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Cape Cod Commission Staff Report Development of Regional Impact Review

DATE:	June 7, 2024
PROJECT:	Upper Cape YMCA (Cape Cod Commission File No. 24008)
APPLICANT:	YMCA of Cape Cod
PROPERTY/SITE:	487 Brick Kiln Road, Falmouth, MA 02536 Parcel ID 26 01 019 02 Registry of Deeds Book 2491 Page 198
HEARING DATE:	June 12, 2024
SUBCOMMITTEE:	Harold Mitchell (Chair), John Druley, Jacqueline Etsten, Douglas Fromm, Peter Okun

Development Context

Existing Conditions

- The Project is proposed on a largely undeveloped forested site north of the Christ Lutheran Church of Falmouth (“CLCF”). The site encompasses a 6.15 acre +/- parcel (Lot 2B on Site Development Plans) and portions of the abutting CLCF parcel (Lot 2A). (“Project Site”; “Site”).
- The Project Site is bordered to the west by a residential development (Village at Brick Kiln), to the south by the CLCF and Brick Kiln Road, and to the north and east by Falmouth High School and town-owned land.

Placetype

The 2018 Regional Policy Plan (“RPP”) focuses on the review of proposed developments in relation to their surroundings. To this end, the RPP identifies eight Placetypes across the region and classifies areas based on similar natural and built characteristics. The Placetype for a given project is established at the outset of regulatory review and provides a lens to analyze the project with respect to the goals and objectives of the RPP. Placetypes are determined in two ways: some are depicted on a map adopted by the Commission as part of the Technical

Guidance review of DRIs, and others are identified using the character descriptions set forth in Section 8 of the RPP.

Commission Staff and YMCA of Cape Cod (“the Applicant”) agree that the location of this Project most closely resembles the Rural Development Area Placetype. Rural Development Areas are defined by a high percentage of open lands and sparse building development patterns. This Placetype may include rural historic areas, large agricultural areas, and significant tracts of wooded areas without identified special habitat. The areas adjacent to the Project Site include some single-family residential development, outdoor recreational fields, Falmouth High School, and large tracts of undeveloped wooded land on either side of Brick Kiln Road. As discussed further in the Wildlife and Plant Habitat and Open Space sections below, the Project Site is largely undeveloped forested land, but does not encompass any mapped special habitat areas.

Development Plan

The proposed development consists of:

- a new two-story building of approximately 68,470 sq. ft.+/-, including two indoor swimming pools, locker rooms, a child-care room, gathering rooms, exercise studios, office suites, open fitness areas, a gymnasium, running track, tenant space for the Community Health Center of Cape Cod;
- outdoor activity areas adjacent to the building, totaling approximately 19,480 sq. ft. +/- including an exercise studio, activity yard, and children’s play area;
- a new access drive from Brick Kiln Road;
- surface parking lot to be shared with the CLCF, including an internal sidewalk system, handicapped spaces, electric vehicle (EV) charging stations, and areas of permeable pavement;
- a stormwater management system with infiltration basins and bio-retention areas; and
- an on-site innovative/alternative septic system, (collectively, the “Project”).

Jurisdiction and Procedural History

The Cape Cod Commission Act (“the Act”) charges the Commission with reviewing certain proposed developments which, due to their size or other characteristics, are presumed to have impacts beyond their local communities. Section 3 of the Commission’s Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact (“Enabling Regulations”) (revised November 2021) sets forth certain thresholds, which, if met or exceeded, require the Commission to review such project as a Development of Regional Impact (“DRI”). The Upper Cape YMCA, as described in the application materials, is subject to mandatory DRI review pursuant to Section 3(e)(i) of the Enabling Regulations because it proposes new construction of a commercial/private recreational building with a gross floor area greater than 10,000 square feet.

The Project was referred to the Commission by the Town of Falmouth on April 29, 2024, and the Applicant submitted a DRI application on the same day.

DRI Review Standards

- Section 13(d) of the Act and Section 6(c)(viii) of the Commission’s Enabling Regulations contain the standards of review for DRI approval, which include, as applicable, consistency with the Cape Cod Commission Act and its Regional Policy Plan, consistency with municipal development bylaws, or, if inconsistent, that the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth, if within a District of Critical Planning Concern, its implementing regulations, and if Commission-certified, the town’s Local Comprehensive Plan (“LCP”).
- DRI review of the Project is subject to the 2018 RPP, amended in March 2021, which is the version of the RPP in effect at the time of the Commission’s first substantive public hearing on the Project. The Commission assesses the Project’s consistency with the RPP by determining whether the Project is consistent with the Goals and Objectives in Section 6 of the RPP, as particular goals and objectives are deemed applicable and material to the Project.
- The Commission must also find that the probable benefit from the Project is greater than the probable detriment. Though a determination that the Project is consistent with the RPP does not in itself determine that the probable benefit outweighs the probable detriment, the Commission may factor into its benefits/detriments determination: those considerations identified through its RPP review; and any other benefits, detriments, concerns or impacts within the broad purview of the Act.

Waiver and Flexibility

Section 9 of the RPP authorizes the Commission to waive full and literal compliance or consistency with any specific RPP goal or objective provided that the Applicant demonstrates:

1. Such waiver will not result in substantial detriment to or substantial derogation from the purposes and values intended to be protected or promoted by such goal or objective; and
2. That the intent of the goal or objective will be met through some alternate approach, including appropriate mitigation; and
3. That the waiver is necessary to fulfill, protect or promote another compelling regional purpose, goal, objective or value from the Act or RPP that could not be achieved without such waiver.

In considering the grant of such waiver, the Commission may factor into its decision-making any hardship claimed and demonstrated by an applicant that would render such full and literal compliance or consistency impracticable. In determining such hardship, the Commission will consider, among other things:

1. Whether that without the desired relief, full and literal enforcement would result in substantial hardship, financial or otherwise, to the project applicant; and
2. The extent to which the claimed hardship is specific to the project, not generalized in nature, and the extent to which the hardship might be self-created; and
3. Whether the requested waiver relates directly, and is the minimum relief necessary, to address the stated hardship.

Cape Cod Regional Policy Plan

RPP Goals and Objectives

Based on the location and nature of the Project, the following RPP goals are applicable, material, and regionally significant and thus subject to RPP consistency review: *Water Resources, Wildlife & Plant Habitat, Open Space, Community Design, Transportation, Energy, Waste Management, Climate Mitigation, Cultural Heritage, and Economy*. Commission staff make the following recommendations relative to the Project's consistency with these RPP Goals and relevant Objectives and Technical Bulletin guidance:

Water Resources

The Water Resources Goal of the RPP is to *maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources*.

The following Objectives are applicable and material to the Project:

- **WR1**—protect and preserve groundwater quality
- **WR2**—protect, preserve, and restore freshwater resources
- **WR4**—manage and treat stormwater to protect and preserve water quality

Objective WR1: To meet Objective WR1, developments must be designed such that septic systems and other sources of contamination avoid adversely impacting downgradient existing or proposed drinking water wells. Projects also may contribute no more than 5 parts per million (“ppm”) site-wide nitrogen loading to groundwater sources unless located in Potential Public Water Supply Areas (“PPWSA”), or other Impaired Areas where stricter standards apply. Projects should utilize site design and operational best practices to preserve groundwater quality.

Here, the Project Site is not within a PPWSA or another Impaired Area as identified in the RPP. It is located within the Long Pond watershed which is mapped by the Town of Falmouth as a Water Resource Protection District (“WRPD”) and portions of the site are within a Massachusetts Department of Environmental Protection (“MassDEP”) Surface Water Supply Zone. Commission staff support connecting the facility to the nearby sewer system and appreciate the Applicant's outreach to the Town of Falmouth to facilitate this option. Should sewer connection not become feasible, the Project proposes to dispose of generated wastewater on site, using a KleanTu

NitROE system with a design flow of approximately 7,600 gallons per day (“gpd”). The septic system leach field is located outside the Surface Water Protection Zone so as not to impact the downgradient drinking water supply. The Applicant has provided a nitrogen loading calculation (Exhibit 20) based on an assumed effluent nitrogen concentration of 10 mg/L, which would result in a sitewide nitrogen loading of 4.55 ppm, below the 5ppm maximum. Post-installation monitoring of treated effluent for both nitrogen and phosphorus concentrations should be performed to ensure the system performs as designed. Based on the above, Commission staff recommend that the Project is consistent with Objective WR1.

Objective WR2: Developments which are located within the watershed of a freshwater pond and propose wastewater effluent discharges greater than 2,000 gpd must evaluate the impact of phosphorus transported by groundwater to the pond. As noted above, the Project Site is within the Long Pond Watershed (a freshwater pond and public water supply source) and is expected to generate more than 2,000 gpd. The Application estimates that phosphorus inputs to Long Pond are likely minimal due to the type of soils present on the Project Site and the proposed soil absorption components of the wastewater treatment system. Commission staff suggest that the Project is consistent with Objective WR2.

Objective WR4: This Objective requires all developments to include a stormwater management system which prevents adverse impacts to water and other natural resources and provides capacity to store, treat, and infiltrate all on-site runoff. Stormwater systems should be designed in accordance with the Massachusetts Stormwater Handbook guidelines, including biofiltration, bioretention, and other treatment Best Management Practices (“BMPs”). DRIs located in Rural Development Areas should minimize new land disturbance, impervious surface coverage, and utilize natural filtration and recharge processes.

The Project Site, aside from the portion occupied by Christ Lutheran Church of Falmouth, is currently undeveloped and primarily mixed pine-oak woodlands. The Project will create approximately 3.3 acres of new impervious surfaces (including building / rooftop area and paved parking and walkways) and 0.64 acres of pervious hard surfaces, while retaining approximately 3.8 acres as grass cover, vegetated rain gardens, and undisturbed open space.

The Applicant has proposed to treat runoff from impervious rooftop, parking, and walkway areas with a series of stormwater control measures, which include pretreatment devices, rain gardens and vegetated swales distributed throughout the landscaped areas, with recharge provided through structural and subsurface infiltration devices. The Stormwater Report (Exhibit 22) indicates that a portion of the rooftop runoff will be directed to the dry stream with the remaining piped directly into subsurface infiltration basins. Commission staff encourage the Applicant to direct all rooftop runoff to the dry stream and rain gardens if feasible. A portion of the parking area and the fire access road are to be constructed from permeable materials (pervious pavers or crushed stone) to minimize runoff generation and promote recharge. The

stormwater system has been designed to provide the necessary water quality volume and recharge capacity at the sub-catchment level, with vegetated treatment distributed throughout the parking and driveway areas.

In addition, portions of the site located within the Surface Water Protection Zone have additional requirements for stormwater treatment. The proposed stormwater management system within this Zone has been designed to provide the additional required removal of Total Suspended Solids, oil and grease, and nutrients. Based on the above, Commission staff suggest that the Project is consistent with Objective WR4.

Wildlife & Plant Habitat

The Wildlife and Plant Habitat Goal of the RPP is to *protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity.*

The following Objectives are applicable and material to the Project:

- **WPH1**—maintain existing plant and wildlife populations and species diversity
- **WPH4**—manage invasive species
- **WPH5**—promote best management practices to protect wildlife and plant habitat from the adverse impacts of development

Objective WPH1: All DRIs that propose alterations to undeveloped areas should complete a Natural Resources Inventory (“NRI”) consistent with the Wildlife and Plant Habitat Technical Bulletin guidelines. To the maximum extent feasible, projects should be designed to minimize: clearing of vegetation, alteration of natural topography, and fragmentation of wildlife and plant habitat. Projects should cluster development away from the most sensitive areas of the site and establish or maintain wildlife corridors. DRIs may also demonstrate consistency with Objective WPH1 by protecting standing specimen trees, planting native vegetation and avoiding development in Natural Heritage and Endangered Species Program (“NHESP”) BioMap Core Habitat or Critical Natural Landscape, or Key Site as defined in the State Wildlife Action Plan.

The Applicant completed a Wildlife Habitat Evaluation (Exhibit 16) consistent with the Technical Bulletin’s NRI guidelines. Most of the Site will need to be cleared and regraded to accommodate the proposed building footprint, parking, and required access driveways. Despite the amount of new site disturbance required, the Project design is generally consistent with Objective WPH1. The proposed multi-story building and shared parking lot—covering some areas of previous disturbance—will minimize clearing of vegetation and alteration of natural topography and reduce the development footprint. To reduce import and export of soils, the Applicant proposes to use existing on-site soil materials for regrading.

To minimize fragmentation of wildlife and plant habitat and establish wildlife corridors, the Applicant proposes to preserve natural areas in the northern section of the development, contiguous with an undeveloped area on the Falmouth High School property. The Applicant also

proposes to establish a wildlife migration corridor along the development's western border that would allow for migration to and from the natural areas to the north and south. The Project site is located within the Town of Falmouth's Wildlife Corridors Overlay District and subject to review by the Town's Natural Resources Department. According to the Application, consultation with Town Natural Resources staff resulted in the bus loop being shifted easterly to create a better opportunity for wildlife migration.

Consistent with additional methods to meet WPH1, the Project does not propose development in any mapped BioMap Core Habitat or Critical Natural Landscape or Key Site as defined in the State Wildlife Action Plan. The Applicant proposes to protect and preserve specimen trees outside the development footprint, and to plant native vegetation in landscaped and stormwater areas to enhance wildlife habitat. The Landscape Architectural Plan (Exhibit 26) and Landscape Management Plan (Exhibit 23) appear consistent with WPH1. Drought-tolerant native species are utilized to minimize fertilizer, pesticide, and irrigation use. All ornamental landscape beds will be irrigated during the plant establishment period and some planting areas near the front of the building will have an irrigation system for growing season watering, as needed. The Applicant may install an irrigation well in the future to maintain landscaped areas with an estimated withdrawal rate of less than 1,000 gpd. If an irrigation system is installed, the Applicant proposes to incorporate water-efficient irrigation components and to design the system to adjust water schedules based on observed moisture conditions, consistent with the Commission's Sample Landscape Maintenance Contract/Maintenance Plan.

Objective WPH4: This Objective requires projects to employ Best Management Practices ("BMPs") during construction to avoid introducing any new invasive species to a project site. Where invasives have been identified on the site, an applicant should provide a management plan to prevent the spread of any invasives currently present.

According to the Wildlife Habitat Evaluation eight invasive plant species were documented on the Site. The Applicant proposes to remove these prior to site clearance, consistent with WPH4. Several BMPs are proposed to help prevent the spread of invasives including marking, bagging, and removing plants to be disposed offsite, and cleaning construction equipment before and after work. As a condition of a decision, staff recommend the Applicant be required to submit a final invasive species management plan for review.

Objective WPH5: This Objective can be met through use of building envelopes to limit the extent of site alteration and disturbance to the minimum areas needed for the project, use erosion control barriers during construction, and employ fencing to protect plants and wildlife from construction impacts.

Consistent with WPH5, the Applicant states it intends to use the building envelope method to minimize the extent of site alteration and disturbance. The Sediment and Erosion Control Plan (Exhibit 24) includes erosion control barriers, inlet protections, catch basin inserts, and other

appropriate measures to control siltation and limit runoff during construction. Silt fencing and straw wattle will be installed to delineate the boundaries of construction work. To the extent practicable, staff also recommends the Applicant avoid clearing vegetation during the summer to avoid impacts to breeding birds and bats.

Open Space

The Open Space Goal of the RPP is *to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems.*

The following Objectives are applicable and material to the Project:

- **OS1**—protect and preserve natural cultural and recreational resources
- **OS2**—maintain or increase the connectivity of open space
- **OS3**—protect or provide open space appropriate to context

Objective OS1: This Objective can be met by minimizing overall development footprint and protecting and preserving high value resource areas, wildlife habitat, and unfragmented open space. Projects may also preserve agricultural lands and provide and enhance recreational opportunities.

Here, the Project Site does not have any designated high value natural resources or habitats present as noted in WPH1 above. The Site is not in active agricultural use but does have some USDA-identified agricultural soils present. By minimizing importation and exportation of soils, the Applicant will preserve these soils on site. The development footprint has been minimized to the extent practicable by incorporating multi-story development and shared parking. The Applicant will maintain a connective wildlife corridor from Brick Kiln Road to the open space at the northern end of the Project Site and fencing in this area will be segmented to allow for animal movement. The proposed development will provide various recreational opportunities to residents of Falmouth and the Upper Cape. Additionally, the Project Site is located adjacent to Falmouth High School and municipal outdoor sports facilities. A pedestrian path will link the YMCA to these properties encouraging further recreational use. Commission staff suggest that the Project is consistent with Objective OS1.

Objective OS2: This Objective can be met by protecting open space that is contiguous to other protected open space or undeveloped land, preserving wildlife corridors, and establishing and connecting recreational trails.

The Applicant proposes to permanently protect approximately 1.23 acres of land on the Project Site which is currently undeveloped and will not be disturbed as part of the development (See Exhibit 17 Attachment A). This land is adjacent to undeveloped land on the Falmouth High School property to the north which connects to town-owned conservation land in the Long Pond Watershed. The Site Plan includes a wildlife migration corridor along the development's western

border. In addition, an existing trail located on the eastern border will be connected to the YMCA development with two new access points and the internal sidewalk network will connect to the sidewalk on Brick Kiln Road and a future bike path planned by MassDOT for the same side of the road. Commission staff suggest the Project is consistent with Objective OS2.

Objective OS3: This Objective requires DRIs to mitigate the impact of new development and resulting loss of undeveloped land by permanently protecting open space of high natural, cultural or recreational value. The amount and method of open space mitigation varies based on the Placetype designation and amount of new development proposed. Depending on Placetype, the open space requirement can be met through one or a combination of three mechanisms: 1) protection of open space on the project site, 2) protection of high-quality land offsite, or 3) cash contribution for the purpose of open space protection within the town.

The required open space is calculated based on Area of Development Impact (“ADI”), which is the total undeveloped area on the site anticipated to be impacted by the proposed development. Portions of the site that were previously developed or will remain undeveloped are excluded from ADI. Areas on site which will be permanently protected as part of the project may be excluded from ADI and count towards the open space mitigation requirement. For Rural Development Area Placetypes the mitigation ratio is 2 parts open space to 1 part development (2:1). Mitigation in this Placetype may be provided via on-site or off-site protected land or a cash contribution (as calculated by the method described in the Open Space Technical Bulletin). According to the Application’s Open Space Narrative (Exhibit 17), the ADI is 5.7 acres. Full compliance with Objective OS3 would require 11.4 acres of open space mitigation. Including the proposed 1.23 acres of protected land on the Project site, the Applicant would need to provide approximately 10 additional acres.

Pursuant to Section 9 of the RPP, the Applicant is seeking a waiver of full compliance with the open space mitigation requirements applicable to this Project. The Open Space Narrative outlines the rationale for the waiver request. As discussed further below, Commission staff suggest that the Applicant has adequately demonstrated basis for a waiver of strict compliance with Objective OS3 and the Commission could allow the Applicant to meet its requirements through reduced or alternative measures.

In support of the waiver request, The Applicant identifies several features of the Project Site and design that support the purposes and values intended to be protected by the Open Space Goal, an alternative mitigation proposal, and other regional purposes, goals, and objectives advanced by this Project. The proposed YMCA provides recreational facilities, including outdoor spaces, connection to a trail network, and connections to adjacent outdoor fields at Falmouth High School. The development footprint is minimized by multi-story design, shared parking, and some redevelopment of existing gravel parking. The proposed 1.23-acre on-site protected space provides some mitigation for the development impacts and is adjacent to a larger block of

contiguous undeveloped land. The Applicant also notes that the Project will provide recreational, cultural and educational benefits to the community through family-based programming, wellness activities, and a medical facility.

The high cost and limited availability of large tracts of undeveloped land in the area, and the Applicant's status as a non-profit organization reliant on donations for construction and operation of its proposed facility, provide reasonable basis for the Commission to conclude that full compliance with Objective OS3 would result in financial hardship. Accounting for the 1.23 acres of on-site protected open space, the Applicant is requesting relief from the remaining 10 +/- acres of required open space mitigation. The RPP Waiver and Flexibility provision allows the Commission discretion to grant the requested relief or a greater or lesser amount.

As part of the waiver request, the Applicant describes ongoing efforts to coordinate with both the 300 Committee (a non-profit Falmouth land trust), and the Falmouth School Committee to identify nearby or adjacent parcels that might be permanently protected to offset the development impact of this Project. Commission staff support this approach to identifying and protecting off-site open space which would bring the overall acreage under protection closer to the Technical Bulletin requirements.

To encourage continued coordination with the Town and/or 300 Committee while also allowing the proposed Project to proceed with permitting and construction, the Commission may consider granting relief in an amount less than the full 10 acres requested and allow the Applicant to submit a final mitigation package for staff review as a condition to a preliminary or final certificate of compliance. Understanding that a specific parcel or set of parcels has not been identified, and that the Town or other third parties will have to reach agreements with the Applicant, the Commission could allow the mitigation to be met through off-site protected land, a cash contribution, or any combination thereof.

Community Design

The Community Design Goal of the RPP is *to protect and enhance the unique character of the region's built and natural environment based on the local context.*

The following Objectives are applicable and material to the Project:

- **CD1**—promote context sensitive building and site design
- **CD2**—minimize the amount of newly disturbed land and impervious surfaces

Objective CD1: This Objective focuses on designing projects in a manner consistent with the scenic, aesthetic, historic, and environmental character of its surroundings and the broader Cape Cod region. Projects may evidence consistency with this Objective through use of regionally appropriate forms and materials, locating parking in areas where it does not have adverse visual impacts, and providing appropriate landscaping and pedestrian amenities. In Rural Development Areas, small-scale buildings are encouraged, and larger buildings should be screened from view

to the extent possible. Landscaping plans should incorporate native species and provide functions such as stormwater treatment and erosion control. Buildings should incorporate variation in roof form, including gables to break up large masses, and use setbacks and projections to reduce the visual impact of long facades.

The proposed YMCA building is made up of several different forms with significant changes in the facade setback, effectively breaking down the massing into smaller elements. Within the roughly 43,000 square foot building footprint there are four gable roof forms, each roughly 2,000 to 4,000 square feet, that echo traditional Cape architecture and screen the larger flat-roofed sections of the building. The building includes modern elements in its glass entry wall and canopy but balances them with the use of traditional shingle siding elsewhere on the building. The longest building facades along the pool and the gym are moderated with changes in siding materials, significant setbacks from the rest of the building, and unique angled columns and metal screens that suggest natural features. Overall, the building provides at least 10 feet of facade variation for every 50 feet of facade length.

The new building is sited well back from Brick Kiln Road and behind existing church buildings, which will screen both the parking and the proposed structure from view. Staff notes that the screening relies on buildings and vegetation on a parcel that is not owned by the Applicant. The proposed Landscape Plan incorporates native species and utilizes natural stormwater treatment features, as noted in WR4 and WPH1 above. Commission staff suggest the Project is consistent with Objective CD1.

Objective CD2: This Objective may be met by clustering development, minimizing the amount of parking to no more than what is required by zoning, developing multi-story buildings where appropriate, and incorporating permeable or pervious materials. Here, the Project development footprint is minimized by fitting all YMCA facilities into a predominantly two-story building and by sharing parking with the existing church. The number of parking spaces provided is the amount required under the Town of Falmouth Zoning Bylaws, and the Applicant indicated that they will request a further reduction subject to Planning Board approval. Additionally, permeable pavers are proposed in portions of the parking lot and outdoor areas. Commission staff suggest that the Project is consistent with Objective CD2.

Transportation

The Transportation Goal of the RPP is *to provide and promote a safe, reliable, and multi-modal transportation system.*

The following Objectives are applicable and material to the Project:

- **TR1**—improve safety and eliminate hazards for all users of Cape Cod’s transportation system
- **TR2**—provide and promote a balanced and efficient transportation system that includes healthy transportation options and appropriate connections for all users

- **TR3**—provide an efficient and reliable transportation system that will serve the current and future needs of the region and its people

Objective TR1: To achieve consistency with this Objective, all projects must prepare an adequate Transportation Impact Study (“TIS”), provide safe pedestrian connections, apply good access management principles in site and driveway design, and locate driveways to provide acceptable sight distance while minimizing sight distance obstructions from signs, vegetation, and other fixed items. Projects must also analyze off-site safety impacts as detailed in the technical bulletins and implement appropriate safety improvements.

The Applicant’s consultant prepared a TIS (Exhibit 15) for the Project in accordance with relevant guidance from the Transportation Technical Bulletin. The submittal provides an analysis of the operational and safety impacts of the proposed Project and was prepared in a professional manner following standard industry practices. The TIS included a safety review and capacity analysis at five study area intersections and three roadway links. It includes trip generation estimates for the proposed new facility based on traffic counts at three other YMCA facilities in southeastern Massachusetts (West Barnstable, Middleborough, and Swansea).

The Project proposes to provide safe accommodations for both vehicular and non-vehicular (pedestrian/bicyclist) movements throughout the Site. Access will be provided via a new driveway, located on the north side of Brick Kiln Road approximately 450 feet west of the existing driveway to the Christ Lutheran Church. Parking will be shared between the two sites, and the existing driveway to the church will remain to accommodate church patrons. Based on the sight distance assessment, adequate sight lines will be provided at the driveway allowing for safe and efficient access. A network of internal sidewalks and crosswalks will be provided to connect patrons to the parking areas and Brick Kiln Road. There is also a proposed path connection to the adjacent high school property.

According to the safety analysis, the intersection of Brick Kiln Road at Gifford Street is an above average crash location (average 3.2 crashes/year) based on the Transportation Technical Bulletin. We recommend the Applicant review the crash reports and contributing crash factors at this intersection to determine what existing safety issues may be present (i.e. red light running, etc.) to identify potential safety mitigation items to address Objective TR1. It may be appropriate for the Applicant to review existing signal timings and existing warning and regulatory signage at this intersection. Additionally, the intersection of Brick Kiln Road at Gifford Street is listed as number 19 on the Falmouth Complete Streets Prioritization Plan for desired multimodal improvements.

Objective TR2: To meet this Objective, DRIs for housing or employment sites should implement Transportation Demand Management (“TDM”) best practices. Proposed development should also construct sidewalks, multi-use paths and other bicycle/pedestrian connections within the site and connected to existing off-site networks to the extent feasible.

The Applicant is proposing an appropriate TDM program to support healthy transportation options and assist in the reduction of single-occupancy vehicle trips to the site. The TDM program includes items such as an on-site TDM coordinator, installing bike racks and carpool parking spaces, posting transit schedules and providing subsidized transit passes, among other measures. There is no fixed route transit service provided in the vicinity of the proposed YMCA Site, however, the CCRTA operates a new micro transit service called Smart DART in the Town of Falmouth. We encourage the YMCA to promote the use of Smart DART to members and employees as part of their TDM program. Commission staff suggest that the Site Plans identify locations of proposed bike racks and carpool spaces.

The Project proposes an extensive internal sidewalk and crosswalk network which extends along the site driveway to Brick Kiln Road. However, the existing Brick Kiln Road sidewalk currently ends at the Christ Lutheran Church driveway, approximately 300 feet to the east. To support Objective TR2 and promote multimodal connectivity to the larger sidewalk network to the east, staff encourage the Applicant to considering extending the existing sidewalk on Brick Kiln Road to the YMCA property and to the adjacent Village at Brick Kiln residential development as part of this Project if feasible. The sidewalk extension would eliminate the gaps in the sidewalk network between these two new developments. The Town of Falmouth has a long-term desire for a shared use path on Brick Kiln Road but there are currently no design efforts or construction funding associated with this potential future project.

Objective TR3: This Objective deals primarily with managing vehicular congestion and maintaining adequate levels of service in the regional transportation network. A capacity analysis was conducted as part of the TIS for the four study area intersections and five study area roadway links. Based on the capacity analysis, the Project Site driveway is anticipated to operate at an adequate level of service during average and peak periods. Additionally, it appears that additional vehicle delays ranging from 5 seconds to 12 seconds are expected at the study area intersections. The Applicant may want to review the existing intersection signage at all study area intersections to ensure they are updated with advanced warning and regulatory signage as these intersections are expected to experience 30 to 50+ new vehicles or more during the peak hours. Potential recommendations to install missing roadway signage should be identified where applicable.

To offset impacts from the proposed development, the proposed TDM program has the potential to encourage use of alternative transportation modes and reduce vehicle trips to the site via transit, carpools, and walking/bicycling. Additionally, a sidewalk extension on Brick Kiln Road could potentially offset congestion impacts from the Project, if constructed by the Applicant. The sidewalk extension would improve the multimodal connectivity of the Project by allowing connections to adjacent properties (high school, residential neighborhoods) and would connect to the larger sidewalk network to the east and south. Additional intersection warning signage would also assist with intersection safety within the study area.

Energy

The Energy Goal of the RPP is *to ensure an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod.*

The following Objectives are applicable and material to the Project:

- **EN1**—Support renewable energy development that is context-sensitive
- **EN2**—Increase resiliency of energy generation and delivery
- **EN3**—Minimize energy consumption through planning and design

Objective EN1: This Objective may be met when a Project incorporates on-site renewable energy generation or alternative energy use, including, but not limited to solar photovoltaic (“PV”), wind, solar thermal, geothermal, solar carport, fuel cells, or biofuels. Here, the Applicant proposes to incorporate a roof-mounted, solar PV system on the building. Rooftop panels are depicted on the Site Plans (Exhibit 23), and the Applicant provided communications with a solar developer to provide a design for the panels (Exhibit 11). Commission staff suggest the Project is consistent with EN1.

Objective EN2: This Objective supports an adequate and diverse supply of energy on Cape Cod by increasing the energy resiliency of development which should result in long-term energy savings, reduced environmental impacts, and less strain on the energy grid. Methods for supporting this goal include locating utilities underground and managing energy use for peak demand. Consumer-side demand management may be achieved through on-site energy storage technologies such as batteries, fuel cells, and emergency back-up generators. The Applicant proposes to locate utilities underground and provide backup energy generation using batteries as part of the solar PV system and a standby emergency generator to increase the resiliency of energy delivery, consistent with Objective EN2.

Objective EN3: This Objective aims to increase the energy efficiency of developments through site planning and design. Projects may achieve consistency by meeting efficiency benchmarks such as LEED, Energy Star certification, or incorporating energy efficient design elements, including but not limited to green roofs, combined heat and power systems, energy efficient lighting, electric vehicle (“EV”) charging stations and shade over paved areas. Applicants may propose alternative energy efficiency measures as appropriate for the type of project or as new technologies are developed and available.

Here, the Applicant proposes to incorporate many building design and site features to reduce energy consumption and increase energy efficiency, such as energy efficient lighting, heating and cooling systems, and building envelope design, in addition to Energy Star appliances and other conservation measures. The Project also includes EV charging stations in the shared parking

areas. Commission staff suggest the proposed energy efficiency measures are consistent with Objective EN3.

Waste Management

The Waste Management Goal of the RPP is *to promote a sustainable solid waste management system for the region that protects public health, safety, and the environment and supports the economy.*

The following Objectives are applicable and material to the Project:

- **WM1**—to reduce waste and waste disposal by promoting waste diversion and other Zero Waste initiatives
- **WM2**—support an integrated solid waste management system

Objective WM1: This objective focuses on waste diversion and solid waste reduction measures to benefit the economy, public health, and the natural environment of the Cape Cod region. Waste diversion approaches that a development may employ to achieve consistency with WM1 include, but are not limited to, increasing reuse of materials, increasing recycling of materials that have served their useful purpose, and resource recovery of useful materials. Here, the Project is largely new development with only limited redevelopment areas. The Applicant meets this Objective by proposing to reuse existing parking lot gravel and soils generated during excavation within the new development.

Objective WM2: This Objective may be met through proper management of construction and demolition waste and recycling and supporting local municipal waste facilities. The Applicant meets this Objective by committing to send all construction waste to a MassDEP Waste Ban approved C&D processor and send operational waste a recycling material to a municipal facility.

Climate Mitigation

The Climate Mitigation Goal of the RPP is *to support, advance, and contribute as a region to the Commonwealth's interim and long-term greenhouse gas reduction goals and initiatives, including a state-wide net zero carbon target by 2050.*

The following Objectives are applicable and material to the Project:

- **CM1**—promote low or no carbon transportation alternatives and technologies
- **CM2**—promote low or no carbon technologies for building energy use, including appliances, lighting, and heating, ventilation, and cooling (HVAC) systems
- **CM3**—promote carbon sequestration and other emissions removal practices and technologies as appropriate to context
- **CM4**—Promote low or no carbon energy generation technologies as appropriate to context

Objective CM1: This Objective focuses on reducing the carbon impact of transportation associated with the development through methods including but not limited to, providing pedestrian and bicycle infrastructure on site, connections to sidewalks and multi-use paths, and EV charging stations. Staff suggest the Project is generally consistent with this Objective based on the incorporation of EV charging spaces, pedestrian infrastructure, and other improvements cited in TR2 and EN3 above.

Objective CM2: This Objective may be met when a development incorporates energy efficiency measures such as optimized building design in accordance with Net Zero Energy building standards, and peak electricity demand reduction strategies. Commission staff suggest the Project is consistent with this Objective based on the energy-efficient design features cited in EN3 above.

Objective CM3: This Objective may be met when a project includes tree planting as part of a landscaping plan, incorporates native vegetation, and permanently protects open space, among other methods. Here, the proposed Project includes open space protection and native vegetation in the landscaping plans as described in WPH1, OS3, and CD1 above.

Objective CM4: Projects which include appropriate on-site renewable energy generation, the ability to install EV and/or PV infrastructure, and green power purchase agreements, among other strategies, may be consistent with this Objective. The Project proposes EV charging stations within the parking lot and rooftop solar PV consistent with Objective CM4.

Cultural Heritage

The Cultural Heritage Goal of the RPP is *to protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod.*

The following Objectives are applicable and material to the Project:

- **CH1**—protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods
- **CH2**—protect and preserve archaeological resources and assets from alteration or relocation

Objective CH1: This Objective may be met by siting new development outside of cultural landscapes and generally preserving historic structures present in the proposed development area. Here, no historic structures have been identified on the subject property or in the vicinity of the proposed development that would be impacted. The Project is located outside of cultural landscapes and will not alter agricultural lands or access to traditional maritime industries. Commission staff suggest the Project is consistent with Objective CH1.

Objective CH2: This Objective may be met where a proposal sites new development away from significant archaeological sites. The Applicant submitted a Project Notification Form to the Massachusetts Historical Commission (“MHC”) in August 2022. MHC responded with a no comment letter in September 2022 indicating that the Project is not likely to affect significant historic or archaeological resources. Commission staff suggest the Project is consistent with Objective CH2.

Economy

The Economy Goal of the RPP is *to promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce.*

The following Objectives are applicable and material to the Project:

- **EC1**—protect and build on the Cape’s competitive advantages
- **EC2**—use resources and infrastructure efficiently
- **EC3**—foster a balanced and diverse mix of business and industry
- **EC4**—encourage industries that provide living wage jobs to a diverse workforce

Objective EC1: This Objective focuses primarily on protecting natural, coastal, historic, agricultural and other valuable resources that contribute to Cape Cod’s economy. Developments may support this objective by clustering development areas to preserve open space and promoting walkability and multimodal forms of transportation. Here, the Project is largely new development. However, the two-story structure, shared parking lot, and incorporation of existing disturbed areas serve to minimize the development impact area and loss of open space. The Site design incorporates internal sidewalks and connects to existing sidewalks, supporting pedestrian and bicycle access. Commission staff suggest the Project is consistent with Objective EC1.

Objective EC2: This Objective may be met through shared on-site infrastructure with proximate developments, placing new utilities underground, providing on-site renewable energy generation, avoiding infrastructure development in Natural Areas, and providing mixed-use buildings or a mix of uses on site. Here, the Project will share surface parking with the adjacent Christ Lutheran Church and water supply service with the new residential development to the east of the Site. The Applicant proposes to install rooftop solar panels to generate renewable energy and will place all other new utilities underground. The Project Site lies outside of any Commission-mapped Natural Areas, so infrastructure development in those areas has been avoided. The Project will support a mixture of uses within the building including professional healthcare, child-care, and athletic facilities. Based on the above, Commission staff suggest the Project is consistent with Objective EC2.

Objective EC3: This Objective may be met by providing employment opportunities in emerging industries and designing buildings to accommodate a range of uses. As noted above, the

building includes spaces for different uses, and will provide full-time and construction period employment opportunities, consistent with Objective EC3.

Objective EC4: Development may support this objective by demonstrating how a project will provide high-quality employment opportunities. Specifically, projects are encouraged to create year-round jobs, pay above-average wages, provide career training, job benefits, and affordable housing for employees. The Applicant submitted an Economic Impact Assessment (Exhibit 13), which estimates the Project will create between 175 to 200 construction jobs including engineers, surveyors, carpenters, electricians, equipment operators, among others. Additionally, the completed YMCA facility is estimated to create 8 to 10 full-time operational jobs and up to 80 additional part-time jobs. The Community Health Center expects to employ 15 individuals including medical providers, nurses and support staff. Based on the above, Commission staff suggest the Project is consistent with Objective EC4.

Other DRI Standards of Review

Prior to approval of any DRI application, the Commission must find that the proposed project's probable benefits outweigh its probable detriments, and that the proposed project is consistent with municipal development bylaws and any Commission-certified Local Comprehensive Plan ("LCP").

Consistency with Local Zoning Bylaw

The Application notes that the Project Site is within an Agricultural AA Zoning District according to the Falmouth Zoning Map. Two zoning overlay districts also cover portions of the Site: Water Resource Protection Overlay District and Wildlife Corridor Overlay District Migration Area 1. The Applicant has applied to the Planning Board for Site Plan Review and will also require a Special Permit from the Zoning Board of Appeals. Developments within Migration Area 1 must prepare a wildlife migration corridor plan for review by the Natural Resources Department. The proposed corridor will be reviewed for actual or potential use by medium to large mammals, ground nesting birds, reptiles and amphibians. The Project proposes to maintain forested areas along the property's western boundary as a wildlife corridor. These areas are within the proposed on-site open space protection (Exhibit 17). Subject to review by relevant Town authorities, the Commission may find that the Project is consistent with the applicable Zoning Bylaws.

Consistency with Falmouth's Local Comprehensive Plan

The Town of Falmouth's current LCP was most recently updated in 2016. The LCP addresses eight Elements: Land Use, Transportation, Coastal Resiliency, Water and Wastewater, Housing, Economic Sustainability, Energy, and Historic Character. Each Element includes broad goals and policies as well as specific action items for implementation of those goals. Commission staff suggest that the Project is generally consistent with goals and policies of the following Elements:

- **Land Use:** Falmouth aims to use land appropriately to create places to live, work, and play, by encouraging sustainable and balanced growth. This Element specifies that the Town will provide a comprehensive network of access corridors to accommodate many modes of travel. The YMCA Project supports this goal by connecting to trails and sidewalks in the Site vicinity for pedestrian and bicycle travel. The YMCA facility also creates a space for employment, recreation and other activity which may benefit the broader community.
- **Coastal Resiliency:** This Element notes that Falmouth is vulnerable to the effects of climate change, including rising sea levels and increasingly unpredictable storm events. Historical development patterns of locating homes and infrastructure close to the shore have increased the community's exposure to damage. In light of these threats, the LCP suggests that different ways of building may be necessary in the future to protect life and property and plan for greater resiliency. The proposed YMCA is located inland and at a relatively high elevation which should minimize impacts related to coastal storms, flooding and sea-level rise. This Project is consistent with the overarching objective of building and planning new development for maximum resiliency.
- **Water and Wastewater:** This Element highlights the ongoing problem of excess nitrogen and phosphorus in fresh and coastal water bodies, and the importance of protecting the town's drinking water supplies. It emphasizes municipal sewer expansion as the most effective measure of protecting water quality. This Project incorporates an innovative/alternative wastewater system which should minimize inputs of nitrogen and phosphorus to groundwater and freshwater bodies, as compared to other wastewater technologies. Though the Project site is not currently connected to sewer it is close to other parcels which are, increasing the opportunity for future connection.
- **Economic Sustainability:** The Town aims to enhance established sectors of the economy and encourage emerging sectors to increase economic opportunities for residents. The LCP also seeks to maximize quality of life and ensure Falmouth remains a viable community for all demographic groups. The YMCA Project appears consistent with this goal, as it will likely produce new employment opportunities in construction, operations, and medical roles. Additionally, YMCA facilities and programs may provide childcare support for working parents, and recreational and community activities for all age groups.
- **Energy:** This Element seeks to minimize dependence on carbon-based fuels through use of renewable energy sources and energy conservation and efficiency technologies. The YMCA Project design is consistent with this goal as it incorporates on-site renewable energy generation with rooftop solar panels and utilizes energy-efficient building design features.