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BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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APPLICANT: R.P.CLARK CONSULTING LLC, DBA CAPE COD SPORTS
24 EMMONS ROAD, FALMOUTH, MASSACHUSETTS 02540
(JOINT DEVELOPMENT PARTNERSHIP WITH FALMOUTH PROPERTIES,
DUQUETTE SPORTS ACADEMY, NRG ENERGY, INC. AND
BOSTON GLOBAL INVESTORS, INC.)

SUBJECT: **DETERMINATION ON NOTICE OF INTENT TO FILE A DEVELOPMENT
AGREEMENT WITH THE CAPE COD COMMISSION**

PROJECT/
SITE: SOUTH SANDWICH VILLAGE SPORTS & CONVENTION COMPLEX
333 COTUIT ROAD & 71 QUAKER MEETINGHOUSE ROAD, SANDWICH
ASSESSORS MAP 17 PARCELS 134, 135, 136, 137 & 138
(CCC PROJECT #DA15002)

DATE: MAY 28, 2015

The Cape Cod Commission (Commission) received a Notice of Intent (NOI) to file a Development Agreement application with the Commission, under which Development Agreement the Applicant would propose to construct a sports and convention complex that includes several playing fields, gymnasium, field house, ice rink, natatorium, wastewater treatment facility, two hotels, a retail/ restaurant building and parking (the Project).

The NOI Project materials submitted by the Applicant consist of the following:

- 1) Project booklet dated 1/16/2015;
- 2) Supplemental information dated 1/27/2015;
- 3) Conceptual Project plan set (32 pages) from Sasaki dated March 2015;
- 4) Letter dated April 21, 2015 regarding the anticipated Massachusetts Environmental Policy Act (MEPA) review process.

The Project Site is 56 acres +/- off Cotuit and Quaker Meetinghouse Roads, which land is currently owned by the town, and for which the Applicant is a vendee under a purchase and sale agreement with the town. The Commission finds that the Applicant is a "Qualified Applicant" with standing to seek Commission review and approval for the Project by virtue of this purchase and sale agreement.

The Project exceeds mandatory DRI thresholds, and would otherwise require DRI review; a Development Agreement is authorized under the Cape Cod Commission Act and Development Agreement regulations and allows for review alternative to and in place of DRI review for certain projects that the Commission determines are suitable for consideration under a Development Agreement, pursuant to Section 5 of the Development Agreement Regulations. The Commission finds that no local development permit or approval is pending for the Project.

At its May 14, 2015 meeting on the NOI, the Committee on Planning and Regulation (CPR) voted to recommend to the Commission that the Project is suitable for consideration under a Development Agreement.

By positive vote taken at a public hearing on the NOI May 28, 2015, the Commission hereby determines that the Project is suitable for consideration under a Development Agreement, and the Applicant may file a Development Agreement Application with the Commission for the Project within one year of the date of this written determination, and pending completion of the required review and certification of the Project under the Massachusetts Environmental Policy Act.

(Signature page follows)

SIGNATURES

Executed this 28th day of May 2015.

Richard E. Roy
Signature

Richard E. Roy
Print Name and Title

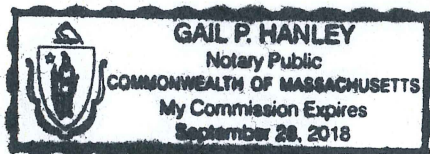
COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

May 28, 2015

Before me, the undersigned notary public, personally appeared Richard E. Roy,

in his/her capacity as Chairman 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.



SEAL

Gail P. Hanley
Notary Public

My Commission Expires: 9-28-18