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CAPE COD COMMISSION

DEVELOPMENT OF REGIONAL IMPACT SCOPING DECISION

DATE: JANUARY 22, 2015

TO: JOSEPH PEZNOLA, HANCOCK ASSOCIATES
315 ELM STREET, MARLBORO, MA 01752

PROJECT APPLICANT/ PROPERTY OWNER: (LESSEE) FALMOUTH HOSPITALITY LLC
2 LAN DRIVE, WESTFORD, MA 01886

PROJECT NUMBER: LR14017

PROJECT: SPRINGHILL SUITES BY MARRIOT, FALMOUTH, MA

LOCATION: 556 MAIN STREET, FALMOUTH, MA

RECORDING/ ASSESSORS' INFORMATION: SEE APPENDIX A

SUMMARY

The Cape Cod Commission (Commission), through the Executive Director, hereby determines that mandatory Development of Regional Impact (DRI) review of the proposed hotel Project located at 556 Main Street in Falmouth, MA (Project) shall be scoped and limited to the Regional Policy Plan (RPP) issue area of Historic Preservation/Community Character, and that Falmouth Hospitality LLC (Applicant) may proceed with its application for said Limited DRI approval.

PROJECT DESCRIPTION

The Project proposes the redevelopment of an existing site at 556 Main Street in Falmouth, MA with construction of a 110 room Springhill Suites by Marriot hotel with associated parking, on-site amenities, and necessary infrastructure improvements. The Project is located in the Falmouth Business Redevelopment District.

The 2.03 acre site is fully disturbed, consisting of commercial and accessory buildings, compacted gravel parking, and material storage areas. According to the application materials, the Project calls for the demolition of all structures on site except the dwelling at 3 Lantern Lane.

The hotel will be divided into two buildings with upper level connectors on the second and third levels and will have a total of 65,000 square feet of floor area. The majority of the parking for the Project will be located at the ground level beneath the second and third levels of the building. Vehicular access to the Project Site will be provided via a driveway located in approximately the same location as the abandoned portion of Lantern Lane.

PROCEDURAL HISTORY

The DRI Scoping application was received by the Commission on July 14, 2014. The Applicant submitted additional application materials in July, August, September, November, and December 2014. The DRI Scoping application was deemed complete on December 22, 2014.

RECORD MATERIALS

TABLE 1: MATERIALS SUBMITTED FOR THE RECORD

Materials from Cape Cod Commission	***Date Sent***
Email Jeffrey Ribeiro (JR) to Joseph Peznola (JP) re: additional materials	7/23/14
Email JR to JP re: additional materials	11/28/14
Email JR to JP re: community character comments	12/22/14
Email JR to JP and Kevin Eriksen (KE) re: scoping application complete	12/22/14
Materials from Applicant	***Date Sent***
Scoping application materials, dated 7/11/14	7/14/14
Email KE to Paul Ruchinskas re: affordable housing calculations	8/12/14
Scoping application materials, dated 11/6/14	11/12/14
Email KE to JR re: ground lease, easement, and 3 Lantern Lane	11/17/14
Letter Jeffrey Dirk (JD) to Glenn Cannon (GC) re: trip generation	11/20/14
Letter JD to GC re: proposed improvements	11/21/14
Scoping application materials, dated 12/3/14	12/5/14

JURISDICTION

The Project qualifies as a Development of Regional Impact (DRI) pursuant to Section 3(e)(i) of the Commission's *Enabling Regulations* (revised November 2014) as *"[n]ew construction of any building or buildings (including accessory and auxiliary structures) with a Gross Floor Area greater than 10,000 square feet."*

In accordance with Section 5(a) of the *Enabling Regulations, "[f]or any Project that is a DRI...the proponent may apply to the Commission to limit the scope of the DRI review."*

Pursuant to Section 5(e)(v) of the Enabling Regulations, *"[t]he Executive Director shall issue a written decision following his/her determination of the scope of DRI review."*

FINDINGS

The Executive Director hereby finds as follows:

GENERAL FINDINGS

GF1. The Applicant submitted application materials to scope DRI review on July 14, 2014 and December 3, 2014; the Scoping application was deemed complete on December 22, 2014.

GF2. As the date of the application being declared complete was December 22, 2014, this Project was reviewed subject to the 2009 RPP, as amended in August 2012.

GF3. Commission staff considered the Limited DRI Scoping Checklist for redevelopment in its review and deliberations on the scoping application.

GF4. The Project consists of: the demolition of all structures on site except the dwelling at 3 Lantern Lane and the construction of a 110 room Springhill Suites by Marriot hotel with associated parking and improvements. The hotel will be divided into two buildings with a upper level connectors on the second and third levels and will have a total of 65,000 square feet of floor area. Vehicular access to the Project Site will be provided via a driveway located in approximately the same location as the abandoned portion of Lantern Lane. The 2.03 acre site itself is fully disturbed consisting of commercial and accessory buildings, compacted gravel parking, and material storage areas.

GF5. The Project is to be implemented and constructed in accordance with the following plan sets and other information and documents referenced herein:

"Springhill Suites" by Hancock Associates

Sheet C1: *Title Sheet*, dated 11/6/14
Sheet EC: *Existing Conditions Plan*, dated 6/3/14
Sheet C2: *Site Preparation and Erosion Control Plan*, dated 11/6/14
Sheet C3: *Layout and Materials Plan*, dated 11/6/14
Sheet C4: *Grading, Drainage and Utility Plan*, dated 11/6/14
Sheet C5: *Site Details*, dated 11/6/14
Sheet C6: *Site Details*, dated 11/6/14

Stormwater Report, dated 9/15/14
Proposed Drainage Areas, dated 4/1/14
Existing Drainage Areas, dated 4/1/14

GF6. The Applicant has provided a copy of an executed 99-year ground lease for the parcels comprising the Project Site, in which the record property owner is the lessor and the Applicant is the lessee. The Project Site includes those five assessors parcels listed in Exhibit A hereto, as well as the former road layout of Lantern Lane abutting said parcels. The lease provides an option for the Applicant to lease the .173-acre parcel located at 3 Lantern Lane, which is included in the Project for the stated purpose of meeting local zoning site coverage requirements, though no work, including demolition or alteration of the residence currently located on said parcel, is proposed on the parcel as part of the Project. Said parcel shall be

treated as part of the Project and Project Site for purposes of this decision and any subsequent Limited DRI decision, and the entire Project Site, including said parcel, is and shall be subject to said decisions.

GF7. The Project Site contains a portion of the former road layout of Lantern Lane, which portion the Falmouth Planning Board, acting under the Subdivision Control Law, modified and rescinded upon petition of the Applicant by decision dated 10/14/2014. The Planning Board's decision is currently under appeal.

LAND USE

LUF1. As the Town has not adopted a Land Use Vision Map (LUVM), RPP Minimum Performance Standard (MPS) LU1.1 (Development Location) does not apply to the proposed Project.

LUF2. The Project incorporates features of compact development such as multistory buildings, minimal setbacks from the street, limited and/or shared parking, and a pedestrian-friendly design that encourages walking, biking, and transit. Therefore the Project meets MPS LU1.2 (Compact Development). In addition to the on-site, above ground parking garage, the Project will share parking with a property across Main Street, which shared parking is allowed under the Falmouth Zoning By-law.

LUF3. As the Project is not proposing a capital facility or infrastructure, MPS' under Land Use Goal LU2 (Capital Facilities and Infrastructure) do not apply.

LUF4. As the Project is not on or adjacent to agricultural lands, MPS' under goal LU3 (Rural Lands) do not apply.

LUF5. The Project does not require substantive DRI review under the RPP issue area of Land Use.

ECONOMIC DEVELOPMENT

EDF1. Falmouth is without an approved LUVM. MPS' ED1.1 and ED1.2 require development to be located within appropriately designated areas on an adopted LUVM. While Falmouth has not adopted an LUVM for the Project Site, the Project is located within the Falmouth "Business Redevelopment" zoning overlay district. Accordingly, the area including the Project Site has been comprehensively planned for such use, which is the intent underlying MPS' ED1.1 and ED1.2, and therefore the Project does not involve substantial deviation from the MPS' ED1.1 (Location in Economic Centers) and ED1.2 (Industrial and Service Trade Areas).

EDF2. The Project is not located on or near agricultural, waterfront or recreational lands. Therefore MPS ED1.4 (Resource-based Economic Areas) does not apply.

EDF3. The Project does not involve gaming. Therefore MPS ED2.1 (Gaming) does not apply.

EDF4. The Project does not involve the development of infrastructure and/or capital facilities. Therefore MPS ED4.1 (Demonstrated Need and Public Benefit) does not apply.

EDF5. The Project does not involve substantial deviation from the Economic Development MPS' and would not have significant impacts upon the purposes and values identified by Section One of the Act, and does not require substantive DRI review for the issue area of Economic Development.

WATER RESOURCES

WRF1. The Project Site is presently developed and is situated in a developed portion of Falmouth village center. The Project Site has a sewer connection. Project plans depict improvements to stormwater management at the site. Recent adoption of the town-wide nitrogen control by-law, which offers voluntary guidelines for fertilizer use in the Town of Falmouth, provides an additional opportunity for project nitrogen loads to be reduced.

WRF2. Plans submitted with the DRI application propose to eliminate unpaved driveways and reduce discharges of stormwater to the property boundary by providing sub-surface stormwater storage and dampening peak stormwater discharges. These plans are consistent with Water Resources Goal WR7 (Stormwater Quality).

WRF3. The Project is not located within a Wellhead Protection Area or a Potential Public Water Supply Area, as described on Water Resources Classification Map I. Therefore, standards under Goal WR2 (Drinking Water Quality and Quantity) do not apply to the Project.

WRF4. The Project is located in the Falmouth Inner Harbor watershed, a Marine Water Recharge Areas (MWRA), as described on Water Resources Classification Map II. Therefore the Project must meet MPS WR3.2 (Mainenance or Improvement of Nitrogen Loading).

WRF5. Falmouth Inner Harbor is largely used as a boat basin with significant alteration to its shoreline, including substantial impervious coverage. The limiting nutrient for coastal waters such as Falmouth Inner Harbor is typically nitrogen.

WRF6. The Massachusetts Estuaries Project (MEP) indicates that water quality in Falmouth Inner Harbor is impaired due to excess nitrogen loads entering the embayment from its watershed. The MEP has established watershed nitrogen-loading thresholds (critical limits) below which estuarine water-quality restoration goals can be expected to be met. The MEP threshold corresponds to a reduction of the existing watershed nitrogen load by 24%. The MEP reports are the bases for nitrogen Total Maximum Daily Load (TMDL) reports approved by the EPA. A nitrogen TMDL has not been finalized for Falmouth Inner Harbor.

WRF7. Water Resources MPS WR1.1 (Five-PPM Nitrogen Loading Standard) requires projects to limit nitrogen loading to five-ppm unless an alternate standard applies. Based on the Applicant's nitrogen loading calculations, the Project will not only meet the five ppm standard, but will also meet nitrogen loading under the alternate, more stringent standard, MPS WR3.2 (Maintenance or Improvement of Nitrogen Loading), which applies on account of the Project's location in the Falmouth Inner Harbor Watershed.

WRF8. The Project results in greater wastewater generation due to replacement of the existing mix of retail and warehouse uses at the site by a 110-room hotel. The Project will need to seek local approval as the proposal increases sewered Title 5 wastewater flows to 12,100 gpd (gallons per day) from 965 gpd for the existing uses. Wastewater from the site will continue to be conveyed to the municipal wastewater treatment facility located on Blacksmith Shop Road for tertiary treatment and ultimate disposal.

WRF9. Nitrogen calculations submitted by the applicant reflect Commission Technical Bulletin 91-001 (Nitrogen Loading) parameters and indicate that the project nitrogen load will decrease, thus meeting MPS WR3.2 (Maintenance or Improvement of Nitrogen Loading). The reduction is largely attributable to a reduction in the amount of driveway area. Nitrogen credits afforded by this reduction are partially offset by increases in roof and landscaped areas. Using Technical Bulletin 91-001, the total project nitrogen load to the Falmouth Inner Harbor watershed results in a nitrogen reduction of 113 kg-N/day to 106 kg-N/day, a net reduction of 7 kg-N/day.

WRF10. Technical Bulletin 91-001 assumes a fertilizer application rate of 3-lbs/yr per 1,000 square feet (sf) of turf and applies a 25% leaching factor to calculate the fertilizer nitrogen load to the watershed. Alternatively, the MEP applies a fertilizer leaching factor of 20%, and the Town of Falmouth has adopted a voluntary fertilizer by-law (Nitrogen Control By-law) that seeks a voluntary limit on the application of fertilizer nitrogen, to 1 lb-N/yr fertilizer per 1,000 sf of turf. As shown above, application of the Nitrogen Control Bylaw and MEP leaching factor yields a project nitrogen load of 60 kg-N/day.

WRF11. The proposed Project will utilize the Town's sewer and water supply. Thus, MPS WR5.2 (Public and Private Wastewater Treatment) and MPS WR5.5 (Alternate Water Supply in Designated Mapped Areas) do not apply.

WRF12. The Project does not include a wastewater treatment facility, as it will utilize the Town's sewer. Therefore, standards under goal WR6 (Public and Private Wastewater Treatment) do not apply to the Project.

WRF13. Opportunities for improved stormwater management exist at the site. Stormwater runoff is presently directed to a small kettle along the northeast property boundary. Plans submitted with the DRI application propose to eliminate unpaved driveways and reduce discharges of stormwater to the property boundary by providing sub-surface stormwater storage and dampening peak stormwater discharges. These plans are consistent with RPP Water Resources Goal WR7 (Stormwater Quality).

WRF14. The Project does not require substantive DRI review under the RPP issue area of Water Resources, conditioned upon Commission review and approval of a Landscape Maintenance Agreement that is consistent with the recommendations for fertilizer use set forth by the Town of Falmouth's Nitrogen Control By-law.

NATURAL RESOURCES

NRF1. The Project does not require substantive DRI review under the RPP issue areas of Wetlands, Wildlife and Plant Habitat, Coastal Resources, Marine Resources, or Open Space Protection and Recreation based on the following observations: the proposed development activity occurs more than 100 feet from a wetland; there are no vernal pools in the vicinity of the Project; the site is not mapped for rare species habitat; the Project is not located along or near the coast, or offshore; and because redevelopment activity will occur on areas of the Project Site that have been previously developed or disturbed, no provision of open space off-set is required.

TRANSPORTATION

TRF1. As outlined in the application materials, dated December 2, 2014, the Applicant is proposing "the redevelopment of an existing site at 556 Main Street in Falmouth, MA constructing a 110 room Springhill Suites by Marriot Hotel." The Transportation Impact Assessment (TIA), dated August 20, 2014, along with supplements dated November 20, 2014 and November 21, 2014 prepared by Vanasse & Associates, Inc. (VAI), provides transportation information in support of the application.

TRF2. Commission Transportation staff has reviewed the trip generation calculations as presented in the TIA and its supplements. The trip generation estimates are based on trip generation data in Institute of Transportation Engineers' (ITE) Trip Generation, 9th Edition, for Land Use Code (LUC) 310, Hotel, for the proposed use, meeting MPS TR0.1 (Source(s) of Trip-generation Data).

TRF3. Consistent with MPS TR0.2 (Traffic Credit for Past Uses), the Applicant is requesting traffic credit for the existing 19,000 square feet (sf) of existing development. Per MPS TR0.2, "for analysis and mitigation purposes a traffic credit may be allowed, at the discretion of the Commission, for past uses on the site of the DRI based on the estimated average daily and peak-hour trip generation of the immediate prior use." The trip generation estimates for the existing use are based on trip generation data in ITE Trip Generation, 9th Edition, for LUC 826, Specialty Retail Center.

TRF4. Commission Transportation staff agrees with the characterization of the existing and proposed uses, and suggests that the calculations were performed in accordance with Technical Bulletin 96-003. Commission Transportation staff suggests that it would be appropriate to allow the requested traffic credit per MPS TR0.2 (Traffic Credit for Past Uses).

TRF5. Including consideration of the proposed traffic credit, the expected increase in traffic from the Project during different time periods is as presented in Table 1.

Table 1: Estimated Project Trip Generation

Time Period	Trip Generation (trips)		
	Proposed Use Hotel (110 rooms)[1]	Existing Use[2]	Net New Trips[3]
Weekday Daily Trips	900	842	+58
Weekday AM Peak Hour	61	130	-69
Weekday PM Peak Hour	67	95	-28
Saturday Daily	902	800	+102
Saturday Midday Peak Hour	80	77	+3

Note:
[1] Based on ITE LUC 310, Hotel, 110 rooms
[2] Based on ITE LUC 826, Specialty Retail Center, 19,000 sf
[3] Trip from proposed use minus credit for trips from existing use

TRF6. As presented in the TIA, VAI conducted a sight distance evaluation of the proposed site driveway and found that sufficient sight distance is provided. The TIA further details notes that sufficient sight distance is available at the proposed overflow parking lot. VAI also conducted a motor vehicle crash analysis for the most recent three-year period available (2010-2012) for the intersections of Main Street/Lantern Lane and Main Street/Nye Road. No crashes were reported at the intersection of Main Street/Lantern Lane and 3 crashes were reported at the intersection of Main Street/Nye Road. Neither intersection would be considered a high crash location (three or more crashes per year) according the RPP.

TRF7. As stated in the TIA, "presuming a favorable finding by the Commission granting Limited DRI review with respect to Transportation, the Applicant will work with Commission Transportation Staff with respect to the design of the Project Site driveway and other such measures as deemed appropriate to: i) mitigate the projected impact of the Project on the regional roadway network serving the project locus; and ii) afford safe and convenient access to the Project Site for all roadway users." This is an important commitment by the Applicant that helps support the case for scoping the Project out of the issue area of Transportation. In demonstration of the Applicant's effort in site design, at the request of Commission Transportation staff, VAI submitted a supplemental submission dated November 21, 2014 detailing the specific pedestrian improvements that would be constructed by the Applicant. As detailed in the correspondence, the Applicant is committing, "subject to receipt of all necessary rights, permits and approval," to:

1. "Reconstruct sidewalks along the Project Site frontage on Main Street and along the west side of Nye Road between Main Street and the overflow parking lot as necessary to ensure that these facilities are compliant with the applicable standards of the Americans

with Disables [sic] (ADA) and those of the Massachusetts Architectural Access Board (MAAB).

2. Reconstruct the wheelchair ramps serving crosswalks at the Main Street/Nye Road intersection as necessary to meet ADA and MAAB standards.

3. Reapply the crosswalk markings at the Main Street/Nye Road intersection to improve visibility and the retroreflective properties of the crossing.

4. Replace the pedestrian crossing warning signs on Main Street at and in advance of the crossings at the Main Street/Nye Road intersection, and install high visibility reflective tape on the sign posts for the pedestrian crossing warning signs at the crossing.

5. Install a STOP-sign and marked STOP-line on the Nye Road approach to Main Street in order to define the stopping point for vehicles in advance of the crosswalk."

While other required improvements may come to light as the Project progresses, these improvements represent a concerted and sufficient effort to address safe site access for all users. The Project shall be conditioned upon compliance with the commitment stated herein, and, therefore, will meet MPS' under RPP Transportation Goal TR1 (Safety).

TRF8. The Scoping Checklist for limited Development of Regional Impact (DRI) contains the following transportation related questions:

Will the Project generate more than 250 new daily trips? Will the Project generate more than 25 new peak hour trips at a high crash location? Does the Project have direct access on or does the Project abut a regional roadway?

With consideration of the proposed traffic credit the Project will produce less than 250 new daily trips and less than 25 peak hour trips. The Project Site is located on Main Street (Route 28), a regional roadway. Given the anticipated low number of net new trips, with proper site design and consideration for safety, adverse impacts on this roadway can be properly mitigated.

TRF9. The Project does not require substantive DRI review under the RPP issue area of Transportation, conditioned upon compliance with the committment outlined by the Applicant.

WASTE MANAGEMENT

WMF1. The Project is not mapped as a Potential Public Water Supply Area or a Wellhead Protection Area and does not propose to store hazardous materials on site, thus MPS' under Goal WM1 (Hazardous Materials and Waste) do not apply.

WMF2. The Project will create significant amounts of solid waste during the construction phase. The Applicant has provided a written narrative (as follows) outlining the handling of wastes, which complies with MPS WM2.1 (Construction Waste) and WM2.2 (C&D Waste Plan). The Project is conditioned on compliance with this protocol.

> *During construction, dumpsters for recyclables will be placed next to a dumpster designated for trash. Contractors will be provided with instructions as to what may be recycled and what must be disposed of as trash. Clean Wood Scrap/Metal/Gypsum/ Masonry/Cardboard make up 80% of Construction and Demolition recyclables. The following containers will be available onsite to ensure the 80%:*
>
> - *A Clean Wood container*
> - *Masonry container*
> - *Metal container*
> - *Cardboard container for window and cabinet deliveries*
> - *Gypsum container during drywall process*
>
> *All recyclables and trash during demolition and construction will be sorted onsite and placed into either the trash dumpster or the appropriate recyclable dumpster. These dumpsters shall be stored onsite until removal/emptying becomes necessary. At which point, the site manager will coordinate trash and recyclable removal. Again, the recyclables during construction will ultimately be transferred to a single stream recycling facility similar to Devens Recycling Center (DRC) for its C&D recycling needs.*

WMF3. The Project does not require substantive DRI review under the RPP issue area of Waste Management, conditioned upon compliance with the waste management protocol outlined by the Applicant.

ENERGY

EF1. MPS E1.1 (Redevelopment Energy Audit) does not apply as there are no existing buildings being reused on the site.

EF2. The Applicant has stated in application materials that the Project will be designed to be Energy Star and LEED certifiable. Thus, the Project meets MPS E1.2 (Designed to Earn Energy Star Certification), MPS E1.3 (ANSI/LEED Standards), and MPS E1.5 (On-site Renewable Energy Generation).

WMF3. The Project does not require substantive DRI review under the RPP issue area of Energy, conditioned upon the Project being Energy Star and LEED certifiable.

AFFORDABLE HOUSING

AHF1. The Applicant has proposed to demolish the existing four structures at 556 Main Street which have approximately 19,058 square feet of gross floor area (GFA) and to construct a new building with approximately 65,000 square feet of GFA for a Springhill Suites by Marriot hotel. As the redevelopment project does involve additional commercial development, it requires

further analysis to determine whether the Project should be scoped for the RPP issue area of Affordable Housing.

AHF2. The Project is not located in an economic center, and a hotel is classified as an "Other" use under MPS AH3.1 (Mitigation Standard) as adjusted annually per MPS AH3.3 (Annual Adjustment of Mitigation). The Applicant submitted an "Affordable Housing Requirement" narrative in which it calculated the mitigation in accordance with Technical Bulletin #10-001 and determined that the required amount for the hotel use was $143,000. Commission staff confirmed that the Applicant's calculation was correct.

AHF3. As a redevelopment and change of use project, in accordance with MPS AH3.5 (Redevelopment/Change of Use), the Applicant receives a credit for the amount of mitigation based upon the existing use and the existing square footage. Based upon the "Building Areas Exhibit" prepared by Hancock Associates, the existing use is approximately 11,802 square feet of retail and approximately 7,256 of warehouse space. The Applicant calculated that the mitigation credit under MPS AH3.5 totaled $145,157, and Commission staff confirmed that the Applicant's calculation was correct.

AHF4. As the Applicant's credit of $145,157 from the existing use exceeds its required mitigation of $143,000 for the new use, no affordable housing mitigation is required. Therefore, the Project does not require substantive DRI review under the RPP issue area of Affordable Housing.

HISTORIC PRESERVATION/ COMMUNITY CHARACTER

HPCCF1. The Applicant has provided the following preliminary architectural/landscape/design plan sets for review:

"Springhill Suites by Marriot" by JD LaGrasse & Associates, Inc.

Sheet A1: *Street Perspective 1*, dated 11/6/14
Sheet A2: *Street Perspective 2*, dated 11/6/14
Sheet A3: *Street Elevation*, dated 11/6/14
Sheet A4: *Schematic Elevations*, dated 11/6/14
Sheet A5: *Ground Floor Plan*, dated 11/6/14
Sheet A6: *1st Floor Plan*, dated 11/6/14
Sheet A7: *2nd Floor Plan*, dated 11/6/14
Sheet A8: *Roof Plan*, dated 11/6/14
Sheet L1: *Schematic Landscape Plan*, dated 12/3/14
Sheet L2: *Planting Plan*, dated 12/4/14

HPCCF2. As building and landscaping/site work is proposed in the Project, the RPP issue area of Historic Preservation/Community Character applies to the Project.

HPCCF3. Historic Preservation/Community Character Goal HPCC2 (Community Character/Site and Building Design) seeks, in part, to ensure that development and redevelopment respect the traditions and distinctive character of the built environment.

HPCCF4. Further, in light of relevant provisions contained in the Scoping Checklist for Redevelopment related to the HPCC issue area, the Project is located in a distinctive area, on a regional roadway in close proximity to Falmouth's historic downtown, and because of the preliminary nature of the architectural/landscape/design plan sets, Commission staff is unable to determine, and the Applicant has not fully and sufficiently demonstrated at this time, that site and building design features have been incorporated into the Project consistent with the Commission's design technical bulletin/manual and addendum thereto; that landscape design has utilized appropriate, non-invasive plantings to reduce water use and maintenance needs, and has addressed existing landscape design features; and that the exterior lighting design is consistent with MPS HPCC2.11 and the Exterior Lighting Technical Bulletin.

HPCCF5. Accordingly, as the Project may have significant impacts upon the purposes and values identified by Section One of the Act and those Goals identified under the RPP issue area of Historic Preservation/Community Character, warranting substantive DRI review, the Executive Director finds that the Project requires substantive DRI review under the RPP issue area of Historic Preservation/Community Character.

CONCLUSION

Based on the foregoing findings, the Executive Director, hereby finds and determines that the proposed hotel project located at 556 Main Street in Falmouth, Massachusetts as outlined in this decision requires DRI review, which shall be limited to the RPP issue area of Historic Preservation and Community Character. This decision is subject to the conditions below.

CONDITIONS

GC1. This decision shall run with the property/Project Site and allow the Applicant or its successors in title or interest to file a Limited DRI application and undertake DRI review with the Commission, consistent with this terms and conditions of this decision and under the 2009 RPP (as amended in August 2012), within one year from the date of this decision, which time may be extended upon mutual agreement of Commission and the Applicant.

GC2. The Project Site contains a portion of the former road layout of Lantern Lane, which portion the Falmouth Planning Board, acting under the Subdivision Control Law, modified and rescinded upon petition of the Applicant by decision dated 10/14/2014. The Planning Board's decision is currently under appeal, and this scoping decision, and any Limited DRI decision for the Project, is and shall be conditioned on the Planning Board's decision becoming final by settlement or dismissal of the appeal, or adjudication of the appeal in favor of the Applicant, and should the Commission ultimately grant the Project DRI approval, the Applicant shall provide the Commission a recorded copy of the final, approved subdivision modification plan prior to the commencement of any development work and prior to the issuance of any Preliminary Certificate of Compliance by the Commission authorizing the same.

> GC2a. The .173-acre parcel located at 3 Lantern Lane shall be treated as part of the Project and Project site for purposes of this decision and any subsequent Limited DRI decision, and the entire Project Site, including said parcel, is and shall be subject to said

decisions. Should the Commission ultimately grant the Project DRI approval, the Applicant shall provide the Commission an executed copy of its lease for said parcel, and any recorded copy of a perimeter plan for the entire Project Site including said parcel, prior to the commencement of any development work and prior to the issuance of any Preliminary Certificate of Compliance by the Commission authorizing the same.

GC3. The Project is subject to and shall be implemented and constructed in accordance with the following plan sets and other information and documents referenced herein:

"Springhill Suites" by Hancock Associates

Sheet C1: *Title Sheet*, dated 11/6/14
Sheet EC: *Existing Conditions Plan*, dated 6/3/14
Sheet C2: *Site Preparation and Erosion Control Plan*, dated 11/6/14
Sheet C3: *Layout and Materials Plan*, dated 11/6/14
Sheet C4: *Grading, Drainage and Utility Plan*, dated 11/6/14
Sheet C5: *Site Details*, dated 11/6/14
Sheet C6: *Site Details*, dated 11/6/14

Stormwater Report, dated 9/15/14
Proposed Drainage Areas, dated 4/1/14
Existing Drainage Areas, dated 4/1/14

GC4. The terms and conditions of this decision shall be incorporated into any substantive Limited DRI decision for the Project.

WATER RESOURCES

WRC1. Pursuant to MPS WR7.10 (Stormwater Operation and Mainenance 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, designed consistent with applicable Water Resources MPS', was installed and functions as designed. This condition shall be incorporated into a substantive Limited DRI decision by the Commission.

WRC2. Prior to issuance of a substantive Limited DRI decision by the Commission, the Applicant shall submit a draft Landscape Management Agreement consistent with the Town of Falmouth's Nitrogen Management By-law for review and approval by Commission staff. Any substantive Limited DRI decision for the Project shall be conditioned upon said document to be executed prior to issuance of a Final Certificate of Compliance.

TRANSPORTATION

WMC1. All development activities shall comply with the commitment to transportation improvements outlined by the Applicant and referenced herein under Finding TRF7.

ENERGY

EC1. Prior to issuance of a substantive Limited DRI decision by the Commission, the Applicant shall submit documents for review and approval by Commission staff substantiating the Project to be consistent with Energy Star standards and LEED certifiable.

WASTE MANAGEMENT

WMC1. All development activities shall comply with the waste management protocol outlined by the Applicant and referenced herein under Finding WMF2.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this 22nd day of January 2015.

Signature

Paul Niedzwiecki

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss 1/22, 2015

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki, in his/her capacity as Exec. Director 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.

JONATHON D. IDMAN
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
August 15, 2019

SEAL

Notary Public

My Commission Expires:

APPENDIX A

RECORDING INFORMATION

ASSESSOR'S PARCELS:	47B-02-004-003 47B-02-005-001 47B-03-016 47B-03-017-002 47B-03-017A-004
DEED BOOK/PAGE:	4806-089 4774-078 3120-230 2008-119 2005-069 1990-352
PLAN BOOK/PAGE:	179-59 81-19