

# CAPE COD COMMISSION

3225 MAIN STREET  
PO Box 226  
BARNSTABLE, MA 02630  
508-362-3828  
FAX: 508-362-3136

Date: December 17, 1992

Applicant: Portuguese American Association  
Joseph Martinho

Project #: Ex# 92068

Project: Portuguese American Club  
55 Ashumet Road  
Falmouth, MA 02541

RE: Development of Regional Impact Exemption Request  
Cape Cod Commission Act Section 12 (k)

Certificate #: 05081 and 0222 May 16, 1992  
Lot/Parcel:

## DECISION OF THE CAPE COD COMMISSION

### SUMMARY

The Cape Cod Commission (Commission) hereby approves the application of Joseph A. Martinho and the Portuguese American Association for a DRI exemption under Sections 12 (k) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, for a proposed Portuguese American Club in Falmouth, MA. The decision is rendered pursuant to a vote of the Commission on December 17, 1992.

### PROJECT DESCRIPTION

The project site has soils that are composed of Carver series coarse sands typical of Cape glacial outwash. The soil surface is generally covered with a layer of non-decomposed and partially decomposed leaf, pine needle and twig litter. Coarse sands are excessively drained and the vegetation on this upland site is characteristic of this type or drainage and is dominated by a sparse pine-oak forest in secondary succession.

As proposed, the project would consist of a 11,200 square foot building located on the 4.2 acre site. The parking field is designed to accommodate approximately 73 vehicles with an overflow parking area located in the ComElectric easement on the eastern portion of the site. The proposed building would be used for Portuguese American Association meetings, gatherings and functions, with a secondary use as a function hall for rental purposes.

The applicant has stated a desire and willingness to leave the site in as natural a state as possible with 3.15 acres of the total being left in an undeveloped state. This would leave approximately 1.05 acres as developed land.

## PROCEDURAL HISTORY

The applicant's application was deemed complete on November 6, 1992 and after several meetings between the applicant and staff a hearing was held on for December 9, 1992 at the Falmouth Public Library. This hearing was conducted for the purposes of determining if the project as proposed was exempt under section 12 (k) of the Act.

## TESTIMONY

At that hearing, the subcommittee heard a presentation of the project from the applicant, a presentation from the staff and public testimony from members of the Portuguese American Association and from an abutter. The applicant presented information in support of their DRI Exemption application and the staff report generally supported their contentions that the project would not pose a regional impact. The staff report did seek additional buffering along Ashumet Road to preserve the rural, wooded character of the neighborhood and to protect the single abutter located directly across the road from the project from traffic and visual impacts. The subcommittee agreed with the information presented in the staff report and suggested that the buffering issues were local and that they could be addressed by the Falmouth Site Plan Review Board. The subcommittee suggested that recommendations concerning buffering would be sent to the Falmouth Board.

## MATERIALS SUBMITTED FOR THE RECORD

The application and notices of public hearings relative thereto, the Commission staff notes, exhibits and correspondence, the minutes of meetings and hearings and all written submissions received in the course of the proceedings for this project are incorporated into the record by reference.

### From the Applicant:

1. Letter from John DeMello, President of the Portuguese American Association in support of their request for an exemption. October 6, 1992
2. Letter from Joseph Martinho, representative of the Portuguese American Association asking the Executive Committee for a fee waiver. October 7, 1992
3. Development of Regional Impact Application including site plans and architectural drawings. November 6, 1992
4. Letter and attached traffic figures from John DeMello to Robert Mumford. November 25, 1992
5. Letter from John DeMello to Frank Bess of ComElectric discussing the ComElectric easement on the Portuguese American Association property. December 7, 1992

### Staff:

1. Memo from Bob Mumford to Dorr Fox recommending additional traffic information was needed to review the Portuguese American Club for traffic impacts. September 15, 1992
2. Letter to Joseph Martinho outlining the hearing process and notifying the applicant of materials that were still needed. October 20, 1992

3. Letter to Joseph Martinho indicating a hearing time had been arranged. November 6, 1992
4. Staff Report December 4, 1992
5. Subcommittee Report December 11, 1992

Materials from Local, State and Federal Agencies and Boards:

1. Letter from Paulino P. Rodrigues, Falmouth Chief of Police, in support of the project. September 15, 1992
2. Letter from Brian A. Currie, Falmouth Town Planner, in support of the project. September 22, 1992
3. Letter from Pamela S. Truesdale, Administrator, Falmouth Conservation Commission, suggesting there would be no filing required through the Conservation Commission. September 25, 1992
4. Letter from Peter F. Boyer, Falmouth Town Administrator, in support of the project. September 30, 1992
5. Letter from Mark Patton, Director of the Falmouth Department of Natural Resources, suggesting there would be no environmental impact from the project and generally, in support. October 6, 1992

Materials from other interested parties:

1. Letter from Joanna L. Bradshaw, expressing concern for the location of the Portuguese American Club location directly across the street from her home and seeking Commission support for a buffer zone to the project. October 22, 1992
2. Letter from ComElectric discussing the need for written agreements from the Portuguese American Association complying with ComElectric regulations prior to use of the easement for overflow parking. December 4, 1992

### JURISDICTION

The applicant applied for a Development of Regional Impact Exemption for a project that is categorically included under Section 12 (c) (6) of the Act as ..."any new construction over 10,000 square feet... The project was reviewed under Section 12 (k) of the Act for a DRI Exemption.

### FINDINGS

In its deliberations of the project the subcommittee made the following findings:

1. The project site is located in Falmouth at the intersection of Sandwich and Ashumet Roads.
2. The project as proposed is an 11,200 square foot building to be used by the Portuguese American Association for their membership meetings and events and as a rental hall for functions.

3. The area surrounding the proposed project site was formerly conservation land, is very rural in character and is at the present time, entirely wooded.

4. There is one abutter whose residence is directly across Ashumet Road opposite the site drive proposed by the Portuguese American Association.

5. The traffic generated by the proposed project will not degrade the level of service at the adjacent intersection and the project complies with the minimum performance standards in the Regional Policy Plan (RPP).

6. The project as proposed meets RPP minimum performance standards requiring a wastewater nitrate-nitrogen loading level of 5 ppm or less.

7. The applicant has expressed an interest in maintaining the natural character of the site to the greatest extent possible. A 35 foot buffer has been proposed along Ashumet Road and the applicant will transplant trees within the construction site to the buffer area fronting Ashumet Road in an effort to maintain a suitable buffer.

8. The subcommittee finds that the following issues regarding the buffer area are local issues and offers recommendations which will be submitted to the Site Plan Review Board in Falmouth.

- The subcommittee recommends that the parking area be pushed further back on the site to provide a larger buffer area fronting the parking field along Ashumet Road. This move would not entail a shift in the handicapped accessible area or necessitate a move to the walkway leading from the parking field to the building.
- The subcommittee recommends that the site drive on the westerly portion of the lot be moved 20 to 30 feet to the east. This would prevent the parking area from emptying out directly across the street from the single residence.
- The subcommittee recommends that transplanted trees that do not survive should be replaced with additional plantings in order to augment the buffer area.

### CONCLUSION

Based upon the findings above, the Cape Cod Commission hereby concludes:

The project as proposed would not have a regional impact due to its location, character and lack of environmental impacts, provided that the environmental features of the site are preserved to the greatest extent possible and provided that the project is constructed as currently proposed. This conclusion is supported by findings 5 - 8 and is further supported by the fact that the applicant has agreed to maintain the wooded character of the site and in addition, appears willing and interested in providing as great a buffer surrounding the project as practical. To this end, the Commission has recommended design changes to the site that would achieve the goal of providing a larger buffer while maintaining the rural, wooded integrity of the site. This would also integrate the project into the overall character of the surrounding area which is essentially conservation land. The Commission hereby approves that the DRI exemption for the Portuguese American Club pursuant to section 12 (k) of the Act.

The Commission hereby grants (applicant) an approval for a Development of Regional Impact Exemption, pursuant to Section 12 (k) of the Act, for a proposed Portuguese American Club in Falmouth, MA.

*[Signature]*

12/17/92

Alix Ritchie, Chair

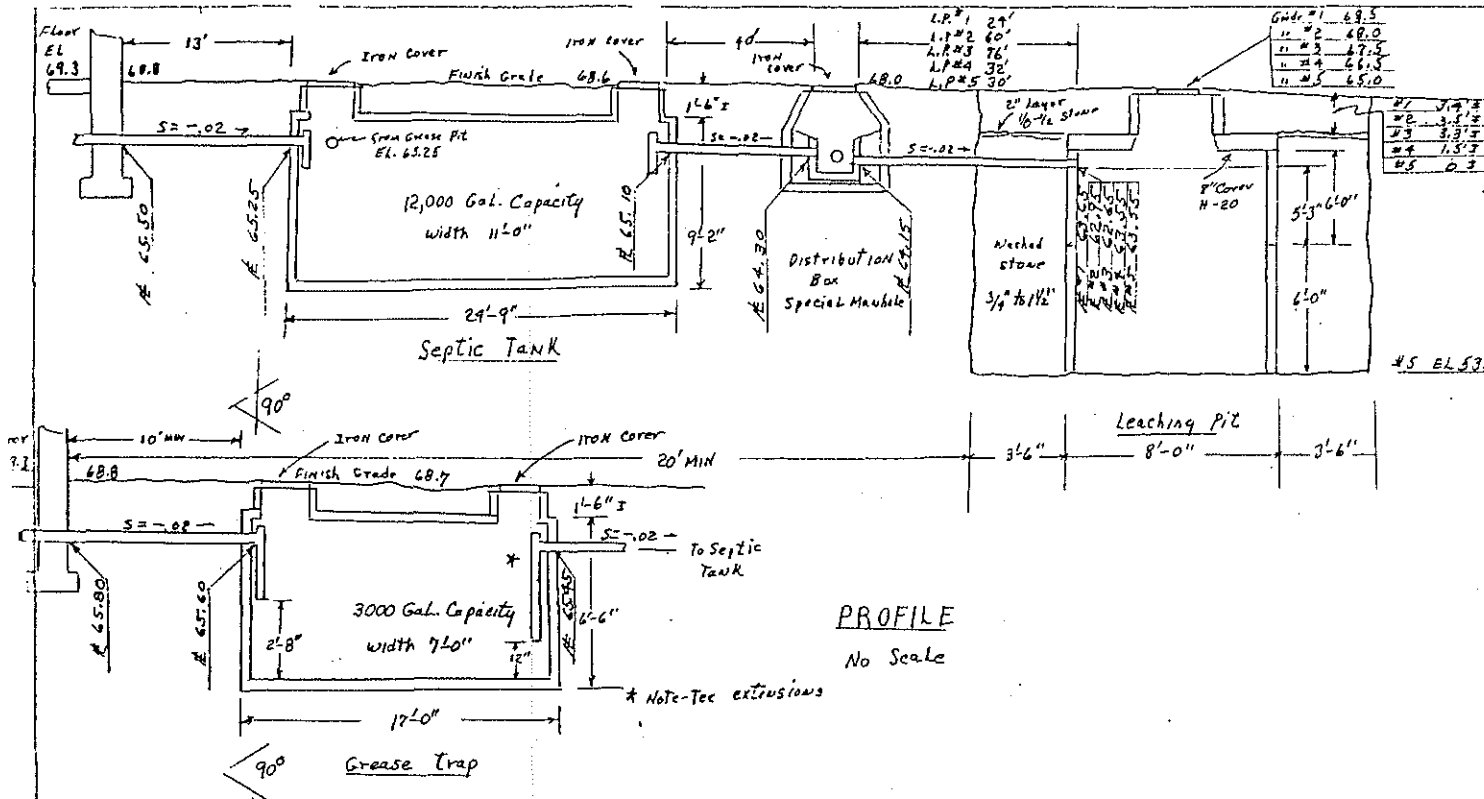
Date

Commonwealth of Massachusetts  
Barnstable, ss.

Subscribed and sworn before me this 17<sup>th</sup> day of Dec, 1992

*Katharine Y Peters*  
Name, Notary Public

My commission expires: My Commission Expires December 5, 1997



Basis of Design

1. Design based on food service establishment
2. No. of Persons Served 200
3. Estimated Leaching Capacity required 7000 G.P.D.
4. Site area proposed 2625 S.F. Bottom area proposed 885 S.F.
5. Proposed Leaching Capacity 7515 G.P.D.
6. Precast units 18-20 loading
7. Water supply - Town
8. Pipe used shall be cast iron or schedule 40 P.V.C.
9. Grease Pit Capacity proposed 3000 gallons
10. Grease Pit Capacity proposed 3000 gallons
11. All system components shall be installed in accordance with STATE Sanitary Codes and FALMOUTH Health Dept. Regulations
12. No changes to this plan will be made without approval of Falmouth Health Dept. and N. Ellis
13. Before backfilling the system the contractor shall notify the Falmouth Health Department to inspect the construction.
14. A copy of this plan shall be kept on site during construction.
15. Grease trap tees shall be supported by hangers or other approved device.

**PROFILE**  
No Scale

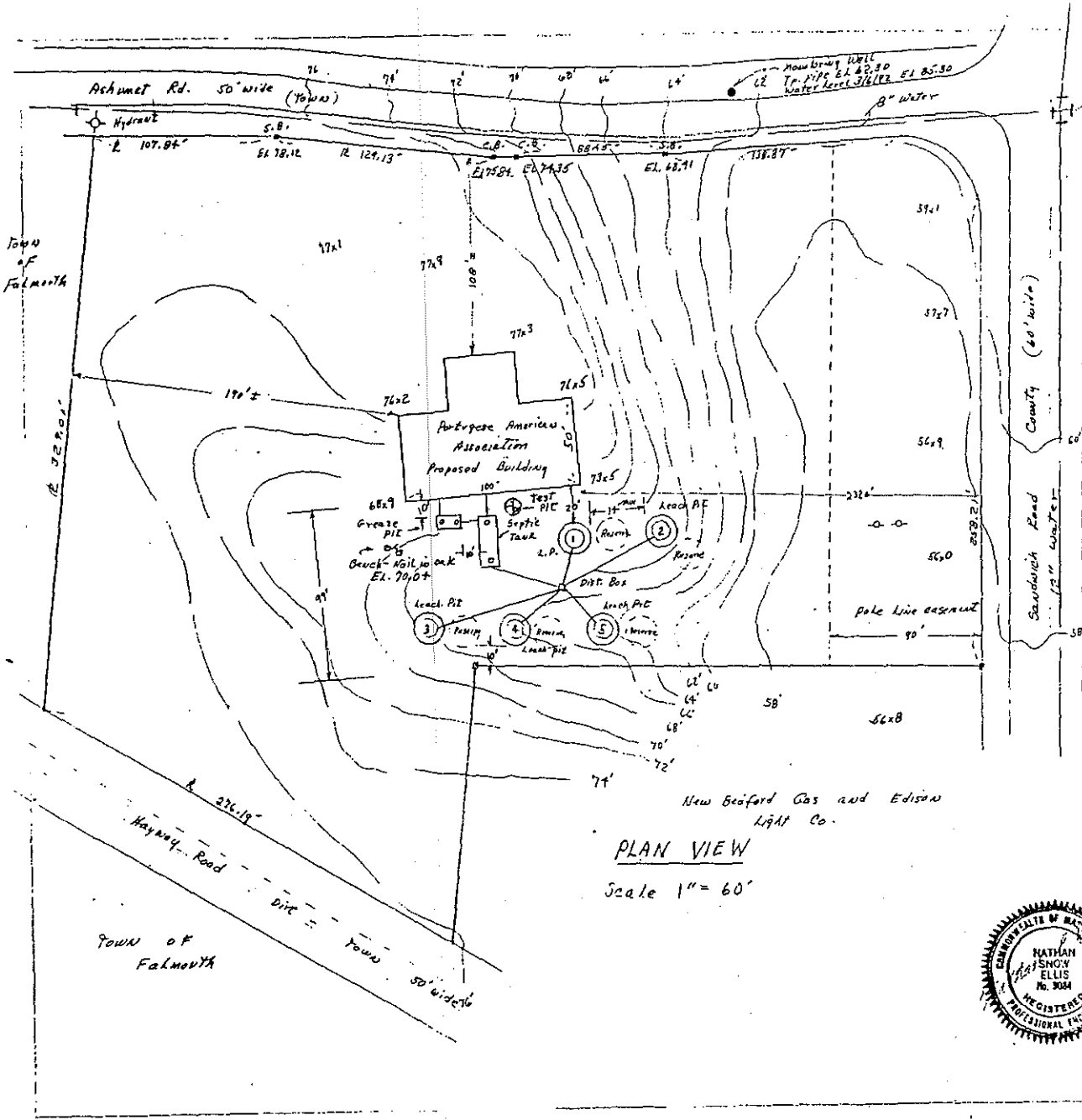
Soil Log		
Depth	Soils	Elev.
0'-0"	Sandy	68.7
1'-0"	Topsoil	67.9
2'-6"	yellow Sandy Subsoil	66.4
12'-0"	Coarse yellow Sandy Gravel	56.9
33'-7"	Ground Water	35.3

Date of test March 25, 1992  
 Test by N. Ellis  
 Witnessed by ANN Gibbons Fal. Health Dept.  
 percolation rate < 2"/min.  
 Ground water NOT encountered in test

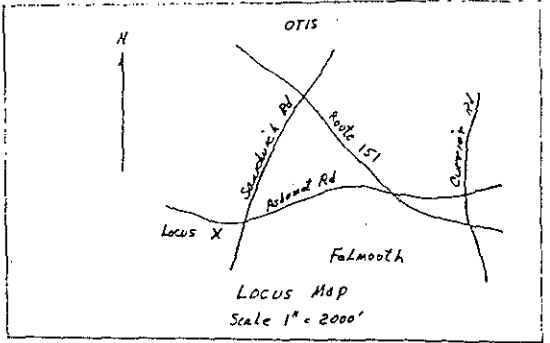
Ground water elevation obtained from driven test well located 160' west of Sandwich Road gutter 4' north of Ashmet Road Pavement edge. See sheet #1  
 Ground water Elevation 3/6/92 - 35.30 M.S.L.

**PROPOSED SEWAGE DISPOSAL SYSTEM**  
 for the  
**PORTUGUESE AMERICAN ASSOCIATION**  
 OF FALMOUTH  
 55 Ashmet Road  
 East Falmouth, Mass.  
 Scale 1" = 60' March 10, 1992  
 Nathan S. Ellis P.E. 9084  
 Falmouth, Mass.





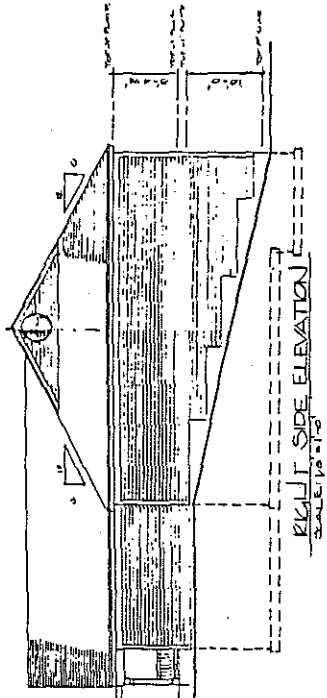
PLAN VIEW  
Scale 1" = 60'



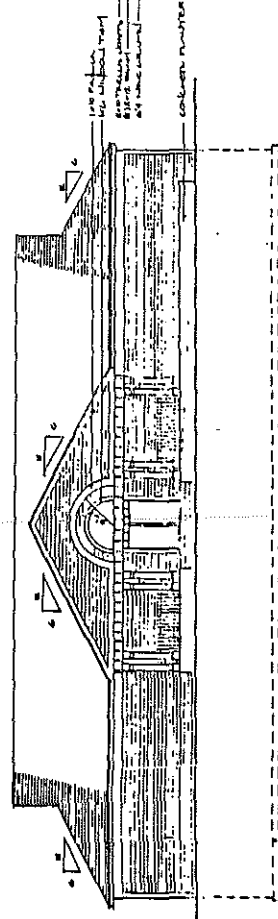
Notes  
 Elevations based on Mean Sea Level Datum  
 ZONING A-G-A  
 Land Area 4.2 Acres  
 Flood Plain Hazard Zone - No  
 Private Wells with 300 ft. of Proposed Septic System - None  
 Wetlands within 300 ft. - No

PROPOSED SEWAGE DISPOSAL SYSTEM  
 For the  
 PORTUGUESE AMERICAN ASSOCIATION  
 OF FALMOUTH  
 55 Ashumet Road  
 East FALMOUTH, Mass.  
 Scale 1" = 60' March 10, 1992  
 NATHAN S. ELLIS R.P.E. 9084  
 FALMOUTH, MASS.  
 Sheet 1 of 2 Sheets

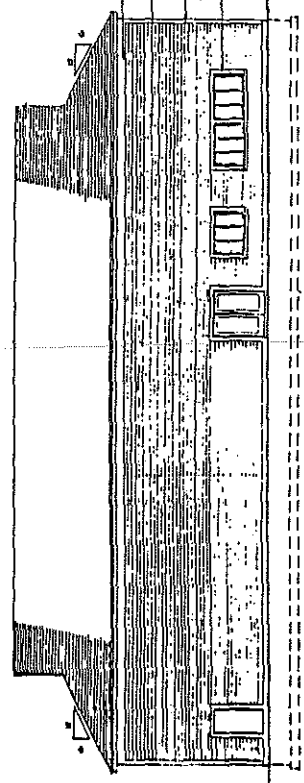




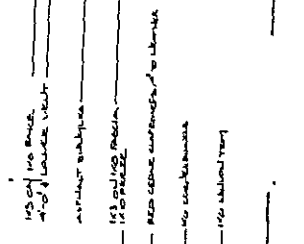
FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



REAR ELEVATION  
SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

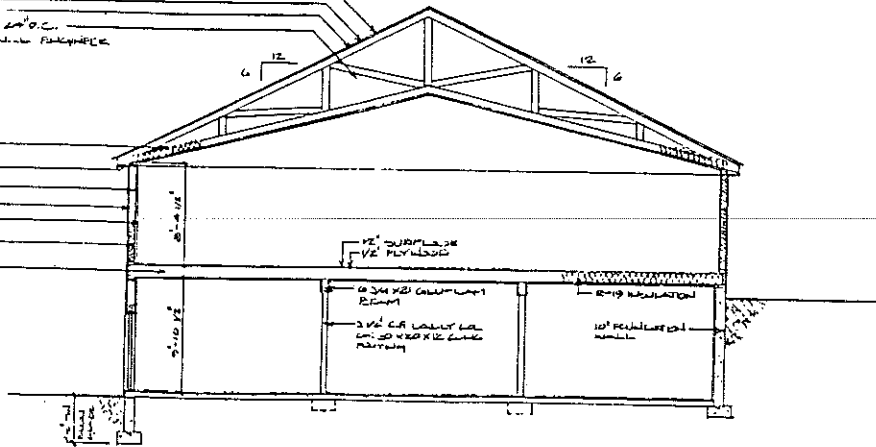
1/2" ON 1/2" BRICK  
4" x 8" LAMINATE VENEER  
ARTIFICIAL STUCCO  
1/2" ON 1/2" BRICK  
1/2" ON BRICK  
RED CEDAR SHINGLES  
1/2" ON BRICK  
1/2" ON BRICK

1/2" ON 1/2" BRICK  
4" x 8" LAMINATE VENEER  
ARTIFICIAL STUCCO  
1/2" ON 1/2" BRICK



ASPHALT SHINGLES  
 1/2" FELT  
 5/8" PLYWOOD SHEATHING  
 PREPARED LUMBER TRUSS 24" O.C.  
 TO BE DESIGNED BY PROFESSIONAL ENGINEER

R-30 INSULATION  
 CONTINUOUS AIR BARRIER  
 2x4 STUDS @ 16" O.C.  
 1/2" EXT. FINISHED SHEATHING  
 V-22 GYPSUM BOARD  
 R-11 FIBER INSULATION  
 77-11 2x6 @ 12" O.C.

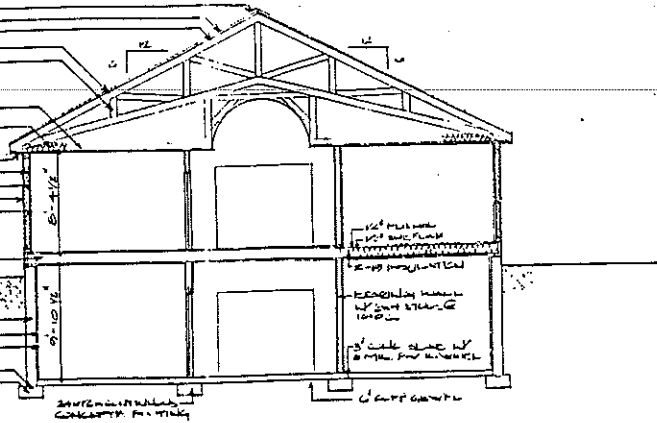


③ BUILDING SECTION  
 SCALE: 1/8" = 1'-0"

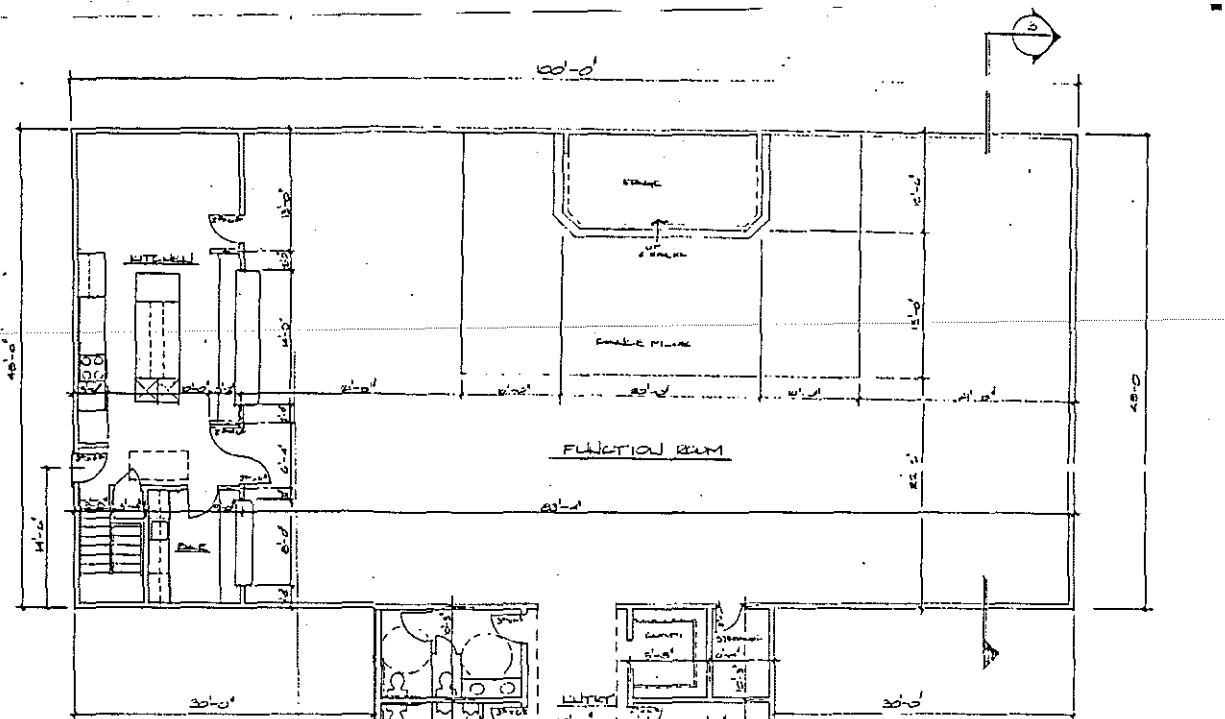
ROOF VENT  
 ASPHALT SHINGLES  
 1/2" FELT  
 5/8" PLYWOOD SHEATHING  
 PREPARED LUMBER TRUSS @ 24" O.C.  
 TO BE DESIGNED BY PROFESSIONAL ENGINEER

CONTINUOUS AIR BARRIER  
 2x4 STUDS @ 16" O.C.  
 R-11 FIBER INSULATION  
 1/2" EXT. FINISHED SHEATHING  
 V-22 GYPSUM BOARD  
 2x6 RAFTER @ 12" O.C.

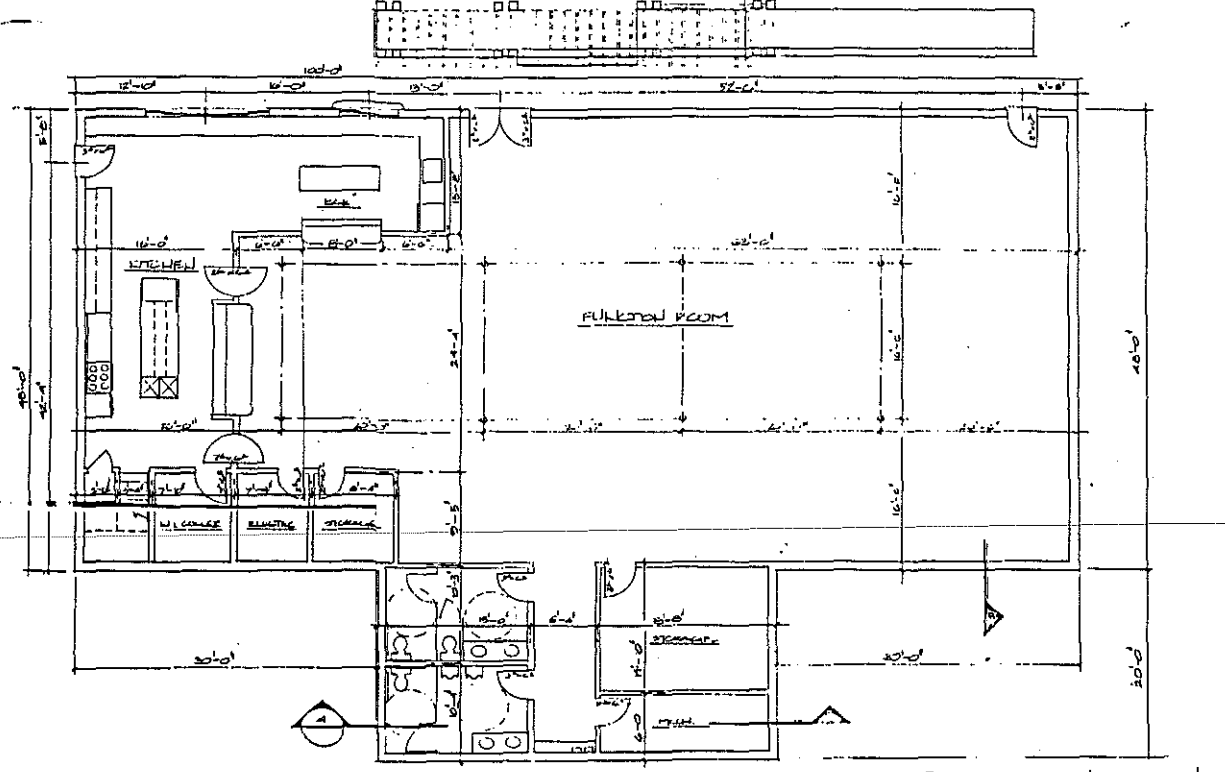
6" CONCRETE FOUNDATION WALL  
 1/2" STRENGTH  
 1/2" GYPSUM BOARD  
 18" x 18" REINFORCED CONCRETE PIER  
 6" CURB CONCRETE



④ BUILDING SECTION  
 SCALE: 1/8" = 1'-0"



① FIRST FLOOR PLAN  
SCALE: 1/8" = 1'-0"



② BASEMENT PLAN  
SCALE: 1/8" = 1'-0"

