



CAPE COD COMMISSION

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DATE: July 19, 2004

TO: Douglas Storrs, Vice-President
Mashpee Commons Limited Partnership

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision dated March 4, 1993 and modified April 26, 1993, April 11, 1994, May 12, 1994, August 1, 1994, October 16, 1995, June 18, 1997 and December 19, 2002
Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Douglas Storrs, Vice-President
Mashpee Commons Limited Partnership
P.O. Box 1530
Mashpee, MA 02649

PROJECT: 151 North Market Street
Route 151/Great Neck Road North
Mashpee, MA 02649

PROJECT #: TR90009A

LAND COURT CERTIFICATE: #172447

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact decision dated March 4, 1993 and modified April 26, 1993, April 11, 1994, May 12, 1994, August 1, 1994, October 16, 1995, June 18, 1997 and December 19, 2002 for the 151 North Market Street project is hereby amended by a vote of the Regulatory Committee on July 19, 2004. All findings conditions attached to the original decision and modifications continue to apply except as modified herein.

Finding #3 is replaced with the following:

1). The North Market Street site and Mashpee Police, Fire and Senior Citizens Center site are located with the Marine Water Recharge Area to Popponesset Bay. Collected water



quality and nitrogen loading analyses completed by the Commission (CCC, 1998, 2002) and the Massachusetts Estuaries Project (2004) have indicated that Popponeset Bay is receiving excessive nitrogen loads from its recharge area/watershed. As such, it is subject to the no net nitrogen loading minimum performance standard of the RPP.

Finding #4 is replaced with the following:

2). Wastewater from the North Market Street site and Mashpee Police, Fire and Senior Citizens Center site are proposed to be treated at the Mashpee Commons Wastewater Treatment Facility (WWTF). This facility discharges to open sand beds; the associated effluent plume discharges into the Mashpee River, which flows into Popponeset Bay. Wastewater flow at the WWTF has fluctuated between 10,989 and 31,318 gallons per day, with an average flow of 16,102 gpd between April 1997 and May 2004. Total nitrogen concentrations have improved over this same time period; average concentration was 7 ppm in 1998, while in 2003 the average was 2.2 ppm.

Finding #5 is replaced with the following:

3). Wastewater treated in a conventional septic system is generally assumed to discharge effluent that has a concentration of 35 ppm total nitrogen when it reaches the groundwater. Because the Mashpee Commons WWTF reduces the concentration of total nitrogen in wastewater to an average concentration generally between 2 and 3 ppm, a comparable volume of wastewater treated at the WWTF would add less nitrogen to the Mashpee River and Popponeset Bay.

The following findings are added to the decision:

4). The town is in the process of constructing a new Senior Center on the site of the current Police and Fire Stations. Treating the wastewater from the new Senior Center at the Mashpee Commons WWTF would produce less nitrogen than using a conventional Title 5 septic system. A new sewer line installed for the Senior Center would pass directly by the existing septic systems for the Town of Mashpee Police and Fire Stations. Mashpee Commons has offered to connect the new Senior Center and the existing Mashpee Police and Fire Stations to the Commons WWTF. The applicant is seeking a nitrogen loading credit for a future DRI for the difference between the wastewater nitrogen loading estimated for the combined flow of these uses treated in a conventional septic system and the flow treated at the Commons WWTF.

5). The following parameters for the calculation of the nitrogen loading credit discussed in Finding #6 have been agreed to by the applicant: 1) use of Title 5 flows for the new Senior Center (650 gallons per day (gpd)), Police Station (685.6 gpd), and Fire Station (640 gpd); 2) 35 ppm total nitrogen in septic system effluent; 3) 3 ppm total nitrogen in Mashpee Commons WWTF effluent. Use of these parameters result in a nitrogen loading credit of 87 kilograms per year.

6). The applicant is proposing improvements to Route 151 in the area of its intersection with Jobs Fishing Road and Frank Hicks Drive, including realignment, installation of traffic signals, construction of sidewalks and bicycle paths. This work qualifies as a regional improvement to the roadway system.

7). The Frank Hicks Drive/Route 151/Jobs Fishing Road work is not required mitigation for the Route 151 North Market Street project.

Finding #11 is modified as follows:

8). In an agreement between the Town of Mashpee and the applicant in 1985, the applicant committed to paying for 50% of the construction cost of the realignment of the Police/Fire station driveway onto Route 151 with Job's Fishing Road and the signalization of the four-way intersection, in addition to any mitigation required because of the North Market Street project or any other related properties. The applicant has now agreed to pay the full cost of the realignment and intersection improvements and is seeking a credit for transportation mitigation required of a future DRI. It is estimated that the cost of the project in 1985 would have been \$175,000. The Commission and the applicant agree that the difference between 50% of the original cost of the project (\$175,000) and the current cost of the project (approximately \$600,000) will be the amount credited as mitigation for this roadwork against mitigation costs of a future DRI proposed by the applicant. Therefore, the maximum credit for the intersection work is \$512,500.

The following findings are added to the decision:

9). The limits of the work will include the traffic lanes, sidewalk and bike path improvements, roadway lighting and installation of traffic signals on Route 151 in the vicinity of Frank Hicks Drive and Jobs Fishing Road. Landscape work along the edges of the roadway project to stabilize shoulders and control erosion is an eligible project cost.

10). The limits of the work will not include roadway costs of Bates Road and the road to access property owned by the applicant on the west side of the municipal complex.

11). The estimated cost of the project at this time is approximately \$600,000. Hard cost estimates are currently \$500,000 and soft costs for the engineer, surveyor, interest etc. are expected to add an additional \$100,000. The applicant has agreed to provide the Commission staff with documentation on final costs at the completion of the project.

The following Water Resources condition is added to the decision:

1). Mashpee Commons Limited Partnership (MCLP) shall receive a nitrogen loading credit of 87 kilograms per year upon connection of the Town of Mashpee Police and Fire Stations and new Senior Center to the Mashpee Commons WWTF. The Mashpee Health Agent shall certify this connection in a letter to the Commission. This credit shall not be

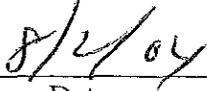
transferred without approval by the Commission and shall be for use only in the Mashpee River subwatershed to Popponesset Bay.

The following Transportation condition is added to the decision:

2). The applicant shall receive a maximum transportation mitigation credit of \$512,500 upon acceptable completion of the intersection work as described in findings #13 and #16 and upon submission of final cost certification to the Commission.



Frank Hogan, Chair



Date

Commonwealth of Massachusetts
County of Barnstable

On this 2nd day of August, 2004, before me, the undersigned notary public, personally appeared Frank Hogan, proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Notary Public
Commonwealth of Massachusetts

My Commission Expires: _____

