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CAPE COD
COMMISSION

MINOR MODIFICATION TYPE #2 DECISION

DATE: August 9, 2018

OWNER/ APPLICANT: Woods Hole Partners LLC
c/o Robert H. Ament, Esq.
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02541

PROJECT: Nautilus Motor Inn Redevelopment
f/k/a Wise Living at Woods Hole
(CCC File Nos. 06009/08017)

**PROJECT SITE/
PROPERTY:** 533 Woods Hole Road, Falmouth (Woods Hole), MA 02540
(Town Assessors ID 51-5-2B)

TITLE INFORMATION: Book 30197 Page 271
DRI Decision recorded in Book 23360 Page 271

The Committee on Planning and Regulation (CPR) hereby finds and determines as follows:

FINDINGS

F1. By Development of Regional Impact (DRI) Decision dated November 13, 2008, the Cape Cod Commission (Commission) granted approval for “Wise Living at Woods Hole,” a proposed 43-unit independent senior living facility at the Property. The Project has not been constructed or begun. Then as now, the Property is currently developed with the former Nautilus Motor Inn and Dome Restaurant.

F2. The current Owner (“Applicant”) purchased the Property from the original permittee, subject to and with the benefit of the DRI Decision, and by letter dated July 19, 2018 has applied to the Commission for a modification to the DRI Decision for proposed changes to the building and site plans approved under the DRI Decision.

F3. Though it has not yet been exercised, the DRI decision is still valid and effective, and local permits may still be obtained pursuant to the DRI Decision, on account of the Massachusetts Permit Extension Act (as amended).

F4. The DRI Decision authorized the demolition of all existing buildings and structures on the 5.4 acre +/- Property (except for the geodesic dome, which is required to be actively preserved) and the subsequent development of a 43-unit independent senior living facility, with a commitment to develop or contribute to the development of five additional on- or off- site deed restricted affordable dwelling units.

F5. Prior to issuance of the DRI Decision, the Commission's Regulatory Committee issued a 'Change of Use' decision dated September 2, 2008 which scoped DRI review to the sole Cape Cod Regional Policy Plan (RPP) issue areas of Community Character/ Design and Affordable Housing ("Change of Use Decision").

F6. Generally, the Applicant now proposes to construct and operate the Project in multiple buildings at the Property rather than in a single, large building as approved under the DRI Decision. These proposed changes require modification to the DRI Decision, specifically to the site and building plans approved under and referenced in the DRI Decision.

F7. The Applicant proposes the same independent living use as was proposed and previously reviewed by the Commission. The Applicant proposes to develop the same number of independent living units as originally proposed for the Property (43) in seven detached buildings of various sizes (five of the buildings are proposed 'duplexes'), though as opposed to the DRI Decision, the 43 units proposed are inclusive of four (4) on-site affordable dwelling units. Thirty-nine (39) of the units are proposed to be market rate "over 55" age-restricted units; an additional four (4) on-site units (in proposed buildings F and G to the rear of the Property) will be for year-round rental use, deed restricted "affordable" in perpetuity (but not age restricted).

F8. The Applicant's proposal to provide four affordable dwelling units on-site is consistent with the terms and conditions of the DRI Decision, which set out a number of different on-site, off-site or combined options to meet RPP affordable housing requirements. Prior to conveying the Property to the Applicant, the original permittee previously contributed one off-site affordable housing unit, partially satisfying the DRI Decision's affordable housing requirements (see Partial Certificate of Compliance issued by the Cape Cod Commission for the Project dated December 8, 2014).

F9. Except for proposed revisions or substitutions to the plans approved and referenced in the DRI Decision, the Applicant does not propose to modify any other condition in the DRI Decision, including the affordable housing requirements, or requirements associated with preserving the geodesic dome on the Property.

F10. The Applicant submitted the following plans and other materials together with and in support of its modification request, which plans and materials further depict and describe the proposed site and building changes:

- Site Plans entitled “Proposed Site Development Plans at 533-539 Woods Hole Road, Falmouth, Massachusetts,” prepared by Cape & Island Engineering, Mashpee, MA, dated May 16, 2018, consisting of the following sheets:
 - G-101: Cover Sheet
 - V-101: Existing Conditions Plan
 - V-111: Demolition & Erosion Control Plan
 - C-101: Site Layout Plan
 - C-111: Grading & Drainage Plan
 - C-121: Utility & Septic Plan
 - C-201 & C-202: Driveway Plan & Profile
- Stormwater Management Report and Design Calculations for 533 Woods Hole Road, prepared by Cape & Island Engineering, Mashpee, MA, dated July 13, 2018
- Nitrogen Loading Calculations for 533 Woods Hole Road, (Existing and Proposed Conditions) prepared by Cape & Island Engineering, Mashpee, MA, dated 6/29/ 2018
- Proposed Architectural Elevations and Floor Plans, Buildings A through G, 535 Woods Hole Road, prepared by Longfellow Design Build, dated 6.29.18
- Proposed Roof Plans, Buildings A through G, 535 Woods Hole Road, prepared by Longfellow Design Build, consisting of sheets entitled:
 - Unit A, A-A104, dated 07-26-2018;
 - Unit B, B-A103, dated 07-26-2018;
 - Units C&D, D-A103, dated 08-08-2018;
 - Unit E, E-A104, dated 7-26-2018;
 - Two Family Building F/G, F-A102, dated 08-08-2018.
- Email re: Elevation Calculations (Ridge/ Peak Heights, Buildings A through G, 533 Woods Hole Road, Woods Hole), MA from Duckham Architecture & Interiors, dated August 6, 2018
- Proposed Exterior Finish Specifications, Buildings A through G, entitled “Woods Hole-General Specifications,” prepared by Duckham Architecture & Interiors, dated 08/08/2018
- Proposed Planting Plan, Southwest Portion of Property along Woods Hole Road, prepared by Cape & Island Engineering, Mashpee, MA, consisting of three sheets including section sheets A-A and B-B, dated July 31, 2018
- Proposed Perspective Renderings from Woods Hole Road (colored), consisting of 6 pages (undated, by Longfellow Design Build)
- Memorandum from Epsilon Associates, Inc. re: Buckminster Fuller Dome, Falmouth, Massachusetts, dated July 5, 2018
- Falmouth Traffic Counting Reports, 12/18/2017

F11. The CPR held public meetings on July 26 and August 9, 2018 at Cape Cod Commission office to consider the modification request. To assist in its review, Commission staff provided the CPR with a staff memorandum dated July 26, 2018.

F12. The Applicant’s modification request is properly reviewed as a Minor Modification Type #2 under Section 13 of Chapter A/ Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact (Effective Revised April 2018) (“Enabling Regulations”), where the proposal is substantially similar to the original Project approved in the DRI Decision

but involves minor changes which are consistent with and do not affect the intent or outcome of the DRI Decision.

- A. The use is the same as originally approved;
- B. the proposed changes do not meet or exceed a mandatory threshold for new DRI review;
- C. proposed changes to the building and site are consistent with current, approved development;
- D. impacts are not new or different in kind than those addressed in the DRI Decision; and,
- E. the proposed changes are not contrary to the findings and conditions contained in the DRI Decision, and are consistent with the applicable provisions of the RPP.

F13. In support of its modification request, the Applicant has provided information sufficient to justify the continued scope of Project review established in the Change of Use Decision for the Project. For example, the RPP issue area of Water Resources was previously scoped out of DRI Review because of the mitigation of impacts and anticipated improvements in water quality associated with proposed wastewater and stormwater management and treatment; the Applicant has provided information in the modification request and supporting materials evidencing improvements in water quality over existing conditions under the currently proposed site and building plans.

F14. Community Character/ Design was an RPP issue area reserved for review under the DRI Decision, and is the primary issue that was considered in review of the modification request, given that the proposed changes to the Project involve revisions to the approved building and site plans and that no substantive changes are proposed with respect to the other RPP issue area reserved for review under the DRI Decision, Affordable Housing. The proposed site and building changes are consistent with the RPP issue area of Community Character/ Design, subject to satisfaction of the Conditions in this decision:

- A. Though the proposed changes result in less concentrated structural coverage on the Property than the original project, separation of the Project into several smaller detached buildings is appropriate and consistent with the Community Character goals of the RPP. The proposal breaks the Project into smaller, multiple distinct massings, typical of traditional development in the region. The largest of the proposed buildings is located farther back on the Property, further reducing its perceived size. All buildings use traditional building materials like wood siding, which is appropriate given the Property's location within and adjacent to a local historic district. The proposed buildings employ traditional gabled roof forms at varying heights and appropriate façade variation and scale, responsive to the traditional regional design context. The proposed buildings and site layout are designed and arranged in a manner sensitive to the setting of the historic geodesic dome on-site.
- B. The Applicant has agreed to limit maximum site coverage to 40% by way of a Covenant with the Woods Hole Community Association (as amended February 28, 2018), which is more restrictive than what town zoning allows. Proposed structural coverage is also the same as under existing conditions.
- C. The RPP requires that parking areas be located to the side or rear of buildings, but at the least screened from regional roadways and from other viewsheds such as Woods

- Hole Road. The existing site vegetation and topography are largely effective in ensuring that proposed parking areas will not be directly visible from Woods Hole Road. Many of the proposed parking on-site will be in garages. The Applicant has provided a planting plan for the southwest portion of the Property (which was the portion of the property the Committee was most concerned with in terms of screening parking from Woods Hole Road). This plan uses appropriate native plantings and ensures that parking areas in the southwest portion of the Property are visually screened from Woods Hole Road.
- D. The Applicant will be required to provide a landscape/ planting plan of the full Project Site for Commission staff review and approval prior to issuance of a Preliminary Certificate of Compliance.
 - E. Further, pursuant to the Conditions of the DRI Decision, the Applicant is required to provide for Commission staff review and approval prior to issuance of a Preliminary Certificate of Compliance a landscape maintenance and installation protocol which, among other things, addresses water conservation measures; minimization of the use of pesticides and chemical fertilizers; and replacement of dead and diseased plantings (Condition CC-C3).

CONCLUSION

Based on the above Findings and determinations, the Cape Cod Commission's Committee on Planning and Regulation hereby approves the Applicant's request to further modify the Development of Regional Impact (DRI) decision for the Nautilus Motor Inn Redevelopment as a Minor Modification Type#2, subject to the following Conditions:

CONDITIONS

- C1. All findings and conditions in the DRI Decision continue to apply except as modified herein.
- C2. The DRI Decision, as modified herein, shall be appurtenant to and run with the Property/ Project Site, and shall bind and be enforceable against, and inure to the benefit of, the Applicant/Owner, its heirs, successors, and assigns.
- C3. This decision shall be effective upon its recording at the Barnstable County Registry of Deeds. The Applicant shall bear the costs of recording.
- C4. The Project shall be undertaken, constructed and maintained in accordance with the Findings and Conditions of the DRI Decision as modified herein, including with the approved Project plans, as modified herein. All other plans and documents required to be submitted as Conditions of the DRI Decision, as modified herein, shall be deemed incorporated into the approved Project plans as and when received, reviewed, and approved by Commission staff.
- C5. The following are hereby incorporated into the DRI Decision as approved Project plans and shall substitute for those site and building plans referenced in Condition G-C1 of the DRI Decision:

- Proposed Architectural Elevations and Floor Plans, Buildings A through G, 535 Woods Hole Road, prepared by Longfellow Design Build, dated 6.29.18
- Proposed Roof Plans, Buildings A through G, 535 Woods Hole Road, prepared by Longfellow Design Build, consisting of sheets entitled:
 - Unit A, A-A104, dated 07-26-2018;
 - Unit B, B-A103, dated 07-26-2018;
 - Units C&D, D-A103, dated 08-08-2018;
 - Unit E, E-A104, dated 7-26-2018;
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- Proposed Planting Plan, Southwest Portion of Property along Woods Hole Road, prepared by Cape & Island Engineering, Mashpee, MA, consisting of three sheets including section sheets A-A and B-B, dated July 31, 2018

C6. A copy of the DRI Decision and approved Project plans, both as modified herein, shall be maintained on site at commencement and through completion of the Project.

C7. Prior to and as a condition to issuance of a Preliminary Certificate of Compliance by the Commission, the Applicant shall provide to Commission staff for review and approval supplemental plans as follow:

- A. Exterior lighting plans and specifications for the Project, designed consistent with the applicable standards from the RPP and Commission’s Exterior Lighting Technical Bulletin 95-001;
- B. Revised landscape/ planting plan for the full Project Site consistent with applicable standards from the RPP, including: use of native plantings similar to those proposed in the 2008 landscape/ planting plan referenced in the DRI Decision; documentation of the existing site vegetation to be retained; planting details and specifications for the bioretention/ biofiltration features of the site stormwater management system.

Signature page follows

SIGNATURE

Executed this 9th day of August 2018.

For the Commission by:

Elizabeth Taylor, Chair, Committee on Planning and Regulation

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

August 9, 2018

Before me, the undersigned notary public, personally appeared Elizabeth Taylor in her capacity as Chair of the Cape Cod Commission’s Committee on Planning and Regulation, whose name is signed on the preceding document, and such person acknowledged to me that she signed such document voluntarily for its stated purpose on behalf of the Cape Cod Commission’s Committee on Planning and Regulation. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [X] personal knowledge of the undersigned.

Notary Public

My Commission Expires:

SEAL