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CAPE COD
COMMISSION

Minutes
Development of Regional Impact Review Hearing
Cape Club Redevelopment (CCC No.16017)
January 31, 2017
Falmouth Public Library, Hermann Room
300 Main Street, Falmouth, MA 02540

Subcommittee Members Present: Charles McCaffrey (Chair), Richard Roy, Harold Mitchell, Elizabeth Taylor, David Weeden

Commission Staff Present: Jonathon Idman (Chief Regulatory Officer), Jeffrey Ribeiro (Regulatory Planner), Michele White (Regulatory Officer), Steven Tupper (Technical Services Planner), Monica Mejia (Hydrologist)

Minutes Summary

The Cape Cod Commission (Commission) Cape Club Redevelopment Project Subcommittee (Subcommittee) held a public hearing to review the Development of Regional Impact (DRI) application for proposed residential and commercial redevelopment at The Cape Club in Falmouth. A representative for the applicant presented a description of the project and Commission staff presented a Staff Report. The Subcommittee heard public comments, continued the public hearing, and directed staff to prepare a draft written decision for the project for the Subcommittee's further review.

Minutes

Charles McCaffrey, as Chair, called the meeting to order at 5:45pm. Jeffrey Ribeiro read the public hearing notice. The Subcommittee members introduced themselves.

Mr. McCaffrey called for a presentation on the project by the applicant.

Attorney Eliza Cox, representing the applicant/owner FWG, LLC, presented an overview of the project using a PowerPoint presentation (attached). Atty. Cox described the project site and history, stated that the project site is a portion of a larger, 130-acre parcel of land, and outlined

existing conditions on-site including the layout of existing development. The parcel was once part of an 800-acre corporate campus that was permitted in the 1980s. Over the years, the 800-acre parcel was subdivided. The existing golf course and associated facilities are operated under a Special Permit approval from the Falmouth Zoning Board of Appeals received in 1989. Surrounding uses include residential development, open space, and another privately-owned golf course. Under existing conditions, the property is accessed by three (3) curb cuts along Falmouth Woods Road, is on the municipal water system, and has multiple septic systems. Atty. Cox stated that FWG, LLC purchased the property in 2015 and has made a significant investment in the property, including renovations to the existing clubhouse. FWG previously received a Special Permit modification to demolish the existing indoor tennis building. That modification included the relocation of an existing driving range, which has been completed.

Atty. Cox stated that this project includes two (2) distinct project areas on the property, Area A and Area B. Area A is a proposed residential cluster subdivision with 28 single-family building lots, and an associated access road connecting to Falmouth Woods Road. Area B contains the project's commercial component, which is 80 hotel rooms divided into 10 "golf cottage" buildings, associated parking, a new fitness center and pool buildings, and a wastewater treatment facility. She stated that the applicant also intends to demolish an existing indoor tennis building, which lies outside of the project site as defined for DRI review. Area A and Area B are largely on previously disturbed land, with the residential component in the area of the former driving range, and the hotel cottages proposed on lawn or existing impervious area.

The project will likely be constructed in three (3) phases, as follows: Phase 1 includes the residential cluster subdivision and roadway, wastewater treatment plant, and landscaping; Phase 2 includes the hotel cottages and parking; Phase 3 will include construction of the fitness center and pool building.

Atty. Cox described the residential cluster subdivision and layout. The lots range in size from approximately 10,000-13,000 SF. Per Falmouth Zoning Code, open space has been provided between, at least, every five (5) lots. The subdivision will have two (2) entrances off of Falmouth Woods Road and an internal cul-de-sac. Sidewalks within the subdivision will connect to sidewalks along Falmouth Woods Road. The residential cluster subdivision will be connected to the municipal water system and the proposed on-site wastewater treatment plant, which has been designed to include denitrifying treatment. Landscaping is proposed along Falmouth Woods Road, and a Homeowner's Association (HOA) will be established to ensure, among other things, that subdivision common areas and the landscaping on individual residential lots will be maintained according to subdivision covenants to be established.

Atty. Cox presented elevation plans of proposed house designs for the residential lots. She said the houses will contain 3 bedrooms, comprise between 2,500-3,000 SF, and be clad in tan cementitious clapboard or shingle materials with white trim matching the existing clubhouse.

Atty. Cox described the layout of the commercial component of the project, where 10 hotel buildings will each have eight (8) rooms, for a combined total of 80 hotel rooms. Each hotel building will have an approximately 2,000 SF footprint, and will be located along the perimeter of the existing main entrance driveway. Golf cart storage will be provided underneath three (3)

of the hotel buildings. Additional parking to accommodate the hotel will be added to the west of the current parking area and along the remainder of the entrance driveway island, and is the minimum required by town zoning. The wastewater treatment facility will be located between the parking area and Falmouth Woods Road, and the fitness center will be located to the west of the clubhouse. The hotel and fitness center will be serviced by the municipal water system, the proposed wastewater treatment facility, and will be designed to be LEED (Leadership in Energy & Environmental Design) certifiable. Atty. Cox stated that the proposed and existing development will be connected to the proposed wastewater treatment plant, which will improve treatment over existing conditions.

Atty. Cox presented elevation plans of the fitness center building. The fitness center building is proposed to be clad in the same materials as the hotel buildings. The fitness center has an indoor pool, fitness area, snack shack to service the outdoor pool, and a bridal dressing area.

Regarding project permitting, Atty. Cox stated that the project has been reviewed under the Massachusetts Environmental Policy Act (MEPA), and received a Certificate on the Environmental Notification Form (ENF) from the Secretary of the Executive Office of Energy and Environmental Affairs in May 2016, confirming no Environmental Impact Report (EIR) would be required. The project received a "No Take" determination from the Massachusetts Natural Heritage & Endangered Species Program (NHESP) in May 2015. The project was reviewed by the Massachusetts Historical Commission (MHC) and determined to need no further review in July 2015. Following review by the Commission, the applicant will undergo Subdivision Review and Site Plan Review with the Falmouth Planning Board, request a modification to the existing Special Permit from the Falmouth Zoning Board of Appeals, and apply for a Massachusetts Department of Environmental Protection (DEP) Groundwater Discharge Permit (GWDP).

Atty. Cox stated suggested project benefits, some of which are also suggested in the Commission Staff Report. A proposed open space arrangement with The 300 Committee will result in higher value off-site open space being protected, and through the Planning Board process the applicant will put a deed restriction on 8.75 acres of open space on-site, which is in addition to the open space requirements under the RPP. Additional benefits suggested beyond those in the Staff Report are that the project is a mixed-use project that will create a walkable community, will provide a walking trail that connects to existing adjacent public walking trails, the stormwater management system will improve treatment over existing conditions, the elimination of the indoor tennis building will provide an aesthetic enhancement, and a Transportation Demand Management Plan will be provided, to include shuttle service, provided by the owner, to local attractions, which also extends to existing employees and facilities on the property.

Atty. Cox thanked Commission Staff and homeowners in the adjacent neighborhoods for a collaborative working relationship with the applicant, and concluded her presentation.

Mr. McCaffrey called for a presentation of the Commission Staff Report by Jeffrey Ribeiro, who introduced Commission staff present. Mr. Ribeiro stated that the project site is a subset of the 130-acre parcel, and discussed Commission jurisdiction of the project under two (2) separate

thresholds of the Commission's *Enabling Regulations* and consistency with the Regional Policy Plan (RPP), and other standards of review, using a Power Point presentation (attached).

Regarding Land Use, Mr. Ribeiro stated that Falmouth has not adopted a Land Use Vision Map. The project meets RPP Goal LU1 – Compact Growth and Resource Protection, as the project is a cluster subdivision with hotel buildings located along the existing site driveway, is within previously disturbed areas, and is a redevelopment project.

As Falmouth has not adopted a Land Use Vision Map and the project is redevelopment, the project must meet two (2) of the Economic Development waiver requirements. He said that the project does meet the waiver requirements, as the project is redevelopment, mixed-use, and will be designed to be LEED certifiable, and thus is consistent with the Economic Development Minimum Performance Standards (MPS) of the RPP.

Mr. Ribeiro discussed the project relative to Water Resources goals of the RPP. He said the RPP requires site-wide nitrogen loading not exceed 5 ppm to protect drinking water quality. The site-wide nitrogen loading for the proposed project will be 4.15 ppm, which was calculated assuming 8 ppm-N effluent discharge as proposed as outlined in the framework for the GWDP. The applicant will need to provide a Turf and Landscape Management Plan as a condition of any project approval.

Regarding RPP Goal WR2 – Drinking Water Quality and Quantity, the project will be connected to the municipal water system. The applicant has provided a pressure analysis to show there will be adequate pressure in the municipal water system. The site is located within a mapped Potential Public Water Supply Area. Staff suggests the site be released from that designation as the site also includes a mapped area of Potential Plume related to Joint Base Cape Cod and is unlikely to be developed for a future drinking water supply.

Under RPP Goal WR3 – Marine Water Embayments and Estuaries, the project site is located in a Marine Water Recharge Area to the Wild Harbor watershed, where a 32% reduction in nitrogen is required, per Massachusetts Estuaries Project (MEP) analysis. As such, the project must meet the requirements of RPP Goal WR5 – Water Quality Improvement Areas. For RPP Goal WR4 – Freshwater Ponds and Lakes, the site is located in a Freshwater Recharge Area for Wings Pond and Dam Pond. Commission staff believes that project impacts to the ponds are unlikely due to the site distance from the ponds.

The site is located within a Water Quality Improvement Area, where nitrogen loading cannot be increased over existing conditions. The existing nitrogen loading from the project site to the Wild Harbor watershed is 1,285 kg/year and the proposed nitrogen loading is 1,223 kg/year, meeting this Water Resources goal, given that existing development on the property currently served by Title 5 septic systems will be connected to the proposed wastewater treatment facility.

The project is subject to RPP Goal WR6 – Wastewater Treatment Facilities, as the project proposes to install a private wastewater treatment facility and town sewer is not planned for this area. The treatment facility, a Ruck CFT/GPC system, is designed to provide tertiary treatment of the facility effluent with a denitrifying system, which provides an average nitrogen effluent of

5.7 ppm-N. It is anticipated that the effluent will achieve 5 ppm at the downgradient property boundary; a monitoring well will be installed as part of the GWDP. A hydrogeologic report will be submitted through the GWDP process; to be consistent with RPP MPS WR6.3 – Hydrologic Balance, Commission staff suggests that a copy of that report and copies of system monitoring reports be provided to the Commission.

For RPP Goal WR7 – Stormwater Quality, the system has been designed to treat the first inch of rainfall for the 25-year, 24-hour storm, provides 80% total suspended solids (TSS) removal, and incorporates bio-infiltration. The stormwater management system will improve stormwater management conditions over existing conditions, and the Erosion and Sedimentation Plan provided by the applicant meets Commission requirements.

Regarding Natural Resources, the project areas do not contain any wetlands or wetland buffers. The applicant did perform a Natural Resources Inventory, and Commission staff recommends that an Invasive Species Management Plan be provided as a condition of any project approval. The site does include an area of NHESP Rare Species mapping for eastern box turtle, but the applicant has received a “No Take” letter from NHESP. Commission staff believes that any potential impacts to rare species has been minimized.

Open Space will be provided based on the overall area of clearing for the project, which is 3.2 acres of forested upland, to expand the parking and install the wastewater treatment facility, and includes some clearing in the area of the residential subdivision. The site is located within a Significant Natural Resource Area and therefore must provide open space at a ratio of 2:1, for a total of 6.5 acres, which is proposed off-site. The 300 Committee is interested in purchasing a piece of land in Falmouth, which the applicant has donated funds towards the purchase of. The 300 Committee submitted a letter stating that the per acre value donated by the applicant is greater than the per acre acquisition cost of the land, making the value of the donation approximately equivalent to the purchase of 17.2 acres of land. Commission staff recommend a Transportation credit for the donation of funds in excess of 6.5 acres. Commission staff suggests that the payment towards open space is appropriate and would satisfy Commission open space requirements.

Regarding Transportation, the applicant did provide a Traffic Impact and Access Study (TIAS), which meets Commission requirements for such a study. The number of trips generated by the project was calculated and credit was given for the removal of the outdoor tennis courts and for internal trip capture to the on-site amenities. The highest number of trips are projected to be on Saturdays, with a Saturday trip generation of 600 trips, and a peak hour total of 57 trips. Three (3) high-crash locations were identified: the intersection of Routes 28 and 151, northbound and southbound ramps; and Route 28 and Sandwich Road. A package of safety improvements that meets Commission guidelines is proposed for those intersections, and is subject to town review. Mr. Ribeiro showed renderings of the proposed roadway safety upgrades, which include additional signage, pavement markings, adjustments to signal timing, and brush removal.

The applicant is required to reduce the number of trips to the site by 25%. The applicant proposes to meet this requirement in part with the restriction of additional open space as part of the agreement with the 300 Committee. Restricting an additional 10.7 acres of open space with

a conservation restriction (over and above 6.5 acres required under the RPP's Open Space and Recreation Issue Area), the applicant can receive a credit for 66 daily trips based on a theoretical residential subdivision laid out on this 10.7 acres. A Transportation Demand Management Plan has been provided which includes information and education for existing and future employees on transit options, a shuttle bus service, bicycle and pedestrian accommodations, and a traffic monitoring program. The number of parking spaces proposed (384) is the minimum number allowed under Zoning and meets Commission requirements.

For RPP Goal TR3 – Congestion Management, going from 57 trips minus the 25% trip reduction equals 43 net new trips, which results in a mitigation payment of \$177,500, which will be available to the town for transportation improvements in the area. The applicant has proposed to install a traffic signal at Falmouth Woods Road and Route 151 (Nathan S. Ellis Highway) as mitigation in lieu of the \$177,500 payment. Commission staff suggests that the installation of a traffic signal in this location is not a benefit to the region and the general transportation network, though it might be a benefit to the particular area, should not be considered congestion mitigation for the project, and approval of such a signal should be a local decision by the town and residents.

The hotel and fitness center will be designed to be LEED certifiable, which meets the RPP Energy Minimum Performance Standards.

The applicant proposed an Affordable Housing cash contribution for the residential and commercial components of the project. The residential portion of the project is required to set aside 10% of those units for affordable housing, in this case three (3) homes. Instead, the applicant has proposed a cash contribution of \$450,000, based on three (3) lots with an estimated market value of \$150,000, considering comparable sales data. The required contribution for the commercial component of the project is \$90,511, based on the anticipated number of below average wage jobs created, after crediting certain uses on site. The applicant has requested phased payments based on construction of the residential cluster subdivision and commercial component, which Commission staff generally supports.

For Heritage Preservation, the applicant submitted a Project Notification Form to the Massachusetts Historical Commission. Following review of the project, MHC responded that the site has been previously heavily disturbed due to grading to create the golf course in the late 1980s, there are no historic structures on-site, and impacts to archeological and cultural resources are unlikely. Therefore, Commission staff suggests that the project meets RPP Goal HPCC1 – Historic, Cultural, and Archeological Resources.

Mr. Ribeiro stated that the project is a cluster subdivision, is not strip development, includes parking to the rear of buildings, and is redevelopment. The building designs have traditional roof forms, the site is not in or adjacent to any historic areas, and the commercial component of the project has a residential scale. They will use the same cementitious siding in use on the existing clubhouse building, which Commission staff supports the use of in areas without distinctive or historic character.

Proposed landscaping buffers the parking areas, relates the buildings to the site and is an improvement over existing conditions. Mr. Ribeiro noted a comment letter was submitted by Commission Provincetown Representative John Krajovich, who was originally to be a member of this Subcommittee, and was distributed to the Subcommittee, regarding landscaping. The existing tear-drop shaped grassed entry island, planted with fruit trees, will remain largely the same. Additional tree plantings are proposed along the roadway. Proposed exterior lighting is minimal, meets Commission requirements for cutoff and dark sky compliancy, and uses appropriate lighting levels. No new signage is proposed, but future new signage would have to be reviewed by the Commission and consistent with the RPP MPS HPCC2.12 – Signage.

Mr. Ribeiro stated that the project is consistent with the RPP, subject to suggested special conditions to be considered in a Decision if the project is to be approved. Evidence must be provided that the buildings will be LEED certifiable, including the LEED checklist and certification from the architect. The applicant must obtain a GWDP with a maximum nitrogen effluent level of 8 ppm-N, and the Commission shall receive copies of all monitoring reports and the hydrogeologic report. The applicant should provide a Turf and Landscape Management Plan, Stormwater Certification, and Invasive Species Management Plan. Evidence that the applicant has made a payment to The 300 Committee for the acquisition of open space. The applicant should provide the safety improvements as presented, obtain a conservation restriction on at least 10.7 acres of off-site land to be acquired by the 300 Committee, implement the proposed Transportation Demand Management Plan, and provide a congestion mitigation payment of \$177,500. The applicant should also provide an affordable housing residential mitigation payment of \$450,000, and a commercial mitigation payment of \$90,511.

Staff suggests that the project meets other standards of review for DRI approval: the project is consistent with the Local Comprehensive Plan, which supports mixed-use projects, cluster subdivisions, and redevelopment. Project components further town goals of protecting open space, the production of affordable housing, and transportation improvements. The project is consistent with local development bylaws, subject to the applicant securing all local land use approvals for the project. The residential subdivision has undergone Preliminary Subdivision Review with the Falmouth Planning Board. The commercial accommodations are allowed by Special Permit. There are no District of Critical Planning Concern Implementing Regulations relative to this project (Mr. Ribeiro noted that the Town of Falmouth adopted a fertilizer control by-law prior to adoption of the Cape-wide Fertilizer Management DCPC).

Mr. Ribeiro stated suggested benefits and detriments of the project for Subcommittee consideration. Proposed benefits are: the project redevelops a previously disturbed site, will reduce site-wide nitrogen loading within an impaired watershed, improves the level of treatment of existing wastewater flows, provides higher value open space than could be protected on-site, and proposes to restrict additional open space on-site not required under the RPP. A suggested detriment of the project is the clearing of 3.2 acres of forested upland.

Mr. Ribeiro concluded his presentation and outlined the agenda for the rest of the hearing.

Mr. McCaffrey called for questions or comments from the Subcommittee.

Harold Mitchell asked how the project will be LEED certifiable. Kelly Cardoza, of Avalon Consulting Group, LLC, representing the applicant, responded and reviewed aspects of the project's LEED certifiability checklist.

Elizabeth Taylor asked if fertilizer and pesticide use at the golf course on the property has been reduced. Ms. Cardoza said yes. Ms. Taylor asked if their use would be managed in the residential development. Ms. Cardoza said yes, all areas will be maintained by the same maintenance personnel. Ms. Taylor asked what invasive species are on-site. Ms. Cardoza answered that there is purple loosestrife in the wetlands and some autumn olive along Falmouth Woods Road that will be removed by hand. Ms. Taylor stated that she is impressed with the open space protections proposed to be provided by the applicant.

Mr. McCaffrey asked if the applicant has consulted with the Falmouth Water Quality Management Committee. Ms. Cardoza stated they are working with DEP now but would consult with the Committee as the project proceeds.

Mr. McCaffrey stated that Sam Turner Road was not mentioned in the transportation report. Steven Tupper stated that it was part of the study area and included in the TIAS. This area was analyzed but is not a high-crash location.

Mr. McCaffrey asked for public comment by Federal, State, or Local Officials. Hearing none, Mr. McCaffrey called for public comment from the sign-in sheet.

Mr. McCaffrey called Thomas Stone, President of The 300 Committee Land Trust. Mr. Stone confirmed that the open space payment from the applicant is in escrow.

Mr. McCaffrey called Paul O'Sullivan. Mr. O'Sullivan stated that the traffic study did not include existing development and specific fatal crashes, a new internal access road was not shown on the project plans, and the proposed wastewater treatment plant as it relates to Cedar Lake and the Sagamore groundwater lens was not studied.

Mr. McCaffrey called Barry Glasgow. Mr. Glasgow stated that the property owner has renovated The Cape Club clubhouse, restaurant, and golf course are all destinations. The owner has had good communications with the residents and increased the attractions in the area. Mr. Glasgow supports the project.

Mr. McCaffrey called Ronald Dyer, a member of the Ballymeade Property Owners Association (BPOA) Board of Directors and Falmouth Finance Committee. Mr. Dyer stated that The Cape Club owners and investors have been exemplary, honest, straightforward, and they do what they say they will. Mr. Dyer supports the project.

Mr. McCaffrey called Steven Haddad. Mr. Haddad encourages and supports the project, and specifically the proposed hotel use.

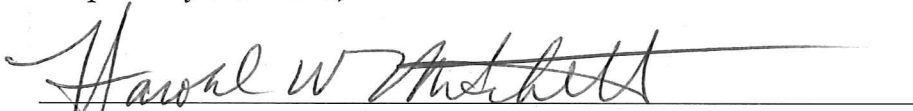
Mr. McCaffrey asked the Subcommittee if they had additional comments or questions. Hearing none, Mr. Ribeiro asked if the Subcommittee would like to request any additional materials or information from the applicant.

David Weeden asked for further information on the comments made by Mr. O'Sullivan. Ms. Cardoza showed a site plan with an existing road used to access the tennis building and the maintenance shed. Ms. Cardoza stated that groundwater in this area does not flow to Cedar Lake.

Richard Roy made a motion for Commission staff to draft a Decision approving the project. Ms. Taylor seconded. The motion passed by a unanimous vote.

Mr. Mitchell made a motion to continue the hearing to February 21, 2017, at 5:30pm, at the Cape Cod Commission Office – Ocean Room, located at 3225 Main Street, Barnstable, MA. Mr. Roy seconded. The motion passed by a unanimous vote and the hearing ended at 7:05pm.

Respectfully submitted,



Charles McCaffrey, Chair, Cape Club Redevelopment Subcommittee

HAROLD MITCHELL, ACTING CHAIR.

2-21-17

Date