Chairman Jim Fox called the meeting to order at 3:00 PM.

MINUTES: April 23, 2019

MOTION by R.Leary/P.Kerfoot to table the minutes of April 23, 2019.
Voted 6-0-0

PUBLIC COMMENT

None

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.

T.Bott - We did get a reply to engineering comments from the Town Engineering Division and they have issued a letter. The drainage system complies with the Town of Falmouth 25-year design storm and have no additional comments. I have noted in the findings that engineering reviewed the applicant’s submission referral dated April 30, 2019, and the project meets the requirements for the 25-year storm. However, a number of Engineering Division’s concerns remain based on the use of the Hydro CAD software with the designer citing differences of opinion in methodology. The Engineering Division does not concur with the comments of the review letter of April 26th, the reply from Cape & Islands Engineering.

T.Bott - Read comments and review letters.

T.Bott - We’ve added condition number eight: any changes in grading required by the Board of Health provide adequate cover for the septic system components that impact drainage patterns require a revised plan for the Planning Board’s review. Sometimes a plan comes in and that difference is de minimis and doesn’t require anything but administrative approval. Conservation staff has raised concerns about impacts on the northwest corner of the site, and that is noted in the decision as well. The Board of Health would be reviewing the septic system and if they have to change some grading changes that redirect storm water, then they will have to come back to us as well as any issues the Conservation Commission might have. Counsel for the applicant asked that we add to that a condition that the dome will be used as common space for accessory use by occupants of the residential units with occasional public visitation. There was additional language about the number of spaces, reducing those number of spaces and waiving that number of spaces that I did not include in the decision.
P.Kerfoot - It’s a difference in standards and we either pass this motion or ask for an extension. Today is the last day that we can make any decisions.

C.Harris - Do you feel the draft approval will set in motion corrections to anything that may be lingering?

T.Bott – These include the Board of Health and Conservation Commission comments and the issue of stormwater leaving the site onto Woods Hole Road falls under Mass Highway jurisdiction.

C.Harris - If we were to approve this today, have we opened the Town to any liability? Have we created a problem for the Town?

T.Bott - The concern of our Engineering Division is that if someone provides calculations to the 100-year storm, and we don’t concur with those calculations, that we potentially open ourselves up to liability in the event that some event happens off-site.

C.Harris - Wouldn’t it be a Town concern if we were to act upon a 100-year standard when our published standard is 25 years?

T.Bott - The Cape Cod Commission looks at these things from a regional policy perspective, so they require that 100-year calculation. We’ve got a circumstance where the Engineering Division has looked at this twice; the design engineer continues to state that it’s a difference of opinion/methodology/technique. Our Engineering Division does not concur.

C.Harris - My opinion is that the Town is not put in a bad position by this approval. We jeopardize this project by dotting every “i” and “t” that occurs among the professionals. There will always be differences.

P.Dreyer - My concern is we’re getting this information hours before the deadline. We’ve known about this for months and the applicant has not provided us the information. It’s not the Planning Board that is holding this up but the applicant who has refused to provide the information requested. The Falmouth Engineering Division does not concur with the use of the software. If that is still an issue that should be a condition. There has to be some good faith effort from the applicant because it puts us in a very awkward position of trying to override the Engineering Division.

J.Druley - We discussed last week that part of the decision would be that they meet the standards of the Town, just make it part of the decision. I have to support the Falmouth Engineering Department.

T.Bott - All of our stormwater standards will be changing to a contemporary format, we’ll have no option. At some point this issue will go away because it won’t be that there’s a 25-year storm. In the opinion of the Engineering Division they didn’t need to provide the Hydro CAD model.

R.Leary - I agree with John and Paul. I was hoping all this would be resolved by now.

J.Druley - A lot of it has been resolved here. The language in the decision has to support the Town Engineer.

P.Kerfoot - We cannot ignore the Town Engineering staff but I do think it can be solved by a remaining condition.

P.Dreyer - I’ll suggest this draft to finalize this by adding Condition 13:

“The applicant shall resolve the outstanding issue concerns raised by the Falmouth Engineering Division in a timely manner.” That may not be sufficient because it probably should completed be before a fixed date. I’m not very optimistic because they’ve had months to finalize this and it hasn’t been done.

P.Kerfoot – I suggest adding “before an occupancy permit is issued.”

T.Bott - Conservation’s issue is if there’s a wetland on the area that wasn’t shown on the plan. If filing with the Conservation Commission requires some changes to the site they will bring that back to us.

P.Kerfoot - Should Mass Historical be mentioned in the decision?
C.Pacheco - I think that can be addressed with a Certificate of Appropriateness

**MOTION** by P.Kerfoot/R.Leary 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; 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 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 Hydro CAD 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 Hydro CAD 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.

Voted 5-0-1

COMMITTEE REPORTS

MOTION by R.Leary/P.Kerfoot to table Committee Reports

Voted 6-0-0

ANNOUNCEMENTS

None

FUTURE AGENDA ITEMS:

TDRs

Design Review Guidelines

NEXT MEETING: May 14, 2019

MOTION by R.Leary to adjourn at 4:09 pm.

Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary