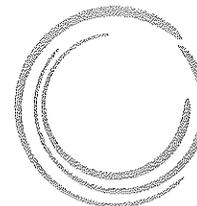


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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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Date: July 26, 2011

To: Falmouth Youth Hockey League, Inc.
9 Skating Lane
Falmouth, MA 02540

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Falmouth Youth Hockey League, Inc.

Project: Falmouth Ice Arena
Lot 10, Technology Park Drive, Falmouth, MA

Project #: TR10010

Book/Page: Book 23297 Page 63

Lot / Plan: Lot 10 Plan 386/47

INTRODUCTION

The above referenced project, Falmouth Ice Arena, was approved, with conditions, as a Limited DRI Hardship Exemption, by a vote of the Cape Cod Commission (Commission) on January 6, 2011 and amended May 26, 2011 by a Minor Modification Type 2.

Condition GC6 of the Commission's Limited DRI Hardship Exemption decision ("the decision") requires that Falmouth Youth Hockey League, Inc., prior to the issuance of a Building Permit for development, to obtain a Preliminary Certificate of Compliance from the Commission that states that all conditions in the decision pertaining to issuance of a Preliminary Certificate of Compliance / Building Permit have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Preliminary Certificate of Compliance have been complied with.

The decision also includes a number of specific conditions that had to be satisfied prior to issuance of a Preliminary Certificate of Compliance by the Commission.

Laura Moynihan, Attorney for Falmouth Youth Hockey League, Inc., contacted Elizabeth Enos, Regulatory Officer for the Commission, on May 31, 2011, and provided notification of Falmouth Youth Hockey League's intention to seek a Preliminary Certificate of Compliance as required by Condition GC8 of the decision. Attorney Moynihan also provided the necessary documents to satisfy conditions WMC1 and WMC3, for Commission staff to issue a Preliminary Certificate of Compliance. Included in these documents were materials on a Recycling/Solid Waste Program, a Waste Management Plan, and a Hazardous Materials Management Plan. However, due to issues with the budget, Attorney Moynihan notified Elizabeth Enos on July 11, 2011 that minor changes needed to be made to the floor plans in order to reduce costs.

On July 20, 2011, the Commission received a request from Attorney Moynihan to modify the Limited DRI Hardship Exemption decision to revise the plans in order to be in compliance with the Limited DRI Hardship Exemption decision and obtain a Preliminary Certificate of Compliance. The final plans were also necessary in order to comply with Conditions GC5 and EC1 of the decision.

DETERMINATION

The Executive Director of the Commission has determined that the request constitutes a *de minimus* change according to Section 13(c)(i) of the Commission's *Enabling Regulations* (Revised March 2011) and is approved as a Type 1 Minor Modification. The following changes shall be made to Finding GF11 and Condition GC5 of the 2011 original Limited DRI Hardship Exemption decision, as modified by a Type II Minor Modification on May 26, 2011.

MODIFICATIONS TO THE 2011 DECISION

The following changes shall be made to a finding and condition of the 2011 Limited DRI Hardship Exemption decision, as modified by a Minor Modification Type II on May 26, 2011 to reflect the requested changes to the project. New or added text is shown in **bold**. Deleted text is shown in ~~strikeout (strikeout)~~.

Finding GF11

The Commission finds that the project will be constructed in accordance with the following plans (attached to this decision as Exhibit A and incorporated by reference):

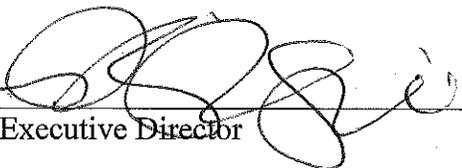
- Revised sheets A1.1 through A3.1 from the plan set entitled "Falmouth Ice Arena" designed by DiLullo Associates, Inc., dated April 19, 2011 and received by the Commission on April 26, 2011
 - Schematic Floor Plans – Building Section (A1.1) (~~revised April 26, 2011~~) and Schematic Elevations (A2.1) (**revised July 15, 2011**), and Roof Plan (A3.1)
- "Building Section" Sheet A5.1 prepared for Falmouth Ice Arena by DiLullo Associates, Inc. dated April 19, 2011, received by the Commission on April 26, 2011
- Landscape Plan designed by Rapoza Landscape, dated October 27, 2010 and received by the Commission on November 3, 2010 (**revised July 15, 2011**)
- Overall Site Plan (sheet 1 of 9), designed by Falmouth Engineering, dated June 17, 2010 and last revised April 26, 2011

- Site Layout Plan-North (sheet 3 of 9), Site Layout Plan-South (sheet 4 of 9), designed by Falmouth Engineering, dated June 17, 2010 and last revised April 26, 2011
- Septic System Details (sheet 7 of 9) designed by Falmouth Engineering, dated June 17, 2010 and last revised October 22, 2010
- Existing Conditions Plan (sheet 2 of 9), Standard Details (sheet 8 of 9), Highstrength Fast 4.5 Treatment System Details (sheet 9 of 9) designed by Falmouth Engineering, dated June 17, 2010
- Site Utility Plan-North (sheet 5 of 9), and Site Utility Plan – South (sheet 6 of 9) designed by Falmouth Engineering, dated June 17, 2010 and last revised April 26, 2011

Condition GC5

All development shall be constructed in a manner consistent with the following plans and other information (attached to this decision as Exhibit A and incorporated by reference):

- Revised sheets A1.1 through A3.1 from the plan set entitled “Falmouth Ice Arena” designed by DiLullo Associates, Inc., dated April 19, 2011 and received by the Commission on April 26, 2011
 - Schematic Floor Plans – Building Section (A1.1) (~~revised April 20, 2011~~) **and** Schematic Elevations (A2.1) (**revised July 15, 2011**), and Roof Plan (A3.1)
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Executive Director

7/26/11
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

July 26, 2011

Before me, the undersigned notary public, personally appeared Paul Niedzwirski

in his/her capacity as Executive Director of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Page P Esai
Notary Public

My Commission Expires:

5-13-16