

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



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Minutes
Springhill Suites by Marriott (TR14017) Hearing
June 30, 2015
Morse Pond School Auditorium
323 Jones Road, Falmouth, Massachusetts

Subcommittee Members Present: Ernest Virgilio (Chair), Mary Pat Flynn, John D. Harris, John McCormack, Jr., Richard Roy, Charles McCaffrey (Alternate), and Royden Richardson (Alternate)

Commission Staff Present: Glenn Cannon (Director of Technical Services), Jonathon Idman (Chief Regulatory Officer), Elizabeth Perry (Regulatory Officer II) and Jeffrey Ribeiro (Regulatory Officer II)

Others Present: Atty. Kevin Eriksen (Counsel, Falmouth Hospitality LLC) and Robert Walker (Principal, Falmouth Hospitality LLC)

Minutes Summary

The Cape Cod Commission (Commission) Springhill Suites by Marriott Subcommittee (Subcommittee) held a hearing to review a proposal by Falmouth Hospitality LLC (Applicant) to construct a 110-room hotel as a Development of Regional Impact (DRI). The Subcommittee heard brief comments from the Applicant and staff and took public testimony.

Documents Used/Received

1. Draft Minutes from May 26, 2015 Public Hearing
2. Draft Minutes from June 16, 2015 Public Hearing
3. Benefits and Detriments Memorandum, dated 6/25/2015
4. Building Design Standards Memorandum, dated 6/26/2015
5. Submittal by Peter Cook
6. Submittal by Andrea Garber and Ruthanne Molyneaux
7. Submittal by Gilbert and Bonnie Lavoie
8. Submittal by Ken Peal
9. Submittal by Deborah Siegal

Hearing Opened

Ernest Virgilio, Chair, called the continued hearing to order at 6:04pm. He asked the Subcommittee to introduce themselves, and they did so. Mr. Virgilio asked for a motion to approve the minutes from the May 26, 2015 public hearing. John Harris moved to approve the minutes, and Richard Roy seconded. All were in favor. Mr. Virgilio asked for a motion to approve the minutes from the June 16, 2015 public hearing. John McCormack, Jr. moved to approve the minutes, and Mr. Harris seconded. All were in favor. Mr. Virgilio then asked Cape Cod Commission Chief Regulatory Officer Jonathon Idman to provide brief comments.

Mr. Idman said the purpose of the public hearing was to hear from the Applicant and the public after the May 25, 2015 public meeting of the Subcommittee, and to direct what kind of report to the full Commission the Subcommittee would like staff to prepare on their behalf. He said that the Subcommittee could ask staff to base the report on the memoranda issues June 25, 2015 and June 26, 2015, or he said the Subcommittee could choose to form an opinion on the project and have that reported to the full Commission.

Mr. Virgilio then asked the Applicant for comments.

Kevin Eriksen, General Counsel, spoke on behalf of Falmouth Hospitality LLC. He read from a letter, dated June 29, 2015 and previously entered into the record, which responded to the June 25, 2015 Commission memorandum by elaborating on the Applicant's asserted project benefits and refuting the project detriments suggested by the public.

Mr. Eriksen then discussed the proposed exterior finish materials of the project. He provided the Subcommittee with material samples and a materials board for review. He said the proposed siding, trim, and window materials had environmental advantages in addition to being easier to maintain. He said the project intends to be LEED certifiable. He said the proposed materials are part of a trend in building design and would have been used in the past should they have been available. He said the cementitious shingle siding is more expensive than natural cedar shakes and is not inferior.

Mr. Idman clarified that the memorandum from June 25, 2015 on Benefits and Detriments were not suggested by Commission staff but rather compiled from testimony and materials from the Applicant and the public. He said the Applicant had provided additional materials and cut sheets for finishes that were uploaded to the Commission members' materials.

Charles McCaffrey asked where the materials are located. Jeffrey Ribeiro, Cape Cod Commission Regulatory Officer, said that the materials had come in that afternoon and had been uploaded to the Commission members' site. He said they would be available once the Commission members are able to sync their iPads. He said there was a paper copy submitted by the Applicant, and he provided that to the Subcommittee.

Mr. McCaffrey asked the Applicant when they think they may be able to respond to the Subcommittee's comments. Mr. Eriksen said that he hopes to be able to respond, at least in part, by the next discussed potential hearing date of July 9, 2015.

Public Comment

Mr. Virgilio asked for comment from federal, state, or local officials. Seeing none, he asked for comment from the public using the sign-in sheet.

Bertha Manson said the project will provide economic benefits to the town. She said the project would not have a significant effect on traffic. Her comments were also submitted in writing for the record.

Kathy Taylor asked to cede her time to Gilbert Lavoie, and Mr. Virgilio consented.

Gilbert Lavoie said the area has high groundwater levels, and stormwater from the proposed hotel would have a negative effect on abutters. He said other recent projects in the area had been required at the local level to address these concerns. He said he and other abutters had contracted with Horsley Witten Group, and said they had submitted a letter into the record. He said the Applicant should be required to do a hydrologic impact assessment and mounding analysis. His comments were also submitted in writing for the record.

Peter Cook said the Applicant has developed other suburban projects not in keeping with the village character of Falmouth. He said he does not want Falmouth to look like Hyannis.

Jill Neubauer said that she applauds the June 26, 2015 memorandum from the Subcommittee to the Applicant. She said the building is not well designed. She showed images of a building she named as the Atria Woodbriar building on Gifford Street. She said the Atria Woodbriar building broke the large massing of the structure through varied roof forms and detailing. She said the flat roof of the westerly building of the project is not appropriate for Falmouth. She said the lack of a solid first level of the building with a green screen at Main Street is not an appropriate base for a building. She said the building does not have adequate façade articulation and changes in roof forms. She said materials alone cannot change the character of the proposed building and should be reduced in size. She said the project should be denied.

Alison Leschen said she cedes her time to the previous speaker, Jill Neubauer.

Trish Robinson said the building was not appropriately designed or sized for the village character of downtown Falmouth.

Andrea Garber refuted the benefits of the project. She spoke with Ruthanne Molyneaux. They said the detriments of the project outweigh the benefits. They submitted their comments in writing for the record.

Rich Lattimore said the project would not be an economic benefit to the town. He said the project is not properly designed for the character of downtown Falmouth.

Ken Peal said the project is not mixed use. He said the project would not be in keeping with the character of the area by being one large single-use building.

Vicky Lowell said the Commission should require a three-dimensional scale model of the project. She said the traffic review had not been properly explained, but she said it remains an issue that should be considered by the Commission.

Maura Powers said that Main Street needs redevelopment but the proposed building would be too big. She said the roof forms and bridge were inappropriate. She said the project would devalue abutting properties. She said the project is not properly located.

Janette Robinson said the project would damage the character of Falmouth, which is its largest draw for tourists. She said that other large uses such as the Walmart were located away from Main Street.

Craig Martin said the materials proposed are not appropriate for Falmouth. He said they do not approximate natural materials. He said tax benefits to the town would come at the expense of other commercial accommodations. He said a traffic study using actual counts should be conducted.

Robin Singer said the traffic analysis is inadequate.

Nancy Hayward said the hotel would create groundwater issues. She said 704 Main Street is also too large but was constructed as a 40B affordable housing project. She said there are historic resources in the area. She said traffic from the project would have a negative effect on historic resources.

Sharon Terriot said the project is not well designed.

Brad Baron said the Town of Falmouth needs revenue from new development. He said he supports the project.

Deborah Siegal said the Business Redevelopment zoning district should require mixed-use development. She said the site is not blighted.

Grant Walker said the town has limited drinking water supply and wastewater treatment capacity that should be set aside for development in other parts of town.

Day Mount said he objects to the development. He said if the business fails the town will be stuck with a large, empty building.

Robert Dugan said the site should have mixed-use development. He said the proposed hotel is too large. He said the project would have a negative impact on traffic flow on Main Street. He said the project would have a negative impact on assessed values.

Discussion and Continuance

Mr. Virgilio asked the Subcommittee for comment. Mr. McCormack referenced the letter from the Falmouth Town Planner on the required local permits, which he reiterated must be obtained by the Applicant. Mr. Virgilio asked if the Subcommittee would like to discuss the project Benefits and Detriments or the design of the building. Mr. McCaffrey said that staff had done a

good job of summarizing the building design comments from the Subcommittee in the June 26, 2015 memorandum, and the Applicant needs time to prepare a response to those comments and concerns. He asked Commission staff to explain the remaining hearing process for the project.

Mr. Idman said the Commission is nearly two months into the 90-day hearing period. He said the project should be referred to the full Commission by the Subcommittee to allow three hearings before the full Commission. He said the requirement of the Subcommittee was to report to the full Commission and did not necessarily have to recommend a draft decision, as is typical practice. Mr. Virgilio agreed with Mr. Idman, and he said there is a lot that is to be reviewed by the full Commission.

Royden Richardson asked for clarification on the importance of the Heritage Preservation and Community Character issue area concerns. Mr. Idman replied that Community Character is the primary concern of the Commission for this project in light of the Limited DRI Scoping decision. He said the Commission is not a historic review board for a project of this type, and the Subcommittee should be mainly focused on massing and overall design of the project.

Mr. McCaffrey said that given the time remaining in the hearing period, he agreed the project should go before the full Commission. He said the Subcommittee's report should contain the Benefits and Detriments as heard, and not contain opinion.

Mr. McCormack asked for clarification as to whether the Subcommittee must form an opinion on the project to report to the full Commission. Mr. Idman said the regulations do not require it to do so. Mr. Virgilio said there has been a significant amount of public testimony collected. Mr. Idman said the report should be in written form, and would reference the testimony taken. Mr. Roy asked if the full Commission would have access to the project materials and letter from the public. Mr. Idman replied they do currently. Mr. Roy asked when a report could be distributed. Mr. Idman said the report could be issued that week.

Mr. McCormack moved to instruct Commission staff to issue a report to the full Commission consistent with the June 25, 2015 and June 26, 2015 memoranda and other instruction provided. Mr. Roy seconded, and all were in favor.

Mr. Roy and Mr. Harris asked for clarification as to whether the Subcommittee could continue to meet after the project has been moved to the full Commission. Mr. Idman confirmed they could.

Mr. Roy moved to continue the hearing to the meeting of the full Commission at the Assembly of Delegates Chamber in the First District Courthouse in Barnstable on July 9, 2015 at 3:00pm. Mr. McCormack seconded. All were in favor.

Mr. Virgilio asked for a motion to adjourn. Mr. McCormack moved, and Mr. Roy seconded. All were in favor. The hearing was adjourned at 8:11pm.

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Respectfully submitted,

Ernest Virgilio, Chair, Springhill Suites by Marriott Subcommittee

Date

DRAFT