

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

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DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE: MARCH 2, 2017

TO: KELLY CARDOZA, AVALON CONSULTING GROUP
41 CALS COURT, TAUNTON, MA 02780

PROJECT APPLICANT/OWNER: FWG LLC

PROJECT: THE CAPE CLUB REDEVELOPMENT (CCC FILE # TR16017)

LOCATION: 125 FALMOUTH WOODS ROAD, FALMOUTH, MA

TITLE REFERENCE: BOOK 28691 PAGE 250

ASSESSOR'S ID: 11-01-029-001B

The Cape Cod Commission (Commission) hereby approves with conditions the Application of FWG LLC (Applicant) for the construction of a 28-lot residential subdivision and an 80-room hotel with associated site improvements (Project) as a Development of Regional Impact (DRI) in accordance with Sections 12 and 13 of the Cape Cod Commission Act (Act). This decision is rendered pursuant to a vote of the Cape Cod Commission on March __, 2017.

PROJECT DESCRIPTION

The Project proposes a mixed-use redevelopment consisting of a 28-lot single family residential subdivision and the construction of an 80-room hotel with associated site improvements. The Project Site is a portion of the larger, roughly 130-acre Cape Club golf course property, formerly

known as the Ballymeade Country Club, located at 125 Falmouth Woods Road in Falmouth, MA. The Applicant is the owner and operator of the entire Cape Club property.

The Project Site is composed of Redevelopment Areas 'A' and 'B' shown on the plan titled *Proposed Conditions Plan* (prepared by Avalon Consulting Group, as revised August 2016). Project components are also depicted on said plan, as follows: the redevelopment of the former driving range as a 28-lot residential subdivision (within Redevelopment Area A); the existing clubhouse and current driving range; and the redevelopment of previous improved areas adjacent to the clubhouse with 80 hotel rooms in 10 "cottage" buildings, a fitness center building and pool, parking areas, and a wastewater treatment facility (all within Redevelopment Area B). The hotel buildings and fitness center comprise approximately 53,492 square feet (SF) of gross floor area. As part of the Project, the existing pool snack shack, pool storage structure, and the 32,909 SF tennis pavilion are being eliminated. The remainder of the golf course will continue operation under its 1989 special permit.

JURISDICTION

The Project qualifies as a DRI pursuant to Sections 3(c) and 3(e)(i) of the Commission's Enabling Regulations (revised November 2014) as "Any development that proposes to divide parcel(s) of land totaling 30 acres or more..." and "New construction of any building or buildings (including accessory and auxiliary structures) with a Gross Floor Area greater than 10,000 square feet" respectively.

The Project was reviewed in light of the 2009 Regional Policy Plan (RPP), as amended August 2012, which is the RPP in effect at the time of the first public hearing on the application.

Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards for DRI approval, which include consistency with the Act, the RPP, District of Critical Planning Concern (DCPC) implementing regulations (as applicable), municipal development by-laws, and the Local Comprehensive Plan. The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment.

PROCEDURAL HISTORY

The Applicant submitted a DRI application on May 31, 2016. The DRI referral by the Town of Falmouth Planning Board was received on July 20, 2016. The hearing period for the Project was opened procedurally by hearing officer on September 16, 2016. Additional application materials were received throughout 2016. The Applicant requested to withdraw their application with the Town on November 29, 2016. The Planning Board voted to accept that withdrawal request on December 6, 2016.

The Applicant reapplied with the Town on December 22, 2016 and the DRI referral was received on December 27, 2016. The application was deemed complete sufficient to proceed to a substantive hearing on January 4, 2017. The first substantive hearing on the Project was held on January 31, 2017 at 5:30pm at the Falmouth Public Library located at 300 Main Street in

Falmouth, MA by a subcommittee of the full Commission. At this hearing, the Applicant presented the Project, Commission staff offered comments on the Project from its staff report, and public comment was taken. At the conclusion of this hearing, the subcommittee directed staff to prepare a draft DRI decision for the subcommittee's review and consideration, consistent with Commission staff's comments on the Project presented at the hearing, and continued the hearing to February 21, 2017 at 5:30pm in the Ocean Room at the Commission office located at 3225 Main Street, Barnstable, MA.

At the continued public hearing on February 21, 2017, the subcommittee...

FINDINGS

The Commission hereby finds as follows:

GENERAL FINDINGS

GF1. The Project involves redevelopment of the Cape Club property with the construction of a 28 lot residential subdivision and an 80-room hotel with associated site improvements on a portion of the existing 130-acre Cape Club property as shown on the plan titled *Proposed Conditions Plan* (prepared by Avalon Consulting Group, as revised August 2016). For purposes of this decision, this portion of the larger 130-acre property, depicted as Redevelopment Areas A and B on said plan, constitutes the Project Site. As used in this decision, the residential portion of the Project is the 28 lot residential subdivision and supporting development shown within Redevelopment Area A; the commercial portion of the Project is the 80 hotel rooms in 10 buildings, fitness center building comprising approximately 53,492 SF, and the additional parking areas and other supporting development shown within Redevelopment Area B. Also within Redevelopment Area B, the Project includes a wastewater treatment facility that will serve both the residential and commercial portions of the Project.

GF2. The Project requires mandatory DRI review pursuant to Sections 3(c) and 3(e)(i) of the Commission's Enabling Regulations (revised November 2014).

GF3. The Commission's first substantive DRI public hearing on the Project was held by a subcommittee of the full Commission on January 31, 2017. The Project was reviewed subject to the 2009 RPP, as amended August 2012.

GF4. The Applicant proposes to undertake, construct, operate, and maintain the Project in accordance with the document titled *Development of Regional Impact Report, The Cape Club (Redevelopment of Ballymeade Country Club), East Falmouth, Massachusetts*, prepared by Avalon Consulting Group LLC, dated May 2016, revised October 2016, consisting of 419 pages, (Application) specifically including the following plans and documents, which are either contained in said Application or submitted to the Commission to substitute for or supplement those plans and documents contained in said Application:

The Cape Club (Proposed Redevelopment of Ballymeade Country Club), prepared by Avalon Consulting Group:

Proposed Conditions Plan, dated May 2016, revised August 2016
Proposed Conditions – Phasing Plan, dated October 2016

Proposed Residential Subdivision, prepared by Holmes and McGrath Inc.:

Sheet 1 of 6: *Lot B – Perimeter Plan of Land*, dated 6/2/2016
Sheet 2 of 6: *Lotting Plan*, dated 6/2/2016
Sheet 3 of 6: *Grading Plan*, dated 6/2/2016
Sheet 4 of 6: *Drainage & Utilities Plan*, dated 6/2/2016
Sheet 5 of 6: *Drainage Construction Details*, dated 6/2/2016
Sheet 6 of 6: *Construction & Erosion Control Details*, dated 6/2/2016

Preliminary Site Plan, prepared by Holmes and McGrath Inc.:

Sheet 1 of 9: *Cover Sheet*, dated 4/6/2016, revised 1/19/2017
Sheet 2 of 9: *Layout Plan*, dated 4/6/2016, revised 1/19/2017
Sheet 3 of 9: *Existing Conditions Plan*, dated 4/6/2016
Sheet 4 of 9: *Water Works, Grading, & Drainage Plan*, dated 4/6/2016, revised 1/19/2017
Sheet 5 of 9: *Wastewater Treatment Layout Plan*, dated 4/6/2016, revised 1/19/2017
Sheet 6 of 9: *Wastewater Treatment Layout Plan*, dated 4/6/2016
Sheet 7 of 9: *Construction Details*, dated 4/6/2016
Sheet 8 of 9: *Construction Details*, dated 4/6/2016
Sheet 9 of 9: *Construction & Erosion Control Details*, dated 4/6/2016

SK-Co1: Golf Cottage Layout Detail Plan for Preliminary Site Plan, prepared by Holmes and McGrath Inc.:

Water Works, Grading & Drainage Plan, dated 1/12/2017

The Cape Club, prepared by KD Turner Design:

Sheet L-1: *Residential Landscape Plan*, dated 3/16/2016
Sheet L-1: *Commercial Landscape Plan*, dated 1/12/2017

Cape Club – Golf Cottage, prepared by The MZO Group:

Front Elevation, dated 3/3/2016
Left Side Elevation, dated 3/3/2016
Back Elevation, Bldg. 7, dated 1/16/2017
Back Elevation, Bldg. 8, dated 1/16/2017
Back Elevation, Bldg. 9, dated 1/16/2017
Basement Plan, dated 1/17/2017
First Floor Plan, dated 3/3/2016
Second Floor Plan, dated 3/3/2016
Bldg. Height, Back Elevation, Left Side Elevation, dated 3/3/2016

Cape Club – Gym/Fitness Center, prepared by The MZO Group, dated 3/3/2016

Cape Club – Waste Water Treatment Bldg., prepared by The MZO Group, dated

3/3/2016

Development of Regional Impact Traffic Impact and Access Study, Ballymeade Country Club Redevelopment (The Cape Club), prepared by Bayside Engineering, dated 1/1/2016

Nitrogen Loading Analysis (Revised), prepared by Avalon Consulting Group, undated
"No Take" Letter, Division of Fisheries & Wildlife, NHESP File No. 06-20870, dated 5/8/2015

Habitat Assessment for MESA Review, The Cape Club, prepared by Oxbow Associates Inc., dated 4/9/2015

Limits of Existing Wooded Areas to be Developed, The Cape Club, prepared by Avalon Consulting Group, dated August 2016

Conceptual Layout Plan on 10.7 Acres, prepared by Holmes and McGrath Inc., dated 10/21/2016 (Open Space Plan)

Letter, The 300 Committee, Re: The Cape Club Development of Regional Impact Filing, dated 11/2/2016

Stormwater Management Report, Proposed Residential Subdivision, The Cape Club, prepared by Holmes and McGrath Inc., dated 6/6/2016, revised 5/27/2016

Stormwater Management Report, Proposed Site Redevelopment, The Cape Club, prepared by Homes and McGrath Inc., dated 3/21/2016

GF5. The only District of Critical Planning Concern (DCPC) applicable to the Project is the Cape-wide Fertilizer Management DCPC. Though Falmouth has a fertilizer (nitrogen) management by-law, it was adopted prior to but not pursuant to the Cape-wide Fertilizer Management DCPC; thus there are no DCPC implementing regulations applicable to the Project.

GF6. The Project requires approval by the Falmouth Planning Board under the Subdivision Control Law and by the Falmouth Zoning Board of Appeals for a modification of the existing 1989 Special Permit. The residential subdivision has undergone preliminary consistency review by the Planning Board in consultation with the Town Planner. Commercial accommodations are allowed by Special Permit within the underlying AAGA zoning district. Consistency with local development by-laws will be evidenced by the Applicant obtaining all required local permits, licenses, and approvals.

GF7. The Project is consistent with the Falmouth Local Comprehensive Plan in that it includes mixed-use development, utilizes a cluster subdivision plan, and is redevelopment located away from Significant Natural Resource Areas. Additionally, the Project will further goals related to the protection of open space, the production of affordable housing, the provision of alternatives to individual automobiles, and safety improvements to roadways.

GF8. The probable benefits of the Project are that:

1. The Project redevelops a previously disturbed site.
2. The Project reduces site-wide nitrogen loading within an impaired watershed, and improves the level of treatment of existing wastewater flows.
3. The Project provides higher value off-site open space than could be protected on site, and proposes to restrict additional on-site open space not required under the RPP.
4. The Project provides a walking trail through wooded and open areas of the golf course that will connect the Moraine Trail to an existing walking trail located across Falmouth Woods Road at The Golf Club of Cape Cod.

GF9. The probable detriment of the Project is that:

1. The Project will result in the clearing of 3.2 acres of undisturbed woodland.

REGIONAL POLICY PLAN FINDINGS

LAND USE FINDINGS

LUF1. Minimum Performance Standard (MPS) LU1.1 (Development Location) does not apply to the Project because the Town of Falmouth has not adopted a Land Use Vision Map (LUVVM).

LUF2. The Project complies with MPS LU1.2 (Compact Development) because the Project incorporates a mix of uses including a residential cluster plan and multi-story commercial accommodations walkable to amenities at the golf course property. Additionally, the Project incorporates Low Impact Development (LID) and will utilize a wastewater treatment facility shared with the existing golf course use and its related features. Sidewalks are provided throughout the proposed development as well as open space connections to other parts of the golf community. Finally, the Project proposes shuttle bus service offering residents connections to other nearby attractions and public transit.

LUF3. The Project is also consistent with Best Development Practice (BDP) LU1.3 (Redevelopment/Reuse) in that it incorporates the redevelopment of a previously developed site.

ECONOMIC DEVELOPMENT FINDINGS

EDF1. As Falmouth does not have a LUVVM, the Project must meet the waiver requirements of ED1.3 (Waiver). As a redevelopment project, the Project must meet two of the waiver criteria. The Project meets two criteria in that the Project is mixed-use (residential and commercial accommodations), and the Project is designed to be LEED/New Construction certifiable.

WATER RESOURCES FINDINGS

WRF1. The Project will increase wastewater generation on site by a design flow of 17,736 gallons per day (gpd) (for a total of 31,400 gpd) and alter existing site drainage patterns. Because the

Project Site lies within several water resources protection areas mapped by the RPP, the Project is subject to MPSs under all the RPP's Water Resources Goals.

WRF2. Standards under Water Resources Goal 1 (General Aquifer Protection) address issues such as groundwater withdrawals, nitrogen loading, and potential sources of contamination to groundwater (i.e. pesticides and fertilizers) with the goal of maintaining the quality of Cape Cod's sole-source aquifer. The Project will connect to the Town of Falmouth water supply, requiring an additional 1800 feet of water main to be constructed. The Project is anticipated to require an additional water demand of 17,736 gpd, increasing existing water use from 13,664 gpd to 31,400 gpd. According to a water supply study provided by the Applicant, the Project is not expected to cause significant changes in available water pressure or flow to nearby residents.

WRF3. The Applicant calculated a site-wide nitrogen loading concentration to groundwater of 4.15-ppm, which were performed in accordance with the Commission's Technical Bulletin, TB 91-001. Thus, the Project meets MPS WR1.1 (Five-ppm Nitrogen Loading Standard).

WRF4. Landscape planting plans for the Project show locations and types of plantings, which are native and drought resistant. The Project is consistent with MPS WR1.5 subject to the condition that, prior to commencement of the Project, the Applicant shall submit a Turf and Landscape Management Plan for Commission staff's review and a determination that it is consistent with MPS WR1.5, specifically, that it incorporates the water conservation measures and minimizes the amount of pesticides and chemical fertilizers proposed to be used.

WRF5. Because the Site contains areas mapped for plumes identified from Joint Base Cape Cod (JBCC), it is not appropriate to treat the Site as a Potential Public Water Supply Area. Thus MPSs under Water Resources Goal 2 (Drinking Water Quality and Quantity) do not apply to the Project.

WRF6. The Project Site is located within Freshwater Recharge Areas to Wings Pond and Dam Pond, but the Project will not negatively impact the ponds due to the distance of the Site from the ponds.

WRF7. The Project Site is within a Marine Water Recharge Area to Wild Harbor, a nitrogen-impaired embayment. According to the watershed nitrogen loading threshold established under the Massachusetts Estuaries Project (MEP), Wild Harbor requires a 32% reduction in total nitrogen load to Wild Harbor. Standards under Water Resources Goal 3 (Marine Water Recharge Areas) limit nitrogen loading from projects contributing to impaired embayments to a project's "fair share" nitrogen load, relative to MEP's established nitrogen loading threshold for the embayment. The existing nitrogen load from the Project Site currently exceeds the "fair share" loading limit. As a result, the Project nitrogen load cannot exceed the existing load per MPS WR5.1 (Nitrogen Loading Standard).

WRF8. The Project will replace the existing Title 5 wastewater treatment system with a wastewater treatment facility to be located at the southern end of the golf course property. The proposed facility has tertiary treatment to remove nitrogen, for both the Project and the existing development on the golf course property. Because the denitrifying plant will serve existing uses

(as well as proposed), the overall nitrogen load will be reduced from existing conditions. Thus, the Project meets MPS WR5.1.

WRF9. MPSs under Water Resources Goal 6 (Public and Private Wastewater Treatment Facilities) help ensure that proposed public and private wastewater treatment facilities have minimal environmental impacts and sustainable design and operation.

WRF10. The Project requires a Groundwater Discharge Permit (GWDP) from the Massachusetts Department of Environmental Protection for its wastewater treatment facility. As conditioned herein to require that the Hydrogeologic Report submitted during the GWDP application process is copied to the Commission for review, the Project is consistent with MPS WR6.3 (Hydrologic Balance).

WRF11. The Project's wastewater treatment facility consists of a RUCK CFT system with a Ground Penetrating Carbon (GPC) filter, which will achieve tertiary treatment. Wastewater sludge will be pumped and transferred to the Falmouth Municipal Plant. Because the design flow of the wastewater treatment system is approximately 32,000 gpd and exceeds 10,000 gpd, the system is subject to MPS WR6.2 (Tertiary Treatment), which requires a maximum of 5-ppm total nitrogen concentration in the effluent or in groundwater at the downgradient property boundary. Based on information provided by the applicant, the Project is expected to meet this standard at the downgradient property boundary.

WRF12. The Applicant's discussions with MassDEP during the GWDP pre-application process resulted in agreement on a permitted effluent concentration not to exceed 8-ppm total nitrogen. As part of the GWDP, the Applicant proposes to install a monitoring well downgradient from the wastewater treatment facility. As conditioned herein, the Applicant shall obtain a GWDP limiting effluent concentration to 8-ppm total nitrogen, and the Applicant shall share monitoring results with the Commission.

WRF13. Stormwater management plans for the Project provide stormwater quality improvements over the existing system, and the Project is consistent with the MPSs under Water Resources Goal 7 (Stormwater Quality).

WRF13(a). The stormwater designs infiltrate stormwater runoff on site, accommodate the 25-year 24-hour storm, provide improvements to stormwater quality, provide 80% TSS removal, and include bio-infiltration for the first inch of precipitation.

WRF13(b). Drainage from Falmouth Woods Road and from the proposed residential subdivision will be collected by catch basins and passed through "Downstream Defender" vortex treatment units, which reduce total suspended solids and oil. Runoff is then directed into an existing grassed depression, which will be re-sized to drain the first inch of rainfall from the contributing impervious area and will be equipped with subsurface leaching galleys.

WRF13(c). The main parking lot will be redeveloped to incorporate stormwater treatment. Runoff from the parking areas will be directed to a sediment forebay prior to flowing into a drainage basin. The vegetated basin will be equipped with subsurface leaching pits, with a spillway leading to a natural depression to the south. Runoff from the re-designed main circular drive area will continue to be serviced by catch basins and subsurface leaching pits. Though no changes will be made to the main drive area, the overall plans improve the quality of existing stormwater treatment.

WRF14. The erosion and sedimentation control plans and the stormwater operation and maintenance plans provided in the DRI application meet applicable RPP standards.

NATURAL RESOURCES FINDINGS

NRF1. The Project is primarily located within previously improved areas of the golf course property. The redevelopment of this Site will utilize areas that have been used and maintained for golfing activities and related development (including a driving range, golf club, parking, tennis courts, accessory buildings), as well as some areas of undisturbed woodlands. Most areas of the Project Site are mapped for rare species habitat for eastern box turtle. Portions of the Site are mapped as Significant Natural Resources Area (SNRA) due to the presence of rare species habitat and 300-foot pond buffer. However, there are no wetlands within the Project Site.

NRF2. The Application includes a Natural Resources Inventory (NRI) that complies with the requirements of MPS WPH1.1 (Natural Resources Inventory). As noted, much of the Project Site is previously disturbed and/or has been actively managed for golfing activities. The NRI notes that areas of golf fairway, rough, and greens do not provide high quality habitat for eastern box turtle.

NRF3. According to correspondence from the Natural Heritage and Endangered Species Program (NHESP) dated May 8, 2015, the Project (which for the purposes of NHESP review and permitting includes the entire golf course, hotel, and residential subdivision) proposes to permanently restrict 37 acres for habitat protection and will not result in a "take" of eastern box turtle. Consequently, for the purposes of DRI review, which considers a portion, or subset of the area under review by NHESP, rare species habitat impacts are minimized and adequately mitigated, meeting MPS WPH1.4 (Rare Species).

NRF4. The Natural Resources Inventory indicates that there are invasive species, including autumn olive, Japanese knotweed, honeysuckle sp., and purple loosestrife on the Site. As conditioned herein, the Applicant shall submit to the Commission for review and approval an invasive species management plan consistent with the requirements of MPS WPH1.6 (Invasive Species).

OPEN SPACE AND RECREATION FINDINGS

OSF1. As the Project is proposed in previously developed areas, and utilizes a residential cluster design as part of a Planned Residential Development (PRD), it meets MPS OS1.1 (Clustering of Development).

OSF2. The Project occurs primarily in previously improved areas of the Site, but the residential subdivision will require the clearing of approximately 3.2 acres of undisturbed woodland. In accordance with MPS OS1.3 (Open Space Requirements), the open space requirement for the Project is based on the area of new clearing proposed. Because the Project is located within a SNRA, the open space requirement is 6.5 acres.

OSF3. The Applicant has provided a letter from The 300 Committee, Falmouth's land trust, indicating that the Applicant has made a contribution toward the acquisition of a key parcel of land in Falmouth. The letter from The 300 Committee, dated November 2, 2016, indicates that the Committee has received funds into escrow from the Applicant equivalent to the purchase of 17.2 acres of a 69.7-acre parcel that The 300 Committee has under agreement. The letter states in part:

"The per acre purchase price that FWG is paying to The 300 Committee for the approximately 17.2 acres represents a higher per acre purchase price than The Committee's per acre purchase price for the larger tract of land."

The parcel is located within a Significant Natural Resources Area, is wooded, is mapped as rare species habitat, and includes buffers to Shallow Pond. This contribution toward the purchase of 17.2 acres of high-value open space, exceeds the RPP requirement of 6.5 acres. A further benefit of the contribution is that it facilitates the acquisition of the larger 69.7-acre parcel for open space purposes. As conditioned herein, the Applicant shall provide evidence to the Commission that these funds paid to The 300 Committee may be used by and disbursed to The 300 Committee without condition under any agreement between the Applicant and The 300 Committee, meeting MPS OS1.3.

OSF4. In addition, the Applicant will place a deed restriction on 8.57 acres of land within the golf course. While this additional 'on-site' open space does not qualify as an open space dedication sufficient to meet the requirements of the RPP, its provision is a project benefit.

TRANSPORTATION FINDINGS

TRF1. A Traffic Impact and Access Study (TIAS) prepared by Bayside Engineering, dated December 1, 2016, evaluates the anticipated transportation impacts of the Project and identifies measures to mitigate these impacts.

TRF2. As required for compliance with MPS TR0.1 (Sources of Trip-generation Data), the anticipated project trip generation was estimated based on trip generation data in the *Institute of Transportation Engineers' (ITE) Trip Generation*, 9th Edition for Land Use Code (LUC) 210 – Single-Family Detached Housing, ITE LUC 330 – Resort Hotel, and, for the purposes of

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quantifying credits and internal trip capture, ITE LUC 490 – Tennis Courts, ITE LUC 430 – Golf Course, and ITE LUC 932 – High Turnover Sit-Down Restaurant.

TRF3. As allowed by MPS TR0.2 (Traffic Credit for Past Use), credits are proposed for the reduction in trips anticipated by the removal of the tennis courts which were in operation as recently as 2015. The trip generation analysis further includes a reduction for internal trip capture following accepted engineering practice. Recognition of this reduction is allowable and consistent with MPS TR2.4 (Incentives for Connections between Adjacent Properties). The TIAS’ characterization of uses, trip generation calculations, internal trip capture analysis, and suggested trip reduction credit is consistent with MPS TR0.2.

TRF4. Anticipated trip generation, including internal trip capture and a traffic credit for past uses, is presented in Table 1.

Table 1: Anticipated Project Trip Generation

Time Period	(A) Proposed Residential Trips²	(B) Proposed Hotel Trips³	(C) Internal Trip Capture⁴	(D) Tennis Court Reduction Trips⁵	(E = A + B – C – D) Net New Trips
Weekday Daily Trips	326	546	242	310	320
Weekday AM Peak Hour ¹	29	25	16	17	21
Weekday PM Peak Hour ¹	35	41	30	37	9
Saturday Daily	310	928	300	278	660
Saturday Midday Peak Hour	34	85	32	30	57

¹Peak Hour of Generator

²Based on ITE LUC 210, Single-Family Detached Housing, 28 dwelling units

³Based on ITE LUC 330, Resort Hotel, 80 rooms

⁴Based on ITE internal trip capture methodology utilizing ITE LUC 210, Single-Family Detached Housing, ITE LUC 330, Resort Hotel, ITE LUC 430 Golf Course and ITE LUC 932 High Turnover Sit-Down Restaurant

⁵Based on ITE LUC 490, Tennis Courts, 10 Tennis Courts

TRF5. Based on the anticipated project trip generation and anticipated trip distribution, the following study area intersections and roadway segments were analyzed in the TIAS. The study area established in the TIAS is appropriate and consistent with the Commission’s transportation standards and guidelines.

Intersections:

- Route 28 and Nathan S. Ellis Highway (Route 151) southbound ramps
- Route 28 and Nathan S. Ellis Highway (Route 151) northbound ramps
- Nathan S. Ellis Highway (Route 151) and Falmouth Woods Road

- Nathan S. Ellis Highway (Route 151), Cloverfield Way, and Sam Turner Road
- Nathan S. Ellis Highway (Route 151) and Boxberry Hill Road
- Nathan S. Ellis Highway (Route 151) and Ranch Road
- Nathan S. Ellis Highway (Route 151) and Sandwich Road
- Falmouth Woods Road and existing maintenance driveway
- Falmouth Woods Road and existing main site driveway

Roadway Segments:

- Nathan S. Ellis Highway (Route 151) between:
 - Route 28 southbound ramps and Route 28 northbound ramps
 - Route 28 northbound ramps and Falmouth Woods Road
 - Falmouth Woods Road and Sam Turner Road
 - Boxberry Hill Road and Ranch Road
 - Ranch Road and Sandwich Road

TRF6. An analysis of crashes at study area intersections with the most recent three years on record (2011-2013) was presented in the TIAS. The following high crash locations (average of three or more crashes per year) were identified:

- Route 28 and Nathan S. Ellis Highway (Route 151) southbound ramps
- Route 28 and Nathan S. Ellis Highway (Route 151) northbound ramps
- Nathan S. Ellis Highway (Route 151) and Sandwich Road

TRF7. None of the roadway segments within the study area were identified as high crash locations.

TRF8. The Applicant's proposed safety mitigation for each of the identified high crash (intersection) locations is detailed in the TIAS. The proposals are presented visually, at the conceptual level, in Figures 30, 31, and 32 of the TIAS. Final design for these safety proposals will require review by the Town of Falmouth, Cape Cod Commission, and (as applicable) Massachusetts Department of Transportation (MassDOT) staff.

The following is a summary of the safety mitigation proposed by the Applicant:

- Nathan S. Ellis Highway (Route 151) and Route 28 Southbound Ramps
 - Install/upgrade signage and pavement marking to clarify lane usage
 - Install "tubular channelizing devices to provide a visible barrier between the ramp and Nathan S. Ellis Highway eastbound traffic"

- Install/upgrade signage and pavement marking “consistent with MassDOT’s plans to improve safety at its interchanges to prevent wrong way flow on the state highways”
- Nathan S. Ellis Highway (Route 151) and Route 28 Northbound Ramps
 - Install/upgrade signage and pavement marking to clarify lane usage
 - Install “tubular channelizing devices to provide a visible barrier between the ramp and Nathan S. Ellis Highway westbound traffic”
 - Install/upgrade signage and pavement marking “consistent with MassDOT’s plans to improve safety at its interchanges to prevent wrong way flow on the state highways”
- Nathan S. Ellis Highway (Route 151) and Sandwich Road
 - Install LEFT LANE MUST TURN LEFT on the westbound approach
 - Remove brush obstructing sightlines to the SIGNAL AHEAD signs
 - Install retro-reflective back plates to the existing traffic signal heads to improve signal visibility
 - Review and, as necessary, adjust the signal timing and phasing including permissive westbound left-turn phase

TRF9. Based on the analysis included in the TIAS and the safety mitigation proposed in the TIAS, the Project complies with MPS TR1.1 (No Degradation of Public Safety), MPS TR1.2 (Crash Frequency at Key Locations), and MPS TR1.3 (Identification of Safety Impact). The Applicant shall provide the safety mitigation (subject to Commission review of final designs) as conditioned herein to satisfy MPS TR1.9 (Mitigation Timing).

TRF10. The hotel portion of the Project uses an existing driveway off Falmouth Woods Road. The residential portion of the Project is accessed by a new roadway, with 11-foot-wide travel lanes and a 5-foot-wide sidewalk, and with two new access/egress points onto Falmouth Woods Road (North Residential Driveway and South Residential Driveway). Based on review of proposed site plans included in the DRI Application material, the Project complies with MPS TR1.4 (Standards for Driveway Construction).

TRF11. The Applicant has incorporated appropriate bicycle and pedestrian accommodations in the Project. As conditioned herein, the Applicant shall construct all such accommodations consistent with MPS TR2.7 (Bicycle and Pedestrian Accommodations) and MPS TR1.7 (Bicyclists and Pedestrians Safety and Access/Egress Requirements), which require, among other things, construction consistent with the Americans with Disability Act (ADA).

TRF12. The TIAS includes a sight distance analysis to confirm that the new access/egress points onto Falmouth Woods Road (North Residential Driveway and South Residential Driveway) provide sufficient stopping sight distance as required by MPS TR1.8 (Sight Distance Requirements). Pursuant to MPS TR1.6 (Sight-distance Obstructions), as conditioned herein,

Commission staff shall conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TRF13. MPS TR2.1 (Trip reduction Outside Growth Incentive Zones or Economic Centers) requires that *“DRIs located outside Growth Incentive Zones or Economic Centers, or DRIs in towns without designated Economic Centers shall implement adequate and acceptable measures to reduce and/or offset 25 percent of the expected increase in site traffic resulting from the DRI on a daily basis.”* The Applicant has proposed to meet the 25 percent trip reduction requirement (80 vehicle trips) *“through the permanent protection of developable land and the creation of an extensive transportation demand management (TDM) program.”*

TRF14. The Applicant has made a payment to The 300 Committee equivalent to the purchase of 17.2 acres of a larger parcel to be acquired for open space. The 10.7 acres of land proposed to be permanently protected with the Applicant's contribution to The 300 Committee in excess of the RPP's 6.5-acre requirement, and may be credited towards its trip reduction mitigation obligations. Based on the conceptual subdivision plan prepared for this 10.7 acres by the Applicant and the application of *ITE Trip Generation* data, the permanent protection of this land equates to the reduction of 66 daily vehicle trips, based on the number of residential building lots that the 10.7 acres could support.

TRF15. The Applicant proposes the implementation a TDM plan to offset the remaining 14 trips (80 trips – 66 trips). The TDM plan extends to existing as well as proposed operations/employees. The Applicant is proposing the following measures as part of the TDM plan:

- Designate a Transportation Coordinator to oversee the TDM program.
- Prepare and distribute to hotel employees, as well as existing Cape Club employees, TDM program materials including carpool brochures, Cape Cod Regional Transit Authority (CCRTA) Schedules and Routes, information on the Guaranteed Ride Home Program Taxi and, and available TDM measures and incentive.
- Post the TDM program materials in the employee break room and on an information board within the management office.
- Circulate a carpool sign-up sheet to hotel employees, as well as existing Cape Club employees, which will identify an employee's approximate schedule and residence location.
- Provide direct deposit for employees.
- Provide a shuttle service, be owned and operated by the Project proponent, from the commercial accommodations to various recreational and shopping opportunities within the immediate Falmouth area, including Falmouth Center, the Falmouth bus terminal, and Falmouth Mall as well as the Barnstable airport.

- Designate two “Carpool Only” parking spaces, located close to the Cape Club entrance, with appropriate signage.
- Provide secure bicycle racks in a convenient location.
- Provide pedestrian connection and amenities as shown on the project site plans.
- Work with the Town of Falmouth and the CCRTA to ascertain the feasibility of installing a bus shelter at the intersection of Nathan S. Ellis Highway (Route 151) and Falmouth Woods Road.
- In consultation with the Town of Falmouth, conduct a traffic monitoring and reporting program which will include a survey of residents and employee participation in the TDM program. The traffic monitoring program will include measuring traffic volumes at the access points to the Project over a continuous 7-day, week-long period and will be conducted at 12 and 24 months after issuance of the Final Certificate of Occupancy for the Project. The results of the traffic monitoring and reporting program will be provided to the CCC and the Town of Falmouth and will be used, in part, to develop additional strategies as necessary to increase and expand the TDM program.

TRF16. As conditioned herein, the trip reduction proposal and the calculation of trip reduction credits are consistent with MPS TR2.1, MPS TR2.5 (Estimating Trip Reduction), MPS TR2.10 (Acceptable Trip-reduction Strategies), and MPS TR2.11 (Other Trip-reduction Strategies).

TRF17. Consistent with MPS TR2.3 (Interconnections), the Applicant has proposed a pedestrian interconnection between the new single-family residence and the clubhouse portion of the site.

TRF18. Consistent with MPS TR2.6 (Bus Stops, Turn-outs, and Shelters), the Applicant has proposed to “*work with the Town of Falmouth and the CCRTA to ascertain the feasibility of installing a bus shelter at the intersection of Nathan S. Ellis Highway (Route 151) and Falmouth Woods Road*” as part of its TDM Plan.

TRF19. The Applicant is proposing a total of 384 parking spaces on the Site. The TIAS’ parking analysis states that local zoning requires a minimum of 384 parking spaces. Consistent with MPS TR2.9 (Parking Spaces), the number of parking spaces proposed is no more than is required under local zoning.

TRF20. Consistent with MPS TR3.1 (Operation Requirements), the TIAS presents an operation analysis of all access and/or egress points onto the road system. The North Residential Driveway, South Residential Driveway, Maintenance Driveway, and Main Driveway is anticipated to operate at a Level of Service B or better under 2022 Peak Month Build conditions in all analysis period. The TIAS was prepared in accordance with the Cape Cod Commission Guidelines for Transportation Impact Assessment, Technical Bulletin 96-003, as amended, as required by MPS TR3.3 (Traffic Studies).

TRF21. Per MPS TR3.2 (Credit for Trip-reduction Mitigation), the Applicant is required to mitigate the congestion impacts of the 43 anticipated net new Saturday peak hour trips (0.75 X

57 Saturday peak hour trips [project's peak hour]). The Applicant has proposed a congestion mitigation payment of \$177,500 to meet the relevant standards under of RPP Transportation Goal 3. This payment was calculated in accordance with Technical Bulletin 96-003, as amended, is commensurate with anticipated Project impacts, and a payment is an appropriate means to provide congestion mitigation for the Project. The Applicant shall provide its required congestion mitigation payment to the Commission as conditioned herein, and this payment shall be indexed for inflation per MPS TR3.15 (Inflation Factor).

TRF22. The Applicant also presents an alternative approach to congestion mitigation, referred to as option 2 in the TIAS, in which the installation of a traffic signal at the intersection of Nathan S. Ellis Highway (Route 151) and Falmouth Woods Road takes the place of the congestion mitigation payment. This approach is not consistent with the requirements of the RPP and Technical Bulletin 96-003, as amended, because the signal would not provide a substantial, year-round benefit to the transportation system and to the public in general.

TRF23. As conditioned herein, the Applicant shall submit a copy of all necessary roadwork approvals and permits to the Cape Cod Commission per MPS TRO.3 (Permits for Roadwork prior to Construction).

ENERGY FINDINGS

EF1. The RPP issue area of Energy does not apply to residential subdivisions. The hotel portion of the Project is proposed to be LEED/New Construction-certifiable, meeting the RPP's applicable Energy standards subject to the conditions herein.

WASTE MANAGEMENT

WMF1. The Project is not anticipated to involve or produce significant amounts of construction and demolition waste, hazardous waste, or solid waste, thus the standards under the RPP issue area of Waste Management do not apply to the Project.

AFFORDABLE HOUSING FINDINGS

AHF1. The two components of the Project – residential subdivision and hotel – are reviewed separately under the RPP issue area of Affordable Housing. The Application contains an Affordable Housing narrative dated 8/29/16.

AHF2. The Project proposes to meet its 10% residential affordable housing requirement through a cash contribution, as provided for by MPS AH1.3 (Cash-contribution Option). The Applicant and Commission staff discussed potential opportunities to create affordable housing with the Town of Falmouth. Identifying multiple Town-proposed projects towards which a cash contribution could be directed, the cash contribution is an appropriate means of mitigation and is likely to provide for the creation of more units than would otherwise be created on-site. The Applicant has proposed a payment of \$450,000 representing 3 lots at \$150,000 each. The Applicant has also provided comparable sales data in support of this calculation. Per MPS AH1.7 (Timing of Off-site Contributions) the full payment shall be made prior to the conveyance of any

subdivision lot or the prior to the issuance of a building permit for a residence on any lot, whichever occurs first.

AHF3. The Project proposes to meet its community participation requirement through a cash contribution calculated in accordance with MPS AH3.1 (Mitigation Standard). Hotel projects are calculated under the category of "Other" in accordance with Commission Technical Bulletin 10-001. Additionally, the Applicant has requested an adjustment to the calculation by 7.9% in accordance with MPS AH3.2 (Alternate Mitigation Calculation Option) and Commission Technical Bulletin 09-001. The proposed payment of \$90,511 complies with the MPS under Affordable Housing Goal 3 (Community Participation).

HERITAGE PRESERVATION AND COMMUNITY CHARACTER FINDINGS

HPCCF1. The Project Site does not contain or is proximate to any known historic or archaeological resources. The Project is proposed primarily in areas of prior disturbance. The Applicant submitted a Project Notification Form to the Massachusetts Historical Commission (MHC) and received correspondence from MHC determining that the Project is unlikely to affect any significant historic or archaeological resources. Thus, the Project, is consistent with the MPS under Heritage Preservation Goal 1.

HPCCF2. The Project meets the siting standards under MPSs HPCC2.1 (Strip Development), HPCC2.2 (Protection of Existing Roadway Character), and HPCC2.3 (Avoid Adverse Visual Impacts) as it does not create strip development, does not pose significant changes to the existing roadway character, and does not adversely impact scenic vistas.

HPCCF3. The hotel development is comprised of 11 small buildings clustered around the central drive, with each hotel "cottage" having a footprint of approximately 2000 square feet and the fitness center having a footprint of approximately 3400 square feet. These buildings will be visible from the site entrance off Falmouth Woods Road. The small scale and varied roof forms of these buildings are consistent with MPS HPCC2.4 (Consistency with Regional Context or Surrounding Distinctive Area) and MPS HPCC2.6 (Building Forms and Facades). The predominant material proposed is cementitious shingle siding, which is consistent with the existing clubhouse building. These siding materials have been deemed by the Commission to adequately approximate traditional materials in areas without a distinctive architectural or historic character.

HPCCF4. The siting of the parking lot to the rear of the hotel development complies with MPS HPCC2.8 (Parking to the Side or Rear of Buildings). The parking lot contains landscaping to break up parking areas; the ability to provide more landscape islands is constrained by the location of the WWTF below grade. Overall landscaping at the hotel and parking areas relates the buildings to the site, addresses the functional aspects of landscaping, maintains buffers between parking and the roadway, and improves conditions from the current development. Thus, the Project is consistent with MPS HPCC2.9 (Landscape Improvements for Redevelopment) and HPCC2.10 (Landscape Plan Requirement).

HPCCF5. The Project proposes minimal additional exterior lighting over current conditions. The new residential subdivision fixtures meet the requirements of MPS HPCC2.11 (Exterior Lighting). The Application does not include any signage details. If new signage is to be proposed, it (and any accessory lighting) must be designed consistent with MPS HPCC 2.11 and HPCC2.12 (Signage).

CONCLUSION

Based on the Findings above, the Commission hereby concludes, determines, and finds further that:

1. Subject to and upon satisfaction of the conditions identified in this decision, the Project is consistent with the Act and the 2009 Regional Policy Plan (as amended).
2. The Project is consistent with Falmouth's Local Comprehensive Plan.
3. The Project is consistent with municipal development by-laws, subject to the Applicant obtaining all required local approvals, licenses, and permits for the Project.
4. No DCPC Implementing Regulations apply to the Project.
5. The probable project benefit is greater than the probable project detriment.

The Commission hereby grants DRI approval for the application by FWG LLC for the Project, subject to the following conditions:

GENERAL CONDITIONS

GC1. When final, this decision shall be valid and in effect for a period of 7 years, and local development permits may be issued pursuant hereto for a period of 7 years from the date of this written decision. This decision shall be final when the appeal period set out in Section 17 of the Cape Cod Commission Act has elapsed without appeal (or if such an appeal has been filed, when the appeal has been finally settled, dismissed, adjudicated, or otherwise disposed of in favor of the Applicant), and a copy of this decision has been recorded with the Barnstable Registry of Deeds, and registered with the Barnstable Land Court, as applicable, with costs borne by the Applicant.

GC2. This decision shall be appurtenant to and run with the property which is the subject Project Site. The decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its successors, and assigns.

GC3. The Applicant shall obtain all necessary federal, state, and municipal permits, licenses, and approvals for the Project, and provide copies of the same to the Commission. Prior to commencement of Project construction, the Applicant shall have obtained all necessary municipal permits, licenses and approvals, including but not limited to those for roadwork, and provided copies of the same to the Commission.

GC3(a). The Project's consistency with municipal development by-laws, regulations or ordinances shall be evidenced and confirmed by the Applicant obtaining all said necessary municipal permits, licenses and approvals.

GC4. The Project shall be undertaken, constructed, operated, and maintained in accordance with the Findings and Conditions set out herein, including the plans and documents referenced herein under Finding GF4.

GC4(a). Failure to comply, and remain in compliance, with all findings and conditions stated herein may be deemed cause to revoke or require modification to this decision.

GC4(b). Prior to commencement of Project construction, the Applicant shall submit final project plans as approved by state, federal, and municipal authorities for review by Commission staff who shall determine their consistency with this decision. If Commission staff determines that the final plans are not consistent with the project plans and other documents approved, referenced, and incorporated herein, the Commission shall require that the Applicant seek a modification to this decision for further review and approval of the Project changes in accordance with the "Modification" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

GC4(c). Prior to commencing Project construction, the Applicant shall provide evidence to the Commission that a copy of this decision has been provided to and received by the general contractor for the Project. Copies of this decision and approved Project plans and documents referenced herein shall be maintained on-site during Project construction.

GC5. The Applicant shall request and obtain from the Commission Certificates of Compliance at the Project stages set out in these Conditions prior to undertaking further action on or permitting for the Project. Such Certificate/s will evidence that all Conditions in this decision required to have been satisfied prior to the issuance of such Certificate/s of Compliance have been satisfied, and that the Project is in compliance with this decision. No building permit or Certificate of Use and Occupancy shall be issued by the Town for the Project or any portion thereof, and no individual residential building lot or lots shall be released from Planning Board covenant or conveyed, until the Applicant has obtained a Certificate of Compliance from the Commission.

GC6. The Commission may issue separate or phased Certificates of Compliance for the Project or components thereof (including for the residential and commercial portions of the Project), which may be styled as "Preliminary," "Final," "Partial," or "Full" Certificates of Compliance. A Certificate of Compliance issued and styled as a "Final" or "Full Final" Certificate of Compliance will evidence that the Project, or portion or component thereof referenced in such Certificate, does not require the issuance of further Certificates of Compliance from the Commission.

GC7. Commission staff will undertake a review of the Project's compliance with this decision, including the applicable conditions hereof, upon the Applicant's request to the Commission for issuance of any Certificate of Compliance. At the time the Applicant requests such a Certificate, it shall provide Commission staff a list of key project contact(s), along with their telephone numbers, mailing addresses, and email addresses, in the event questions arise during the Commission's compliance review. As part of its compliance review, Commission staff may make,

and the Applicant hereby authorizes, site inspections upon reasonable notice to the Applicant, as such visits are needed. Upon review, the Commission shall either prepare and issue the requested Certificate, or inform the Applicant in writing of any compliance deficiencies and the remedial action required for the issuance of the requested Certificate.

ECONOMIC DEVELOPMENT/ENERGY CONDITIONS

EC1. Prior to issuance of a Certificate of Compliance authorizing issuance of a municipal building permit for the commercial portion of the Project, the Applicant shall submit documentation evidencing the commercial portion of the Project is LEED-certifiable. This documentation shall be prepared and signed by a LEED-certified professional.

WATER RESOURCES CONDITIONS

WRC1. Prior to issuance of the first Certificate of Compliance requested for the Project, the Applicant shall submit for review and approval a Turf and Landscape Management Plan for the Project that addresses, at a minimum: water conservation measures including irrigation practices; limitations on chemical fertilizer and pesticide applications; replacement provisions for dead or diseased plantings; planting installation methods; and general turf management practices. When reviewed and approved by Commission staff, the Project shall be undertaken, operated and maintained according to said Plan, and said Plan shall thereby be incorporated into the Project plans and documents approved hereunder.

WRC2. The Applicant shall construct and the Project shall be served by the proposed RUCK CFT/GPC wastewater treatment facility. Prior to issuance of a Certificate of Compliance authorizing issuance of a municipal building permit for the commercial portion of the Project, the Applicant shall obtain a Ground Water Discharge Permit for its proposed RUCK CFT/GPC wastewater treatment facility from the MA Department of Environmental Protection limiting effluent concentration to 8-ppm total nitrogen, and submit copies of the application and permit, with supporting documentation including but not limited to the Hydrogeologic Report, to the Commission.

WRC3. The Applicant shall submit copies of all Groundwater Discharge Permit monitoring reports to the Commission.

WRC4. Pursuant to MPS WR7.10 (Stormwater Operation and Maintenance Plan), one year from completion of the stormwater system, a Professional Engineer shall inspect the system and submit a letter to Commission staff certifying that the system was installed and functions as designed and approved.

NATURAL RESOURCES CONDITIONS

NRC1. Prior to the issuance of the first Certificate of Compliance requested for the Project, the Applicant shall submit for review and approval an Invasive Species Management Plan. When reviewed and approved by Commission staff, the Project shall be undertaken, operated and

maintained according to said Plan, and said Plan shall thereby be incorporated into the Project plans and documents approved hereunder.

OPEN SPACE AND RECREATION CONDITIONS

OSC1. Prior to issuance of the first Certificate of Compliance requested for the Project, the Applicant shall provide evidence to the Commission that the open space payment made to The 300 Committee has been released from escrow to The 300 Committee.

TRANSPORTATION CONDITIONS

TRC1. Prior to issuance of a Certificate of Compliance authorizing issuance of a municipal Certificate of Use and Occupancy for the commercial portion of the Project, the Applicant shall:

- a) Provide to the Commission a recorded, statutory Conservation Restriction over land that, at a minimum, includes the 10.7-acre area shown on the conceptual subdivision plan included in the TIAS incorporated herein under Finding GF4 and Condition GC4;
- b) Implement the TDM plan included in the TIAS incorporated herein under Finding GF4 and Condition GC4;
- c) Implement the safety improvements (after final design plans for the same have been reviewed and approved by Commission staff) listed under Finding TRF8 and included in the TIAS incorporated herein under Finding GF4 and Condition GC4;
- d) Pay to the Barnstable County Treasurer in care of the Commission a traffic congestion mitigation payment of \$177,500, which payment shall be held for and made available to the Town of Falmouth to support projects or strategies that encourage alternatives to automobile travel. A 1% inflation rate shall be applied to the congestion mitigation payment for the period of time from the date of the final Commission decision until the funds are paid.
- e) Commission staff shall conduct a site visit to confirm that no signs, vegetation, or other visual obstructions have been placed in a manner that would create an obstruction to safe sight distance at the site drive.

TRC2. The Applicant shall construct all pedestrian accommodations compliant with the Americans with Disability Act (ADA).

AFFORDABLE HOUSING CONDITIONS

AHC1. Prior to issuance of a Certificate of Compliance authorizing conveyance of any individual building lot or lots or release of any individual building lot or lots from municipal Planning Board covenant for the residential portion of the Project, the Applicant shall pay to the Barnstable County Treasurer in care of the Commission an affordable housing mitigation payment of \$450,000, which payment shall be held for and made available to the Town of Falmouth to support the creation of affordable housing, except that the Applicant may instead pay at least \$225,000 at such time, and defer the remaining \$225,000 payment to a later time approved by Commission staff, provided the Applicant delivers to the Commission an

irrevocable Standby Letter of Credit satisfactory in form and substance to Commission staff ensuring that said remaining payment will timely be made to the Commission. Without limiting the foregoing, the Commission shall not issue any Certificate of Compliance authorizing issuance of a municipal Certificate of Use and Occupancy for the commercial portion of the Project until the full \$450,000 payment has been made to the Commission.

AHC2. Prior to issuance of a Certificate of Compliance from the Commission authorizing issuance of a municipal Certificate of Use and Occupancy for the commercial portion of the Project, the Applicant shall pay to the Barnstable County Treasurer in care of the Commission an affordable housing payment of \$90,511, which payment shall be held for and made available to the Town of Falmouth to support the creation of affordable housing.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 2nd day of March, ~~2016~~ ²⁰¹⁷.

Harold W Mitchell
Signature

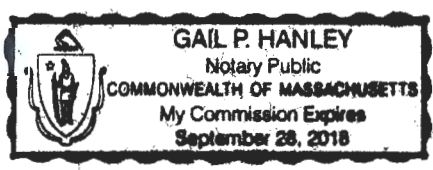
Harold W Mitchell - Chairman CC Commission
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss March 2, 2017

Before me, the undersigned notary public, personally appeared

Harold W. Mitchell, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



Gail P. Hanley
Notary Public
My Commission Expires: 9-28-18