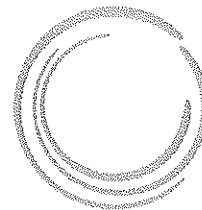


3225 MAIN STREET • P.O. BOX 226  
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD  
COMMISSION

---

(508) 362-3828 • Fax (508) 362-3136 • [www.capecodcommission.org](http://www.capecodcommission.org)

Date: September 15, 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/Owner: 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 and July 26, 2011 by a Minor Modification Type 1.

Condition GC7 of the Commission's Limited DRI Hardship Exemption decision ("the decision") requires that Falmouth Youth Hockey League, Inc., prior to the issuance of a Certificate of Use/Occupancy, the Applicant shall obtain a Final Certificate of Compliance from the Commission that states that all conditions in this decision pertaining to issuance of a Final Certificate of Compliance / Certificate of Use/Occupancy have been met. Such Certificate of Compliance shall not be issued unless all conditions connected to the Final Certificate of Compliance have been complied with.

Laura Moynihan, Attorney for Falmouth Youth Hockey League, Inc., contacted Elizabeth Enos, Regulatory Officer for the Commission, on September 12, 2011, and provided notification of changes to the approved site plans along with the revised plans. Attorney Moynihan noted that the proposed changes related only to the location of the solar panels within the parking lot of the new Ice Arena.

### 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 and a Type I Minor Modification on July 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~~.

#### *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) 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
- **Site Plan with Solar Callouts & Setbacks (Sheets SP0.0 and SP1.0) designed by Falmouth Engineering, dated September 8, 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) 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
- **Site Plan with Solar Callouts & Setbacks (Sheets SPO.0 and SP1.0) designed by Falmouth Engineering, dated September 8, 2011**

  
 Executive Director

9/15/11  
 Date

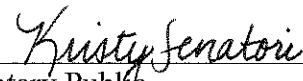
**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

9/15, 2011

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

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.

  
 Notary Public

My Commission Expires:

