/02
- copy of Purchase and Sale Agreement between Town of Sandwich and South Shore YMCA, Inc., received 9/27/02
- letter from Singer & Singer to Ansel, Chair of subcommittee, dated 10/10/02
- letter from Singer & Singer to McElroy, Natural Resources Specialist, dated 10/16/02
- letter from Singer & Singer to McElroy, Natural Resources Specialist, dated 10/17/02
- letter from Singer & Singer to Ansel, Chair of subcommittee, dated 10/24/02
- letter from Singer & Singer to Ansel, Chair of subcommittee, dated 11/8/02
- letter from Singer & Singer to McElroy, Natural Resources Specialist, dated 11/21/02
- letter from Singer & Singer to McElroy, Natural Resources Specialist, dated 11/22/02
- letter from Singer & Singer to McElroy, Natural Resources Specialist, dated 12/10/02

From Cape Cod Commission staff:

- letter to South Shore YMCA dated 2/22/02
- memorandum to subcommittee members dated 5/10/02
- letter to Singer & Singer and South Shore YMCA dated 6/20/02
- letter to Singer & Singer dated 7/8/02
- Staff Report dated 9/16/02
- memorandum to subcommittee dated 10/1/02
- memorandum to subcommittee with attachments dated 10/17/02
- memorandum to subcommittee, applicant, and other parties with attachments and Draft Decision dated 10/22/02
- memorandum to applicant and other parties dated 11/1/02
- memorandum to subcommittee dated 11/7/02
- memorandum to subcommittee, applicant, and other parties with attachments dated 11/8/02

From state/local officials:

- DRI referral from Town of Sandwich, Director of Planning & Development, dated 2/8/02
- letter from Town of Sandwich, Director of Planning & Development, to the Commission dated 2/28/02

- letter from Massachusetts Historical Commission to Singer & Singer dated 8/1/02
- letter from Town of Sandwich, Director of Planning & Development, to the Commission dated 8/29/02
- stamped response from Massachusetts Historical Commission dated 9/17/02
- letter from Kopelman and Paige, PC, Sandwich Town Counsel, to Justus, Project Planner, dated 10/16/02
- letter from Kopelman and Paige, PC, Sandwich Town Counsel, to Ansel dated 10/24/02
- letter from Kopelman and Paige, PC, Sandwich Town Counsel, to McElroy dated 11/21/02

From other related parties:

- letter from Philip Boudreau, counsel to Sandwich Water District, to McElroy dated 10/16/02
- letter from Philip Boudreau, counsel to Sandwich Water District, to Ansel dated 10/24/02
- letter from Philip Boudreau, counsel to Sandwich Water District, to McElroy dated 11/20/02

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the minutes of meetings and hearings and all written submissions received in the course of these proceedings are incorporated into the record by reference.

TESTIMONY

A subcommittee of the Cape Cod Commission held a public hearing at 7:00 p.m. on September 23, 2002, at the Sandwich Human Services Building. The following is a summary of the testimony given.

Stacey Justus, Commission staff planner, summarized the Staff Report dated September 16, 2002. Andrew Singer, attorney for the South Shore YMCA, Inc. presented the applicant's proposed project. Discussion that followed these presentations mainly addressed the proposal to transfer nitrogen loading credits from Parcels 1 and 2 onto Parcel 3 for future use by the YMCA, and the provision of open space.

Public testimony was then taken, which mainly revolved around concern of future water supply development on Parcel 2 by the Sandwich Water District. The following people spoke against, or expressed concerns about, future well development: Norman Seifer, Roger Riefler, Kevin Cavanaugh, Marcia Kosibeck, and Jacqueline Fields.

The subcommittee moved to close the hearing but to leave the record open. The subcommittee held four public meetings on October 10, October 24, November 13, and November 25, 2002.

JURISDICTION

The proposed project qualifies as a DRI under Section 3(c) of the Cape Cod Commission Act (Act) DRI Enabling Regulations as a "development which proposes to divide parcel(s) of land totaling 30 acres or more...."

FINDINGS

The Commission has considered the application of the South Shore YMCA, Inc. for the proposed South Shore YMCA ANR and based on consideration of such application and upon the information presented at the public hearing(s) and submitted for the record, makes the following findings pursuant to Sections 12 and 13 of the Act:

General

G1. The area of the proposed project is located within the Three Ponds local zoning district. Based on statements made by the Sandwich Director of Planning and Development, this project appears to be consistent with local development bylaws and the intent and purposes of the Three Ponds DCPC.

