



CAPE COD COMMISSION

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DATE: July 7, 2008

TO: Mashpee Commons, Limited Partnership
Attention: Douglas Storrs

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision dated
December 14, 2006. Cape Cod Commission Act, Sections 12 and
13

APPLICANT: Mashpee Commons, Limited Partnership
PO Box 1530
Mashpee, MA 02649

PROJECT #: TR #98049

PROJECT: Jobs-Whitings Neighborhood Master Plan

OWNER: Mashpee Commons, Limited Partnership
PO Box 1530
Mashpee, MA 02649

CERTIFICATE #: 121818 (Land Court Plan No. 34844B, Lots 5 and 6)

BOOK/PAGE: Book 7408 Page 46 (Lot 16 on Plan Book 417 Page 54)
Book 5798 Page 94 (Lot 19 Plan Book 432 Page 64)
Book 5410 Page 119 and Book 5798 Page 94 (Lot 20 Plan Book 432
Page 64)

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

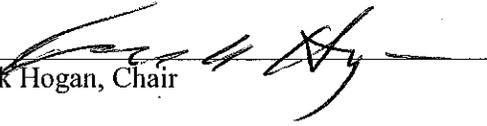
The Development of Regional Impact decision dated December 14, 2006 for the Jobs-Whitings Neighborhood Master Plan is hereby amended by a vote of the Regulatory Committee on July 7, 2008. All findings and conditions attached to the original decision continue to apply except as modified herein.

Water Resources Finding WR3 shall be modified as follows (bold text is added text):

WR3. The non-residential Jobs Whiting Neighborhood proposal is estimated to have 20,450 square feet of office use and another 20,450 square feet of retail use, which combined will generate 2,556 gallons per day of Title 5 (per 310 CMR 15) wastewater flow. After



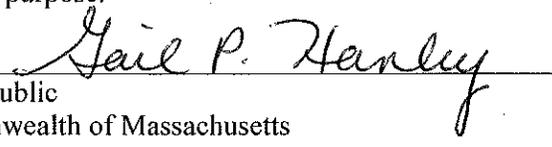
accounting for stormwater loads and treatment of the wastewater at the Mashpee Commons treatment facility, the overall annual load from the Jobs Whiting Neighborhood proposal is 47.1 kg. This load is approximately nine times the fair share of the TMDL for the commercial part of the Jobs Whiting Neighborhood. During a previous regulatory review of the 151 North Market Street portion of the Mashpee Commons Master Plan (Hardship Exemption HDEX 02031, dated December 19, 2002, as modified), Mashpee Commons agreed to connect the Mashpee Senior Center/Fire Station/Police Station complex to the Mashpee Commons wastewater collection system and treat the wastewater at the Mashpee Commons facility. As a result of this, the Commission granted Mashpee Commons a nitrogen loading credit of 87 kg/yr. If this credit is applied to the Jobs Whiting Neighborhood project as is allowed under Hardship Exemption HDEX 02031, dated December 19, 2002, as modified, the commercial portion of the Jobs Whiting Neighborhood meets the RPP loading standard and Mashpee Commons' credit is reduced to 39.9 kg/yr. **On June 12, 2008, the Town of Mashpee requested permission from Mashpee Commons LP to connect the new library to the Mashpee Commons wastewater treatment facility (WWTF). The site of the new library is located at the corner of Jobs Fishing Road and Route 151 in Mashpee within the Marine Water Recharge Area to Popponneset Bay. Treating the wastewater from the new Library at the Mashpee Commons WWTF would produce less nitrogen than using a conventional Title 5 septic system. The following parameters for the calculation of the nitrogen loading credit for connecting the library are as follows: 1) use of average wastewater flows for the new Library (823 gallons per day (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 an additional nitrogen loading credit of 36.4 kilograms per year. When added to the remaining nitrogen credit for the previous connection of the Mashpee Senior Center, Police and Fire station, the future credit associated with this condition shall be 39.976.3 kilograms per year.**


Frank Hogan, Chair


Date

Commonwealth of Massachusetts
County of Barnstable

On this 24th day of July, 2008, 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: 10/13/11