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

MINUTES: April 23, 2019 & April 30, 2019

MOTION by P.Kerfoot/P.Harting-Barrat to approve the minutes of April 23, 2019 as corrected.

Voted 6-0-0

PUBLIC COMMENT

Grant Walker - I am presenting images from a neighborhood in Colorado that is designed like the mixed-use village being considered for Davis Straits.

APPROVAL NOT REQUIRED PLANS: Plans received between April 30, 2019 and May 14, 2019.

Applicant: Greg Inman - Plan of Land to adjust the lot lines between two lots located at 590 North Falmouth Hwy. Map Nos. 05 08 002 001A and 05 08 004 000

T.Bott - Parcel 1C is a part of the larger lot. They are splitting off that parcel and connecting it to the existing lot. They are conveying one lot next door to the other.

MOTION by P.Kerfoot/P.Harting-Barrat that the Planning Board vote to endorse “Approval under the Subdivision Control Law not required”. The plan does not depict a subdivision by definition. This endorsement is without regard to zoning or buildability and should not be construed as an approval that the lots shown are entitled to a building permit.

Voted 6-0-0

MOTION by P.Kerfoot/C.Harris to take 797 Main Street, LLC out of order.

Voted 6-0-0

PLANNING BOARD DECISION:

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

T.Bott - The site plan has been modified quite a bit. We have not seen the shared parking agreement and the easements that make the approval of this building possible. I don’t recommend voting anything until we have those agreements in hand. We expect to see them on May 28th.

MOTION by P.Kerfoot/P.Harting-Barrat to table the decision.

Voted 6-0-0
PUBLIC DISCUSSION:

Borrego Solar Systems, Inc. - Site Plan Review to construct a 7,330.500K KW large scale ground mounted solar photovoltaic energy generating system at 0 Blacksmith Shop Road and 0 Locustfield Road - Assessor's Map Nos. 22 02 009 000 and 22 02 012 003

David Albreth - This project is not considered a change of use by the Cape Cod Commission. There is a letter in your file stating just that. It is a 7.3 KW DC solar electric system. We have two parcels on Blacksmith Shop Road with the total acreage is close to 69 or 70 acres between the two. We have an easement and a single-phase power line that powers Deer Pond. The power line will be relocated as there is no easement for that. The area is zoned AGA and across the street is AGAA. The parcels are covered by the solar overlay district. We are working with Eversource to keep Lotus driveway and for access across the easement. We have about ½ acre of tree clearing. We have not completed a geotechnical investigation to date. The equipment pad has a transformer, a data acquisition system, and a weather station. They all sit on concrete pads. All the conduits and cabling are underground. The loudest of the two is the inverter. It is measured at full operation one meter away at 80 decibels. The arrays make no sound at all. As soon as the sun goes down, all the energy is put back in the system and they do not run through the night.

P. Kerfoot - Have you had complaints about noise levels? If so, have you successfully put baffling or fencing around it?

D. Albreth - We have. It arose from the fact that we were closer to a home than the neighbor was comfortable with. In the two cases we had, we developed a ten-foot high solid, vinyl fence that went into the ground. The other one had a neighbor with a farm; we built an eight-foot high fence to block the noise. I have yet to hear of any complaints. We meet or exceed all the setbacks. We do have safety lights in the equipment areas that are motion activated. We have signage that are required by the National Electric Code. As far as wetlands, work was approved by the Cape Cod Commission in January. The solar array does not have to be on absolute flat land. I spoke with the Town Engineer this morning and took care of the storm water calculations.

J. Fox - Do you have to clean your panels?

D. Albreth - We have pretty much enough rain here to wash them.

P. Dreyer - Is the grading part of the site restoration of the borrow pit?

D. Albreth - Yes. We will make sure the access is appropriate and we will start grading the site. We want to leave it as sand. The slope will be hydro seeded and mulched so that they don’t erode over time. These will last at least 30 years. We figure what it would cost to remove it now, and add 2 per cent for each year.

P. Kerfoot - Are you going to trim the shrubs or are you replacing them?

D. Albreth - Some of it will be trimmed, other spaces will be graded better and hydro seeded.

Thomas Keleher, 649 Locustfield Road - Are you going to reclaim all of the slopes?

D. Albreth - Not all of them. Many of them are in fairly good shape and we don’t need to grade them.

T. Keleher - Are the auger systems cemented?

D. Albreth - There is no concrete. It is a screw that is about 8-inches in diameter.

Grant Walker - asked about vegetation.

J. Druley - Will the ponds stay filled with water?

D. Albreth - We are hoping they will be absorbed. There will be a chain-link fence around the systems.
J. Druley - The only concern that I have is that there’s multiple players in here. If this gets a positive decision, I want to make sure that we have safeguards in place. I want to make sure that this Town is protected.

J. Fox - We should have the right to review Lynch’s lease.

J. Druley - If it goes bad and doesn’t get dismantled, this could get ugly.

Grant Walker - How will you control the vegetation?

D. Albreth - We don’t condone herbicides, pesticides or things like that. Everything we do is mechanical. The access has been there for at least 44 years. The Town GIS maps show it on the Lynch property.

J. Fox - An easement from the Town will solve that problem.

T. Bott - We are working to come up with a solution for access across the Town’s parcel. Staff can work on a draft motion for May 28th.

**PLANNING BOARD DISCUSSION:**

*Crooked Meadow 40B Comments for Site Approval Request*

Michael Borcelli - This property is close to the intersection of Blacksmith Shop Road. The land is approximately 83,000 square feet. This is the concept layout that has been developed. The layout shows six duplex buildings for a total of 12 units with two driveway entrances. A common driveway runs through the site. Parking spaces are in front of each unit. There are significant buffers behind the buildings. It will either be a couple of shared systems or one common system.

T. Bott - Mass Housing’s review is looking for local needs, concerns and comments.

J. Fox - How many are affordable?

M. Borcelli – 25 per cent, that would be three. They will be sold as condos.

P. Harting-Barrat - I think there were comments to increase the affordable units. We would like to see any 40Bs come before the Board and look to increase the affordable housing units beyond 25 per cent.

Nick Mariono - We are not building them as handicapped accessible; but we will make it as accessible as needed to the buyer.

J. Fox - You might want to look at that accessibility.

J. Druley - What if the lottery winner is handicapped?

N. Mariono - We will have to convert it.

J. Druley - Will the deed-restricted units be paying the same condo fees?

N. Mariono - We are not sure yet.

T. Bott - Mass Housing’s letter is typically advisory.

*Wild Harbor 40B Application Comments to ZBA*

Michael Borcelli - This property is on North Falmouth Highway. 3.7 acres of land and proposes eight duplexes for a total of 16 units which works out to just about four units per acre. This has already been reviewed by the State and also discussed with the local departments. Some of the drainage aspects need to be refined. There are opportunities to link up paths. We are going to have a neighborhood meeting with abutters. The road is 550 feet, approximately 600 to the centerline. We can apply for a waiver for that, it is not a significant amount. The Fire Department was satisfied and were happy with
two hydrants in the development. We have incorporated a bus stop and an open area for play. It will be a common driveway.

J.Druley - Is the driveway being built to Town standards?
M.Borcelli – Yes, it will be called a common driveway. The Town Engineer sees no issues with the slope. The septic will be a common system.

P.Kerfoot - I think we should ask for a denitrification system.
M.Borcelli - There are spaces along the roadway on the cul de sac.
P.Dreyer - I am concerned about the steep slope of the roadway.
M.Borcelli - If you drive along 28A, there are driveways that are significantly steeper.

ANNOUNCEMENTS
Bike to Work Week / Bike to Work Day

GENERAL CORRESPONDENCE: April 30, 2019 through May 14, 2019
Notice from LaFrance Hospitality regarding the Cape Cod Commission’s review and procedural hearing with no testimony.

FUTURE AGENDA ITEMS:
P.Dreyer – I suggest that we invite the Coastal Resiliency Action Committee for a presentation of the status of issues coming down the road later this year.
C.Harris - Design Standards

NEXT MEETING: May 28, 2019
MOTION by P.Kerfoot to adjourn at 9:07 pm.

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

Site Plan Review: Section 240-191
Chapter 240-251 Large-Scale Ground-Mounted Solar Overlay

0 Blacksmith Shop Road
0 Locustfield Road
Map# 35 02 007 000

Applicant:
Borrego Solar Systems, Inc.

Owner:
Lawrence Lynch Realty Corporation

Applicant’s Agent:
Eliza Cox Esq., Nutter, McClennen & Fish, LLP
Borrego Solar Systems, Inc.

Decision Deadline:
Site Plan: July 11, 2019
Last Meeting Date: July 9, 2019

Overview
Formerly a site used for sand and gravel pit, Borrego Solar Systems, Inc., is seeking to develop a large scale solar array generating approximately 7.5 MWDC that will occupy approximately 24 acres of this 69.2 acre parcel. Front, side and rear yard setbacks are proposed at 100 feet.

This will be the first large scale solar project reviewed by the Planning Board under the Town’s Large Scale Ground-Mounted Solar Overlay District bylaw recently adopt by Town Meeting; Chapter 240-251.

The project has been reviewed by Cape Cod Commission (CCC) staff and it has been determined that the project does not constitute a “change of use” as defined in Sections 1© and 4 of Chapter A: Enabling Regulations Governing Developments of Regional Impact and does not require mandatory DRI review by the CCC.
**Existing Conditions**

The parcel is currently a vacant gravel pit with existing paved road running into the middle of the gravel pit at the north and south area. Both development areas consist of sand and gravel soils. The property is abutted on 3 sides by residential development and land under Conservation Commission jurisdiction.

The site appears to lie within a Wildlife Corridor Migration Area 1. Natural Resource Division has yet to comment if the proposed plans meet Zoning Regulations in Article XX Wildlife Corridor. Applicant has provided correspondence from the state Division of Fisheries and Wildlife stating the area does not contain any state listed rare species in the immediate vicinity of this site.

**ConCom comment:** Small isolated wetland on north side of property along Blacksmith Shop Road. Wetland should be delineated in field and shown on plan to determine if wetland buffer is impacted.

**Proposed Conditions, Demolition and Site Preparation**

The solar systems will be laid out in the north and south areas of the gravel pit. These areas will be regraded to create an acceptable slope for the installation of the solar racking.

Applicant engineer states Stormwater on site does not discharge beyond the property bounds or toward the wetland. 6 retention areas will be installed – 3 at each site to prevent ponding beneath the solar systems.

The site plan does outline area of tree removal – total area of tree removal is 1.29 acres.

**Parking and Access**

Access to the site will be via an existing curb cut on Locustfield Street. No parking is proposed.

**Engineering comment:** Access to the existing operations on this parcel is through a Town owned parcel. There doesn’t appear to be an agreement or easement, and a 1983 plan indicates the “way” is an “encroachment.” Does the Applicant have legal access across the Town Parcel? We defer to Town Counsel if the proposed use can continue access through the Town Parcel, will require an approval or license, or if a new access is required.

**Circulation**

Existing paved roads running in to the middle of the gravel areas at north and south site.

**Traffic Generation**

No increase in traffic generation for the proposed use.

**Landscaping**

The applicant is proposing a 7 foot high chain link fence around the solar sites; and proposing in areas of 2:1 to be seeded with New England roadside matrix upland seed mix or equivalent.

**Water and Wastewater**

No need for wastewater treatment or water for the proposed facility.

**Storm water**

**Engineering comment:** Stormwater management calculations for the Town’s design storm (25 year, 1 hour) were not provided as required.

**Signage**

No signage proposed.

