Chair Pat Kerfoot called the meeting to order at 6:30 PM.

MINUTES: May 28, 2019
MOTION by P.Dreyer/P.Harting-Barrat to approve the minutes of May 28, 2019 as corrected.
Voted 7-0-0

PUBLIC COMMENT
None.

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 entire development hinges on the easement agreement. We did recently receive the signed agreements. There appears to be confusion of how the easement language is laid out. There is a five-foot landscaping strip and there will be improvements on that site. We want to make sure the development agreement reflects that landscaping strip. The managers are the managers of the LLC and they are the signatories. Our bylaw requires an agreement of five years or more. We are done with the technical review.
MOTION by P.Dreyer/P.Harting-Barrat to vote 797 Main Street, LLC pending review by Town Counsel.
Voted 7-0-0

MOTION by R.Leary/P.Harting-Barrat 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 footprint. 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 one-inch polyethylene pipe in lieu of the proposed one-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 Divisions 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.

**Voted 7-0-0**

**Applicant: Green Ocean Car Wash, LLC – Site Plan Review application to raze and remove the existing building in order to construct a car wash on the property adding more than 1,000 square feet of gross floor located at 187 Teaticket Highway**

J.Fox recused himself.

Board members agreed to hold fast to the submission of information by Thursday at noon time before the Tuesday meeting.

K.Klauer - I was not expecting you to act on the information tonight. We have had discussions with MA DOT and respond to the wastewater comments. The biggest change is the entrance and exit to the site. The exit has been reduced to a single lane to accommodate both right and left turns. We have added a striped island between the entrance and exit. There is additional signage posted on the ground, e.g., directional...
arrows, do not enter, exit signs, etc. I believe we have resolved all the engineering comments. I have responded to M Lowell, that was submitted this afternoon.
P. Dreyer - What is the purpose of the delivery zone shown on the plans?
K. Klauser – The clients will remain in their vehicles. Any materials needed for the car wash will be in the zone.
J. Druley - I think it’s an improvement.
Continued to June 18, 2019.

Applicant: McDonald’s Corp. – Site Plan Review application to reconfigure the existing single lane drive-thru to a side-by-side drive-thru layout at the existing McDonald’s located at 263 Teaticket Highway

Eric - The only revision is to smooth out the curved line on the drawings.
MOTION by R. Leary/P. Dreyer that the Planning Board vote to approve the application of McDonald’s Corp under Article XXXIX (39) – Site Plan Review – of the Zoning Bylaw for the construction of a second drive-thru lane located at 263 Teaticket Highway, as depicted on plans entitled, “Cover Sheet” prepared by Bohler Engineering, dated March 25, 2019, revised May 15, 2019, Scale – As Noted; (Sheets 1-7); with the following findings and conditions.

FINDINGS:
The applicant, the McDonalds Corporation, is seeking to modify the Planning Board’s site plan review decision dated September 4, 2002. The applicant is proposing to reconfigure the existing single lane drive through into a two-lane side by side drive through layout with the intent of decreasing the onsite queuing. The proposed work will result in a parking reduction of 10 spaces (57 existing; 47 proposed; 58 required, a 25% by right reduction); create an additional 120 square feet of additional pervious coverage; and provide additional landscape area. No modification to the existing building is proposed.

The Planning Board finds the reduction in the required parking appropriate as the parking spaces are being removed in an effort to improve drive through operations; the McDonald’s Corporation stated that more customers are utilizing the drive through therefore reducing the need for excess parking spaces. The Board initially approved a 25 per cent by right reduction in the 2002 decision from 70 to 59 spaces. The applicant has revised the site plan to show the eleven (11) banked spaces as required in 240-107 Parking reductions A. Reduction by right (2).

The Board finds the addition of 50 new plantings and the maintenance of the existing landscaping as appropriate. The majority of the proposed site work is located near the drive through area at the rear of the building and will create additional pervious area that will be landscaped.

The Board finds the proposed drive thru layout at 20’ and 18’ radius along the interior curb lines as acceptable. The proposed side by side drive through layout is McDonalds’ prototypical design which they have determined provides the optimal layout for drive thru operations and efficiency and has been implemented at hundreds of locations across the country. The Board waives the requirement that the applicant change the radii of the drive through layout to the required 25 feet.

The Town of Falmouth Engineering Division commented on the above mentioned site plans in referrals dated May 8, 2019 and May 24, 2019; the applicant’s engineer responded to the Town’s referrals included in a letter dated May 17, 2019. The Planning Board finds the applicant has adequately addressed the Engineering Division’s concerns.

The Department of Public Works Wastewater Division finds the project as proposed will not increase wastewater flow from the site and no change is proposed to the sewer connection. The site is located within the Little Pond Sewer Service area. The Wastewater Division stated that the contractor and the applicant will need to provide an as built sewer connection (the site recently abandoned the septic system
to tie into the Little Pond Sewer Service area) and must protect the sewer connection appurtenances from
damage /impact during construction.
The Water Department in a referral dated April 30, 2019 strongly recommend the applicant upgrade to a 2”
polyethylene line The Department is currently in the process of replacing the water main in Teaticket
Highway during the next year and would coordinate upgrading the service line from the main to the
property line. Also, facility will need to have a backflow prevention survey done when construction is near
substantial completion to confirm there are no potential cross connections within the facility. That survey
can be coordinated with the Water Department.

The Planning Board finds the proposed modification to the site plan review decision appropriate for the site
and thanks the applicant’s Engineer for revising plans in a timely manner based on Board comment. The
following waivers originally issued will remain in effect with the following addition of §240-109 Parking area
design and location for the 25-foot drive through radius.

Waivers
§240-113.1 Transportation and Traffic Management
§240-99.A Analysis of Development Impact
§240-109 H(2) Parking area design and location

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.

Voted 6-0-1

PUBLIC DISCUSSION CONT:
Applicant: Borrego Solar Systems, Inc. – Site Plan Review application to construct a 7,330.500 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

Zack Farkes Borrego Solar Systems - I am here to discuss any open items or questions. The plan you have
has been recently revised with administrative changes and the interconnection schema to ten utility poles.
The is a change from Eversource. They will not impact the view shed from the public way.

T.Bott - Access to the pit is actually of the Town of Falmouth’s property. We have been talking with Town
Counsel about an easement. The Town’s bylaw is very clear that a decommissioning bond needs to be in
pace. That cost is escalated at 2 per year for the lifetime of the project. That bond would be placed with a
major surety. It is generally put in place prior to the construction of the project. The bond runs with the
land and needs to be renewed each year. The lease agreement has a formal decommissioning component.
The deal is for 20 years for this project and we have an obligation to remove it in 20 years. The deal is
between Borrego and Lawrence Lynch, this is privately owned land. There are curative measures in the
lease that allow for removal of the project. The project turns on at day zero and operates for twenty years.
There are huge up-front costs that provide energy for 20 years. Investment companies are motivated to
recover that money and make a profit. The modules could become 600-watt modules instead of 400 in ten
years. The cost effectiveness would be considered. The intent is to build the project and send minimal time
and money operating it.

J.Druley - Have you had to decommission any of these solar panels before?
Z.Farkes - Borrego Operating for less than ten years. These projects are modeled for 20 years. We are at about the halfway point and have not had to decommission any so far.

J.Druley - I’d like to see if there is anything you can do to reduce any risk of harm with those detention basins.

T.Bott - Stormwater regulations require that water be drained within 72 hours. We can ask the Engineering Division for their recommendation.

J.Fox - I believe that would change all the drainage and calculations of the whole site.

C.Harris - What is your plan after 20 years?

Z.Farkes - 20 years is a long time and it is hard to know what will happen with the technology. Lawrence Lynch may have different plans for the pit in 20 years.

Closed for Decision on June 18, 2019.

PLANNING BOARD DISCUSSION:
The Cape Club – Lot release request

J.Druley - How much work is left?

T.Bott - They will have it staked Thursday and anticipate the paving being done by the end if next week. I believe the septic system is installed but the issue is the flow. They will have a tite tank in the interim and will be pumping it on a regular basis.

Committee Reports
P.Dreyer - Coastal Resiliency had a meeting with the preliminary results from the Woods Hole Group. They identified a series of projects that are at risk.

ANNOUNCEMENTS:
T.Bott - Community Forum on sober houses on Tuesday, June 11th at 6-8pm at the Falmouth High School.

GENERAL CORRESPONDENCE: May 29, 2019 thru June 4, 2019
None.

FUTURE AGENDA ITEMS:
C.Harris - Design Review
P.Dreyer - Invite the chairman of Coastal Resiliency committee and an update on the County Commission work on Davis Straits.
J.Fox - Mixed use developments

NEXT MEETING: June 18, 2019

MOTION by R.Leary to adjourn at 8:00 pm.
Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary