Falmouth Planning Board  
Selectmen's Meeting Room – April 23, 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: April 16, 2019

MOTION to approve the minutes of April 16, 2019 as corrected P.Dreyer/R.Leary.

Voted 7-0-0

PUBLIC COMMENT

Grant Walker - The recent Town Meeting recording showed only one person in favor of that amendment. Not a single member of the Energy Committee spoke or was in favor of the article.

PLANNING BOARD DECISION:

Applicant: Woods Hole Partners, LLC – Site Plan Review to construct a 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, on twenty (20) unit building, and one thirteen (13) unit building), and four (4) affordable rental units in two duplex buildings. (Cape and Islands Engineering)

Jim Fox recused himself.

Tom Bott – Comments from the applicant’s engineer say that there is no need to revise the predevelopment calculations pertaining to coming down towards the state highway. The drainage system contains the Town of Falmouth storm water volume. Our engineers want to make sure the I’s are dotted and the T’s are crossed. Everything will be contained on the site. They will be going to DOT for site work.

P.Kerfoot - What bothers me are all the outstanding engineering issues.

R.Leary - I don’t think I’ve ever vote in favor with open engineering issues. I want that straightened out before I vote I also want to have the historic decision included.

J.Druley - It is disappointing that this has gone on as long as it has. They will have to go along with the Town Engineer’s criteria. I would be comfortable; they have to come in with an approved plan afterwards to get an occupancy.

P.Kerfoot - I would rather a statement that before an occupancy would be allowed, we need to have a condition that all of these will satisfactorily meet the Town Engineer’s criteria.

J.Druley - I am comfortable with that.

C.Harris - We have here that it meets the requirement. Anything not addressed by the Town drainage requirement goes to DOT. We have to take an action before it can go to historic review. The drainage issue appears to conform with the Town’s design.

Tom Bott read the draft motion:
That the Planning Board vote to approve the application of Woods Hole Partners, LLC, under Article XXXIX (39) Site Plan Review of the zoning bylaw for a plan entitled: “Proposed Site Development Plans at 533-539 Woods Hole Road Falmouth, Massachusetts” prepared by Cape and Islands Engineering, dated October 5, 2018 revised January 31, 2019 and March 29, 2019, scale 1” = 30’ (21 sheets), along with floor plans and architectural elevations entitled “533 Woods Hole Road” prepared by Longfellow Design (23 Sheets), scale as noted, with latest revision of February 14, 2017, with the following findings and conditions:

**FINDINGS:**

The applicant, Woods Hole Partners LLC, is seeking to redevelop a 5.4-acre parcel located at 533 Woods Hole Road, map number 51 05 000002B, and partially located in the Woods Hole Historic District. The parcel is zoned Business Redevelopment (BR) and the applicant is proposing to construct a 43 unit residential complex consisting of thirty (39) market rate dwelling units in five (5) buildings (three duplex buildings, one twenty (20) unit building, and one thirteen (13) unit building, along with two (2) detached duplex buildings containing four (4) affordable rental units, along with the associated services, parking, drainage and landscaping. The geodesic dome (the Dome) designed by Buckminster Fuller, is currently situated on site along with the Nautilus Hotel. The applicant is proposing to rehabilitate the Dome and demolish the Nautilus Hotel.

The Engineering Division’s referral dated April 10, 2019 outlines open comments and new comments from the past 3 referral reviewing the applicant’s site plan. The following comments remain open:

- The Applicant’s Engineer included an image for a “typical” catch basin grate. The usual catch basin grates around Falmouth have 6 rows of 6 columns for 36 openings that are 2.5” square (see referral for image). Since the drainage model relies on outflow through these grates, Engineering recommend that the drawings indicate the foundry catalog number for the specific catch basin grate (or equal), or the calculations be revised to model catch basin grates typical to this area;
- In the revised calculations, there is an outflow from this system in the 25 year and 100 year storms. As mentioned above, the catch basin grate model should be called out on the plans to match the calculations, or the calculations should be revised for catch basin grates typical to this area.

The following are new comments from Engineering based on the above referenced plans:

- Engineering recommends that the Applicant’s Engineer provide a revised summary table and the two PreDevelopment calculation summaries (25 and 100 year storms) from HydroCAD.
- The delineation for drainage catchment A5 does not appear to be correct based on the grading near Building D. The majority of A5 would discharge to CB15 based on the grading, while the model routes it all to Woods Hole Road. The calculations should be adjusted to reflect the grading, or the grading in this area should be revised to reflect the stormwater model.
- Where does the 10-minute direct entry Time of Concentration for A5, B3a, and B3b come from? If it isn’t the minimum 5-minute Time of Concentration, it should be calculated by HydroCAD or backup calculations should be provided. Provide backup information where 10 minutes came from, or use HydroCAD to calculate like was done for C2.
- The time of concentration calculation for C2 includes 100 feet of sheet flow. In New England, without backup information, 50 is the maximum sheet flow length utilized, and without backup, typically only 50 feet of sheet flow is used. This time of concentration should be revised using 50 feet of sheet flow.
- The time of concentration calculation for C2 uses woodland surface for the shallow concentrated flow portion. The TR-55 Shallow Concentrated Flow procedure only uses paved and unpaved surfaces, the other choices in HydroCAD are for the Upland Method. This time of concentration should be revised using paved or unpaved surface.
• The time of concentration calculation for C2 uses a 2-year storm depth of 3.4”. The 2-year storm depth for Barnstable County is 3.6”. The time of concentration should be revised using 3.6” for the 2-year storm.
• A “Stone Splash” is proposed near CB14. There doesn’t appear to be a detail for this. Engineering recommend that a detail for this area be added to the drawings.
• Some of the Town Standard calculations use 50 minutes leaching time, some use 60 minutes. Using 50 minutes would result in conservative sizing of the systems. Engineering recommends future calculations be consistent.
• The two drainage pipes behind Building A add up to 330 linear feet based on the labels. The stormwater model uses 350 linear feet of pipe in the model. Engineering recommend that when new calculations are produced, this should be consistent between the calculations and the plans since these pipes have flow in the 100-year storm.
• The sewer line is shown going through the stone bed of DW1a. The sewer line should be rerouted or the drywell moved.
• The HydroCAD models were run for the time span 0-24 hours. Typically, models are run for the timespan 0-72 hours; the 100-year storm at a minimum should be run for this time span to evaluate if the stormwater holding facilities drain in 72 hours. Engineering recommend that the Applicant’s Engineer produce a summary for all holding facilities showing that they drain in 72 hours.

The Board finds engineering’s open comments and new comments have not been appropriately addressed to issue this site plan decision.

The property is not located in a Coastal Pond Overlay or Water Resource Protection Districts; the applicant is proposing a FAST treatment system designed for nitrogen sensitive areas. In the Board of Health referral dated January 17, 2019, the proposed system is designed for under 10,000 gallons per day and will only require Board of Health approval. While the Title 5 system is subject to Board of Health review and approval, Engineering has highlighted potential grading implications that could impact stormwater management. Engineering has outlined potential cover issues over some of the septic system components. 310 CMR 15.221 (7) requires a maximum cover of 36” for all system components, and 310 CMR 15.240 (9) requires a minimum of 9” backfill over leaching areas. Engineering recommend that the grading that does impact stormwater be revised, and that if any revisions are required by the Board of Health, impacts to stormwater management should be kept in mind.

The Water Department referral dated December 28, 2018 states the applicant will need to submit plans for the water main extension for full review; a private main servicing the duplex units will need to be replaced by an 8-inch main with hydrant; a utility easement will be required so the Water Department can access all curb stops, and the applicant’s engineer should as necessary have their fire suppression designer coordinate with the Water Department for fire flow testing. The Fire Department provided no comment on the above referenced plans.

The Board finds that the applicant has met the requirements of filing with the Cape Cod Commission as a Development of Regional Impact evidenced by its minor modification type #2 approval dated August 9, 2018.

The Board finds the proposed landscaping plan is complaint with Article XXIV (24) and shall require that the applicant maintain the plantings as conditioned below.

The Planning Board’s review does not include Building Code review and the Board defers to the Building Commissioner as to issues related to Building Code. The Planning Board would like to thank the applicant for revising plans and elevations based upon Board review and comment.

**CONDITIONS:**

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning board to determine if a modification of this decision is necessary. Pursuant to 240-183.B of the Zoning
Bylaw, no permit for occupancy of the new construction shall be issued until the Planning board is satisfied that the conditions of this approval have been met.

2. The project will require the applicant to file a new application for a Certificate of Appropriateness by the Historical Commission to review 4 of the 7 proposed buildings as well as the rehabilitation of the Dome – all found within the Woods Hole Historic District boundary. The design review function of the Planning Board’s site plan review decision shall not supersede the Historical Commission’s issuance of the Certificate of Appropriateness.

3. With the understanding that portions of the site lie within the Woods Hole Historic District and the jurisdiction of the Falmouth Historical Commission, the Board anticipates that the site plan may need additional review in the event that footprints of any building are shifted.

4. Given the unknown nature of the eventual use of the geodesic dome and the limited number of parking spaces currently shown for the structure, the Applicant will need to apply for revision to the site plan prior to issuance of a Certificate of Occupancy for the Dome.

5. A design for the ADA compliant sidewalk along the frontage of the dome will be provided to the Town of Falmouth for comment by the Engineering Division and Planning Office prior to submitting plans to MassDOT.

6. A design for the requested jitney stop at the western driveway will be provided to the Town of Falmouth for comment by the Engineering Division and Planning Office prior to submitting plans to MassDOT. The Planning Board has written a letter in support of the requested stop.

7. Given the numerous renditions of sight distance triangles, Engineering Division will defer to MassDOT; however, a stamped plan and a letter from a qualified professional engineer or surveyor will be required confirming that adequate sight distance is achievable. In the event such required sight distance is not achievable, the applicant will return to the Board to discuss appropriate mitigation to improve safe ingress and egress to the site.

8. The landscaping shall be installed in accordance with the above referenced plans and shall be maintained in a healthy state.

9. The Cape Cod Commission Minor Modification Type #2 Decision dated August 9, 2018 is hereby incorporated by reference, to the extent applicable and not inconsistent.

10. The applicant shall provide bike racks in at least one location.

P.Dreyer - I propose a meeting between the engineers to resolve these issues. The deadline is April 30th, next week.

C.Harris - Is it possible that these issues could be addressed administratively?

J.Druley - They will have to meet the standards if we make it part of the conditions.

P.Kerfoot - I am uncomfortable with “comments have been appropriately addressed”.

J.Druley - “When these are addressed, they will have met” is a better way to say it.

P.Kerfoot - Rather than list them in the body, make them conditions.

J.Druley - Make it part of the conditions and let’s vote this.

Hearing continued to April 30, 2019 at 3:00pm in the Selectmen’s meeting room.

PUBLIC DISCUSSION:

Applicant: 797 Main Street, LLC – Site Plan Review application to construct a mixed-use structure with a 2,700 ± s.f. restaurant on first floor and 3 residential units above located at 797 Main Street (CEG, p.c.)

Hal Choubah - We did reach out to the abutters and we were able to secure additional parking spaces. The breakdown of the parking is on the plans, we have 31 parking spaces available during business
hours. A total of 40 spaces after business hours. We revised the building. The addition is only for the first floor. We reduced the third-floor footprint, it is less than 50 per cent of the second floor. We added landscaping to the front. The whole site is covered with impervious surfaces. There is a total of 44 seats, the dining area is about 1,200 square feet. We changed the elevation dramatically.

C.Harris - That is a big improvement.
P.Kerfoot - I love the changes and the shared parking, I think we should see a signed agreement.
R.Leary - You may be able to put solar panels on the roof.

**PLANNING BOARD DISCUSSION:**

*Applicant: Nature's Remedy – Special Permit application for a medical marijuana dispensary at 31 Teaticket Highway*

Letter requesting a continuance to May 28, 2019 and granting an extension to June 28, 2019.

**MOTION** by P.Harting-Barrat to grant the continuance to May 28, 2019 and extension to June 28, 2019.
Voted 7-0-0

*Blue Flag Development (836 Palmer Avenue) – Revisions to site plans*

Tom Bott explained the changes:

Make maintenance shed smaller from 1,980 to 936 square feet in the same location. The hot tub needs to go due to the significant drop in the grading. They want to shift the clubhouse 13 feet to the north.