**Lighting**

Plan not provided see 240-254.E for requirements

**Local Comprehensive Plan Goal**

**Energy Element**
Policy #1: The municipality will provide leadership and set the example in carbon footprint reduction.
Policy #2: Public policy will strongly support the use of appropriate renewable energy sources.
Policy #3: Public policy will promote energy conservation and efficiency technologies and practices.
(Voted April 2013 Town Meeting)

**Planning Board Criteria for 240-251 Large Scale Ground Mounted Solar Overlay**

**Chapter 240-254 Site plan review design and operations**

A. Minimum lot size: seven acres.

B. Dimensional requirements. Front, side and rear setbacks shall be as follows:

1. Front yard: The front yard depth shall be at least 100 feet from the road right-of-way and maintained as a no-disturb zone except for the provision of a site access drive.
2. Side yard: Each side yard shall have a depth at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the side yard shall not be less than 100 feet and maintained as a no-disturb zone.
3. Rear yard: The rear yard depth shall be at least 35 feet; provided, however, that where the lot abuts a Residence or Agriculture District, the rear yard shall not be less than 100 feet and maintained as a no-disturb zone.

C. All structures accessory to ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. Multiple accessory structures shall be clustered to the greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.

D. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws.

1. Not more than two acres of forest land shall be deforested for any one ground-mounted solar photovoltaic installation, and no such installation shall be placed on such land that was deforested within the prior five years.
2. Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
3. No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of Subsection D(1) and (2) above.

E. Lighting of large-scale ground-mounted solar energy systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.

F. Signage. Signs on large scale ground mounted solar energy systems shall comply with a municipality's sign bylaw. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a twenty-four-hour emergency contact phone number. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.

G. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.

H. Emergency services. The large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means...
of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

I. Monitoring and maintenance. The large-scale ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Chief of the Fire/Rescue Department. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road.

J. Modifications. All material modifications to a large-scale ground-mounted solar energy system made after issuance of the required building permit shall require approval by the Planning Board.

Planning Board Criteria for Site Plan Review Chapter 240-191

The purpose of site plan review is to ensure the design and layout of certain developments permitted as a matter of right or by special permit will constitute suitable development and will not result in a detriment to the neighborhood or the environment. The site plan must consider all performance requirements under Articles 22, Parking Requirements, Article 23, Performance Requirements, and Article 24.

The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets and to screen objectionable features from neighbors. Design features shall include but not be limited to site planning, building placement, building size, design compatibility, exterior appearance, construction materials and finishes, parking and roadways, landscaping and site grading, building entrance and exit placement.

The applicant shall submit such materials as may be required regarding the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

§ 240-108. Table of Minimum Requirements.

No parking proposed.

§ 240-111. Performance Requirements.

A. Improve pedestrian or vehicular safety and convenience within the site, egressing from it and in relation to adjacent areas; provide better access to each structure for fire and service equipment;

B. Reduce detrimental impact on neighborhood visual character including views and vistas, intrusion of parking areas viewed from public ways and abutting premises and glare from headlights or area lighting; improve landscaping and buffering;

C. Reduce the extent of storm water flow increase from the site and reduce the hazard and inconvenience to pedestrians from storm water flow and ponding; increase protection of adjacent areas including wetlands from detrimental effects by providing adequate surface water drainage;

D. Improve adequacy of water supply, sewage disposal, disposal of refuse and byproducts, lighting and other public services;

E. Reduce removal of trees with four-inch trunk diameter or larger and reduce the area of wetland vegetation displaced;

F. Reduce the volume of cut or fill;

G. Reduce soil erosion; and

H. Assure protection of environmental features on site and in adjacent areas.

§ 240-111. Landscape Requirements.
For the purposes stated above, the following standards are required to be met. Alternative methods to those described below may be substituted if the applicant demonstrates to the satisfaction of the reviewing agency or special permit granting authority that the intent of this Article is upheld.

A. Xeriscape. To aid in conserving the Town of Falmouth's drinking water supply, xeriscape is required for all applicable development projects unless any of the following criteria are met:

(1) The applicant provides water for the landscape from a private well.

(2) The applicant installs an irrigation system (which may use Town water) but only those which drip or mist. Spray or sprinkle irrigation using Town water is prohibited.

B. Planting medium. To reduce the need for watering and fertilizing and to help maintain healthy plants, in formal and naturalized landscapes, soil shall be no more than 25% sand, no more than 10% clay and no less than 65% silt, and decayed organic matter in an amount equal to 25% of the soil by volume shall be added. This is required to the following depths:

(1) Where trees are planted, to a minimum of four feet within a four-foot radius of the trunk.

(2) Where shrubs are planted, to a minimum of two feet within a two-foot radius of the trunk(s).

(3) Where ground covers, herbaceous perennials, annuals or bulbs are planted, to a minimum of one foot within the planting area.

C. Mulch. To prevent soil erosion, weed growth and to help retain moisture and insulate young plants, mulch is required in formal and naturalized landscapes wherever soil is not covered by vegetation.

(1) Mulch shall be applied on the soil surface in a layer two to four inches deep.

(2) Mulch shall be used as a temporary cover during the first three growing seasons until vegetation grows to completely cover the ground. Mulch shall not be used as a substitute for ground covers.

(3) Ground or shredded bark, peat moss, pine needles, tree leaves, straw or hay may be used as a mulch.

(4) Gravel or stone chips may be used in areas of high pedestrian traffic, but shall not exceed 10% of the landscaped area.

D. Street trees. To reduce heat and glare on streets and sidewalks, street trees from the approved list are required to the following specifications:

(1) Except in B1 Districts, street trees shall be planted no greater than 30 feet apart on a line five feet behind the street frontage. Where an access driveway interrupts this pattern, street trees shall be planted on either side of the driveway, five feet from the edge of pavement and behind the sight triangle at the intersection. Existing vegetation meeting the intent of this Article may be substituted for these requirements.

(2) When planted, street trees shall have a trunk diameter of at least two inches at a height of four feet six inches, and shall be free of limbs below seven feet.

(3) Street trees shall be maintained so as to reach a height of at least 45 feet at maturity.

E. Front yards. With the exception of certain overlay zones, front yards may be formal, naturalized or undisturbed so long as all surface areas which are not parts of walkways or driveways are completely covered by vegetation within three years.

(1) Front yards in Water Resource Protection Districts (see Article XV) or in Coastal Pond Recharge Districts (see Article XXI) shall be naturalized or undisturbed.

(2) Front yards in the Wildlife Corridor Overlay District (see Article XX) shall be undisturbed.

F. Parking lot screens. Between the front yard and the parking area, a screen is required so that automobiles cannot be viewed from the street. This may be achieved using any combination of the following:

(1) A row of evergreen and deciduous trees at least six feet high, with no more than 50% being deciduous, from the approved list of buffer species, and planted at intervals recommended on the approved list.

(2) A hedge at least three feet high, to grow to a minimum of four feet high at maturity.
(3) A berm at least four feet high with no slope greater than three to one (3:1), mulched and planted so as to be completely covered by vegetation in three years.

(4) A solid fence or wall at least four feet high, the faces of which shall be planted with shrubs at an interval of not less than one every 20 feet with the intervening faces planted with herbaceous perennials, annuals or bulbs in an area not less than two feet wide.

G. Parking lot interiors. Vegetated islands are required within paved areas behind the street setback according to the following specifications:

(1) For each parking stall, 40 square feet of vegetated island shall be provided within the paved area. The minimum dimension of each vegetated island shall be four feet, except at corners, and the minimum area shall be 162 square feet.

(2) No fewer than one street tree as described in Subsection D (1) shall be planted for each 162 square feet of vegetated island.

(3) The remainder of the parking area not used for stalls or driveways shall be planted with any combination of trees, shrubs, ground cover, herbaceous perennials, annuals or bulbs so that the ground is completely covered after three growing seasons.

(4) Plants within necessary sight triangles shall be no greater than two feet high.

(5) Vegetated islands are required to separate rows of parking stalls and interior driveways.

H. Service area screens. Where service areas exist, they shall be screened from view of the street, parking areas and adjacent properties. This may be achieved using any combination of the following:

(1) A row of evergreen and deciduous trees, at least six feet high, with no more than 30% being deciduous, from the approved list of buffer species, and planted at intervals recommended on the approved list.

(2) A solid fence or wall at least six feet high.

I. Residential buffers. A buffer is required between business or industrial uses and residences, nursing homes, hospitals or similar uses. The buffer shall protect abutting properties from glare, noise, dust, fumes, heat and traffic. This may be achieved using any of the following:

(1) Two rows of evergreen trees, from the approved list of buffer species, at least six feet high, planted at intervals recommended on the approved list, and faced with a row of shrubs at least three feet high.

(2) One row of evergreen trees, from the approved list of buffer species, at least six feet high, planted at intervals recommended on the approved list, and faced with a row of shrubs at least three feet high, and backed with a solid fence or wall at least six feet high.

(3) A berm a minimum of five feet high, with no slope greater than three to one (3:1), planted with trees and shrubs so that the ground is completely covered with vegetation.


Provisions shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation in the street and upon the lot. Access and circulation shall also conform to the following:

A. Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of the local residential streets situated in or bordered by residential districts;

B. Where a lot has frontage on two or more streets, the Planning Board may require that the access to the lot be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians;

C. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, driveways and traffic controls within the streets;
D. Access driveways shall be of a design and have sufficient capacity to avoid queuing and entering vehicles on any street;

E. Driveways into the lot shall have proper grade and alignment as well as transition grades and sight distances, for safe, convenient and efficient access and shall meet the street right-of-way line and travel way of the street in such a manner as to conform to the standard cross section for the street as determined by the Director of the Department of Public Works and the Planning Board;

F. Where topographic and other conditions are reasonably usable, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use. When such driveway connection will facilitate fire protection services and/or when such driveway shall enable the public to travel between two existing or potential uses, open to the public generally, without need to travel upon a street; and

G. There shall be no more than one driveway connection from any lot to any street, except that separate entrance and exit driveways may be provided where necessary to safeguard against hazards and to avoid congestion and additional driveway connections may be provided, particularly for but not limited to large tracks and uses of extensive scope, if traffic flow in the street will be facilitated by the additional connection. Driveways shall not exceed 24 feet in width at the street line, or such lesser width as will be sufficient to accommodate the traffic to be generated unless a greater width is required by Town bylaw or the Commonwealth of Massachusetts.
MOTION: That the Planning Board vote to approve the application of 797 Main Street, LLC under Article XXXIX (39) – Site Plan Review – of the Zoning Bylaw for the construction of a mixed use structure with a restaurant on the first floor and three (3) residential units above as depicted on site and architectural plans entitled: “Proposed Restaurant & Residential Apartments At 797 Main Street, Falmouth, MA 02540” prepared by Choubah Engineering Group, P.C., dated January 17, 2019 with latest revision of April 9, 2019, Scale – As Noted; (12 Sheets); with the following findings and conditions.

FINDINGS:

The applicant, 797 Main Street LLC, is seeking to redevelop a former Cumberland Farms convenience store and gas station as a mixed use development. The proposed development will include a forty four (44) seat restaurant on the first floor with three (3), two (2) bedroom dwellings on the second and third floor. The parcel, Map# 47B 09 014B 019, is zoned Business Redevelopment and contains 18,749 square feet of lot area. The applicant is proposing to raze the existing structure utilizing the L shaped foundation – with modification to add 836 square feet of floor space to first, second and third floor – and construct a two and a half story building approximately 1,850 square feet of building foot print. The applicant is also proposing a shared parking agreement along Cycle Ave as well as the easement to allow access to Lot 47B-09-14C-022 across the applicant’s parcel (47B-09-14B-019). Were there to be conveyance of the shared parking area to Map# 47B 09 014B 019 this would bring the existing parcel into conformance with the minimum lot size of requirement of Business Redevelopment of 20,000 square feet.

The applicant has engaged abutters along the south, west, and east side of the property to establish the above mentioned parking and circulation agreement along Cycle Avenue. The Planning Board will condition its decision accordingly.

The Engineering Division’s referral dated April 17, 2019 outlines open and new comments that can be addressed administratively along with the submission of new plans reflecting Engineering’s comments. The Planning Board will condition its decision accordingly.

In a referral from the Wastewater Superintendent, the applicant will need to request a variance under the Town’s Flow Neutral Bylaw. A written request for a determination under the flow neutral bylaw to the Board of Health and Wastewater Division is necessary to initiate the process.

In the Water Department’s referral dated February 11, 2019, the applicant will need to upgrade service piping to Water Department Standards – requiring a minimum 1 inch polyethylene pipe in lieu of the proposed 1 inch copper service. The applicant will need to submit an application to the Water Department, as well as coordinate timing of the proposed service upgrade with the replacement of the water main in Main Street at and around this location.

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 at a public meeting to determine if a modification of this decision is necessary. Pursuant to §240-183.B. 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 have been met. Upon substantial completion of the project in accordance with Section 240-193.C. the applicant will be required to submit an As-built plan for review by the Board (Planning Department Staff) prior to the issuance of an occupancy permit.

2. The Applicant shall obtain an approved Driveway Permit or Street Opening Permit and post any required bond with the Engineering Division prior to start of construction. The Applicant shall complete the work as approved by the Engineering Division in the approved permit.

3. Appropriate permission to create and use parking spaces, a parking landscape buffer and locate a dumpster off of the Applicant’s parcel shall be provided to the Planning Department and the Engineering Division. The applicant shall provide an executed shared parking agreement along Cycle Ave as well as the easement to allow access to Lot 47B-09-14C-022 across 797 Main (47B-09-14B-019) as a condition of the Board’s site plan approval.

4. The applicant will need to submit revised plans addressing the Engineering Division’s open and new comments pertaining to the submission of revised plans. See referral dated April 17, 2019.

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

6. The applicant shall provide bike racks in at least one location, revised plans will reflect this request.
HEARING NOTICE
CAPE COD COMMISSION
DEVELOPMENT OF REGIONAL IMPACT
LaFrance Hospitality Corporation (CCC File No. 19009)
May 24, 2019

A hearing officer for the Cape Cod Commission will hold a pro-forma hearing on Friday, May 24, 2019 at 10:00 a.m. at the Cape Cod Commission, 3225 Main Street, Route 6A, Barnstable, MA for the purpose of procedurally opening the public hearing period on Development of Regional Impact (DRI) review for the following project. The project is a mandatory DRI pursuant to Section 3(e) of the Cape Cod Commission’s Enabling Regulations Governing Review of Developments of Regional Impact. This notice is being published pursuant to Section 5 of the Cape Cod Commission Act.

Project Name: LaFrance Hospitality 763 Main Street
Project Applicant: LaFrance Hospitality Corporation
Project Site/Location: 763 Main Street/24 Scranton Avenue, Falmouth, MA
Project Description: Proposed redevelopment of the site with: a building containing a hotel, restaurant and underground parking; and other related site improvements.

NOTE: The purpose of this hearing is to open the DRI hearing period on the project for procedural purposes only. No substantive presentations will be made, no testimony will be taken and no substantive action will be taken regarding this project at this hearing. Further notice will be provided at a future time when substantive project review commences and a substantive hearing has been scheduled.

Project plans and other relevant documents are available for the public to review at the Cape Cod Commission office located at 3225 Main Street, Route 6A, Barnstable, MA 02630 between the hours of 8:30 a.m. and 4:30 p.m. For further information or to schedule an appointment, please contact the Commission office at (508) 362-3828.

If you are deaf or hard of hearing or are a person with a disability who requires an accommodation, contact the Cape Cod Commission at (508) 362-3828; for Telecommunications Relay Services (TRS) dial 711.

Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI da MPO pelo telefone (508)362-3828 or Para serviços de retransmissão de telecomunicações, disque 711.