G2. No certified Local Comprehensive Plan exists for the Town of Sandwich, therefore consistency with that document is not required.

G3. The purpose of this subdivision is to allow for the sale of Parcels 1 and 2 to the Town of Sandwich and the Sandwich Water District, respectively. This subdivision, as shown on the plan titled "Town of Sandwich and Sandwich Water District acquisition of South Shore YMCA property, Sandwich, Massachusetts" dated February 28, 2001 and revised September 18, 2002, is approved (with conditions) for the purposes of open space protection, wellhead protection, and water supply. This Decision does not contemplate development on Parcels 1 and 2 that do not support these purposes.

Land Use

LU1. The project is located within the Three Ponds DCPC established by County Ordinance in February 2000. Implementing regulations were adopted by the Town of Sandwich in March 2001, and certified by the Cape Cod Commission in October 2001. The Three Ponds DCPC regulations' purpose section identifies goals for the district, including: surface water and ground water quality protection; protection of scenic viewsheds and cultural landscapes; protection of rare species, wetlands, coastal plain pondshores, vernal pools, unfragmented forested areas, fisheries, and wildlife corridors; and encouraging the continued use, and enhancing the use of land within the District for open space and recreational purposes including summer camps.

LU2. The Town of Sandwich's adopted implementing regulations for the DCPC include a Three Ponds District zoning bylaw, a bylaw for the Use of Sandwich Ponds, and the purchase and protection of 83 acres of developable land. The Commission's vote on the implementing regulations' consistency with the DCPC Ordinance noted that the proposed protection of a large amount of land for preservation was a critical component of reducing development potential and thus protecting the goals and interests of the DCPC.

LU3. The DCPC implementing regulations include provisions to promote the YMCA camps' viability in the future by naming several new conditional uses (an adult retirement community and assisted living facility) and by allowing development of a 9-hole golf course, though no increase over the currently allowed number of dwelling units is permitted. Such changes of use on the South Shore YMCA property would require Commission DRI review if a DRI threshold is met.

Water Resources

WR1. Proposed Parcels 1, 2, and 3 are located entirely within a Wellhead Protection Area, a Potential Water Supply Area, a Fresh Water Recharge Area to Lawrence Pond, and Marine Recharge Areas to Scorton Creek and Three Bay.

WR2. The 116.16 acres of Parcel 1 and Parcel 2 are to be conveyed for the purposes of open space protection, wellhead protection, and potential future water supply development, as such, there is no nitrogen load. Any future development proposed on Parcel 3 that exceeds a DRI threshold will be evaluated for nitrogen loading under the Potential Wellhead Protection Area minimum performance standards due to the potential for water supply development on Parcel 2.

WR3. The Three Ponds area is highly sensitive to water table fluctuations. This area has over 10 feet of water table fluctuations from extreme high to extreme low conditions. The drought of 2002 has resulted in near record low conditions this summer and public concern about the potential impacts of water withdrawals to these resources is high. A recent US Geological Survey Water-Resources Investigations Report 02-4143 has indicated that under extreme hypothetical future pumping conditions (550% increase over existing conditions) pumping in the area could result in a condition where "pond levels will decline 2-3 feet, recharge areas to the ponds will shrink, and the flow through the ponds will proportionally decrease." The Sandwich Water District is actively engaged in taking pond and groundwater level measurements in the area. Under current regulations, a new water supply well will require a New Source approval and a Water Management Act water withdrawal permit under the Department of Environmental Protection. These permits would require studies to demonstrate negligible impact on the ponds.

WR4. The 36.16 acres of Parcel 2 is being purchased by the Sandwich Water District to augment its holdings for wellhead protection and water supply purposes. No water supply projects are proposed in relation to this DRI, however the Sandwich Water District has conducted a prolonged pumping test on the site (referred to as Test Site 1-96), which found favorable conditions for the development of a supply well. Under current regulations, any future proposals by the Water District on Parcel 2 will require the filing of an Environmental Notification Form with a likely MEPA Environmental Impact Report and Commission DRI review. Future water supply development issues will be evaluated under the appropriate regulatory process at that time.

Natural Resources and Open Space

NR1. Due to the project's location within a Significant Natural Resource Area the South Shore YMCA, Inc. is required to provide 65% of the total upland area of the YMCA property, or 65% of 285 acres, which is equal to 185.25 acres, as permanently protected open space. The South Shore YMCA, the Town of Sandwich, and the Sandwich Water District have each agreed to provisions that will cumulatively result in the protection of more than 65% of the site area.

