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CAPE COD
COMMISSION

Minutes

Meeting of Cape Cod Commission First District Courthouse • Assembly of Delegates Chambers 3195 Main Street, Barnstable, MA

August 20, 2015

The meeting was convened at 3:02 p.m., and the Roll Call was recorded as follows:

Town	Member	Present
Barnstable	Royden Richardson	✓
Bourne	Richard Conron	✓
Brewster	Elizabeth Taylor	✓
Chatham	Michael Skelley	✓
Dennis	Richard Roy	✓
Eastham	Joy Brookshire	✓
Falmouth	Charles McCaffrey	✓
Harwich	Jacqueline Etsten	✓
Mashpee	Ernest Virgilio	✓
Orleans	Len Short	✓
Provincetown	Mark Weinress	Absent
Sandwich	Harold Mitchell	Absent
Truro	Kevin Grunwald	✓
Wellfleet	Roger Putnam	✓
Yarmouth	John McCormack, Jr.	✓
County Commissioner	Mary Pat Flynn	✓
Minority Representative	John Harris	✓
Native American Rep.	Danielle Hill	✓
Governor's Appointee	Vacant	Vacant

The meeting of the Cape Cod Commission was called to order on Thursday, August 20, 2015 at 3:02 p.m. in the First District Courthouse, Assembly of Delegates Chambers, 3195 Main Street, Barnstable, MA. Roll was called and a quorum established.

Chair Richard Roy introduced Richard Conron the new Commission Representative from Bourne.

Richard Conron said he has been in Bourne since 1998 and he has served on many local committees—five years on the Board of Appeals, he worked on the community development task force, open space committee and he taught 10 years at the Maritime Academy. He said it's a pleasure to be here and he is looking forward to making a contribution to the Commission.

■ **SUMMARY OF ACTIONS TAKEN/VOTES:**

Public Hearing: Springhill Suites by Marriott—556 Main Street, Falmouth, MA—TR-LR14017

The Springhill Suites by Marriott Limited Development of Regional Impact (DRI) project was presented to the full Commission by the applicant's attorney Kevin Eriksen, the project engineer from Hancock Associates, the project architect with LaGrasse Associates, and Commission staff. Following the presentations, public testimony and discussion by the Commission, with 16 members voting the Commission voted 13 votes in favor and 3 opposed to close the public hearing and hold a public meeting on September 3, 2015 at 3:00 p.m. in the First District Courthouse, Assembly of Delegates Chambers to discuss, deliberate and potentially vote on the Limited DRI application submitted by Falmouth Hospitality, LLC for a proposed 110-unit hotel located at 556 Main Street, Falmouth, MA including potential adoption of draft Limited DRI decision recommended by the Commission subcommittee.

■ **EXECUTIVE DIRECTOR'S REPORT**

Executive Director Paul Niedzwiecki said the Regional Policy Plan (RPP) review process is ongoing and the stakeholder piece will pick up again in September. Mr. Niedzwiecki said there are Open Meeting Law training opportunities being offered with a training session on Wednesday, September 9 from 6:00 to 8:00 p.m. in Sandwich as well as two webinars on August 25 and October 13. He said advance registration is required and anyone interested in attending should contact Jessica Wielgus at the Commission office.

■ **MINUTES**

The minutes of the June 25, 2015 Commission Meeting were reviewed. Len Short moved to approve the minutes. Royden Richardson seconded the motion. The motion passed with 14 votes in favor and 2 abstentions.

■ **PUBLIC HEARING: SPRINGHILL SUITES BY MARRIOTT—TR-LR14017**

Secretary Jack McCormack read the hearing notice and opened the hearing at 3:10 p.m.

The subcommittee for the Springhill Suites by Marriott project—Ernest Virgilio, Richard Roy, Jack McCormack, John Harris, Mary Pat Flynn—reviewed the minutes of July 23, 2015; July 30, 2015 and August 6, 2015.

John Harris moved to approve the minutes of the July 23, 2015 public hearing. Richard Roy seconded the motion. The motion passed with a unanimous vote of the subcommittee.

John Harris moved to approve the minutes of the July 23, 2015 subcommittee meeting. Richard Roy seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Jack McCormack moved to approve the minutes of the July 30, 2015 subcommittee meeting. John Harris seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Jack McCormack moved to approve the minutes of the August 6, 2015 public hearing. Richard Roy seconded the motion. The motion passed with a unanimous vote of the subcommittee.

Jon Idman, Chief Regulatory Officer at the Commission, explained the process for speakers providing public testimony at today's public hearing.

Attorney Kevin Eriksen, representing Falmouth Hospitality LLC, said the applicant is proposing construction of a 110-unit hotel at 556 Main Street in Falmouth. He said they started the process by filing a scoping application on July 14, 2014; the Limited Scope of Development of Regional Impact (DRI) review was issued on January 22, 2015 and the project was scoped

for Heritage Preservation and Community Character. Attorney Eriksen said two weeks ago the Commission subcommittee voted with four votes in favor and one opposed to recommend approval of the plan and that the project's probable benefits outweigh the probable detriments. He acknowledged that there has been a lot of verbal and written opposition to the project. He said he is not here to debate those opinions; Falmouth Hospitality respects those opinions and they also respect the process. He said the development of private property and the property rights of land owners is not determined by a popular vote and it does not dictate the process. He said Joe Peznola with Hancock Associates and Julianna Hoch with LaGrasse Associates would be presenting the project to the Commission today. Attorney Eriksen said he looks forward to approval of the project by the Commission.

Joe Peznola, project engineer with Hancock Associates, referred to PowerPoint slides and said the site is located at 556 Main Street in Falmouth and it is part of Lantern Lane. He said the site is made up of 2.03 acres and the project does include the house at 3 Lantern Lane which is part of the project. He described the existing site and said the proposal would call to remove all structures on the site with the exception of the single-family house at 3 Lantern Lane which will remain as a single-family home. He described the proposed project, the site improvements and said there would also be improvements to the sidewalk area and cross walks.

Julianna Hoch, project architect with LaGrasse Associates, referred to PowerPoint slides and said the hotel facility would be divided into two buildings with a bridge connector to the hotel rooms. She described the main building with the pedestrian hotel entrance; the green screen; existing and proposed renderings from the west and the east on Main Street; a rendering of vegetation on the site; a rendering of the hotel from Lantern Lane; proposed exterior building materials; and paved areas and planters. Ms. LaGrasse described the streetscape and said they believe the project will be an asset to the Falmouth community.

Richard Conron asked how many three-story buildings are on Main Street. He also asked if someone were to have a function there such as a wedding where would those people park. He asked if any functions would be held at the hotel.

Julianna Hoch said she could not say how many three-story buildings there are as she would have to go and count them. Ms. Hoch said it is not sized for wedding functions and said the lounge is anticipated to handle the hotel guests. She said they would not be doing functions on the scale of a wedding.

Attorney Eriksen said there are some planned conference rooms so a small office conference could be considered a function but there would be no functions on a scale that would necessitate more parking. He said they meet the requirements of Falmouth's zoning bylaws.

Charles McCaffrey referred to screening at the parking area and said looking at the plans other than the green screens there is no screening of parking on the west side of the west building other than the vegetation on the adjoining lot. He asked if any other screening was being provided.

Julianna Hoch said 40 feet of green screen and the existing vegetation that straddles the property is what is being proposed.

Elizabeth Taylor inquired about Lantern Lane and asked how they are able to stop use of the road or closing it off because apparently the Planning Board rescinded the road. She asked what happened to the mortgages, the banks and owners with interest.

Attorney Eriksen said it was called a modification of a subdivision plan. He said it has always been a private way and that portion of Lantern Lane is owned by the Fays and owners beyond it have easement rights that they will still maintain through express easement. He said there is no cutoff of access to the residences of Lantern Lane.

Elizabeth Taylor asked if they needed to get approval from banks and mortgages on all of that.

Attorney Eriksen said, no, they did not.

Len Short said his concern is that there is a parking lot proposed across Main Street and asked how they plan to get pedestrians back and forth on Route 28. He asked if that parking lot would be used.

Attorney Eriksen said that is not part of the proposal before the Commission and said that was a separate application. He said this is something that is allowed in Falmouth's bylaws to share parking and it's encouraged in the Business Redevelopment

District (BRD) and that is in part because they are trying to mitigate wide open parking lots that are scarcely used. He said some crosswalk improvements would need to be made there and they are being proposed. He said it's not shown here because it's not part of this application but it is part of their proposal to include crosswalk improvements. He said that parking lot would be used.

Joy Brookshire said this is a large complex and she asked how after checking into the east building does a guest get from the east building to the west building. She asked Mr. Eriksen to describe the ease and convenience of doing that. She also asked who takes care of the parking a valet or the guest.

Attorney Eriksen said after checking into the main building one would take the elevator up and then use the sky walk to access their room. He said there may be limited valet service available but it's not going to be a typical full valet service. He said the parking lot is for both the east and west buildings.

Jackie Etsten inquired about the size of the units, if they were extended stay units, and what kind of marketing analysis has been done.

Attorney Eriksen said a market analysis had been done as Marriott requires an independent market analysis that is site specific. He said the market analysis showed a need and the project is in an excellent location.

Julianna Hoch said the room sizes are queen and king. They do not have kitchenettes; they are not efficiency units.

Danielle Hill inquired about employment opportunities beginning with construction and staffing after construction. She asked if local contractors would be used.

Attorney Eriksen said the temporary jobs would be the construction jobs, they would go out for bid for those jobs and he would anticipate contractors would come from the region. He said regarding staffing there would be full- and part-time positions and he expects that they would be filled locally.

Kevin Grunwald inquired about the parking spaces and said he sees 84 spaces and asked if that was a typical size for the lot.

Attorney Eriksen said there would be parking onsite and shared across the street. He said it is a typical lot size and it meets Falmouth's requirements.

Elizabeth Taylor asked if preference would be given to local contractors. She asked how they plan to keep local workers with lower wages.

Attorney Eriksen said it is market dictated but he believes the bids that would come in would be local. He said the pay scale would be looked at and based on the national average wage. He said staff would be paid with what is commensurate in the area and said he believes they would be competitive wages.

Elizabeth Taylor said being paid less than local wages would not help the local economy or the workers and she would hope that workers would be full-time as part-time workers would not receive benefits.

Attorney Eriksen said all jobs help the economy.

Joy Brookshire said if the hotel does not plan to book large functions how would it succeed during the winter months. She asked if employees would be laid off if business is slow.

Attorney Eriksen said he believes the hotel would remain busy as Marriott caters to business travelers. He said he can't answer whether there would be layoffs. He said that is hard to predict, it's a challenging question to answer but he does not anticipate that happening.

Jon Idman said Paul Niedzwiecki would provide an overview of the Limited DRI process and then Mr. Idman, Steve Tupper, and Sarah Korjeff would be discussing the project.

Paul Niedzwiecki said it's a parallel process with the local process, regional review stops the local process, and it looks at a project in the context of regional impacts. He said denial of a project is not common but the Commission has denied

significant projects in the past. He complimented the Commission's regulatory staff and said they have been professional throughout the process. He thanked the regulatory staff on how they have administered the project and said they have done a tremendous job. Mr. Niedzwiecki explained the Limited DRI scoping process and said it was applied to this application. He said transportation was taken out as an issue area for review and the limited scope was created based on comments from towns in the areas of redevelopment. He said if the Commission had reviewed the project for transportation, transportation mitigation would not be different. He said the project is being reviewed for community character and also reviewed for local zoning that is in place. He said the Commission looked at other buildings built under that local zoning, the Commission reached out to the town planner and the town planner said it is allowable through special permit. He said the Commission knows about the concerns and did reach out to the town regarding local zoning. He said he understands that from the outside the process may seem confusing. He said the decision is in front of the Commission for consideration and he hopes that this has put the process in context. He said the process is still open to hear testimony today.

Jon Idman provided an overview of the draft Limited DRI decision. He said the draft decision contains all the findings necessary to approve the project as a Limited DRI. Mr. Idman said the project meets local zoning, it is consistent with the town's Local Comprehensive Plan (LCP) in this area, and the decision finds that the probable benefits are greater than the probable detriments. He said the decision would approve the project with conditions and he then outlined the conditions in the draft Limited DRI decision.

Charles McCaffrey referred to a letter from town planner Brian Currie and questioned the accuracy of his letter. He said he has asked for further clarification from the town and asked whether the Commission could request clarification from the town.

Jon Idman said if what Mr. Currie has said is inaccurate the building inspector would need to ask for a variance if needed. Mr. Idman said he is comfortable with the process now.

Paul Niedzwiecki said it has been the practice of the Commission to reach out to the town planner and the Commission has done that.

Steve Tupper, Commission transportation staff, said the Commission acknowledges the sentiment of concerns regarding transportation. He said on the regulatory side the project was not scoped for transportation review but that does not mean transportation is ignored. He said it was determined that transportation not be scoped by looking at the analysis from a regional perspective that there would be no increase in traffic, however, the Commission still looked at the issue of safety. He said if this project was scoped for transportation review the results would have been the same. He said the local review process will still be in place to address local transportation concerns; what the development is and what it is not. He said the hotel is a low traffic generator and from a transportation perspective the project is in a great location because it is not a high speed area. He said it's accessible by bikes and it's a walkable area which is also appropriate from a transportation perspective. He said it's in a slow-moving traffic area in a downtown area.

Sarah Korjeff, heritage preservation specialist at the Commission, said there are no historic structures on the site. She said three Regional Policy Plan (RPP) building design Minimum Performance Standards (MPSs) HPCC2.4, 2.5 and 2.6 were among those considered. She said from Commission staff's perspective the area is a wide mixed-use district and there are very few historic districts near the site. She discussed the proposed man-made materials and said they are designed to approximate traditional materials. She said they are not allowed in a historic district but they have been allowed in this type of area. She said staff and most subcommittee members felt the design is consistent with the context and she then discussed the building design of the proposed project.

Charles McCaffrey referred to MPS HPCC2.2 and said it talks about protecting the character of local roadways as well.

Jon Idman said that standard speaks to new development and the proposed project is redevelopment.

Sarah Korjeff said that standard is really designed to address construction improvements such as road widening.

Elizabeth Taylor asked if Lantern Lane would be closed off.

Attorney Eriksen said signage would be placed in the area suggesting that Lantern Lane is a private way and not for through traffic.

Elizabeth Taylor said but there is nothing to prevent people from using it.

Attorney Eriksen said the same people will use it and said it's allowed by local zoning. He said that property has been used as a commercial lot since 1950 and it's no different from how it has been used. He said it will be designed toward Falmouth's standards.

Charles McCaffrey asked for clarification on setbacks and variation of footprint.

Jon Idman said the specific standard discusses setback in context.

Sarah Korjeff said in several cases in the past changes in roofline have provided enough of a difference in the footprint.

Jackie Etsten asked if any comparison had been made in regard to other buildings in the area; a floor area ratio.

Sarah Korjeff said staff did not do a floor area ratio. She said staff did take photos and there are a various amount of different kinds of construction in the area; there is a three-story building with affordable housing/mixed use and a large brick building close to the edge of the road.

Jackie Etsten questioned whether the hotel was 3.5 floors high.

Attorney Eriksen said the zoning standard is 3500 feet and is allowed.

Joy Brookshire asked whether less man-made materials could be used on the building and said it looks artificial.

Attorney Eriksen said the subcommittee looked at that and determined it provides low maintenance and it is fire resistant. He said the preference would be to use the materials proposed for the project but if the Commission has a preference they would consider it.

Michael Skelley asked how many levels of local review, if approved, would the project go through.

Jon Idman said the zoning board of appeals, the planning board and site plan review.

Charles McCaffrey said the town does not have design review standards.

Michael Skelley said Commission staff has done a good job on the design.

Chair Richard Roy called for a 10-minute recess at 4:34 p.m. and the hearing reconvened at 4:44 p.m.

Public Testimony

Chair Richard Roy called for testimony from federal, state and local officials.

Douglas Jones, Chairman of the Falmouth Board of Selectmen (BOS), said the Falmouth BOS opposes Falmouth Hospitality, LLC's proposal for a Springhill Suites by Marriott development at 556 Main Street in Falmouth. He said during its meeting of August 17, 2015 four of the five members of the Falmouth BOS voted to express their opposition to this project specifically citing multiple concerns which they outlined in their letter to the Commission. He said Selectman Mary Pat Flynn recused herself from the Selectmen's process on August 17 as she is a member of the Cape Cod Commission. He asked that the Commission accept the Falmouth BOS's opposition and acknowledge that the project is not consistent with the East Main Street goals.

Rebecca Moffitt, Falmouth Selectman, said it's more about the importance of the residents than the plan. She said Falmouth is hot with developers and they want their look not Falmouth's look. She said it's the developer's choice but not Falmouth's. She said the project is too big for that location, developers need to follow Falmouth's vision, and it should not be located in downtown Falmouth.

Chair Richard Roy called for testimony from the public.

Allison Leschen, Falmouth resident, said Commission staff and the applicant talked about comparing this design to other buildings in the area and said it does not go with the downtown Business Redevelopment District (BRD). The Commission's mission is to keep a special place special. She said there has been enormous opposition to the project and she asked that the Commission look at the comments of the opponents.

Debra Siegal, resident of West Falmouth, said Commission staff said the building is consistent with other buildings in the area and yet staff said no comparison was done of surrounding buildings. She said the large building that was referred to is a mixed-use building and what is being proposed is not a mixed-use building. She said traffic is a concern and Falmouth needs housing not a hotel.

Jill Neubauer, resident of Falmouth and a registered architect in Massachusetts, said design and beauty matters and the town needs help by the Commission. She said the proposed hotel is a poor design and she disagrees with the findings in the Limited DRI decision. She no amount of tax revenue is worth losing the character of Falmouth. She asked for a denial by the Commission.

Bill Frawley, resident of Falmouth, said B&Bs are concerned about competition by the hotel but he believes the personalities of people who stay in a B&B are different from the personalities that stay in a hotel so this is not an issue. He said he supports the project, the Marriott is a first class corporation and it's doing a first class job.

Nancy Hayward, Falmouth resident, said she sent an email to the Commission last night. She said she has several questions about the presentation by the developer and said Jill Neubauer's presentation is a definite appraisal of the project. She said she attended the Planning Board meeting on Tuesday and her understanding was that the Planning Board had removed itself from granting special permits and it would be done by the ZBA. She asked that the Commission vote against the project.

Trish Robinson, 27 Main Street and member of the Falmouth Village Association (FVA), said the Board of Directors of the FVA sent a letter to the Commission. She said all of the directors are small business owners in Falmouth and they feel the project detracts outweigh the benefits. She said speaking on behalf of the board members of the FVA the building is not appropriate in size, it's too industrial looking and traffic is a continual issue. She said there has been a lack of honest communication by the developer and she asked for a denial by the Commission.

Matthew Gould, resident of Lantern Lane, said he is vehemently opposed to the project and said it's in his front yard. He said Springhill Suites will not be unique to Cape Cod as it will look like all other Marriott Hotels. He said 83 spaces for parking in a 110-room hotel is a problem. He said the project is not modest in size.

Craig Martin, resident of East Falmouth, said he questions the rationale for having a hotel there and if it will be sustainable. He said no one inquired with the local Chamber of Commerce for a needs analysis. He said they will be syphoning from the B&Bs in town. The project does not belong in Falmouth.

Robert Dugan, speaking for both he and Harriet Dugan, said he represents District 2 at town meeting and has a small business in Falmouth. He said there has been overwhelming comment that the building does not blend with the Business Redevelopment District (BRD). He said the project does not meet BRD goals and said the intent of the BRD was for mixed-use development with a housing component. He asked that the Commission take close consideration to scale and lot coverage and asked for a denial by the Commission.

Janet Simmons Folger said she feels the Commission, as she understands it, is supposed to ensure that projects meet Minimum Performance Standards (MPSs). She said even if the project does meet MPSs we should strive for something greater. She said just because a project meets MPSs, as she understands it, does not mean an automatic approval. She said there should be higher standards that could be met.

Alexandra Lancaster, resident of East Falmouth, referred to the benefits and detriments in the draft decision on page 8 and said it shows 10 benefits and 3 detriments. She questioned how the project could be denied when the subcommittee has said there are 10 benefits and 3 detriments. She gave examples of how she would change the "score" of 10 to 3 down to 2.5 to 2.

Charles Woringer, resident of North Falmouth, said there are two issues here Nye Road and Lantern Lane. He said think bucolic and commercial. He said Nye Road is a mature tree-canopied narrow road with cottage type houses and a gated parking lot with this hotel would intrude on that and that is wrong. He said on Lantern Lane when you look to the northwest

its bucolic with a beautiful little pond and when you turn around and look to the southeast there's the hotel and it's totally inappropriate.

Marion Conboy, North Falmouth resident, questioned a safety issue regarding the glass overpass and asked in case of a fire would fire engines fit under the glass overpass.

Attorney Eriksen said yes fire trucks will fit and this is something that will be reviewed by site plan review. He said this is not a dangerous project; it is not an unsafe project. He referred to the Board of Selectmen (BOS) meeting on August 17 and said at the beginning of the meeting the BOS said the applicant was invited to attend and they declined. Attorney Eriksen said he received that invitation by a phone call from the town planner on that Tuesday and he told the town planner because of the short notice they were not available to attend, however, he did send a letter on the applicant's behalf which was not read into the record. He said although they asked for people to speak in favor of the project they neglected to read the letter from the applicant into the record. He said as stated by the BOS that it is a requirement in the BRD zone to have a mixed-use is just not the case. He said there is no requirement in Falmouth's zoning bylaws that there be a residential component to this project. He said commercial accommodations are specifically allowed by special permit. He said by law this project is allowed in the BRD and it is in keeping with the BRD zone. He said it's not an ugly building and it is appropriate for the site.

Douglas Jones, Falmouth BOS, apologized for the late notification to the Marriott of the August 17 meeting. He said the decision was made late Monday night to hold a meeting not a hearing. He said they received approximately 50 letters (49 opposed and one from the applicant) and none of the letters were read aloud. He said at the meeting he asked if the BOS wanted to take public testimony and they declined to do so. He said it was a BOS discussion and they made their vote based on that piece of information. He said at Town Meeting as a town meeting member they discussed mixed-use development and it was very clearly put that it was going to be for mixed-use. He said the language is for mixed-use, town meeting members discussed it and their intent was for mixed-use development.

Gisela Tillier, resident of Lantern Lane, said when the abandonment of Lantern Lane was to be voted on July 8, 2014 a week prior to that meeting a letter came from Falmouth Hospitality LLC notifying the residents of Lantern Lane of a meeting where they would discuss and maybe come to an agreement. The first letter they received asked for a meeting on July 7 and then a second letter correcting that date as being July 8. She said the meeting of the planning board that night took place at 7:00 pm and the meeting of Falmouth Hospitality was that same day at 5:00 p.m. She asked Mr. Eriksen to read aloud the letter that he sent to the BOS.

Attorney Eriksen said he did not have the letter with him.

Chair Richard Roy said if Commission members feel that they have received sufficient information to vote on the project but are not prepared to vote today then he would entertain a motion to close today's public hearing and hold a public meeting to deliberate and possibly vote on the project on September 3, 2015 at 3:00 p.m. in the Assembly of Delegates Chambers, First District Courthouse, 3195 Main Street, Barnstable.

The motion was moved by Michael Skelley and seconded by Roger Putnam.

A vote called on the motion to close today's public hearing and hold a public meeting to deliberate and possibly vote on the project on September 3, 2015 at 3:00 p.m. in the Assembly of Delegates Chambers passed with 13 votes in favor and 3 opposed.

A motion was made to adjourn at 5:50 p.m. The motion was seconded and voted unanimously.

Respectfully submitted,

Jack McCormack, Secretary

List of Documents Used/Presented at the August 20, 2015 Commission Meeting

- Minutes of the June 25, 2015 Commission meeting.
- Handout material: August 20, 2015 Commission meeting agenda.
- Handout material: Springhill Suites by Marriott Draft Limited Development of Regional Impact (DRI) Decision.
- Handout material: Springhill Suites by Marriott site plan, context renderings, detailed elevations, building floor plans, and exterior elevations and signage prepared by LaGrasse Associates.
- Material presented: Slide presentation on the Springhill Suites by Marriott project presented by the applicant's attorney Kevin Eriksen, Hancock Associates, and LaGrasse Associates.
- Submitted into the record: A letter from Allison Leschen with attached copies of materials, letters, and emails that were previously sent to the Cape Cod Commission commenting on the project.