**MOTION** by R.Leary/P.Harting-Barrat to allow changes to be handled administratively.
Voted 7-0-0

**GENERAL CORRESPONDENCE:** April 16, 2019 thru April 23, 2019

None

**ANNOUNCEMENTS**

J.Fox - Friends of Falmouth Station are having an event on May 12th about the history and future of railroading on Cape Cod; 3 - 5 pm at the station.
P.Harting-Barrat - Tomorrow night is our Town Board Social at the Yacht Club.

**FUTURE AGENDA ITEMS:**

C.Harris - Design Standards; Multi-family bylaw
P.Dreyer - Committee Reports
J.Fox - Town Counsel’s opinion on needle exchange.

**NEXT MEETING:** April 30, 2019 and May 14, 2019

**MOTION** by R.Leary to adjourn at 8:00

Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary
May 1, 2019

Rod Palmer, Building Commissioner
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Site Plan Review Decision for Woods Hole Partners
533 Woods Hole Rd
Map #50 05 000 0002B

Dear Rod,

At its meeting of April 16, 2019, the Planning Board voted to approve the application of Woods Hole Partners LLC, under Article XXXIX (39) Site Plan Review of the zoning bylaw for a plan entitled: “Proposed Site Development Plans at 533-539 Woods Hole Road Falmouth, Massachusetts” prepared by Cape and Islands Engineering, dated October 5, 2018 revised January 31, 2019; March 29, 2019; April 26, 2019 scale as noted (21 sheets), along with floor plans and architectural elevations entitled “535 Woods Hole Road Unit A” prepared by Longfellow Design (7 Sheets), scale as noted, with latest revision of February 14, 2017, “535 Woods Hole Road Unit B” prepared by Longfellow Design (2 Sheets), scale as noted, with latest revision of December 4, 2018, “535 Woods Hole Road Unit C&D” prepared by Longfellow Design (2 Sheets), scale as noted, with latest revision of December 4, 2018, “535 Woods Hole Road Unit F&G” prepared by Longfellow Design (2 Sheets), scale as noted, with latest revision of December 4, 2018, “535 Woods Hole Road Unit E” prepared by Longfellow Design (6 Sheets), scale as noted, with latest revision of December 4, 2018 “535 Woods Hole Road Community Center @ B.F. Geodesic Dome” prepared by Longfellow Design (4 Sheets), scale as noted, with latest revision of February 14, 2017 with the following findings and conditions:

FINDINGS:

The applicant, Woods Hole Partners LLC, is seeking to redevelop a 5.4 acre parcel located at 533 Woods Hole Road, map number 51 05 000 002B, and partially located in the Woods Hole Historic District. The parcel is zoned Business Redevelopment (BR) and the applicant is proposing to construct a 43 unit residential complex consisting of thirty (39) market rate dwelling units in five (5) buildings (three duplex buildings, one twenty (20) unit building, and one thirteen (13) unit building, along with two (2) detached duplex buildings containing four (4)
affordable rental units, along with the associated services, parking, drainage and landscaping. The geodesic dome (the Dome) designed by Buckminster Fuller is currently situated on the site along with the Nautilus Hotel. The applicant is proposing to rehabilitate the Dome and demolish the Nautilus Hotel.

The Engineering Division’s referral dated April 10, 2019 outlines open comments and new comments from the past 3 referrals reviewing the applicant’s site plan. The applicant’s engineer (Cape & Island’s Engineering) submitted a letter dated April 26, 2019 along with revised Grading and Drainage Plan; Utilities Layout Plan; Construction Details; Revised Stormwater Design Calculations; and HydroCAD recap addressing the April 10th referral. The Engineering Division reviewed the applicant’s submission in a referral dated April 30, 2019. The project meets the requirement to handle the twenty-five year storm; however a number of Falmouth Engineering Division concerns remain based on the use of the HydroCAD software by the applicant’s engineer citing differences of opinion and methodology; the Falmouth Engineering Division does not concur.

In regard to sight distance for the east and west driveways, Ament Klauer, LLP submitted a letter dated April 29, 2019 along with a memorandum from Kim Eric Hazarvartian, Principle of Transportation Engineering, Planning and Policy that states both driveways show adequate sight distance and meet MassDot stopping sight distance (SSD) as well as the American Association of State Highway and Transportation Officials (AASHTO). Woods Hole Road is under the jurisdiction of MassDOT.

The property is not located in a Coastal Pond Overlay or Water Resource Protection Districts; the applicant is proposing a FAST treatment system designed for nitrogen sensitive areas. In the Board of Health referral dated January 17, 2019, the proposed system is designed for under 10,000 gallons per day and will require Board of Health approval. Engineering has highlighted potential grading implications that could impact stormwater management, and if any revisions are required by the Board of Health, impacts to stormwater management shall be appropriately addressed and reviewed by Falmouth Engineering Division.

The Water Department referral dated December 28, 2018 states the applicant will need to submit plans for the water main extension for full review by the Water Department; a private main servicing the duplex units will need to be replaced by an 8 inch main with hydrant; a utility easement will be required so the Water Department can access all curb stops, and the applicant’s engineer should as necessary have their fire suppression designer coordinate with the Water Department for fire flow testing. The Fire Department provided no comment on the above referenced plans.

The Board finds that the applicant has met the requirements of filing with the Cape Cod Commission as a Development of Regional Impact evidenced by its minor modification Type #2 approval dated August 9, 2018.

The Board finds the proposed landscaping plan is compliant with Article XXIV (24) and shall require that the applicant maintain the plantings as conditioned below.
The Planning Board’s review does not include Building Code review and the Board defers to the Building Commissioner as to issues related to Building Code. The Planning Board would like to thank the applicant for revising plans and elevations based upon Board review and comment.

CONDITIONS:

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning Board to determine if a modification of this decision is necessary. Pursuant to 240-183.B. of the Zoning Bylaw, no permit for occupancy of the new construction shall be issued until the Planning Board is satisfied that the conditions of this approval have been met. However, as the construction will be phased, the applicant may seek partial certificates of occupancy for substantial completion of buildings in accordance with Section 240-193.C. by providing an As-built plan for review by the Board.

2. The project will require the applicant to file a new application for a Certificate of Appropriateness by the Historical Commission to review 4 of the 7 proposed buildings as well as the rehabilitation of the Dome – all found within the Woods Hole Historic District boundary. The design review function of the Planning Board’s site plan review decision shall not supersede the Historical Commission’s issuance of the Certificate of Appropriateness.

3. With the understanding that portions of the site lie within the Woods Hole Historic District and the jurisdiction of the Falmouth Historical Commission, the Board anticipates that the site plan may need additional review in the event that footprints of any building are shifted and will require a revised plan for the Planning Board’s review.

4. Given the unknown nature of the eventual use of the geodesic dome and the limited number of parking spaces currently shown for the structure, the applicant will need to apply for a revision to the site plan prior to issuance of a certificate of occupancy for the Dome structure. This condition shall not apply if the Dome is used only as common space for accessory use by occupants of the residential units with occasional public visitation.

5. A design for the ADA compliant sidewalk along the frontage of 533 Woods Hole Road will be provided to the Town of Falmouth for comment by the Engineering Division and Planning Office prior to submitting plans to MassDOT.

6. A design for the requested jitney stop at the western driveway will be provided to the Town of Falmouth for comment by the Engineering Division and Planning Office prior to submitting plans to MassDOT. The Planning Board will provide a written letter in support of the requested stop.

7. The applicant shall meet MassDOT sight distance requirements and will maintain vegetation within land under MassDOT jurisdiction as necessary to maintain sufficient sight lines and distance. In the event such required sight distance is not achievable the applicant will return to the Board to discuss appropriate mitigation to improve safe ingress and egress to the site.

8. Any changes in grading required by the Board of Health to provide adequate cover of the septic system components that impact drainage patterns will require a revised plan for the Planning Board’s review.

9. The Conservation staff has concerns about possible impacts to northwest corner of the site that may require a filing with the Conservation Commission to address any issues.
Any changes in grading or drainage to the site required by the Commission will need to be incorporated on a revised plan for the Planning Board’s review.

10. The landscaping shall be installed in accordance with the above referenced plans and shall be maintained in a healthy state.

11. The Cape Cod Commission Minor Modification Type #2 Decision dated August 9, 2018 is hereby incorporated by reference, to the extent applicable and not inconsistent.

12. The applicant shall provide bike racks in at least one location.

13. The applicant shall resolve the outstanding concerns raised by the Falmouth Engineering Division on the results of the stormwater model before issuance of any certificate of occupancy.

Sincerely,

Thomas Bott, Town Planner
cc: Applicant
    Assessor’s Office