



# CAPE COD COMMISSION

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Date: September 2, 2008

To: Mr. Patrick M. Butler, Esq.  
Nutter, McClennen & Fish, LLP  
P.O. Box 1630  
Hyannis, MA 02601

From: Cape Cod Commission

Re: Limited DRI Determination for Change of Use  
DRI Enabling Regulations, Sections 3 and 4

Project Applicant: Wise Living at Woods Hole, LLC  
935 Main Street  
P.O. Box 785  
Chatham, Massachusetts 02633

Property Owner: Nautilus Partners, LLC  
533 Woods Hole Road  
Falmouth, Massachusetts 02543

Project: Wise Living at Woods Hole  
Independent Living Retirement Community  
533 Woods Hole Road  
Falmouth, Massachusetts

Project #: CU06009

Book/Page #: 15165/319  
Map/Parcel: 51/05 000 002B

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## DECISION OF THE CAPE COD COMMISSION

Limited DRI Determination for a Change of Use  
Wise Living at Woods Hole - #CU060009  
September 2, 2008  
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## **SUMMARY**

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby determines that the redevelopment of the property located at 533 Woods Hole Road in Falmouth, Massachusetts from the existing 53-room Nautilus Motor Inn and 170-seat Dome Restaurant to a 43-unit senior independent living community qualifies as a Change of Use pursuant to the Section 3(f)(i) thresholds under the criteria established under Section 4(b) of Chapter A, Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended (DRI Enabling Regulations), and shall proceed with Limited Development of Regional Impact (DRI) review in the areas of affordable housing and historic preservation / community character. This decision is rendered pursuant to a vote of the Regulatory Committee on August 13, 2008.

## **PROJECT DESCRIPTION**

The project site is a 5.41-acre parcel of land located at 533 Woods Hole Road in Falmouth, Massachusetts. The site is located on the northern side of Woods Hole Road at its intersection with Church Street. The site overlooks Little Harbor and is situated approximately 0.25 miles east of Woods Hole Village. A motel abuts the site to the west and shares a driveway with the site. Another motel abuts the site to the east. A portion of the site is located in the Woods Hole Historic District; the Historic District extends 200 feet to the north into the site from Woods Hole Road. The property is zoned Business Redevelopment.

The project proposes to demolish the existing Nautilus Motor Inn and remove an existing pool and tennis court. As part of the redevelopment project, the geodesic dome in the southeastern portion of the site will be rehabilitated. The site will be redeveloped with a two- and three-story, 43-unit independent senior living facility with 102 associated parking spaces, 87 of which are proposed to be contained within an underground parking garage below the residential building. The building proposal designs the building in a "shingle" style with gambrel roof forms, wood shingle cladding/roofing, and extensive porches and balconies. Also proposed is landscaping and stormwater and wastewater infrastructure.

## **PROCEDURAL HISTORY**

The applicant submitted a request for a Limited DRI Determination in April 2006. At that time, the proposed project consisted of the demolition of the existing Nautilus Motor Inn and the construction of a 57-unit independent living facility, with the geodesic dome remaining on the site. The application was determined to be incomplete as the applicant was still considering the most appropriate means of rehabilitating the dome structure and resolving zoning issues concerning whether the use was allowed at the property.

Since April 2006, the applicant has sought input on strategies for rehabilitating the dome structure from a variety of sources, including Commission staff, Massachusetts Historic Commission, and the Falmouth Historic District Commission. In addition, in November 2007 Falmouth Town Meeting re-zoned the property from Residential C to Business Redevelopment to allow up to eight units per acre of residential development via Special Permit. During this time, the applicant also conducted public meetings with the Woods Hole community and project abutters in order to address concerns about the project design.

After modifications to the redevelopment plans were submitted, including an architectural re-design of the proposed residential building from 57 to 43 units, the application was deemed complete on August 1, 2008. Pursuant to Section 5 of the Cape Cod Commission Act (Act), a duly noticed public hearing to consider the application was held by the Regulatory Committee of the Commission on August 13, 2008 at the Gus Cauty Recreational Center in Falmouth, MA. In accordance with Section 4(b)(vi) of the DRI Enabling Regulations, the Regulatory Committee reviewed the proposed change of use to determine the scope of the project review, which was limited to those RPP issue areas where the Regulatory Committee found that the impacts of the redevelopment may be more detrimental (quantitatively and/or qualitatively) than the immediate prior use. The Regulatory Committee considered whether the project's impacts involve deviation from the minimum performance standards (MPS) of the RPP in determining the scope of DRI review. The public hearing was closed on August 13, 2008 and the Regulatory Committee voted unanimously that the project be subject to Limited DRI review in the two Regional Policy Plan (RPP) issue areas of: 1) Affordable Housing; and 2) Community Character / Heritage Preservation.

In addition to the list of materials submitted for the record (see Table 1 below), the application and notices of public hearings relative thereto, Commission staff's notes and correspondence, the minutes of public meetings and hearings, and all other written submissions received in the course of the proceedings are hereby incorporated into the record by reference.

<b>TABLE 1: Materials Submitted for the Record</b>	
<i>Materials From the Applicant</i>	<i>Date Submitted</i>
Memorandum from P. Butler to P. Dascombe re: conceptual plans	3/13/06
Application for a Change of Use	4/14/06
Letter from E. Cox to Massachusetts Historical Commission re: project notification form (dated 4/18/06)	4/19/06
Email from E. Cox to P. Ruchinskas re: meeting	5/10/06
Designs from R. Tufts, JSA Architects Interiors Planners	6/1/06
Email from C. Wise to S. Korjeff forwarding a letter from L. Morse-Fortier of Simpson Gumpertz & Heger Inc. to R. Tufts of JSA Architects Interiors Planners re: structural evaluation of a geodesic dome (dated 6/7/06)	6/9/06
Letter and supplementing documents from R. Tufts to S. Korjeff	6/16/06
Memorandum from P. Butler to P. Dascombe re: incomplete	8/1/06

application	
Email and attached meeting minutes for 10/3/06 Consultation Session from E. Cox to P. Dascombe / S. Korjeff	10/30/06
Two emails with attachments from C. Wise to P. Dascombe / S. Korjeff re: Bear Island dome restoration	1/30/07
Plans by JSA Architects Interiors Planners dated 2/23/07 submitted through Memorandum from P. Butler to P. Dascombe	3/9/07
Memorandum and enclosures from P. Butler/E. Cox to P. Dascombe re: Mass Housing application	10/2/07
Email and attachment from D. Marvel to S. Korjeff re: dome renovation plan	2/26/08
Email and attachment from D. Marvel to S. Korjeff re: updated rehabilitation scope	3/13/08
Memorandum and updated plans and materials from P. Butler/E. Cox to P. Dascombe	6/20/08
Memorandum from P. Butler/E. Cox to A. Adams re: hazardous materials	7/31/08
Letter and enclosures from HBLA, Inc. to A. Adams re: lighting	8/6/08
Handouts from P. Butler to Regulatory Committee members	8/13/08
<b><i>Materials from Commission Staff</i></b>	<b><i>Date Submitted</i></b>
Email to E. Cox from P. Ruchinkas re: meeting	5/10/06
Fax to R. or C. Wise from P. Dascombe re: view location	5/10/06
Email to C. Wise from S. Korjeff re: dome preservation	6/9/06
Letter to C. Wise from P. Dascombe re: concerns from meeting	7/31/06
Memorandum to C. Wise/P. Butler from P. Dascombe re: correspondence received by the Commission	11/17/06
Email to C. Wise from P. Dascombe re: synopsis of various reviews	12/20/06
Email to J. McCluskey from P. Dascombe re: request for correspondence	1/8/07
Conference call with C. Wise/P. Dascombe/S. Korjeff re: options for proceeding	1/16/07
Email and attached memorandum to C. Wise from S. Korjeff re: proposed scope for dome rehabilitation	1/18/07
Email to C. Wise from P. Dascombe re: meeting time	1/23/07
Email to C. Wise from P. Dascombe with attached meeting notes	2/1/07
Email to C. Bumpus from P. Dascombe	2/9/07
Email to C. Bumpus from P. Dascombe	2/12/07
Meeting notes	3/20/07
Email and attachments to A. Lattinville from S. Korjeff	5/5/08
Email and attached meeting notes to E. Cox from P. Dascombe	5/19/08
Email to E. Cox from J. Wielgus	7/29/08
Staff Report	8/13/08
Memo to Regulatory Committee members from P. Dascombe	8/7/08

<b><i>Materials from Town of Falmouth</i></b>	<b><i>Date Received</i></b>
Comment letter from B. Currie to P. Dascombe	8/11/08
<b><i>Materials from Others</i></b>	<b><i>Date Received</i></b>
Comment email from D. Fixler to S. Korjeff	4/25/06
Comment letter from E. and L. Weiss	9/9/06
Comment letter from S. Mitsudo, MD and S. S. Koide, MD, PhD	10/23/06
Comment letter from J. and J. Thompson	10/30/06
Email from C. Bumpus re: meeting	1/3/07
Email from J. McCluskey	1/8/07
Email from J. McCluskey	1/9/07
Email and attached comment letter from E. Sichel	1/18/07
Comment letter and photos from E. Chambers	3/20/07
Comment letter from C. R. and E. G. Wyttenbach	3/23/07
Comment letter from G. Witjell	10/12/06
Comment letter from S. and C. Krane	9/29/06
Comment letter from N. Goldman	1/22/07
Comment email from D. Fixler to S. Korjeff	1/24/07
Comment letter from Woods Hole Community Association	2/1/07
Email from C. Bumpus	2/8/07
Comment letter from E. and L. Weiss	3/12/07
Comment letter from D. and E. Federman	3/15/07
Comment letter from J. Goldman	3/8/07
Comment letter from J. Hand	2/21/07
Comment email from V. Merrick	2/12/07
Comment email from M. Zawoysky	2/12/07
Email from C. Bumpus	2/12/07
Comment email from S. Broun	2/12/07
Comment email from K. Denham	2/12/07
Comment email from N. Garrett-Logan	2/12/07
Comment email from K. Warner	2/13/07
Letter from the Massachusetts Historical Commission	5/26/08
Comment letter from Sands of Time	7/31/08
Comment letter from Sleepy Hollow Motor Inn	8/12/08

## TESTIMONY

*Regulatory Committee Hearing, August 13, 2008 (DRAFT Minutes)*

Mr. Richardson opened the hearing at 6:05pm. Mr. Zavala read into the record the notice of the public hearing. Attorney Pat Butler of Nutter, McClennan & Fish, presenting on behalf of the applicant, indicated the renovation and redevelopment project proposed includes demolition of the motel and preservation of the dome. He stated that the applicant can bear the burden of proof

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and persuasion as to all of the elements on all of the impact areas and can meet the 4(b) standard in each area. Attorney Butler further stated that the proposed project is not more detrimental, but is better and is improving the situation as it relates to each particular impact and, in support thereof, provided a resource matrix comparing existing and proposed impacts. Attorney Butler stated that the project team concurs with the approach that there should be a limited DRI in the areas of historic preservation / community character and affordable housing.

Mr. Robert Murray of Falmouth Housing indicated they are looking for places in Woods Hole to create affordable housing. He indicated they are ready to work with the applicant, the community and the Commission. He further stated that leveraging units off-Site is good for the town and for affordable housing.

Mr. Kit Wise of Wise Surma Jones Architects stated he is not the designer or architect of record but is working with the applicant to steer the design. He noted that the current 19<sup>th</sup> century summer hotel building design received positive reaction from the local historical commission. He also believes the dome is one of the most significant historical structures in the town of Falmouth and feels it needs to be preserved.

Mr. Dascombe presented the project on behalf of the Commission. His presentation followed the Staff Report providing an overview of the project, the procedural history, and provided an outline of each issue area. Mr. Dascombe concluded by recommending that the DRI be accepted for two issue areas: community character / heritage preservation and affordable housing.

Public testimony included remarks in support of the affordable housing component of the DRI and in support of the construction of walkways and bicycle paths on the property and on Woods Hole Road. Questions were also raised regarding how noise will be addressed and whether there would be public access to the dome.

Following discussion of the project, Mr. Zavala moved that the Regulatory Committee determine that the scope of the Change of Use DRI be limited to the issue areas of Affordable Housing and Community Character / Historic Preservation and paying attention also to bikeways/walkways, urban context, noise, and access. Ms. Brookshire seconded the motion, which was approved unanimously.

Mr. Hogan moved to close the hearing and Ms. Brookshire seconded the motion, which was approved unanimously. Mr. Richardson adjourned the hearing at 7:35pm.

## **JURISDICTION**

The proposed project qualifies as a DRI under Section 3(f)(i) of the DRI Enabling Regulations as a change of use with a gross floor area greater than 10,000 square feet. Pursuant to Section 4(a) of the DRI Enabling Regulations, the Chief Regulatory Officer determined that the project constitutes a Change of Use. As provided in Section 4(a)(iii), the applicant then applied for a

Limited DRI Determination in accordance with Section 4(b), which requires the Regulatory Committee to determine the scope of the DRI review required.

## FINDINGS

The Commission, through the Regulatory Committee, has considered the application of Wise Living at Woods Hole, LLC for the proposed change of use project at 533 Woods Hole Road in Falmouth, MA, and based on consideration of such application and upon the information presented at the public hearings and submitted for the record, makes the following findings pursuant to Sections 3 and 4 of the DRI Enabling Regulations:

### General Findings:

**F-G1.** The project that is the subject of this Decision is as follows:

The project site is a 5.41-acre parcel of land located at 533 Woods Hole Road in Falmouth, Massachusetts. The site is improved with a 53-room motel (Nautilus Motor Inn); the motel was designed by local architect, E. Gunnar Peterson and was constructed in several stages between 1954 and 1980. Three two- and three-story buildings comprising the motel are situated around a small exterior swimming pool and grass area. The motel operates seasonally and is closed for the winter months. A tennis court is located in the northwest portion of the site.

The site is also improved with a geodesic dome structure building designed by R. Buckminster Fuller. The dome consists of a 170-seat restaurant (Dome Restaurant) that is not currently in use. The restaurant includes the former dining area (geodesic dome) and an attached kitchen, bar and storage area. The dome was constructed on the site in 1953-1954 and has been altered since its original construction. The dome has been determined to be eligible for listing on the National Register of Historic Places.

**F-G2.** The project proposes to demolish the existing Nautilus Motor Inn and remove an existing pool and tennis court. As part of the redevelopment project, the geodesic dome in the southeastern portion of the site will be rehabilitated. The site will be redeveloped with a two- and three-story, 43-unit independent senior living facility with 102 associated parking spaces, 87 of which are proposed to be contained within an underground parking garage below the residential building. The proposed building designs indicate the building will have a "shingle" style with gambrel roof forms, wood shingle cladding/roofing, and extensive porches and balconies. The second-story portion of the proposed building spans the width of the façade closest to Woods Hole Road in order to reduce the bulk of the building at the street. Also proposed is landscaping and stormwater and wastewater infrastructure. A Bioclear Wastewater Treatment System is proposed in the location of the former tennis court in the northwest portion of the site.

- F-G3.** The proposed project is to be constructed according to the following plans:
- Wise Living at Woods Hole Independent Living Retirement Community, sheets C1.2.1, C2.0.1, C2.1.1, C2.2.1, C2.4.1 – C2.4.4, L-1 – L-5, A1.P. A1.1 – A1.3, A1.R, A2.1 – A2.4, A3.1, A3.2, A4.1 – A4.5, prepared by EGA Architects dated 6/13/08 and received by the Commission on 6/20/08.
  - *Landscape* Plans, Wise Living at Woods Hole Independent Living Retirement Community, sheets L1 – L5, prepared by EGA Architects dated 6/13/08 and revised 8/5/08.

**Water Resources Findings:**

- F-WR1.** The project is located within a Marine Water Quality Area for Woods Hole Little Harbor. The existing motel and restaurant currently rely on a septic system for wastewater disposal of over 12,000 gallons per day. Stormwater disposal is via overland flow to low points on the property as well as flow off-site onto Woods Hole Road.
- F-WR2.** The proposed residential development includes wastewater disposal of 6,780 gallons per day via a Bioclear Wastewater Treatment System. Nitrogen concentrations on the lot will be reduced from 18.87 mg/l to 7.82 mg/l, which is a 58% reduction. Total nitrogen loading to Falmouth Inner Harbor will be reduced from 1,348 lbs per year to 427 lbs per year for a 68% reduction. Wastewater flow will be reduced from 45,539 L/day to 25,664 L/day, which is a 44% reduction.
- F-WR3.** The proposed stormwater system will upgrade existing conditions by:
- Containing all stormwater runoff on-site;
  - Directly infiltrating clean roof runoff;
  - Diverting a significant percentage of the driveway runoff to a vegetative infiltration basin; and
  - Providing a stormwater operation and maintenance plan that addresses source reduction as well as maintenance of stormwater structures.
- F-WR4.** The Commission finds through its Regulatory Committee that the impacts of the proposed project in the RPP issue areas of water resources are not more detrimental than the immediate prior use.

**Transportation Findings:**

- F-T1.** The applicant submitted a technical memorandum dated June 17, 2008 outlining the key transportation issues for this project (traffic impacts and safety sight distance). Woods Hole Road is a Regional Roadway as defined in the RPP. The applicant's traffic report trip generations are outlined below:

<b>Trip Generation Comparison</b>			
Use	AM Peak Hour	PM Peak Hour	Saturday Midday Peak Hour
Existing motel	17	16	17
Existing restaurant	5	44	56
Proposed senior living facility	9	12	16

Generally the Commission allows traffic credits from previous development (that is being removed from the site) to encourage redevelopment. Based on the trip generation estimates, the assisted living facility would generate less traffic than either the existing motel or restaurant.

- F-T2.** *Site Access:* MPS 4.1.1.7 requires all DRIs access/egress locations with public ways to meet Massachusetts Highway Departments (MHD) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance. Safe stopping sight distance is the minimum distance required for a driver to perceive an obstacle in the road, react to that object in the road, and the braking distance to come to a stop. Based on sight distance measurements provided by the applicant's traffic engineer, the existing driveways meet the minimum stopping sight distance requirements.
- F-T3.** "Intersection sight distance" is the distance required for a driver in a driveway or on a side street to decide if an adequate gap exists in the traffic stream to safely pull out into traffic. For a roadway with a 35 mph speed limit (as posted on Woods Hole Road), the intersection sight distance should be 390 feet. The applicant's materials do not specify this distance but based on field review of the intersection sight distance at the two existing driveways, Commission staff believes it may be difficult for drivers exiting the eastern driveway to do so safely and therefore recommends that the applicant measure the intersection sight distance at both driveway locations or restrict the eastern driveway to entrance only. The applicant stated their intent to resolve this issue.
- F-T4.** Based upon the representation to the Committee that this issue was addressed, the Commission finds through its Regulatory Committee, that the impacts of the

proposed project in the RPP issue area of transportation are not more detrimental than the immediate prior use.

**Natural Resources Findings:**

- F-NR1.** The project is reusing an existing developed site and largely developing within the existing developed area. Where there is some encroachment into undeveloped areas, the encroachment is minor. In addition, an existing tennis court area will be reused for the septic field, and landscaping is proposed. The applicant has further reduced the potential impervious areas on the site by placing parking under the structures. There is no undeveloped or protected open space in the immediate vicinity and the site is not a mapped Significant Natural Resource Area.
- F-NR2.** The Commission finds through its Regulatory Committee, that the impacts of the proposed project in the RPP issue area of natural resources are not more detrimental than the immediate prior use.

**Affordable Housing Findings:**

- F-AH1.** The most recent (July 3, 2008) data from the Massachusetts Department of Housing and Community Development's Subsidized Housing Inventory shows that the region has 5.2% of its year round housing units as affordable and is approximately 4,800 affordable units short of achieving the state's and the RPP's 10% goal. The Town of Falmouth currently has 5.5% of its year round housing stock as affordable and is 651 affordable units short of achieving the 10% goal.

The creation of 43 new market rate residential units will have a more detrimental impact on affordable housing resources than the prior motel and restaurant use as the addition of these new 43 market rate units will put the Town of Falmouth (and the region) quantitatively farther behind in achieving the 10% standard of Goal 5.1 of the RPP. As the Commission's Nexus Study and HUD Five Year Plan have reported, the affordable housing crisis in the region has worsened over the last five years, and the creation of any market rate housing without a proportionate affordable housing component simply makes matters worse.

The applicant would need to satisfy MPS 5.1.1 by providing at least 10% of the units as affordable. In this project, five affordable units would be required. The applicant can satisfy the requirement by providing the units on site or "by providing equivalent housing units off site through the purchase of existing units, redevelopment, new construction, or a contribution of land that can support the required number of affordable units." The applicant has stated in its application that he has entered into purchase and sale agreements for two building lots off of Oshman Way in Woods Hole. These two lots are zoned for single-family use, and therefore two affordable units could potentially be created as of right.

### **Hazardous Materials/Waste Findings:**

- F-HM1.** According to maps created for the 2002 (revised) RPP, the site is not located in either an existing or proposed Wellhead Protection District/Zone II, or in an area mapped as Potential Public Water Supply. According to information submitted on the proposed project, including a July 31, 2008 memorandum from the applicant, both the existing motel and the proposed new development will be served by natural gas. The memo also states the applicant agrees to “have the buildings surveyed prior to demolition” for asbestos-containing materials, PCB-containing capacitors, lighting ballasts, mercury-containing devices and lead-based paint. Based on the age of the structures, it is possible that the structures contain these hazardous materials although this is less likely in the case of the Dome structure.
- F-HM2.** The July 31, 2008 memo also notes other hazardous materials attributable to the existing uses on the site, including liquid chlorine, gasoline, oil, and turpentine. Other materials were also described but it is not possible to determine whether some of these (i.e. bromine, PH Plus, alkalinity enhancer, paints, and stains) meet the definition of “*hazardous materials*” according to the 2002 (revised) Regional Policy Plan. The July 31<sup>st</sup> memo also states that “no beauty salon is proposed within the building,” and that no hazardous materials will be utilized in connection with the proposed Bio-clere on-site wastewater treatment system.
- F-HM3.** According to the site plans submitted to date, the proposed project also includes a new emergency generator. Based on a conversation between Commission staff and the project Applicant on August 6, 2008, a commitment was made to use natural gas to power this generator. As noted in F-HM1, a gas line currently serves the site. Commission staff also verified with the Falmouth Fire Department that natural gas or compressed gas was an acceptable fuel type.
- F-HM4.** The Commission finds through its Regulatory Committee, that the impacts of the proposed project in the RPP issue area of hazardous materials/waste are not more detrimental than the immediate prior use.

### **Community Character and Historic Preservation Findings:**

- F-CC1.** The site is located on Woods Hole Road, which is a regional road that connects Falmouth center and Woods Hole, and is also located within the Woods Hole Historic District. The Woods Hole Geodesic Dome on the site, designed and built by R. Buckminster Fuller in 1953-54, has been formally determined eligible for listing on the National Register of Historic Places. The dome is a significant example of modern architecture in Falmouth and speaks to the early development of geodesic domes by Fuller. Given that it is the oldest of Fuller’s remaining domes, the Massachusetts Historical Commission determined that the Woods Hole Geodesic Dome may also be eligible for designation as a National Historic Landmark. The

dome was originally constructed to serve as the restaurant for the surrounding Nautilus Motor Inn, which was designed by modern architect Gunnar Peterson.

**F-CC2.** The current proposal by Wise Living includes demolition of all of the motor inn buildings except for the dome, and proposes to renovate and make modifications to the dome to incorporate it into a new senior living facility on the site. The proposed plans for the dome include removal of the existing kitchen wing and entrance, as well as structural improvements and possible changes to exterior surface cladding. All of these proposals, including the demolition of the Nautilus Motor Inn buildings and their replacement with a new larger structure, have the potential to alter character-defining features of the historic dome and the dome's integrity. The Commission finds through its Regulatory Committee, that the impacts of the proposed project in the RPP issue area of Community Character and Historic Preservation are more detrimental than the immediate prior use.

**F-CC3.** *Architecture:* Since the original application in 2004, the applicant's architects have made a number of changes to the design of the building to respond to concerns raised by the abutters and Woods Hole community about the bulk and mass of the building. Firstly, the building has been located on the site in a manner that places the majority of the building footprint away from the street-side and outside the historic district boundary. Secondly, the design also includes a two-story mass closest to the street that partially screens the larger three-story elements behind. The "shingle" style design incorporates variation in the building height and projections in the façade that help to reduce the apparent mass of the building and gambrel-roof forms and shed dormers have also been incorporated to enclose the upper level units to minimize the bulk of the structure.

**F-CC4.** *Exterior Lighting:* The most recent lighting design consists of 15 pole-mounted lights on 12-foot poles, twenty-seven 41-inch bollards, 3 on-building arm mounted lights, and 49 recessed fixtures as shown on plans received 8/6/08. Based on the revised information submitted, including technical cuts and a foot-candle plan that shows initial foot-candle levels, the proposed design is consistent with the Commission's standards, including Technical Bulletin 95-001 and therefore is an improvement over the immediately prior use.

### **Scope Findings:**

**FS-1.** The Cape Cod Commission, through its Regulatory Committee, has determined that the scope of the DRI review be limited to the RPP issue areas of Affordable Housing and Community Character / Heritage Preservation. The Cape Cod Commission finds that in Affordable Housing and Community Character / Heritage Preservation, the impacts are more detrimental than the immediate prior use.

