

**Falmouth Planning Board
Selectmen's Meeting Room – January 22, 2019
Regular Meeting - 6:30 pm
MINUTES**

Present: Jim Fox, *Chairman*, Pat Kerfoot, *Vice Chairman*, Paul Dreyer, *Clerk/Secretary*, John Druley, Robert Leary, Pamela Harting-Barrat, Charlotte Harris
Also Present: Tom Bott, *Town Planner*, Corey Pacheco, *Assistant Town Planner*

Chairman Jim Fox called the meeting to order at 6:30 PM.

MINUTES: January 15, 2019

MOTION by P.Dreyer/P.Harting-Barrat to approve the minutes of January 18, 2019 as corrected.

Voted 7-0-0

PUBLIC COMMENT

None.

MOTION by J.Fox/R.Leary to bring forward the Planning Board Decision for the Falmouth Housing Trust.

Voted 7-0-0

PLANNING BOARD DECISION

Applicant: Falmouth Housing Trust - Special Permit application to modify Condition 1 of a Special Permit Decision issued December 8, 2004, to Albert Shamsi, Trustee, which allowed a density bonus of two (2) lots (Lots 9 and 10 on Pam's Way).

MOTION by R.Leary/P.Harting-Barrat that the planning Board is unable to modify or apply the repealed provision of the Zoning Bylaw Section 240-138 requested in the application of Falmouth Housing Trust to modify a Special Permit decision issued December 8, 2004, to Albert Shamsi Trustee. The Planning Board however is granting a two year extension from the filing of this decision for an extension of Condition number 1 of the December 2004 Special Permit for a density bonus under the conditions described under the original condition.

Findings:

1. By its terms, Condition 1 expired three years from the date of endorsement of the plan. The lots were never developed and the condition expired in 2007 or 2008.
2. The Zoning Bylaw contained section 240-138 which allowed the payment of a fee for greater density and bonus lots was repealed in 2010 and no longer exists.
3. Typically, a request for an extension is made before the lapse, not after the lapse, although there doesn't appear to be controlling statute or rule. The former Section 240-138 makes no mention of the procedure to extend the condition.
4. Special Permit Findings Section 240-138 has been repealed and deleted from the bylaw and it is no longer within the authority of the Planning Board to apply it to new subdivision plans or modify conditions that are previously approved subdivision plans.

Voted 7-0-0

Applicant: The Burton Trust, Slade M. Burton and Janice A. Burton, Trustees - Special Permit application to construct a mixed-use building (first floor offices and two apartments above) with lot coverage by structures, parking and pavement of 69.4 per cent, located at 160 Katharine Lee Bates Road

MOTION by R.Leary/P.Kerfoot that the Planning Board vote to approve the Special Permit application of Slade M. Burton and Janice A. Burton, Trustee, under Section 240-69(D) Maximum Lot Coverage of the Zoning Bylaw of the Town of Falmouth for a plan entitled *Site Plan Proposed Building for 160 Katharine Lee Bates Road* prepared for DG Development, Falmouth, 3 sheets prepared by Falmouth Engineering, Inc dated September 12, 2018 with latest revision of January 9, 2019, scale 1" = 10' along with architectural plans entitled drawn by Russ Krom Architectural Inc dated August 7, 2018, with the latest revision dated October 22, 2018, as well as a front elevation option that was submitted at the January 15, 2019 public meeting with the following findings and conditions:

FINDINGS

The applicant seeks a Special Permit with the Planning Board under Section 240-69D for a redevelopment project that exceeds the allowed 65 per cent lot coverage with a proposed coverage of 68.8 per cent. The current optometry office, Map No 38A 08 088A 001 is zoned B3. The proposed project is a mixed-use building with offices on the first floor and two two-bedroom apartments above with associated parking, landscaping and drainage. The Business 3 Zoning District allows 35 per cent coverage by structure and 65 per cent coverage by structure, parking and paving. The existing structure, currently an optometrist's office, is one story at 1,960 square feet on a 10,319 square foot lot at 19 per cent lot coverage by structure. Existing structure, parking, paving is 5,694 square feet 10,319 square feet at 55.2 per cent lot coverage. The applicant proposes to raze part of the existing non-conforming structure and add a second story. The proposed structure will have 2,332 square feet of the lot coverage on a 10,319 square foot lot with a 22.6 per cent lot coverage by structure. The proposed structure parking paving is 7,099 square feet on 10,319 square foot lot with 68.8 per cent lot coverage exceeding lot coverage by 3.8 per cent. The applicant is also seeking a reduction of parking from 12 spaces to 9 spaces based on circumstances such as shared uses proposed having different peak demand times and proximity of nearby street and off-street parking.

Based on Section 240-69D for uses other than a single-family detached house or semi-detached house or a two-family dwelling, a percentage coverage by structure and paving higher than provided by Subsection A may be allowed only on Special Permit from the Planning Board upon "receipt of calculations prepared by a professional engineer indicating that storm water runoff from the site will not be increased following development by more than 10 per cent and that the soil loss rate from the site will not be increased above the existing rate by more than 10 per cent following development, that the average summer daily-trip generation will not exceed four trips per linear foot of lot frontage, and upon the Planning Board's determination that erosion control methods to be employed during construction will be adequate to prevent excessive soil loss and that all landscaping and screening requirements will be met".

The Planning Department received calculations prepared by Falmouth Engineering but on December 7, 2018 indicating that storm water runoff from the site will not be increased following development by more than 10 per cent in a ten-year storm and that the soil loss rate from the site will not be increased above the existing rate by more than 10 per cent following development, that average summer daily-trip generation will not exceed four trips per linear foot of lot coverage, and that erosion control methods to be employed during construction will be adequate to prevent excessive soil loss. Staff from the Town Engineering Division reviewed the applicant engineer's site plan and calculations based on that criteria outlined in Section 240-69D in a referral dated December 13, 2018 and finds the additional lot coverage meets criteria outlined in Section 240-69D. Therefore, the Planning Board finds that the project meets criteria for special permit approval under Section 240-69D.

The Special Permit granting authority shall grant a special permit only upon its written determination that the proposed use will not have adverse effects which over balance it's beneficial effects on either the neighborhood or the town in view of the particular characteristics of the site pursuant to Section 216 of the

zoning bylaw the determination shall indicate and shall include considerations of each of the following findings based on section 240-216:

- A. Adequacy of the site in terms of size for the proposed use: The Board finds the proposed project and lot coverage adequate per the requirements of section 240-69D and 216. The minimum lot size and a Business 3 Zoning district is that of the nearest single residence, general residence, or agricultural district, whichever is closest. The abutting single residence district contains lot similar in size. The lot in question is 10,319 square feet. The lot coverage is allowed up to 35 per cent of the lot by structure. The proposed building is at 22.6 per cent coverage. Total lot coverage is allowed up to 65 per cent structure, paving, and parking.
- B. The suitability of the site for the proposed use: The Board finds at the site suitable for the proposed use. The zoning is Business 3 which allows business or a professional office and two family, both by-right. The surrounding land uses are primary single residences, offices, public use, and retail sales. The way serving the site part of the state highway system or principal roadways of the town. The board finds the reduction in parking is adequate, twelve spaces to nine spaces, based on circumstances such as shared uses having different peak demand times and proximity of nearby street and off-street parking
- C. Impact on traffic flow and safety: The Board finds the impacts on safety traffic and safety to be *de minimis* in nature and finds no net increase in traffic related impacts over existing conditions and meets the requirements of Section 240-69D that average summer daily trip generation will not exceed four trips per linear foot of lot frontage. The total frontage is 85 lineal feet yielding a maximum number of vehicle trips of four times 85 equals 340. The applicant's engineer estimated approximately 35 trips a day will be generated by the site. Falmouth Fire and Rescue reviewed the project and finds the 16-foot driveway access to the rear of the lot and the 20-foot parking drive located at the rear adequate for an emergency vehicle to access.
- D. Impact on neighborhood visual character quality views and vistas: The Board finds that the neighborhood visual character including views and vistas will be improved with the revised architectural elevations as referenced above and submitted at the January 15, 2009 meeting. The board also finds the proposed landscaping is adequate. The board thanks the applicant for revising the architectural plans based onboard comment.
- E. Adequacy of method of sewage disposal, source of water and drainage: The Board finds the methods of sewage disposal sources of water both potable and fire suppression and drainage storm water management for the project is adequate. Board of Health staff has commented in a referral dated November 6, 2018 that the project shows a suitable septic system designed for the scope of work being proposed. The applicant will need to submit to DPW Water a plan showing an extension of the existing water main either from Gifford Street or Haddon Road to the midpoint of the property as requested by the by DPW Water Superintendent or as otherwise required by the water Department of Public Works maintains town water in the area.
- F. Adequacy of utilities and other public services: The Board finds these to be adequate the site is served by power and telephone utilities and adjacent to other public services including cable and internet connections.
- G. The effect of the proposed project on the adequacy of the supply of affordable housing in the town: The Board finds the proposed project that has no impact on the supply of affordable housing. Therefore, given the above and the conditions to be imposed below the Planning Board finds the proposed use will be in harmony with the general purpose and intent of this chapter in that the proposed use will not have adverse effects which over balance it's beneficial effects on the on either the neighborhood or the town.

CONDITIONS

1. The plan shall be developed as approved. Any changes shall be reviewed by the Planning Board to determine if a modification of this decision is necessary pursuant to section 241-83B of the zoning

bylaw. No permit for full or partial occupancy shall be issued until the Planning Board is satisfied that the conditions of this approval and predecessor approvals have been met.

2. Pursuant to section 240-221 of the zoning bylaw this special permit shall lapse three years from the date it is granted. If a substantial use thereof has not been as not soon to commence except for good cause.
3. The applicant will need to submit to DPW Water a plan showing an extension of the existing water main either from Gifford Street or Haddon Road to the midpoint of the property as requested by the by DPW Water Superintendent or otherwise satisfied the requirements of the Water Department for install bike rack as shown on the site plan.

MOTION by P.Dreyer/R.Leary to delete the Water Superintendent name and keep just the position.

Voted 7-0-0

Main Motion Voted 7-0-0

MOTION by J.Fox/R.Leary to move to the Discussion part of the agenda.

Voted 7-0-0

PLANNING BOARD DISCUSSION

Covenant - Louis Larrey

T.Bott - This subdivision was appealed, they are out-of-the-woods now. The appeal has been settled. We are now allowed to move forward. The mylar and the covenant will go hand-in-hand.

MOTION by P.Kerfoot/R.Leary to return to the regular agenda.

Voted 7-0-0

PUBLIC HEARING

Applicant: Blue Flag Development, LLC - Special Permit application to construct parking areas within the front yard and Site Plan Review application to construct improvements to Sippewissett Campground.

Attorney Eliza Cox - 836 Palmer Avenue is under a purchase and sale agreement. There are two pending applications and I would prefer to bring them together and we can discuss separately. The property is a little under 13 acres in the Public Use Zoning District. There is one wetland on the site. There are significant topographic elevations. This site has been operating for 100 years and has 122 campsites. The total gross square footage of all of the structures is 10,700 square feet. My client wants to improve the camp ground. Auto Camp will manage the site and provides luxury camping experiences. There will be a reduction in the number of camp sites to 108. The sites are in roughly the same location as the existing sites. There is a new clubhouse in the center of the site. It is two stories and a total floor area of about 7,900 square feet. There is a maintenance building that is about 1,700 square feet and a small shed for bicycle storage and wastewater treatment controls. Parking is a pervious area at the front of the site. The idea is to keep the cars away from where you are camping. There will be golf carts for people with mobility concerns. Some trailers will be ADA compliant. There is a direct connection to the bike path.

There are significant landscape improvements proposed, particularly along Palmer Avenue. Proposed lighting is low level, dark sky lighting and is primarily for safety. All of the dimensional requirements for the Public Use district are met. The building coverage is very small at 3.7 per cent; 40 per cent is allowed and lot coverage 9 per cent is proposed where 70 per cent is allowed. The existing trailers and cabins will be removed. The clubhouse is for the people using the campsite. 135 parking spaces are proposed, 6 are accessible. Parking is proposed as a pervious surface. Wastewater is currently handled through accessible septic systems and leaching fields. The proposed conditions would abandon the systems and a single, innovative wastewater treatment system will be installed. The existing site has about 15.47 parts per million nitrogen loading. The

proposed will be about 6.34 parts per million. The Board of Health's approval is in the works. Storm water will be done in compliance with DEP requirements. The project will reduce the amount of traffic volume, 3 or 4 fewer trips are estimated on peak hour. Between 30 and 50 fewer trips over the course of the day. The access and driveway will remain the same. We believe the performance requirements are met for the parking exemption.

MOTION by P.Kerfoot/R.Leary to extend the applicant's time for the project.

Voted 7-0-0

Attorney Eliza Cox - The bylaw does allow this Board to grant a Special Permit to allow parking in the front yard and we believe it meets the criteria needed to grant relief.

Shane, Autocamp Consultant - explained the additional site detail for the projet.

P.Dreyer - What kind of occupancy do you expect in the summer?

Shane - Well above 85 per cent.

Don Bracken, Engineer - Each trailer will have a sewer pipe connected to it. It's a gravity-fed system and it is located about 70 feet from the wetland.

C.Harris - What are the terms of rental?

Shane- No monthly rentals. We are strictly in the vacation and leisure business. Our average stay in Sonoma is about two and a half nights. Yosemite is about 5 nights. We'd like the opportunity to be open year-round.

P.Kerfoot - It is strictly an adult campground and I find that a little disappointing.

Bragg Wheaty, Blue Flag Development - We have base camps where families can rent out two campsites that abut each other. There is a provision set aside for a children's play area.

R.Leary - What will the permeable surface be?

D.Bracken - There will still be paving for the main drive and in front of the clubhouse and access to the handicapped units. The permeable surfaces will be a gravel base with some sort of stone dust surface, that hasn't been finalized yet.

Lou Stern, President of the Sippewissett Place Homeowner's Association - Is there a plan for renewable energy? How long will the construction take?

B.Wheaty - Currently there are no plans for renewable energy. The campsites use public utilities and onsite septic systems. It will take about a year.

Jill Neubauer, Architect - I am thrilled and excited for this project.

Louise Miller, 845 Palmer Avenue - I'm going to miss the campground. I live across from the parking lot and I am disturbed by that.

J.Fox - People are concerned about car headlights coming into their properties.

B.Wheaty - The design intent would be a fence with a nice clean look and vegetation on both sides of that fence. Headlights will not penetrate. Privacy for the campers is a big concern for us. The lighting is dark-sky compliant. The parking lot has pole lights that will be kept at a minimum. The remaining lighting will be ground lighting, a kind of ambient lighting. We do not want to contribute to light pollution.

Ellie Costa, 19 High Woods Hole - What is being proposed is glamorous and exclusive. It looks expensive.

Tara Romine, 40 Barnabus Road - Is there a proposed fence along the side? Where will the sewer be pumped to?

B.Wheaty - We would continue the fence and vegetation. The leach fields would be under the parking.

Jack Fagan, 50 Barnabus Road - The fence there is mine. I object to the large parking lot that they are proposing.

Kevin O'Brien - 70 Barnabus Road - I am here as an abutter. Do you know where the property lines are? My concern is the year-round operation and what they expect for occupancy in the off season. If they close it in the off season, will there be someone on the property?

Shane - Whether the property is open or closed, there will be a staff member making sure it's safe and secure.

R.Leary - Are guests allowed to join people on the campsite?

Shane - Yeah, that is why we have some extra parking spaces on the plan.

J.Fox - The ratio is 1.25.

J.Drueley - Will the front entrance be gated?

Shane - Yes.

Barbara Fagan, 50 Barnabus Road - I am going to be looking at a lot of trailers out my kitchen window. I am concerned about the traffic because Palmer Avenue is very narrow. We put up a very high fence at one point. Maybe they would put shrubbery or a very high fence for privacy for our backyard.

J.Fox - Can you describe the height of these trailers?

Shane - The air streams are about 11 feet high. Some of the motor homes are taller.

B.Wheaty - The landscape plan is being developed right now. We want the campers to have a very private experience.

Lou Stern - I am concerned with the price point. It is equivalent to what we charge at the Holiday Inn.

B.Wheaty - We will offer different prices.

Frank MacNeice - I am not an abutter. Has the location of the units been pinpointed? Will you eliminate some of the units that are close to the abutters.

B.Wheaty - If you look at the site layout, we are trying to be sensitive to abutters and also stay within the parameters of the site. The existing trailers are kind of all over the place.

Bob Johnson - Is there any way you could put up a higher fence and shrubs that would grow higher than the fence to completely block out the trailers.

E.Cox - We are in discussion with the Engineering Department and maybe we can shoot for February 26th.

MOTION by P.Kerfoot/R.Leary to continue the hearing to February 26, 2019.

Voted 7-0-0

Applicant: Woods Hole Partners, LLC - Site Plan Review to a construct forty-three (43) unit residential complex at the property located at 533 Woods Hole Road, to consist of thirty-nine (39) market rate dwelling units in five (5) buildings (three duplex buildings, one twenty (20) unit building, one thirteen (13) unit building, and four (4) affordable rental units in two duplex buildings.

J.Fox recused himself.

P.Kerfoot - Disclosure : Mr. Bogosian was our contractor for an addition and home renovations. I in no way believe that this will affect my ability to remain independent. I have no financial interest in this project.

Attorney Kevin Klauer - The property is 5.41 acres and is about a quarter mile outside of Woods Hole village. It contains the remains of the former Nautilus Inn, a 53-room motel and the Dome in the southwest corner that was previously a restaurant. The applicant is proposing 43 condominium units of which 39 will be at market-rate and age restricted to 55 plus and four will be considered as affordable rentals which are available for the state subsidized housing inventory. This will be a mixture of two and three-bedroom units in a total of seven buildings that will be located in three market-rate duplexes to affordable duplexes one multi-family building with 13 units in one multi-family building with 20 units the applicants also proposing to preserve and restore the dome. The intent there is to create artist studios; a low-impact use compatible with the residences. This will also include a small addition. This requires a special permit from the Zoning Board of Appeals under Section 240-240G1(b). That hearing is continued to March 7th. We are developing more than 1,000 square feet and creating a need for five or more parking spaces. The Woods Hole Community Association accepted the plan and voted to amend the covenant and make this plan part of it. The amended covenant states that the Woods Hole Community Association is agreeable to the construction 43 units in up to 7 buildings provided at least 4 are affordable. Our covenant limits block coverage by structures in parking to 40 per cent. The development calls for 86 parking spaces. There are 26 spots under building A and 14 under building E. The wastewater will be treated in a septic system. The overall design flow is under 10,000 gallons which is less than the former. The building is set 12 feet lower than the dome and there is a significant retaining wall to the rear of building E. There's really no view at all of the dome above the existing motel buildings.

P.Dreyer - I have a number of concerns, the reason the dome was picked there by Mr. Fuller was the expanding views over the harbor. It looks like Building E is impinging on those views. I was curious whether they consider rotating building D to the left and building E a little bit to the left so it's more parallel with the roadway that would provide views from the dome.

K.Klauer - I am happy to discuss it with my client.

P.Dreyer - It may be appropriate if you put the drainage field on the far end away from the homes.

K.Klauer - Building F and G are going to be retained for rentals. Buildings A, B, C, and D will be sold as residential units. Building E is a 13 unit building two and a half stories high which would be significantly larger and massing so I think you'd be looking at a very different visual presentation of the project from the street view. It is set 12 feet lower and is lower than the dome.

P.Harting-Barrat - It still overwhelms this dome. I agree with Bob and Paul in terms of relocating the larger building.

J.Druley - If it gets approved and gets reconstructed, what will it look like?

K.Klauer - it will be preserved in line with the recommendations of our structural engineer and our historic preservationist.

Mike Chalene, Newton - It is a majestic site. I have no concern about the 18 feet distance.

Barbara Weyand, Falmouth Preservation Alliance - There is a phenomenon called form-based architecture. It's a vital, progressive way of looking at future planning. This is antithetical to form-based architecture. When will we hear how the dome will be preserved and maintained?

Michael Goldring, 44 Fern Lane - I have a concern about the duration of the construction and how many years it will take. Will it be done in phases? I am the only year-round resident there. Building A is the most massive building of the whole lot and it will be the one that I have to look at.

MOTION by P.Harting-Barrat/R.Leary to continue the hearing to February 12, 2019.

Voted 7-0-0

GENERAL CORRESPONDENCE: January 16, 2019 through January 22, 2019

Campaign Finance Notice

NEXT MEETING: February 12, 2019

MOTION by P.Kerfoot/R.Leary to adjourn at 9:32.

Respectfully Submitted,

Paul Dreyer, Clerk/Secretary

Sheri Theroux, Recording Secretary