NR2. The open space proposal is not entirely consistent with the requirements of MPS 2.5.1.3 due to the fact that the open space on Parcels 2 and 3 will not either be identified or permanently protected until some point in the future when development meeting a DRI threshold may be proposed. Based on the unique conditions associated with this Project (see Finding G3), the Commission finds that it is appropriate to invoke the Flexibility Clause of the RPP to allow portions of the open space requirement to be met when and if future development of regional impact is proposed. In considering the alternate method proposed below, the continued use of the South Shore YMCA camp on Parcel 3 until such time as DRI-size development is proposed, and the holding of Parcel 2 by the Sandwich Water District until water supply development requiring DRI review is proposed, will not be more detrimental to the interests of open space protection than would be allowable under the applicable MPSs. The following factors, taken together, are essential components of this Finding:

- a) This decision approves the subdivision of the South Shore YMCA property into three parcels for open space protection, water supply protection and potential water supply development, and for continuing camp-related purposes on Parcel 3.
- b) The open space requirement is being met as follows:

The Town of Sandwich will permanently protect 100% of Parcel 1 to meet the requirement, or 80 acres. This land is contiguous to additional Town of Sandwich open space located to the north of Parcel 1.

The Sandwich Water District will permanently protect 65% of Parcel 2 to meet the requirement, or 23.5 acres. This land will be configured to be substantially contiguous to Parcel 1, excepting wellhead development. Open space on Parcel 2 has not yet been identified in order to allow for potential well head development.

The South Shore YMCA will permanently protect the balance of the open space requirement, 81.75 acres, or the then prevailing open space requirement, whichever is greater, at such time as future development requiring DRI review is proposed on Parcel 3. The open space will be calculated, definitively identified, and permanently protected through any subsequent DRI review process and RPP standards in effect at the time of future DRI review, and will be configured to protect sensitive or rare natural resources identified at that time, and to optimize contiguous open space areas while accommodating water supply development access needs and passive recreational activities as defined by the RPP. In addition, until such time as development

requiring DRI review may be proposed on Parcel 3, the South Shore YMCA will maintain 81.75 acres as open space on Parcel 3 in minimum groupings of 40 acres.

c) The open space proposal will ensure open space and water supply protection within the Sandwich Three Ponds DCPC consistent with the DCPC regulations and to the benefit of the Town of Sandwich.

NR3. The natural resources inventory (NRI) submitted for this project was prepared by Horsley and Witten for the Town of Sandwich during the Three Ponds DCPC planning process. The NRI identified coastal plain pond shore communities supporting rare species along the shores of both Spectacle and Lawrence Ponds. The NRI also recommended that based on natural communities and habitats found within the DCPC area that a rare species survey be conducted to identify critical habitat in upland areas between the ponds.

NR4. Ongoing camp-related activities on Parcel 3 may be inconsistent with MPS 2.4.1.4 which requires the protection of rare species habitats. A rare species survey has not yet been conducted on the South Shore YMCA project site as recommended in Finding NR3, and consequently it is unknown whether, and/or the extent to which rare species may be present on Parcels 1, 2 and 3. Based on the unique conditions associated with this Project (see Finding G3), the Commission finds that it is appropriate to invoke the Flexibility Clause of the RPP to allow the subdivision of the land and conveyance of Parcels 1 and 2 for open space and wellhead protection and water supply, and to allow ongoing camp-related activities on Parcel 3. In considering the alternate approach proposed below, the proposed uses will not be more detrimental to rare species protection than would be allowable under MPS 2.4.1.4. The following factors, taken together, are essential components of this Finding:

a) This decision approves the subdivision of the South Shore YMCA property into three parcels for open space protection, water supply protection and potential water supply development, and for continuing camp-related activities on Parcel 3.

b) Parcel 1 is being acquired with Land Bank funds for the purposes of conservation, agriculture and recreation. The Town of Sandwich will conduct a rare species survey on Parcel 1, and will manage the land consistent with protection of rare species habitat that may be identified. The rare species survey will be conducted between May and September, 2003.

c) The Sandwich Water District is acquiring Parcel 2 for water supply protection at this time. Any future water supply development proposed by the Water District on Parcel 2 may require the filing of an Environmental Notification Form with a likely MEPA Environmental Impact Report and Commission DRI review, at which time a rare species survey and appropriate habitat protection may be required.

d) The South Shore YMCA proposes to continue camp-related activities on Parcel 3. The South Shore YMCA has agreed to complete a rare species survey for eastern box turtle on Parcel 3 prior to September 30, 2003, and has agreed to place \$5,000 in escrow to ensure that such a survey is

completed by that time. Future development requiring Commission review will require the protection of rare species habitat as may be identified.

Transportation

T1. The proposed project does not create any building lots, such as house lots or small commercial lots, that have the potential to generate traffic without further Commission review. Also, the subdivision does not change the operations of the South Shore YMCA, Inc. camps at this time. As such, since no traffic generating development is proposed, there will likely be no transportation impacts. Therefore, the project is consistent with the goals and minimum performance standards in the Transportation section of the RPP.

Heritage Preservation and Community Character

HP1. The proposed subdivision of land and sale of Parcels 1 and 2 to the Town of Sandwich and the Sandwich Water District do not directly alter historic structures and landscapes. Continued operation of the YMCA camps, and the permanent preservation of large tracts of land from development helps to preserve the distinguishing original features of the cultural landscape in this area. As such, the current proposal is consistent with the goals and minimum performance standards in the Heritage Preservation/Community Character section of the RPP.

CONCLUSION

Based on the findings above, the Cape Cod Commission hereby concludes:

The benefits of the proposed project outweigh the detriments resulting from the subdivision of the land, as stated in findings LU1, WR2, HP1, and T1. The subdivision of the 285-acre South Shore YMCA, Inc. parcel into three (3) parcels provides an opportunity for open space preservation, wellhead protection, and potential future water supply development.

The project is consistent with local development bylaws and with the implementing regulations for the Three Ponds DCPC as certified by the Cape Cod Commission.

The project is consistent with the minimum performance standards of the RPP, except where noted in findings NR2 and NR4. Through the provisions of the Flexibility Clause, the South Shore YMCA was able to demonstrate an alternate approach that will not be more detrimental to the interests of the Act than would strict compliance with MPS 2.5.1.3 and MPS 2.4.1.4.

The Commission hereby approves with conditions the application of South Shore YMCA, Inc. for the proposed South Shore YMCA ANR as a DRI, provided that the following conditions are met:

CONDITIONS

General

- G1.** This DRI Decision is valid for 7 years and local development permits and approvals may be issued pursuant hereto for a period of 7 years from the date of the written decision.
- G2.** Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this decision.
- G3.** This Decision applies to the plan, titled *Town of Sandwich and Sandwich Water District Acquisition of South Shore YMCA Property, Sandwich, Massachusetts*, as revised September 18, 2002 and stamped draft.
- G4.** The applicant shall forward to the Commission, forthwith, copies of any and all permits and approvals issued in relation to this project and issued subsequent to this decision. A copy of final plans approved by the Town of Sandwich shall be submitted to the Commission upon receipt of local approvals.
- G5.** A Certificate of Compliance for Parcel 1 shall be issued upon transfer of ownership of Parcel 1 to the Town of Sandwich for conservation, agricultural and passive recreational purposes as set forth in condition NR1 below. With regard to the approved purposes of this subdivision per Finding G3, should the conveyance of Parcel 1 to the Town of Sandwich not occur on or before December 31, 2003, then the South Shore YMCA shall seek a modification of this decision to address the unconveyed parcels and the continued protection of the interests of the Minimum Performance Standards as discussed in this decision.
- G6.** A Certificate of Compliance for Parcel 2 shall be issued upon transfer of ownership of Parcel 2 to the Sandwich Water District. With regard to the approved purposes of this subdivision per Finding G3, should the conveyance of Parcel 2 to the Sandwich Water District not occur on or before December 31, 2003, then the South Shore YMCA shall seek a modification of this decision to address the unconveyed parcels and the continued protection of the interests of the Minimum Performance Standards as discussed in this decision.
- G7.** A Certificate of Compliance for Parcel 3 shall be issued upon the recording at the Registry of Deeds or Land Court of the plan titled "Town of Sandwich and Sandwich Water District acquisition of South Shore YMCA property, Sandwich, Massachusetts" dated February 28, 2001 and revised September 18, 2002 and subsequently endorsed by the Sandwich Planning Board. The Certificate of Compliance shall provide that the Findings and Conditions contained in this Decision as they relate to future open space set asides, rare species protection, nitrogen loading and other requirements of the RPP shall remain in effect and shall be followed if there is ever a proposal on Parcel 3 that requires further DRI review.

Natural Resources and Open Space

NR1. Prior to issuance of a Certificate of Compliance for Parcel 1, Parcel 1 shall be permanently protected through conveyance to the Town of Sandwich for conservation, passive recreation and agricultural purposes. Parcel 1 also may be used by the Town of Sandwich for public access, walking trails, overnight tent camping and open campfires by the South Shore YMCA, water supply protection, water main access and/or for the calculation of Zone I wellhead protection areas that may be approved for Parcel 2, including necessary protections of public water supply wellheads that may become warranted. In addition, the Town may maintain and improve the existing roadway on Parcel 1. Except to the extent required for the protection of future water supply, Parcel 1 shall not be fenced in order to allow for wildlife movement.

The town shall conduct a rare species survey consistent with the following requirements. The rare species survey shall be conducted between May and September in order to identify rare species during seasons when they are most active or are growing, shall be conducted consistent with requirements of the Natural Heritage and Endangered Species Program, and the scope shall be approved by Commission staff. The use of the land for, agriculture, or management of the land for wildlife or plant habitat interests shall be consistent with the protection of rare species habitat as required by the RPP and as determined by the Regulatory Committee of the Commission.

NR2. The specific boundaries of the open space on Parcel 2 may remain undetermined until such time as the Sandwich Water District may establish a public water supply wellhead on Parcel 2, at which time any and all then-applicable regulations shall be applied to the determination of the location of the open space, including, to the extent any wellhead development requires review by the Commission, then applicable regulations of the Cape Cod Commission. During the course of, and consistent with future DRI review on Parcel 2 for water supply development, if required, the Sandwich Water District shall provide the Cape Cod Commission with a conservation restriction consistent with Massachusetts General Laws Chapter 184, § 31 – 33 and accompanying open space plan to be approved by Commission counsel and recorded at the Registry of Deeds or Registry District of the Land Court, which provides that 23.5 acres located on Parcel 2 of the South Shore YMCA, Inc. project site shall be preserved as permanent open space. The restriction and open space plan shall be executed and recorded and proof of recording shall be provided to the Commission. In order to preserve the significant habitat values of the open space areas protected through this conservation restriction, the land subject to this conservation restriction shall remain in its natural, undisturbed state for conservation and wildlife habitat preservation purposes, and shall not be fenced in order to allow for wildlife movement; provided, however, that the open space area subject to this restriction may be used for wellhead protection and the calculation of Zone 1 wellhead protection areas around public water supply wellheads that may be approved on Parcel 2, including necessary protections of public water supply wellheads that may become warranted. The conservation restriction shall allow for managed public access.

NR3. Prior to the issuance of a Certificate of Compliance for Parcel 3, the South Shore YMCA, Inc. shall provide an escrow fund in the amount of \$5,000 for the completion of a rare species survey on Parcel 3 in accordance with finding NR4(d). The rare species survey shall be conducted

between May and September 2003 in order to identify rare species during seasons when they are most active or are growing, shall be conducted consistent with requirements of the Natural Heritage and Endangered Species Program, and the scope shall be approved by Commission staff. The escrow agreement shall be in a form and content approved by Commission counsel, and will allow for the completion of the survey by the Cape Cod Commission if the work is not completed by September 30, 2003.

NR4. The South Shore YMCA shall provide the balance of the open space requirement, 81.75 acres, or the then prevailing open space requirement, whichever is greater, at such time as future development requiring DRI review is proposed on Parcel 3. The open space shall be calculated, definitively identified, and permanently protected through any subsequent DRI review process and RPP standards in effect at the time of future DRI review, and shall be configured to protect sensitive or rare natural resources identified at that time, and to optimize contiguous open space areas while accommodating water supply development access needs, and passive recreational activities. In addition, until such time as development requiring DRI review may be proposed on Parcel 3, the South Shore YMCA shall maintain 81.75 acres as open space on Parcel 3 in minimum groupings of 40 acres.

The nitrogen loading requirements for Parcel 3 shall be determined at the time of future DRI review and shall be calculated based upon the land area provided by Parcel 3 only.

The Cape Cod Commission hereby approves with conditions the application of South Shore Young Men's Christian Association, Inc. as a Development of Regional Impact pursuant to Sections 12 and 13 of the Act, c. 716 of the Acts of 1989, as amended for the proposed South Shore YMCA ANR located in Sandwich, MA.

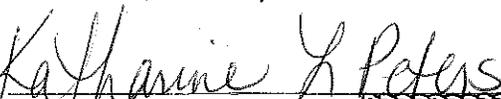

Robert D. Deane, Chair

1/6/2003
Date

Commonwealth of Massachusetts

Barnstable, ss.

On this 6th day of January 2003, before me personally appeared Robert Deane to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.


Notary Public
Commonwealth of Massachusetts



My Commission expires: