

## **1.0 LAND USE AND GROWTH MANAGEMENT**

- 1.1*      Goal 1.      To encourage sustainable growth and development consistent with the carrying capacity of Falmouth's natural environment in order to maintain Falmouth's economic health and quality of life, and to encourage the preservation and creation of village centers and downtown areas that provide a pleasant environment for living, working and shopping for residents and visitors.
- 1.2*      Goal 2.      To preserve and enhance agricultural uses that are environmentally compatible with Falmouth's natural resources in order to maintain economic diversity, low population densities and scenic resources associated with agricultural lands.

### **Land Use and Growth Management Policies**

- 1.1.1*      1.      Compact forms of development such as cluster development, redevelopment within designated growth centers and, where appropriate, mixed-use residential/commercial development, shall be encouraged in order to minimize further land consumption and protect open space.
- 1.1.2*      2.      All residential subdivisions of five or more lots or greater than five acres shall submit a cluster development preliminary plan during the development review process unless the Planning Board waives this requirement.
- 1.1.3*      3.      Extension or creation of new roadside "strip" commercial development outside of designated growth centers shall be prohibited.
- 1.1.7*      4.      Where strip commercial development exists efforts shall be made to improve their appearance through sign control, landscaping, design review and redevelopment.
- 1.1.4*      5.      Development and redevelopment should be directed to village, regional and industrial growth centers that have sufficient carrying capacity to sustain the impacts of growth and development.
- 1.1.5*      6.      Development and redevelopment should be directed away from the Cape wide open space/greenbelt network.
- 1.1.6*      7.      Adequate infrastructure, including water and sewerage, should be provided by public and private means in designated growth centers to support appropriate levels of density as determined by Towns in their local comprehensive plans.
- 1.1.8*      8.      Appropriate redevelopment of existing residential and commercial areas and construction within existing subdivisions should be encouraged in areas that have the capacity to sustain the impacts of this additional development in order to accommodate growth while minimizing additional development of land.

- 1.1.9 9. Commercial and industrial subdivisions should be encouraged to consider the use of cluster development wherever appropriate.
- 1.1.10 10. Use of Transfer of Development Rights should be encouraged in order to concentrate development in growth centers with adequate infrastructure and preserve open space in outlying areas, and in order to provide an economic alternative to landowners where stringent application of a minimum performance standard could constitute a taking.
- 1.2.1 11. New development adjacent to lands in active agricultural production shall maintain or provide a thickly vegetated buffer of sufficient width to prevent conflicts between the development and existing agricultural uses. New agricultural operations in developed residential areas shall also provide a buffer to minimize impacts on these adjoining areas.
- 1.2.2 12. Management practices such as those developed by Cooperative Extension and Soil Conservation Service should be encouraged to maintain the productivity of agricultural lands and minimize use of chemical fertilizers and pesticides that could adversely impact the environment.
- 1.2.3 13. Development unrelated to agricultural operations should be designed so as to avoid or minimize development on lands capable of sustained agricultural production as evidenced by soils, recent agricultural use, and/or surrounding agricultural use.

## 2.1 WATER RESOURCES

- 2.1.1 Goal 1. To maintain and improve the overall quality and quantity of Falmouth's ground and surface water to ensure a sustainable supply of high quality drinking water and to preserve and improve the ecological integrity of marine and fresh surface waters.
- Goal 2. To meet the requirements of the Federal Safe Drinking Water Act in the most cost-effective way possible.
- 2.1.2 Goal 3. To encourage the use of public and private sewage treatment facilities in appropriate areas where they will provide environmental or other public benefits and where they can be adequately managed and maintained.
- 2.1.3 Goal 4. To alleviate operating and environmental problems associated with Falmouth's existing wastewater treatment plant on Blacksmith Shop Road and the municipal landfill on Thomas Landers Road.
- Goal 5. To conserve Falmouth's drinking water supply by reducing waste and overuse.

### **Definitions**

- A. **Water Protection Areas:** Consists of zones of contribution to existing public and community water supply wells and surface water supplies approved by DEP. These areas shall be

delineated by a consistent method and in conjunction with state standards for Zone IIs (as defined in 310 CMR 22.02). Water Protection Areas for potential public water supplies shall be defined in accord with state regulations. the Water Resource Protection District overlay Zoning Map should be amended by adding these areas.

- B. **Fresh Water Recharge Areas:** Consist of recharge areas to fresh water ponds as mapped by a method acceptable to the Town.
- C. **Marine Water Recharge Areas:** Consist of recharge areas to nitrogen-sensitive embayments as mapped by a method acceptable to the Town. Critical eutrophic levels of total-nitrogen for marine waters (i.e. coastal ponds) are specified in Falmouth Zoning By-laws Article XXI.
- D. **Impaired Areas:** Consists of areas where ground water has been significantly degraded by pollution, by an amount (to be specified by the Town) unless monitoring shows that ground water quality has not been significantly degraded, areas with unsewered residential developments where lots, on the average, are less than 20,000 sq. ft; landfills; septage and waste water treatment plant discharge sites; high density commercial and industrial areas and those down gradient areas where ground water has been degraded by these sources. All identified growth centers shall be classified as Impaired Areas unless ground water monitoring shows ground water quality has not been significantly degraded.
- E. **Water Quality Improvement Areas:** Consist of Impaired Areas that are located within Water Protection Areas and Freshwater and Marine Water Recharge Areas. In such areas improvement of water quality is a major goal.
- F. **Potential Public Water Supply Areas:** Consist of potential public water supply areas that have been identified by the Town, as future well sites and their associated recharge areas.

## Water Resources Policies

- 2.1.1.1 1. Except as otherwise specified below, no development or redevelopment shall result in greater than 5 ppm nitrate-nitrogen in ground water. The term "nitrate-nitrogen loading standard" when used below shall be based on a methodology published by Frimpter et. al. 1988 and Cape Cod Commission Water Resources Office Technical Bulletin # 91-001.
- 2.1.1.2 2. All development and redevelopment shall comply with the minimum performance standards outlined in the following water resources classification system. If a property is located where two classifications overlap. The more stringent standards shall apply. The water resources classification system is illustrated on the map "Regional policy plan-Cape Cod Water Resources Classification map" approved June 20, 1991 as amended, and described below:

## In Water Protection Areas:

- 2.1.1.2.A.1* A1. The maximum loading standard for nitrate-nitrogen impact on ground water shall be 5 ppm for development and redevelopment unless a cumulative impact analysis indicates a more stringent loading standard is necessary. Developments of Regional Impact that generate more than 10,000 gpd of sewage effluent may be required to prepare a cumulative impact analysis using the methodology presented in CCC Water Resources Technical Bulletin #91-001.
- 2.1.1.2.A.2* A2. Commercial and industrial development and redevelopment that involves the use, treatment, generation, storage or disposal of hazardous wastes or hazardous materials as defined by the Falmouth Health Regulations shall not be permitted, with the exception of retail sales in household quantities, household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390, waste oil retention facilities required by MGL C. 21 Sec. 52A, and use and storage of hazardous materials in household quantities.
- 2.1.1.2.A.3* A3. Public and private sewage or septage treatment facilities shall not be permitted in these areas, except as provided in subsection E.2 below and subject to Water Resource Policies 17 through 23.
- 2.1.1.2.A.4* A4. Uses prohibited in Zone II by state regulations 310 CMR 22.21(2) shall not be permitted in these areas.

**In Fresh Water Recharge Areas:**

- 2.1.1.2.B.1* B1. In order to limit phosphorus inputs, no subsurface disposal systems shall be permitted within 300 feet of mean high water of fresh water ponds unless the applicant demonstrates by a ground water study that the site is not within the Fresh Water Recharge Area.
- 2.1.1.2.B.2* B2. Developments that generate over 10,000 gpd of sewage effluent may be required to delineate the ground water recharge areas to potentially affected fresh water ponds in order to identify and mitigate adverse impacts.
- 2.1.1.2.B.3* B3. Public and private sewage treatment facilities may be used within Fresh Water Recharge Areas subject to Water Resource Policy E2 and Policies 17 through 23.

**In Marine Water Recharge Areas**

- 2.1.1.2.C.1* C1. The Town shall delineate the ground and surface water recharge areas discharging to down gradient embayments and other marine waters that may be nitrogen sensitive in order to identify and mitigate potential adverse impacts.
- C2. The Town shall prepare a separate nitrogen control strategy for each coastal pond recharge area. The strategy shall include required nitrogen discharge controls for development, redevelopment, and existing development to achieve water quality standards specified in the zoning Bylaws.

- 2.1.1.2.C.2 C3. Development and redevelopment may be required to prepare a cumulative impact analysis, including flushing rate determination, using the methodology and procedures specified by the Falmouth Planning Board.
- 2.1.1.2.C.4 C4. Public and private sewage treatment facilities may be used within Marine Water Recharge Areas subject to Water Resource Policy E2 and Policies 17 through 23

**In Impaired Areas:**

- 2.1.1.2.D.1 D1. Development and redevelopment shall generally meet a 5 ppm nitrate-nitrogen loading standard for impact on ground water, but may increase to 10 ppm nitrate-nitrogen where it can be demonstrated to the permitting authority that such increase will cause no significant adverse impact on wetlands, water bodies, public or private drinking water supply wells and potential water supply wells as identified in Policy F1 regarding Potential Public Water Supplies below.
- 2.1.1.2.D.2 D2. Where existing development exceeds the 10 ppm nitrate-nitrogen loading standard, redevelopment of that property shall not increase existing levels of nitrogen loading.
- 2.1.1.2.D.3 D3. Public and private sewage treatment facilities, as well as other remediation measures such as community septic systems shall be encouraged in Impaired Areas. Public and private sewage treatment facilities shall be subject to Policies 17 through 23 below.
- 2.1.1.2.D.4 D4. The development of public or community water supply systems shall be encouraged for areas serviced by private wells in Impaired Areas.

**In Water Quality Improvement Areas:**

- 2.1.1.2.E.1 E1. Development and redevelopment shall not exceed a 5 ppm nitrate-nitrogen loading standard or an identified marine water standard as applicable. Where existing development exceeds that identified loading standard, redevelopment shall improve existing levels of nitrate-nitrogen loading.
- 2.1.1.2.E.2 E2. Use of public and private sewage treatment facilities shall be as follows: a) within Water Quality Improvement Areas that are in Water Protection Areas, public and private sewage treatment facilities may be used only to remediate existing problems as specified in 310 CMR 22.21 OR 310 CMR 5.00; b) within Water Quality Improvement areas that are in Fresh Water and/or Marine Water Recharge Areas, public and private sewage treatment facilities may be used in conjunction with any development or redevelopment. All such facilities shall be subject to Policies 17 through 23 below.

**In Potential Public Water Supply Areas:**

- 2.1.1.2.F.1* F1. No development shall be permitted in the well site area and in the area within 400 feet of the potential well site. Within the recharge areas, the same standards apply as in Wellhead Protection Areas above.
- 2.1.1.3* 3. Development and redevelopment shall identify their proposed wells and existing public and private wells on abutting properties within 400 feet and assess the impact of the development on the water quality and quantity of these wells. Septic systems shall be sited so as to avoid contamination of existing or proposed wells.
- 2.1.1.4* 4. Conversion from seasonal to year-round uses in FEMA A flood zones or within 100 feet of wetlands shall not be permitted unless the proponent demonstrates that the proposed alterations will protect ground water quality by maintaining nitrate-nitrogen loading at no greater than 5 ppm or improving nitrate-nitrogen loading levels where existing levels are greater than 5 ppm. The proponent must also demonstrate that the project will not have other adverse impacts on ground water or adjacent surface water areas and wetlands.
- 2.1.1.5* 5. New direct discharge of untreated stormwater and waste water into marine and fresh surface waters shall not be permitted.
6. The plume boundaries of any ground water contaminated with significant concentrations of toxic pollutants shall be identified and tracked with time. cost effective measures for remediation of such plumes and retarding their spread shall be developed. The public shall be kept informed about the significance of all such problems and progress in remediating them.
7. All homes with private wells imminently threatened by significant groundwater contamination shall be supplied with municipal water to minimize threats to public health.
8. Installation of private wells to provide water for human consumption in areas imminently threatened by significant groundwater contamination, shall be prohibited to minimize threats to public health. Use of private wells for irrigation should be encouraged.
- 2.1.1.6* 9. Water withdrawals shall comply with the state Water Management Act and should be managed so that they do not adversely affect surface water resources, wetlands, private wells or the safe yield of the aquifer.
- 2.1.1.7* 10. The development, use and permitting of appropriate new innovative technologies designed to improve wastewater treatment by reducing nutrient loading should be encouraged.
- 2.1.1.8* 11. In general stormwater should be disposed of on site. Where existing untreated stormwater discharges exist, mitigation should be encouraged through the use of vegetated swales and other best management practices. Stormwater drainage calculations should be based on the projected 25-year 24-hour storm, using SCS TR-55 calculations or an other method acceptable to the Town.
- 2.1.1.10* 12. Development and redevelopment should minimize the use of chemical fertilizers and pesticides.

- 2.1.1.11 13. Cleanup of chemical spill and contamination sites should be expedited.
14. Falmouth should insist that the us department of defense as the “Responsible Party” under the Superfund law, contain all plumes emanating from the Massachusetts Military Reservation as soon as possible so that additional areas of groundwater in Falmouth do not become contaminated. “Containment” shall mean halting any extension of the plume.
15. Falmouth should insist that any significant groundwater contamination be eliminated as soon as possible.
16. All public water supply wells imminently threatened by significant groundwater contamination should be shut down or retrofitted with suitable water treatment (such as activated carbon filters) to prevent violation of drinking water quality standards.
- 2.1.2.1 17. Private Sewage Treatment Facilities (PSTFs) may be constructed only if there are no public treatment facility options available or planned.
- 2.1.2.2 18. All public and private sewage treatment facilities shall be designed to maintain a 5 ppm nitrate-nitrogen standard in the groundwater at the downgradient property line.
- 2.1.2.3 19. The construction of PSTFs shall not allow development to occur at a higher density than would be allowed by local zoning nor be used as the basis for a change in local zoning.
- 2.1.2.4 20. The construction of PSTFs shall be consistent with municipal capital facilities plans. Falmouth shall have the right to assume ownership and maintenance responsibilities for such facilities.
- 2.1.2.5 21. PSTFs shall not be constructed in FEMA V zones and floodways. Areas of Critical Environmental Concern (ACEC's), wetlands and buffer areas, barrier beaches, coastal dunes or critical wildlife habitat. PSTFs may be constructed in FEMA A zones only to remediate water quality problems from existing development within such A zones and consistent with Coastal Resources Policies 8 and 12.
- 2.1.2.6 22. The long-term ownership, operation, maintenance and replacement of PSTFs shall be secured as a condition of approval in accordance with Commission, state and local guidelines.
- 2.1.2.7 23. Applications for approval of public and private sewage treatment facilities shall include a plan for sludge disposal.
24. Falmouth shall plan to expand public waste water treatment facilities to areas that have the greatest needs based on potential for abating groundwater and surface water contamination.
- 2.1.2.8 25. Falmouth may provide bonus provisions to allow increased development density through their local bylaws provided that the development provides a substantial public benefit such as the provision of affordable housing substantially above the required 10% level, or treatment of substantial amounts of sewage from existing non-sewered development.

- 2.1.2.9 26. When allowing development in areas with water quality problems, may require PSTFs to be installed as a remedial measure.
27. Development and redevelopment shall make use of water conservation technologies.
28. Falmouth shall accurately measure and record all Town water use.
29. Falmouth shall provide leak detection and repair, and system maintenance programs to reduce water loss.
30. Development and redevelopment shall reduce water used for landscaping and lawn care. Use of drought resistant lawn grass species, prohibition of lawn irrigation systems, use of indigenous shrubs, and conservation of water use on golf courses shall be encouraged.
31. Falmouth shall adjust its water rate not only to cover all costs of providing safe water, but also to promote conservation and reduce demand.
32. Falmouth shall inform the public about ways to conserve water and the benefits of conservation.
33. Falmouth shall develop procedures and enforcement measures to minimize with water shortages caused by drought or other emergencies.
34. Falmouth should promote the use of water saving devices and fixtures such as low flow toilets.

## **2.2 COASTAL RESOURCES**

- 2.2.1 Goal 1. To protect the public interests in the coast and rights for fishing, fowling and navigation, to preserve and manage coastal areas so as to safeguard and enhance their biological, economic and aesthetic values, and to preserve and where appropriate expand public access to the shoreline.
- 2.2.2 Goal 2. To limit development in high hazard areas in order to minimize the loss of life and structures and the environmental damage resulting from storms, natural disasters and sea level rise.
- 2.2.3 Goal 3 To maintain and improve coastal water quality in all coastal waters, and to protect coastal ecosystems and habitats.
- 2.2.4 Goal 4. To balance the interests of the many water users and to address the needs of both water dependent and non-water dependent development.

### **Coastal Resources Policies**

- 2.2.1.1 1. Development and redevelopment along the coastline shall not interfere with existing public access and traditional public rights of way to and environmentally appropriate use of the shoreline.

- 2.2.1.3 2. The construction of walkways, where environmentally acceptable, shall be encouraged to enhance shoreline access for the public, including disabled individuals.
- 2.2.1.4 3. Public access shall be provided at publicly funded beach nourishment sites where such access will not impair natural resources. The Town may waive this requirement for nourishment sites it contracts on private lands.
- 2.2.1.2 4. Development and redevelopment should reflect the traditional maritime character or architectural style typical of the area and should be designed to maintain and enhance views of the shoreline from public ways, access points and existing development. Any part of a structure below the base flood elevation that is reconstructed according to FEMA regulations shall not be enclosed. (See Open Space Policy 6.)
- 2.2.1.5 5. If an existing water-dependent facility is within 250 feet of the mean high water line or shoreward of the first public way, whichever is less, it should not be allowed to change to a non-water dependent facility unless a public benefit is provided to accommodate for the loss of the water dependent use.
- 2.2.1.6 6. Development or redevelopment of water dependent facilities should provide coastal access benefits to the general public. Such access should minimize interference with the water dependent use.
- 2.2.2.1 7. Except as specified in Policy 11, no development or redevelopment shall be permitted within FEMA V flood zones. Existing structures may be reconstructed or renovated provided there is no increase in floor area or intensity of use. As an exception, where there is no feasible alternative, water dependent structures and uses may be permitted subject to the approval of all permitting authorities.
- 2.2.2.2 8. In order to accommodate possible sea level rise and increased storm intensity, ensure human health and safety, and protect the integrity of coastal landforms and natural resources, all new buildings, buildings substantially improved, or buildings substantially damaged within FEMA A and V flood zones shall be designed one vertical foot above existing FEMA base flood elevations and state building code construction standards. (EDITOR'S NOTE: Definition of substantial damage or improvement as per Zoning Bylaw would apply here)
- 2.2.2.3 9. Except as specified in Policy 11, no development or redevelopment shall be permitted on barrier beaches and coastal dunes as defined by the Wetlands Protection Act and associated regulations and policies. Existing structures may be reconstructed or renovated provided there is no increase in floor area or intensity of use and such reconstruction or renovation complies with Policies 15 and 16. Water dependent public recreation facilities in these locations may be permitted if approved by all permitting authorities.
- 2.2.2.4 10. Development and redevelopment on or within 100 feet landward of a coastal bank or dune shall be designed to have no adverse effect on the height, stability, vegetation or the use of the bank or dune as a natural sediment source. In areas where banks or dunes are eroding, the setback for all new buildings and septic systems at the top of the coastal bank or dune crest shall be at least 30 times the average annual erosion rate of the bank or dune. This rate shall be determined by averaging the erosion over the previous 30 year period at a minimum. In instances where shoreline erosion rates are indicative of bank/dune erosion rates, MCZM shoreline change maps may be used in determining the

setback. Where no feasible alternative exists, water dependent structures and uses serving a public may be permitted if approved by all permitting authorities.

- 2.2.2.5 11. Where fire, storm or similar disaster has caused damage to or loss of buildings in FEMA A and V FLOOD zones, on barrier beaches, coastal banks or coastal dunes of greater than 50 percent of their tax assessment valuation, all reconstruction shall be in compliance with current applicable regulations and shall be designed in accordance with Water Resources Policy 4, and Coastal Resources Policies 8, 10, 15 and 16. In FEMA V flood zones any reconstruction shall not enlarge or expand the use of an existing structure
- 2.2.2.6 12. No new public infrastructure or expansion of existing infrastructure shall be made in FEMA V flood hazard zones unless it is shown that there is an overriding public benefit provided, and provided that such infrastructure will not promote new growth and development in flood hazard areas.
- 2.2.2.7 13. Activities that impact critical wildlife and plant habitat areas as identified in Wetlands Policy 9A, wetlands, dunes, shallow estuarine areas and shorebird breeding habitat areas shall be minimized.
- 2.2.2.8 14. Wherever feasible, dredge material should be used for beach nourishment in areas subject to erosion. Such material should be clean and compatible with existing strata.
- 2.2.3.1 15. For existing structures in FEMA V flood zones, no new septic systems shall be allowed, except acceptable alternative systems to title v. Within FEMA V flood hazard zones new mounded septic systems shall be prohibited except to upgrade existing substandard septic systems where such systems pose a threat to public health, water quality or natural resources. All new septic systems in FEMA A flood zones shall meet minimum Title 5 or equal standards.
- 2.2.3.2 16. In order to accommodate a one foot rise in relative sea level, all new and replacement septic systems within FEMA A zones shall be designed with a minimum five foot separation to ground water.
- 2.2.3.3 17. No new direct, stormwater discharges shall be permitted into any coastal waters or wetlands, including discharges above or below the mean high water level.
- 2.2.3.4 18. Stormwater management systems shall be designed to accommodate a one foot rise in relative sea level.
- 2.2.3.5 19. In order to avoid loss of shellfish habitat and minimize impacts on wetlands, construction of community docks and piers, rather than separate structures serving individual lots, shall be required. In either historic or current areas of significant shellfish habitat, as identified by the Division of Marine Fisheries or local shellfish officials, the construction or expansion of docks and piers for non water-dependent uses and private recreational boating facilities shall not be permitted. Docks and piers damaged or destroyed by storms may be replaced if approved by state and local authorities. this policy shall not preclude construction or maintenance of water-dependent structures serving a public purpose.
- 2.2.3.6 20. New marinas of 10 or more slips, moorings, or active landward storage berths, and expansions of existing marinas shall provide or contribute to the provision of adequate boat sewage pump-out facilities in each harbor and shall provide rest rooms for their patrons. Such marinas shall also provide

or contribute to provision of adequate collection facilities for solid waste and waste oil for their patrons.

- 2.2.3.7 21. New dredging projects or expansion of existing dredging projects shall not occur unless a substantial public benefit can be demonstrated including but not limited to enhancement of fish or shellfish habitat or necessary improvements to navigation safety.
- 2.2.3.8 22. Undisturbed buffer areas of 100 feet width surrounding coastal wetlands and/or landward of the mean high water mark of coastal water bodies shall be protected as specified in Wetlands Policy 2.
- 2.2.3.9 23. All waterfront fueling facilities shall be upgraded to ensure that best management practices are used to avoid adverse impacts to water quality.
- 2.2.4.1 24. All development and redevelopment along the coast shall conform to the policies and guidelines, as applicable, found in the Falmouth "coastal plan with harbor management guidelines, July 1989, as amended.

### **2.3 WETLANDS WILDLIFE AND PLANT HABITAT**

- 2.3.1 Goal 1. To preserve, restore and enhance the quality and quantity of inland and coastal wetlands in Falmouth.
- 2.4.1. Goal 2. To enhance and to prevent loss or degradation of critical wildlife and plant habitat, to promote creation of new wildlife and plant habitat, to minimize the impact of new development on wildlife and plant habitat and to maintain existing populations and species diversity.
- Goal 3. To develop a comprehensive system for documenting and evaluating Falmouth's natural environment .

#### **Wetlands and Wildlife Policies**

- 2.3.1.1 1. Wetland loss, destruction or alteration shall not be permitted except as provided herein and in Wetlands/Wildlife and Plant Habitat Policy 3 (below) or in regulations promulgated by the conservation commission, board of health or in wetlands bylaws. As an exception, where there is no feasible alternative, water dependent projects involving wetland alteration and appropriate mitigation may be permitted subject to the approval of all permitting authorities.
- 2.3.1.2 2. Natural, undisturbed buffer areas of at least 100' width in all developments of regional impact and all districts of critical planning concern, and of at least 50' width in all other areas, shall be maintained from the edge of coastal and inland wetlands including isolated wetlands, to protect their natural functions including but not limited to mitigation of stormwater impacts and their wildlife habitat value. This policy shall not be construed to preclude pedestrian access paths, vista pruning, or construction and maintenance of water dependent structures within the buffer area, any of which may be permitted at the discretion of permitting authorities where there is no feasible alternative to their location. The

Conservation Commissions shall require a larger buffer area where necessary to protect sensitive areas or where site conditions such as slopes, vegetation or soils suggest that a larger buffer area is necessary to prevent any adverse impact to wetlands and associated wildlife habitat. Where a buffer area is already developed, this requirement may be modified by the permitting authority, provided it makes a finding that the proposed alteration will not increase adverse impacts on that specific portion of the buffer area or associated wetland.

- 2.3.1.3 3. Disturbance of wetlands and buffer areas for operation and maintenance of underground and overhead utility lines (electrical, communication, sewer, water and gas lines) may occur. Installation of new utility lines through these areas may occur where the permitting authority finds that the proposed route is the best environmental alternative for locating such facilities. In all instances, disturbance of wetland and buffer areas shall be minimized and surface vegetation, topography, and water flow and other significant features, including but not limited to shellfish and wildlife habitat, shall be restored substantially to the original condition.
- 2.3.1.4 4. Stormwater management plans for development and redevelopment shall preclude direct discharge of untreated stormwater into wetlands and water bodies other than drainage swales or channels specifically constructed for stormwater management may be allowed.
- 2.3.1.5 5. Measures to restore altered or degraded inland and coastal wetlands, including non-structural bank stabilization, revegetation, pond or stream restoration and beach nourishment shall be encouraged.
- 2.3.1.6 6. Construction of artificial wetlands for stormwater and wastewater management shall be encouraged in appropriate areas where there will be no adverse impact on natural wetlands, waterways or groundwater.
- 2.3.1.7 7. For agricultural activities in wetlands and buffer areas, Best Management Practices (BMPs) that improve water quality, conserve water, protect fish and wildlife habitat, and prevent siltation and erosion as recommended by the Conservation Commission or other permitting authority shall be required.
8. Falmouth shall protect and preserve its naturally flowing streams and rivers. In no case shall any destruction, relocation, channelization, straightening, filling, regrading, or other topographical or hydrological alteration be permitted within any naturally flowing stream or river. As an exception to this policy are activities related to fisheries, flood management, and the repair or replacement of public ways by state, municipal or other public agencies.
- 2.4.1.1 9. Falmouth adopts the Critical Wildlife and Plant Habitat and General Wildlife and Plant Habitat classification system presented in the Cape Cod Commission Regional Policy Plan as follows:
  - 2.4.1.1.A A. Critical Wildlife and Plant Habitat: Consist of habitat areas of rare (threatened or endangered) plant and wildlife species and species of special concern as generally identified and mapped by the Natural Heritage and Endangered Species Program and other critical habitat areas as identified and mapped by the Association for the Preservation of Cape Cod's "Cape Cod Critical Habitats Atlas", or as mapped or designated by the Conservation Commission or Department of Natural Resources.

- 2.4.1.1.A.1* A.1. The Natural Heritage Program has agreed to review Developments of Regional Impact proposed within these areas. Developments of that would adversely affect habitat of local populations of rare wildlife, plants, fish or shellfish shall not be permitted. the Conservation Commission or natural resource department shall review all development in or near areas of critical wildlife or plant habitat. Development may be permitted where the proponent can demonstrate to the Conservation Commission or other permitting authority that such development would not adversely affect such habitat.
- 2.4.1.1.A.3* A.2. A wildlife and plant management plan shall be required as a condition of approval when development or redevelopment is permitted in critical wildlife and plant habitat areas.
- 2.4.1.1.A.3* A.3. Clearing of vegetation in or within 100 feet of critical wildlife and plant habitat shall be limited to the minimum area needed for building construction, roads, driveways and accessory structures and as needed for safe sight distances. Any area within 100 feet which has been disturbed during construction, but which is not required for permitted building space, roadways, driveways or sight lines, shall be restored immediately on completion of construction to its original natural state. Clearing of vegetation may be permitted to create edge habitat or other suitable habitat for wildlife, within or near any critical habitat area, provided that any such clearing will not adversely impact rare, threatened or endangered species, or any species of special concern.
- 2.4.1.1.A.4* A.4. Within critical plant and wildlife habitat harvesting of naturally occurring plant or animal species shall not be restricted any further than necessary to protect rare, threatened or endangered species or species of special concern, except as provided by state law and in accordance with best management practices.
- 2.4.1.1.B* B. General Wildlife and Plant Habitat: Consists of all other undeveloped areas.
- 2.4.1.1.B.1* B.1 Applications for development and redevelopment with impacts that propose to alter such areas shall contain a wildlife and plant habitat assessment. Such assessments shall identify the presence and location of wildlife and plant habitat, including vernal pools, and be a guide for the layout of the development. Developments shall be planned to minimize impacts to wildlife and plant habitat.
- 2.4.1.1.B.2* B.2 Clearing of vegetation and alteration of natural topography shall be minimized, with appropriate vegetation planted as needed to restore the environmental character of the site.
- 2.4.1.1.B.3* B.3 the harvesting of naturally occurring plant or animal species shall not be restricted within these areas except as provided by local and state law and in accordance with best management practices.
- 2.4.1.2* 10. Development shall be prohibited in vernal pools designated by either the Commonwealth of Massachusetts or the Conservation Commission and within a minimum 100' buffer around these areas. These areas shall not be used for stormwater management.

- 2.4.1.3 11. Fragmentation of wildlife and plant habitat shall be minimized by the establishment of greenways and wildlife corridors of sufficient width to protect not only edge species, but species that inhabit the interior forest, as well as by the protection of large unfragmentated areas, and the use of open space or cluster development. Wildlife should be provided with opportunities for passage under or across roads and through developments where such opportunities will maintain the integrity of wildlife corridors.

### **3.0 ECONOMIC DEVELOPMENT**

- Goal 1. To create a regulatory climate that makes Falmouth more business friendly, both to retain existing businesses and to attract diversified, small-scale businesses.
- 3.1 Goal 2. To promote economic developments that are compatible with Falmouth's environmental, cultural, and economic strengths in order to ensure balanced economic development.
- 3.2 Goal 3. To locate development so as to preserve Falmouth's environment and cultural heritage, minimize adverse impacts, and enhance the quality of life.
- 3.3 Goal 4. To encourage the creation and diversification of year-round employment opportunities.
- Goal 5. To maintain a desirable level of the visitor industry.
- Goal 6. To make better use of the large retired population which brings both monetary wealth and a wealth of experience and know-how to Falmouth.

#### **Economic Development Policies:**

1. Falmouth should encourage beautification and restoration projects that retain existing businesses and attract new businesses to downtown Falmouth village, and to other designated village sections.
2. Falmouth should assist prospective business owners with the permitting process and dealing with the various Town departments to make this process more effective, timely, and less costly.
3. Falmouth should explore ways for small new businesses to obtain capital.
4. Falmouth should promote economic development that is in balance with available living space and predicted population growth.

5. Falmouth should encourage embryonic businesses such as incubator projects that relate to the Town's scientific, medical, and natural resources, and where possible should seek growth through local resources rather than through importing.
6. Falmouth should encourage individual, at-home businesses.
7. Falmouth should provide adequate zoned land and infrastructure (water supply, sewage disposal, electric power, etc.) To sustain planned economic growth.
8. Falmouth shall foster and support only economic developments which harmonize with the historic, natural, and aesthetic characteristics of the Town.
9. Falmouth shall identify and promote use of economic growth centers such as the Technology Park and downtown Falmouth, and discourage haphazard sprawl and strip developments. And encourage new facades to be aesthetically pleasing and in character with appropriate architecture.
- 3.2.1 10. As specified in other sections of the Cape Cod Commission Regional Policy Plan, the following incentives shall be provided to encourage development and redevelopment to locate in designated growth centers:
  - A. The nitrate-nitrogen standard for ground water may be increased to 10 ppm where such increase will cause no significant adverse impact on specific identified resources. (See Water Resources Policy 2.) Traffic conditions may be reduced to Level of Service E if there is a provision for safe pedestrian traffic. (See Transportation Element Policy 1.)
  - B. Public and private sewage treatment facilities may be used. (See Water Resources Goal 3.)
  - C. Commercial redevelopment in growth centers is exempt from providing 40% open space on or off-site. Residential redevelopment in growth centers need only maintain the existing amount of open space. (See Open Space and Recreation Policy 4)
11. New retail and other commercial structures shall be in scale with their surroundings, not mega-sized businesses.
- 3.2.2 12. Development and redevelopment should be concentrated in designated growth centers in order to use land more effectively create places more oriented to pedestrians, bicyclists and public transit, to preserve open space and maintain Falmouth's attractiveness.
- 3.2.2.1 13. Village growth centers should be maintained and restored by concentrating small scale professional service, retail, office, home-based industry and community activities in these areas.
- 3.2.2.2 14. Large-scale commercial activities should be concentrated in regional growth centers where adequate infrastructure is available.
- 3.2.2.3 15. Manufacturing and warehousing business activities should be concentrated in industrial growth centers.

- 3.2.2.4 16. Creative redesign, revitalization, and infill of existing strip commercial developments should be encouraged, where adequate infrastructure is available.
- 3.2.3 17. Resource-based economically productive areas including agricultural land, harbors, fishing grounds, and recreational area should be maintained specifically for those uses. and expanded where possible.
- 3.3.1 18. Development and Redevelopment should be evaluated for job creation, occupational and salary opportunities for local workers, and for their impact on decent affordable housing for employees.
- 3.3.2 19. Falmouth should encourage projects which provide permanent, year-round jobs and employment training opportunities.
- 3.3.5 20. Falmouth should promote economic development designed to provide jobs and income to meet the needs of the people of Falmouth.
- 3.3.6 21. Falmouth should work with the Falmouth Chamber of Commerce to investigate ways to extend the tourist season in the fall and spring and to explore alternative off-season uses of facilities now used primarily in the summer.
- 22. Falmouth should continue to encourage and develop the international visitor market.
- 23. Falmouth should improve facilities for visitors, such as public restrooms, adequate local bus transportation, and special assistance for foreign travelers.
- 24. Falmouth should develop Town amenities such as a waterfront walk leading from downtown Falmouth to the marina area, beautification in downtown Falmouth, and identification of historic buildings and areas through better signage.
- 25. Falmouth should study the needs of the retired citizens and work with them on ways in which they might further contribute to the community.

## **4.1 TRANSPORTATION**

Goal 1. Create a Town Meeting authorized, permanent transportation management commission (TMC) which shall oversee, implement and maintain the provisions of the transportation element of the local comprehensive plan. This commission should be permanent and comprised of one member from each Town board, commission and agency with jurisdiction over transportation infrastructure and elected and appointed citizens.

*4.1.1* Goal 2. To foster a transportation system for Falmouth which is safe, convenient, accessible, economic and consistent with Falmouth's historic, scenic and environmental resources. Except in designated growth centers the following Classification System and Policies shall apply.

*4.1.2* Goal 2. To promote alternative modes of transportation so as to reduce dependence on private automobiles.

*4.1.3* Goal 3. To minimize the effects of the traffic and parking demands associated with the institutions in Woods Hole. These institutions include the Marine Biological Laboratory, National Marine Fisheries, National Oceanographic and Atmospheric Administration, Woods Hole Oceanographic Institution and the United States Coast Guard. Regarding the Steamship Authority:

The Falmouth Board of Selectmen desires to work productively and cooperatively with the Steamship Authority and its board members to identify and resolve issues of mutual interest.

The Selectmen desire to develop a consensus on growth management and to minimize the effects of traffic and parking demands associated with the Steamship Authority in order to maintain both an economy and a quality of life that are consistent with Falmouth's natural, historic, scenic, and environmental resources.

The Selectmen want the steamship authority to remain solvent and to keep Falmouth as one mainland port.

The Selectmen want the Authority to: advertise public transportation linkages, investigate and evaluate additional points of departure, cap authority parking in Falmouth, and develop a long range plan jointly with Martha's Vineyard and the public.

*4.1.1.1* 1. Development and redevelopment shall not degrade the existing levels of service (LOS) of surrounding roads and intersections based on summer peak hour traffic volumes. Levels of service shall be measured using performance indicators such as reserve capacity, delay at intersections and volume to capacity ratio as defined in the Highway Capacity Manual. As an exception, within designated growth centers, levels of service may be reduced to LOS D if there is a provision for safe pedestrian traffic. Where existing levels of service are below these specified levels, development and redevelopment shall maintain or improve performance indicators.

*4.1.1.2* 2. Development and redevelopment shall mitigate any traffic impacts that are created by such developments. The mitigation strategies shall include both structural and nonstructural improvements

with special emphasis on alternatives to private automobile transportation. Necessary improvements shall occur concurrently with any development or a contribution of funds towards the necessary improvements shall be provided. All traffic mitigation measures on state highways must be in accordance with Massachusetts Department of Public Works access requirements, standards and policies. All traffic mitigation on local roadways (Class D) shall be in accordance with Falmouth Department of Public Works access requirements, standards and policies. At a minimum, projects shall be evaluated using the Cape Cod Commission's Guidelines for Traffic Impact Assessment.

- 4.1.1.3 3. Development and redevelopment shall comply with permissible forms of mitigation as delineated below. These permissible forms of mitigation take into account not only road function and classification but the presence of environmentally sensitive areas, regional economic impacts and scenic and historic values. Roadway classifications are illustrated on the Regional Policy Plan Cape Cod Transportation Classification Map, June 20, 1991, as amended, And in the Falmouth Local Comprehensive Plan, as amended.

**Class A. Major Regional Roadways** - Major Regional Roadways consist of limited access roadways that provide mobility to and within heavily developed commercial areas. For example, Route 28 is a class a roadway.

**Class B. Regional Roadways with Scenic and Historic Values** - This category of roadway consists of regional roads that have scenic and historic values inherent to Cape Cod that must be preserved. Such roadways often provide access to a mix of residential and small commercial areas. for example, Route 28-A and Woods Hole Road are Class B roadways.

**Class C. Local Roadways of Regional Significance** - These are roads that typically serve local traffic but provide mobility between towns. Area development is often characterized primarily by residential uses. Examples of Class C roadways in Falmouth are Route 151 and Sandwich Road.

**Class D. Other Local Roadways** - These roads typically serve local traffic. All other roads not otherwise classified above are local roads. For example, Quaker Road is a Local Road.

**Class S: Scenic Road:** any local road that has designated scenic or historic values. for example, Shore Street is an Historic Road.

**Permissible Mitigation is as follows:**

- A. Alternatives to automobiles and reduction in peak hour site traffic: Along all roads (Classes A, B, C and D or S) mitigation that reduces automobile trips and peak traffic demands without construction of facilities for the alternate modes shall be permissible. Examples of this form of mitigation include demand management, providing shuttle bus services, car or van-pooling and promoting pedestrian and bicycle accessibility. If structural mitigation is required to reduce automobile trips, such as the construction of sidewalks, bicycle paths and shuttle bus stops, these shall be permissible provided that the construction does not significantly degrade environmentally sensitive areas or scenic or historic areas.

- B. Non-structural mitigation: Measures such as demand management, changes to pavement markings, signage, signal timing optimization of existing traffic lights, turn restrictions, changes in traffic patterns, limited removal of obstructions to safe sight distances, curb cut consolidation, conflict point reduction are generally permissible mitigation strategies on all roads.
- C. Structural mitigation (new signalization, new road links, intersection widening, road widening, interchange construction or improvements): These types of mitigation are generally acceptable only in areas that are not environmentally sensitive and do not have scenic or historic qualities that would be degraded by the mitigation and only if it is demonstrated that other forms of mitigation in 1 and 2 are inadequate to alleviate a project's impact on traffic safety and operations. Therefore, this mitigation is generally permissible only on Major Regional Roadways (Class A). Under limited circumstances, these may be permissible on portions of Local Roadways of Regional Significance (Class C) and Other Local Roadways (Class D) provided no scenic or historic values are degraded. Such mitigation is generally not permissible on Regional Roadways with Scenic and Historic Value (Class B).

- 4.1.1.4* 4. Construction of new regional roads and widening of major road segments shall be undertaken only where other alternatives have been demonstrated to be ineffective or infeasible. Such improvements shall be consistent with Falmouth's Local Comprehensive Plan.
- 4.1.1.5* 5. Proposed development and redevelopment shall analyze the summer peak hour condition in assessing traffic impacts.
- 4.1.1.6* 6. Development and redevelopment shall provide sufficient safe parking, either on-site or off-site within 300 feet of the building entrance. The Town shall encourage adjacent commercial uses to share parking and access points so as to minimize curb cuts and pavement coverage. Where appropriate, adequate off-site parking may be substituted for on-site parking. Where it is not feasible to provide private parking, new development shall contribute to the creation of public parking facilities.
- 4.1.1.7* 7. Where appropriate, permitting agencies shall encourage mixed use development in order to reduce automobile use between commercial and residential areas. Mixed use developments shall calculate parking based on the average weekday of the anticipated uses.
- 4.1.1.11* 8. Roadways and sidewalks shall be designed to accommodate access for the disabled.
- 4.1.1.8* 9. Where appropriate, subdivision roads should be connected with existing roads to avoid the creation of dead-end streets and contribute to the establishment of secondary road networks.
- 4.1.1.9* 10. Appropriate plantings outside of sight triangles should be encouraged along roads and median strips to improve appearance and provide screening.
- 4.1.1.10* 11. Primary access points from high scale, large traffic generating development should not be established where traffic is required to travel through areas with significantly lower densities or intensities.

**Except In Designated Growth Centers, The Following Policies Shall Apply:**

- 4.1.2.1 12. Development and redevelopment shall make provision for alternative transportation modes to offset at least **20%** of their projected traffic volumes. Acceptable alternatives include but are not limited to carpool programs, shuttle bus service, employee housing on-site, and related programs. In lieu of providing these services in-kind, the developer may make a contribution to the Cape Cod Regional Transit Authority or a private transit company approved by the Town in order to provide public transportation.
- 4.1.2.2 13. Development and redevelopment shall incorporate provisions for bicyclists and pedestrians so as to minimize automobile trips.
- 4.1.2.3 14. Roadway construction and upgrades shall include provisions for bikeways, pedestrians and bicyclists where appropriate. Roadway safety features such as adequate lane and shoulder widths, smooth pavements, pavement markings, bicycle and pedestrian responsive traffic signals and, where appropriate, separate grade bicycle paths (Class I) shall be included.
- 4.1.2.4 15. Bicycling and walking should be encouraged as an alternative to automobile trips. Where appropriate, historic footpaths should be maintained and safe bicycle links to regional bikeway networks should be established. Where feasible, bikeways and footpaths between existing subdivisions are encouraged in order to open up through-linked bicycling and walkway routes away from major roads.
- 4.1.2.5 16. Falmouth's current airport capacity should be maintained as a vital economic and transportation resource. The buffer area around Falmouth Airpark should be maintained to ensure future development in the buffer area is consistent with the airport operation, and development outside the buffer is protected from noise, fumes and loss of life or property.
- 4.1.2.6 17. Existing transportation rights-of-way should be retained for future transportation uses.
- 4.1.2.7 18. In areas where 50 or more people are employed or are proposed to be employed within a radius of one-quarter mile, Development and redevelopment should provide bus turn-outs, taxi stands, park and ride lots, or related facilities.
- 4.1.2.8 19. Opportunities for other forms of public transportation including bus, rail, ferry and shuttle vans should be expanded, in order to serve commuters, visitors and residents. The feasibility of re-instituting rail service and regional ferry service to southeastern Massachusetts, the cape and islands should be studied. A local bus service for to elderly, student and summer residents should be encouraged to link population, shopping and recreation centers.

**4.2 SOLID & HAZARDOUS WASTE MANAGEMENT**

- 4.2.1 Goal 1. To manage all types of solid waste generated within the Town, using an integrated, cost effective solid waste management system that includes reuse, recycling, composting, incineration and landfilling, and to divert annually, 50% of municipal solid waste from incineration and landfill facilities, by 2000.

- Goal 2. To reduce the quantity and toxicity of hazardous materials in the Falmouth waste stream and, where practicable, their use in Falmouth.
- 4.2.2 Goal 3. Hazardous waste generated by Falmouth households and businesses shall be disposed of in an environmentally sound manner consistent with local, state and federal regulations.
- Goal 4. The Town shall foster safe, practical solutions to solid waste problems encountered by traditional local businesses (i.e. Cranberry growing, agriculture, fishing, marinas, boat building, boat maintenance cabinet making and repair, etc. ) recognizing that these traditional small scale enterprises contribute to the distinctive character of the Town.
- Goal 5. Falmouth shall designate a single solid and hazardous waste manager responsible for planning, coordination and operation of waste management.
- Goal 6. Curbside pickup shall be extended to all residential units.
- Goal 7. Local solutions should be preferred where possible in order to minimize transportation and handling, benefit local residents and businesses, and so that we may assume responsibility for the environmental consequences of our own lifestyles.
- Goal 8. To control Town disposal costs while providing convenient, appealing, understandable, affordable disposal options for residents and businesses.
- Goal 9. To promote positive community spirit and maximize voluntary cooperation from all sectors, summer and year round residents, businesses, research institutions, medical facilities, and Town departments through public education and outreach programs.
- Goal 10. To minimize illegal dumping and roadside litter.

### **Solid & Hazardous Waste Management Policies**

- 4.2.1.1 1. All types of solid waste generated will be handled using the following integrated solid waste management system:
- The highest priority of waste management is to reduce the amount of solid waste generated. The second priority is to reuse discarded materials; the third, to recycle or compost waste which cannot be reused. The fourth priority is to incinerate waste that cannot be reused, recycled, or composted, and finally to landfill only those wastes that cannot be reused, recycled, composted or burned. The most cost effective combination of waste management methods, including consideration of environmental values shall be used.
- 4.2.1.2 2. The Town shall continue to provide interim storage space for materials to be recycled.
- 4.2.1.3 3. Construction and demolition debris shall be disposed of in accordance with the integrated solid waste management system in Policy 1.

4. The Town shall promote waste reduction through reuse, repair and redistribution by recognizing the crucial role played by private local second hand retail activity, repair and salvage businesses. These businesses help achieve Falmouth's waste management goals.
5. The Town shall promote waste reduction through recycling and composting.
- 4.2.2.1 6. Hazardous waste generation shall be minimized through source reduction, reuse, material substitution, employee education and recycling.
- 4.2.2.2 7. Development and redevelopment shall be in compliance with current Massachusetts Hazardous Waste Regulations.
- 4.2.2.3 8. Commercial and industrial development and redevelopment that involve the use, treatment, generation, storage or disposal of hazardous wastes or materials as defined by the Falmouth Health Regulations, with the exception of retail sales and household quantities, shall not be allowed within Water Resource Protection Districts as defined by the Falmouth Zoning Bylaw.
9. Falmouth shall implement a continuous solid waste planning process that responds to the changing nature of solid waste management.
10. The Town shall keep abreast of the rapidly changing field of solid waste, of new information, new ideas, regulatory changes, markets for recycled materials, grant opportunities, etc.
11. Solid waste facilities and programs shall be sited, designed, constructed, operated, and closed in a cost effective manner which protects public health and the environment.
12. All generators of waste without curbside pickup should dispose of waste and recyclables in a manner to conform with Policy 1.
13. To have all levels of the public and private sector participate in planning and implementing solid waste management programs and to ensure that solid waste laws and regulations are upheld and understood.
14. To promote policies which allow residents to benefit directly from separation programs at the Disposal Area. (i.e. Pick of the Litter, making compost or firewood available to public, etc.)
15. In planning and promoting recycling and hazardous waste collection programs, adequate provision shall be made for including the large summer population.

### **4.3 Capital Facilities & Infrastructure Element**

- 4.3.1 Goal 1. To provide adequate Community facilities to meet the needs of Falmouth by maintaining a five year Capital Improvement Plan according to the Falmouth Town Charter.

### **Capital Facilities Policies**

- 4.3.1.1 1. Approval of development and redevelopment which increases the intensity of use shall be based on existing infrastructure capability or on a development's ability to provide for or contribute to the infrastructure and services necessary to support it. Installation of necessary infrastructure shall be timed to meet the need generated by the development or a contribution of funds toward the necessary improvements shall be provided.
- 4.3.1.2 2. Development of new infrastructure shall only occur after an analysis of the impacts on this infrastructure with regard to land use, traffic, and water quality.
- 4.3.1.3 3. Privately owned infrastructure to service development and redevelopment shall be consistent with the local comprehensive plan.
- 4.3.1.4 4. Public investments, including construction or expansion of infrastructure and facilities, including but not limited to municipal buildings, water supply, and distribution, sewage collection and treatment, roads, and related facilities should reinforce the traditional character and village development patterns of Falmouth.

### **4.4 Energy Element**

- 4.4.1. Goal 1. To encourage cost effective energy efficiency programs, to encourage and stimulate investment in energy efficiency and renewable energy resources and to manage land uses to maximize energy efficiency.
- 4.4.2 Goal 2. To prepare to optimize benefits made possible by the deregulation of electric and gas utilities.

### **Energy Policies**

- 4.4.1.1. 1. The Town will improve energy efficiency in the public sector
- 4.4.1.2. 2. The Town will encourage large local employers on Cape Cod to consider cost shifting methods that provide incentives to employees who use alternate modes of commuting, such as car pooling, bike riding, or the Cape Cod Regional Transportation Authorities Sea Line. Usage during summer months should be targeted to relieve extremely congested traffic situations.
- 4.4.1.3. 3. Development and redevelopment shall promote the efficient use of energy including orientating structures to take advantage of solar gain and to maintain solar access for adjacent sites. Site design should protect and optimize the potential for the use of solar energy.
- 4.4.1.4 4. Energy saving transportation activities including carpooling, mass transit programs, bicycling and walking should be encouraged.
- 4.4.1.5 5. Development and redevelopment should be encouraged to utilize energy efficient construction techniques and materials.

## **5.0 AFFORDABLE HOUSING**

- 5.2 Goal 1. To promote equal opportunity in housing and give special consideration to meeting the housing needs of the most vulnerable segments of Falmouth's population including, but not limited to: very low income (50% of median income) single female heads of household, racial minorities, people with AIDS, elderly, the homeless, disabled, and others with special needs.
- 5.1 Goal 2. To promote the provision of fair, decent, safe, affordable housing for rental or purchase that meets the needs of present and future Falmouth residents. At a minimum Falmouth shall seek to raise its affordable housing stock to 10% of all year-round units by the year 2000 and to preserve as affordable all housing created under this section.
- 5.3 Goal 3. To seek out, provide support and encourage the development of innovative strategies designed to address the housing needs of Falmouth residents, with particular attention to the needs of low and moderate income renters.

### **Affordable Housing Policies**

- 5.2.1 1. In all of its actions Falmouth shall work to prevent discrimination in housing because of race, color, creed, religion, sex, national origin, primary language, age, political affiliation, disability, sexual orientation or any other consideration prohibited by law, and shall not knowingly approve any development that so discriminates.
- 5.2.2 2. Congregate, single-room occupancy, shared and community residential housing should be encouraged to address the housing needs of the most vulnerable segments of Falmouth's population.
- 5.1.1 3. Affordable housing shall be encouraged in all areas that are appropriate for residential and mixed use residential and commercial development. Particular attention shall be given to locating affordable housing in or near designated growth centers and convenient to transportation corridors but should not be limited to same.
- 5.1.2 4. Residential construction and redevelopment projects of 10 units or more shall provide at least 10% of the proposed units as affordable units. In lieu of providing such units on site, the applicant may satisfy these requirements by providing equivalent housing units off site through the purchase of existing units, redevelopment, new construction, or a contribution of land.
- 5.1.3 5. Residential subdivision plans of 10 lots or more shall provide at least 10% of the proposed lots as affordable housing sites. Unless developed by the applicant, such sites shall be contributed to an eligible local entity. An applicant may also satisfy these requirements through one of the options specified in Policy 4.
- 5.1.3.1 6. In lieu of providing such lots on site, an applicant may develop or contribute to the Falmouth Housing Trust or a designated non-profit housing development entity equivalent off-site lot(s) that possess the capability of supporting the designated number of affordable units.

- 5.1.4 7. In lieu of providing units or lots, an applicant may provide a cash contribution of equivalent value to a local fund for affordable housing. The method of payment shall be agreed upon between the applicant and the local permitting agency and shall be secured as a condition of development approval.
- 5.1.5 8. Prior to final review by the authorized board or commission, an applicant must demonstrate that off-site lots are buildable and/or units habitable. In the event that the off-site lots or units prove to be unsuitable for any reason, an acceptable alternative contribution will be required.
- 5.1.6 9. All affordable housing contributions shall be initiated upon the conveyance of any of the subdivision lots or the issuance of a building permit for any of the lots, whichever occurs first.
- 5.1.7 10. The development of on-site affordable housing shall be phased in at the same rate as the project's overall development plan. For example, if the overall plan calls for the project to be completed in three phases, then at least one-third of the affordable housing units must be completed during each phase. This condition does not prohibit an applicant from satisfying the affordable housing component sooner.
- 5.1.8 11. The local entity/organization which receives any affordable housing contribution shall be the Falmouth Housing Trust, a non-profit community development corporation which is also the designated local housing partnership.
- 5.1.9 12. Affordable housing units created by this element shall remain affordable year-round through the use of resale deed restrictions or rental restrictions that require the unit to remain affordable for 99 years or for the maximum period allowed by law. Such restrictions shall be made known to the home buyer or renter prior to the purchase/occupancy of the unit.
- 5.1.10 13. Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.
- 5.1.11 14. Affordable housing provided for purchase or rental through the review process shall be made available to potential homebuyers or renters through a lottery process (which incorporates an affirmative action plan), or an other method approved by the Falmouth Housing Trust.
- 5.1.12 15. For the purpose of calculating the 10% affordable housing contribution, all numbers shall be rounded to the nearest whole figure.
- 5.1.14 16. Falmouth's preference regarding off-site compliance with the affordable housing requirement shall be in the following order: use of existing structures, cash contribution, or land contribution.
- 5.1.15 17. Incentives to maximize the number of affordable units shall be considered, including, but not limited to waivers of certain fees, expediting the permitting process and Town approved density bonuses.
- 5.1.16 18. Non-residential development projects shall be evaluated as to the need for affordable housing created by such development and should provide such housing or should contribute to its development by one of the methods cited above.

- 5.3.1 19. Use of innovative funding strategies such as reversed annuities and shared ownership shall be encouraged.
- 5.3.2 20. Renovation and reuse of existing structures shall be a primary means for addressing affordable housing needs.
- 5.3.3 21. Cluster development shall be encouraged as a means of providing affordable housing.
- 5.3.4 22. New seasonal developments shall make provision for employee housing or assist in placing summer employees in housing specifically designed for summer use.
- 5.3.6 23. Nonprofit housing developers shall be given preference in developing parcels of Town owned or leased land for affordable housing.
- 5.3.5 24. Bylaws allowing the creation of affordable housing units by conversion of existing buildings or creation of accessory apartments should include provisions consistent with Policy 12 on a year-round basis. The granting of any variance or Special Permit to create such units should be linked with acceptance of such provisions.

## **6.0 OPEN SPACE AND RECREATION**

- Goal 1. To acquire 25% of Falmouth's total land area by 2010 as permanently protected public open space.
- 6.1 Goal 2. To preserve and enhance the availability of open space in Falmouth in order to provide wildlife habitat, recreation opportunities, and protect and conserve the natural resources, scenery and character of Falmouth.
- 6.2 Goal 3. To preserve and enhance opportunities for passive and active recreation in the natural environment to meet the needs of both residents and visitors.

### **Open Space and Recreation Goals and Policies**

- 1. For each parcel acquired, Falmouth shall set aside a percentage of the acquisition cost of that parcel to be held in a land management fund and expended in the management, maintenance and improvement of that parcel. Such percentage shall be established on a case-by-case basis based on the expected uses of the parcel.
- 6.1.1 2. Development or redevelopment within the Falmouth portion of the Cape-wide Open Space & Greenbelt network as illustrated on the map "Regional Policy Plan Open Space & Greenbelt Map" dated June 20, 1991 as amended, or within any locally delineated greenbelt network, shall maintain the integrity of the greenbelt by clustering development away from sensitive resources and maintaining a continuous natural corridor to preserve both edge and interior wildlife habitat. Where a property straddles a greenbelt boundary, development shall be clustered outside of the greenbelt. The primary

function of these areas is the provision of ground water recharge, wildlife habitat, open space scenic roadways, appropriate recreational opportunities and protection of the Cape's natural character. Public access to greenway areas should be encouraged where such access will not adversely effect greenbelt resources.

- 6.1.2 3. The submission of a cluster development preliminary plan for residential subdivisions of five or more lots or five or more acres shall be required for consideration during the development review process. Preserved open space within any proposed subdivision shall be designed to be contiguous and interconnecting with adjacent undeveloped land or designated open space and shall be subject to permanent conservation restrictions. The purpose is to plan for the best configuration of open space if undeveloped adjacent land is later developed. Falmouth may develop bonus provisions to allow increased density through local bylaws for preservation of additional high quality open space.
- 6.1.3 4. Residential development of five or more lots or five or more acres shall provide 60% of the lot area excluding wetlands, as permanent open space which will provide benefits to wildlife, residents and, in appropriate cases, the general public. Such open space may be provided through cluster development and/or may be part of individual lots provided that it is permanently restricted. Where appropriate, open space may be provided off-site or a contribution of funds may be made to the Town for open space acquisition. Redevelopment within designated growth centers shall maintain or increase the amount of existing open space on the site.
- 6.1.4 5. Commercial development shall provide 40% of the lot area excluding wetlands, as permanent open space including landscaped areas designed to screen and buffer the development. Within this area, the maximum amount of natural vegetation shall be maintained to maximize wildlife habitat. Where appropriate, open space may be provided off-site within the same Town, or a contribution of funds may be made to the Town for open space acquisition. Redevelopment within designated growth centers shall be exempt from this requirement.
- 6.1.5 6. In the design of developments, significant natural and fragile areas including critical wildlife and plant habitat, water resources such as lakes, rivers, aquifers, shorelands and wetlands; historic, cultural and archaeological areas, significant scenic roads and views, and significant landforms shall be protected.
- 6.1.6 7. Where development is proposed adjacent to land held for conservation and preservation purposes, the development should be configured so as to prevent adverse impacts to these lands and in a manner that maximizes contiguous open space.
- 6.1.7 8. Wherever possible, off-site open space provided through Policies 4 and 5, should be located within or contiguous to the Capewide greenbelt network or in the areas identified in Policy 6.
9. The Town shall improve maintenance of existing recreational playing fields, courts and outdoor facilities.
- 6.2.1 10. Recreation needs as identified in the 1989 Statewide Comprehensive Outdoor Recreation Plan should be addressed in the development of projects in Falmouth. Such needs include opportunities for wildlife study, expansion of trail corridors, protection of scenic roadways, development and expansion of access for the disabled, additional public beaches, golf courses and water based recreational

opportunities with associated parking facilities to the extent these minimize alteration of natural shorelines and do not harm wildlife habitat.

- 6.2.2 11. New development should provide suitable recreation and play areas to meet the needs of the residents of that development such as ballfields, playgrounds, basketball courts or bicycle and walking paths.
- 6.2.3 12. The Town should consider providing a municipal swimming pool, acquisition of an existing golf course, and further development of the fuller field recreation complex.

## **7.0 HISTORIC PRESERVATION AND COMMUNITY CHARACTER**

- 7.1 Goal 1. To protect and preserve the important historic, scenic, and cultural features of the Falmouth landscape and built environment that are critical components of Falmouth's heritage and economy.
- 7.2 Goal 2. To ensure that future development and redevelopment respects the traditions and character of historic village centers and outlying rural areas so as to protect the visual character of Falmouth and Cape Cod.

### **Historic Preservation And Community Character Policies**

1. Historic preservation and community character shall be fully integrated into the Town's overall zoning, planning, and development review policies and procedures.
- 7.1.1 2. Additions or alterations to historic structures shall be consistent with the building's architectural style and shall not diminish its historic and architectural significance. The Massachusetts Historical Commission (MHC) shall review any projects which require a state or federal license, permit, or funding as defined by the National Historic Preservation Act and the Massachusetts State Register Act (Ch. 254/950 CMR 71) for their conformance to the most recent Secretary of the Interior's rehabilitation guidelines and for their effects on the historic significance of the property and district (as defined by the NR/SRHP Criteria of Effect and Adverse Effect). The MHC and FHC will also assist the Commission in reviewing projects which will affect buildings and areas listed on the State or National Registers of Historic Places.
- 7.1.2 3. The distinguishing original qualities of an historic building, structure, or site, and its environment shall be preserved. The needless destruction, removal or alteration of historic material or architectural features shall be avoided unless the FHC and/or FHDC believes such removal will not damage the integrity of the building.
- 7.1.3 4. Where development is proposed on or adjacent to prehistoric or historic archaeological sites as identified by the MHC or FHC, it shall be configured so as to maintain and/or enhance such resources where possible. A pre-development investigation of such sites shall be required before a final design proposal is submitted. This will minimize difficulties and expense should the site be of archaeological or historic importance.
5. Falmouth shall retain and enhance the natural landscape with particular attention to tree cutting, replacement and landscaping in new and existing developed areas.
6. Falmouth shall preserve the unique qualities of roads, paths, and byways that contribute to its special community character. These include narrow, winding rural roads, roads with scenic or ocean views, roads within historic districts, main approach roads and Footpaths. Footpaths, sidewalks, and bikepaths associated with road construction or reconstruction shall curve around distinguishing features of the roadside such as trees greater than 6" diameter and stone walls. Sidewalks shall be separated from

the roadway by a grass strip of adequate width to protect pedestrians. Curbs shall be omitted where they would detract from the rural atmosphere.

7. Falmouth shall preserve important historic areas and districts, especially village centers. These areas are central to the issue of community character. The distinguishing features and qualities of historic districts and their environment shall be preserved. Those features include buildings, barns and other outbuildings, roads, stone walls, fences, and plantings. Qualities include scale, mass, height, materials, style, and detail.
8. Falmouth shall preserve important maritime, rural and designed historic landscapes, including views of those landscapes from surrounding areas. Maritime landscapes include both harbor and ocean frontage. Rural landscapes include farmsteads, agricultural fields, cranberry bogs, etc. Outbuildings, fences, stonewalls, patterns of fields and woodlots, and disused roads. designed landscapes include parks, cemeteries, and the grounds around private residences, public and private institutions, and commercial establishments.
9. Falmouth shall develop a strategy of public information, education, and awareness that will increase understanding of and support for historic preservation/community character goals and objectives.
- 7.1.4* 10. Historic buildings that may be slated for demolition or relocation should be preserved on site and incorporated into the overall design of the project. Distinguishing original stylistic features or examples of skilled craftsmanship of historic or aesthetic significance should be maintained or replaced with similar elements unless the FHC believes another alternative is historically appropriate to the building or area.
- 7.1.5* 11. Falmouth shall actively promote continued use and reuse of historic buildings that make a strong contribution to community character, especially those located in village centers, and/or those under municipal ownership. The reuse of unique historic structures in village centers is encouraged so as to promote revitalization of these areas. Where reuse has definitively been shown to be impractical, these buildings should be replaced with structures of similar character, mass, proportion, and scale whenever feasible.
12. Development and redevelopment shall preserve and reinforce Falmouth's traditional development pattern of dense, multi-use village centers surrounded by large rural/agricultural areas.
13. Commercial development in Falmouth shall respect the small scale, broken mass, varied rooflines, and traditional local materials that characterize the Town's historic villages. Roadside strip development shall be prohibited (See Land Use Element Policy 3), and improvement of such existing development shall be encouraged
- 7.2.1* 14. The height and scale of a new building or structure and any addition to an existing building, shall be compatible and harmonious with its site and existing surrounding buildings. Additions to historic buildings shall also be compatible with their character-defining features. On a street of generally aligned facades, new construction shall conform to the predominant height, scale, rooflines, proportion, setback, and general design of the facades of the existing buildings on the street.

- 7.2.2 15. Where proposed development and redevelopment is surrounded by buildings with distinctive architectural styles, building height, and exterior materials, it shall be harmonious with the character of the surrounding area and new construction shall not obscure views of existing historic structures, or important scenic or historic vistas, from public ways. In general, where new buildings and additions are proposed, the mass and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows shall be harmonious among themselves and complementary to traditional Cape Cod architectural styles. Compatible contemporary design that draws upon and supports the surrounding historic context while expressing itself as a product of its own time is encouraged.
- 7.2.3 16. Attractive landscaping that integrates buildings with their environment, enhances architectural features, and provides amenities for pedestrians, shall be provided on site by all new development and redevelopment.
- 7.2.4 17. All development shall implement a landscape plan which addresses the functional aspects of landscaping, such as draining, erosion prevention, wildlife, wind barriers, provision for shade, energy conservation, sound absorption, dust abatement, and reduction of glare.
- 7.2.5 18. Unnecessarily bright lighting of a building or grounds which permits glare across property lines shall not be permitted. Only shielded fixtures that cast light downward should be used. The shortest poles recommended by the manufacturer should be used. The use of yellow sodium vapor lights as security lights on private property should be discouraged in historic districts.
- 7.2.6 19. The installation of billboards, off-site advertising (excepting approved directional signs) and internally lit or flashing signs shall not be permitted.
- 7.2.7 20. All utilities for development including cable shall be placed underground except where the presence of natural features such as wetlands or archaeological resources prevent such placement.
- 7.2.8 21. Parking shall be located to the rear or the side of a building or commercial complex unless such location is completely infeasible.
- 7.2.9 22. Open storage areas, exposed machinery, including that on rooftops, refuse and waste removal areas, service yards and exterior work areas and parking lots shall be visually screened from roads and adjacent residential areas. Where landscaping is used as screening, it should be equally effective in summer and winter. Landscape screening should be installed at a height, density and depth that provides for the full desired effect immediately, or within three years growing time. If a fence is used, it must be screened with vegetation. Parking lots for more than 100 vehicles, shall be screened with natural vegetation 6 - 8' high. If plantings are not an alternative due to site limitations, the facilities shall be screened from public view with materials harmonious with the building.
- 7.2.10 23. The integrity of natural land forms and broad open views of the landscape as seen from major arterial and scenic collector roads should be maintained.
- 7.2.11 24. Existing views to the shore from surrounding areas shall be maintained wherever possible.

25. Falmouth should consider lowering the permissible building heights on new construction or increasing the setbacks required along the coastal plains.
- 7.2.12 26. The planting of shade trees along roadways to improve the visual quality of the area is encouraged. Such trees should be tolerant of roadside conditions and a minimum of 3" in diameter.
- 7.2.13 27. Parking lots should be designed to accommodate average usage (rather than peak day usage), where appropriate have pervious surfaces, and be planted with shade trees in the interior portions of the lot. Any seasonal parking lot which does not have its main function or sales outlet on that lot should have paved travel lanes and pervious parking spaces. In reviewing off-site parking lots, the Planning Board should consider the impact of the lot on the environment, landscape, community character, and existing traffic in the area.
- 7.2.14 28. Landscape materials which are suitable to the climate and location of the site should be used.
- 7.2.15 29. Distinguishing original features of a site such as trees of greater than 6" diameter existing plantings and topography should be preserved where possible. Plantings on the street-facing side of buildings, window boxes and planters are encouraged. Benches or other seating arrangements and walkways within the development and linking to other buildings should be provided where appropriate.
- 7.2.16 30. Traditional building materials such as wood shingles and clapboards, along with limited amounts of brick should be used for new construction and rehabilitation of existing structures.
- 7.2.17 31. In general, the size and color of all signs should be in scale and compatible with the surrounding buildings and street. When more than one sign is used, the graphics should be coordinated to present a unified image. Wooden signs, either painted or carved, are usually most appropriate.
- 7.2.18 32. All exterior lighting should be part of the architectural and landscape design concept. Fixtures, standards, and exposed accessories should be concealed or harmonious with other project design materials.

## **8.0 HEALTH AND HUMAN SERVICES**

**Preamble:** As information is gained from local and regional needs assessments and from public hearings, adjustments to the goals and policies will be made accordingly.

**Vision:** To enhance the quality of life of all Falmouth residents by fostering the establishment of a comprehensive range of health and human services provided in an efficient, coordinated and cost-effective manner

- Goal 1. A continuum of health and human services for all Falmouth residents.
- Goal 2. Accessibility to health and human services for all regardless of barriers such as insufficient funds or information.

- Goal 3. Cooperation between the public, non-profit and private sectors regarding health and human services needs, priorities, and resource allocations.
- Goal 4. Education about human needs and the place of prevention and intervention in health and human services.

### **Health and Human Service Policies**

1. Availability of medical services for physical health care for one's lifetime as defined by the World Health Organization and/or the Massachusetts Department of Public Health (whichever has higher standards).
2. Availability of human services for psychological, social and emotional health over the human life span as defined by the World Health Organization and/or any relevant Massachusetts state government departments (whichever has higher standards).
3. Compliance with existing state and federal human rights legislation.
4. Increased availability of public transportation.
5. Inclusion of consumers in the planning process for health and human services for the handicapped.
6. Recognition by all institutions in the Town of Falmouth of the cultural diversity of the population.
7. Maintenance of regular communication shall be maintained between health and human service providers in adjacent towns, Barnstable County, and state agencies.
8. Presentation of factual and accurate information regarding health and human services.
9. Involve the broad community in the determination of health and human services needs, priorities, and service delivery to meet identified needs.