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CAPE COD
COMMISSION

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LIMITED DEVELOPMENT OF REGIONAL IMPACT DECISION

DATE: _____, 2015

TO: KEVIN ERIKSEN, FALMOUTH HOSPITALITY LLC

PROJECT APPLICANT/
LESSEE: FALMOUTH HOSPITALITY LLC
2 LAN DRIVE, WESTFORD, MA 01886

PROPERTY OWNER: JOHN J. FAY III AND ROBERT A. FAY
12 CANAPITSIT DRIVE, EAST FALMOUTH, MA

PROJECT NUMBER: LR/TR 14017

PROJECT: SPRINGHILL SUITES BY MARRIOTT, FALMOUTH, MA

LOCATION: 556 MAIN STREET, FALMOUTH, MA

RECORDING/ ASSESSORS'
INFORMATION: SEE APPENDIX A

SUMMARY

The Cape Cod Commission (Commission) hereby approves, with conditions, the application by Falmouth Hospitality LLC (Applicant) as a Limited Development of Regional Impact (DRI) pursuant to Sections 12 and 13 of the *Act Establishing the Cape Cod Commission, c. 716* of the Acts of 1989, as amended, (Act) and Sections 3, 5, and 7 of the Commission's *Enabling Regulations*, as amended, (*Enabling Regulations*) for construction of the proposed 110-room hotel located at 556 Main Street in Falmouth, MA (Project). The Project is also subject to a DRI Scoping Decision dated January 22, 2015 in which DRI review was limited in scope to the sole Regional Policy Plan (RPP) issue area of Heritage Preservation/Community Character (HPCC). This decision is rendered pursuant to a vote of the Commission on _____, 2015.

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 Marriott hotel with associated parking, on-site amenities, and supporting infrastructure improvements. The Project is located in the Falmouth Business Redevelopment Zoning 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 western 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.

The Executive Director issued a written Scoping Decision, dated January 22, 2015, limiting the scope of DRI review to the sole issue area of Heritage Preservation/Community Character, which decision was accepted as final by the Committee on Planning and Regulation at its February 19, 2015 meeting.

The DRI referral from the Town of Falmouth Planning Board was received by the Commission on March 16, 2015. The Limited DRI application from the Applicant was received by the Commission on March 17, 2015. The Applicant submitted additional materials in March and April 2015. The Limited DRI application was deemed complete on April 30, 2015.

The Limited DRI hearing was opened for procedural purposes on May 11, 2015 by hearing officer at Commission offices located at 3225 Main Street, Barnstable, Massachusetts. The substantive hearing was opened and testimony was taken by a Subcommittee on May 26, 2015 at the Falmouth Public Library in the Hermann Foundation Room located at 300 Main Street, Falmouth, Massachusetts. The Subcommittee consisted of Ernest Virgilio (Chair), Mary Pat Flynn, John D. Harris, John McCormack, Jr., Richard Roy, and Royden Richardson (Alternate). The Subcommittee conducted a site visit prior to the hearing. The Subcommittee voted to continue the hearing to June 16, 2015 at the Lawrence School located at 113 Lakeview Ave., Falmouth, Massachusetts. The following day, May 27, 2015, the location of the hearing was changed to the Morse Pond School located at 323 Jones Rd., Falmouth, Massachusetts and the continued hearing was duly noticed in accordance with the Cape Cod Commission Act.

At the continued public hearing on June 16, 2015, substantive testimony was taken. Because Charles McCaffrey had missed the first public hearing, he certified his review of the material and testimony in writing on June 16, 2015, as is allowed by the *Enabling Regulations*, Section 7(c)(vii)(b). The Subcommittee voted to continue the hearing to June 30, 2015 at the Morse Pond School located at 323 Jones Rd., Falmouth, Massachusetts. The Subcommittee also scheduled a public meeting to discuss the Project on June 25, 2015 at the Barnstable County Assembly of Delegates Chambers located at the First District Courthouse on Main Street in Barnstable, Massachusetts.

At the public meeting on June 25, 2015, the Subcommittee discussed the Project's consistency with the applicable Minimum Performance Standards (MPS) of the RPP. The Subcommittee instructed Commission staff to draft a memorandum on its behalf to the Applicant to memorialize its concerns about the design of the building.

At the continued public hearing on June 30, 2015, substantive testimony was taken. The Subcommittee voted to continue the hearing to July 9, 2015 at the Barnstable County Assembly of Delegates Chambers located at the First District Courthouse on Main Street in Barnstable, Massachusetts.

At the continued public hearing on July 9, 2015, substantive testimony was taken. The Applicant stated it intended to submit a revised building design by July 20, 2015. The Subcommittee voted to continue the hearing to July 23, 2015 at the Barnstable County Assembly of Delegates Chambers located at the First District Courthouse on Main Street in Barnstable, Massachusetts.

At the continued public hearing on July 23, 2015, substantive testimony was taken. The Applicant presented a revised building design. The Subcommittee voted to continue the hearing to August 6, 2015 at the Barnstable County Assembly of Delegates Chambers located at the First District Courthouse on Main Street in Barnstable, Massachusetts. The Subcommittee also scheduled a public meeting, which was duly noticed according to the requirements of the Cape Cod Commission Act, to discuss the Project's consistency with DRI standards of approval on July 30, 2015 at the Innovation Room located at the Barnstable County Strategic Information Office at 3195 Main Street in Barnstable, Massachusetts.

At the public meeting on July 30, 2015, the Subcommittee reviewed a July 29, 2015 memorandum drafted by Commission staff concerning the probable project benefits and detriments that had been suggested throughout the public hearing process, and the Project's consistency with the Heritage Preservation/ Community Character MPS of the RPP. Royden Richardson, an alternate member of the Subcommittee, was not present. The Subcommittee deliberated on the Project's consistency with the Heritage Preservation/ Community Character MPS of the RPP, the probable benefits and detriments of the proposed development, and whether the probable benefit of the proposed development was greater than the probable detriment. The Subcommittee found that the Project is consistent with the RPP's applicable Heritage Preservation/ Community Character MPS, made findings as to the probable project benefits and probable project detriments, and made a finding that the probable project benefit is greater than the probable project detriment. Accordingly, the Subcommittee instructed

Commission staff to draft a written Limited DRI decision for its review consistent with its findings.

At the continued public hearing on August 6, 2015, the Subcommittee reviewed said draft Limited DRI decision. Substantive testimony was taken. Royden Richardson, an alternate member of the Subcommittee, was not present. The Subcommittee voted to recommend to the full Commission that it adopt the Limited DRI decision and approve the Project with the conditions set out therein, and closed the DRI hearing period and opened the DRI decision period. A hearing was noticed on the draft Limited DRI decision before the full Cape Cod Commission for August 20, 2015 at the Barnstable County Assembly of Delegates Chambers located at the First District Courthouse on 3195 Main Street in Barnstable, Massachusetts.

A list of the public correspondence and testimony collected during the Subcommittee's project review is attached hereto as Appendix B.

JURISDICTION

The Project qualifies as a mandatory DRI pursuant to Sections 3(e) and 3(f) of the Commission's *Enabling Regulations* (revised November 2014) as the proposed building or buildings (including accessory and auxiliary structures) increase Gross Floor Area on-site by greater than 10,000 square feet.

The Cape Cod Commission Act and Section 7(c)(viii) of the Commission's *Enabling Regulations* contains the standards to be met for DRI approval, which include consistency with the Act, the Regional Policy Plan, Districts of Critical Planning Concern (DCPCs) (as applicable), the Town of Falmouth's municipal development by-laws, and the Town of Falmouth's Local Comprehensive Plan. The Commission must also find that the probable benefit from the proposed development is greater than the probable detriment.

FINDINGS

The Commission hereby finds as follows:

GENERAL FINDINGS

GF1. A referral from the Town of Falmouth Planning Board was received on March 16, 2015, referring the project to the Cape Cod Commission as a mandatory Development of Regional Impact.

GF2. The Applicant submitted a Limited DRI application on March 17, 2015; the Limited DRI application was deemed complete on April 30, 2015.

GF3. As the date of the first public hearing on the Project was May 26, 2015 the Project was reviewed subject to the 2009 RPP, as amended in August 2012, which is the RPP in effect at the time the DRI Scoping decision on the Project was issued and accepted as final by the Committee on Planning and Regulation.

GF4. Pursuant to Section 5 of the *Enabling Regulations*, the Applicant previously applied to limit the scope of DRI review, and after review of the application, the Executive Director issued a

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written Scoping Decision, dated January 22, 2015, limiting the scope of DRI review to the sole issue area of Heritage Preservation/Community Character, which decision was accepted as final by the Committee on Planning and Regulation at its February 19, 2015 meeting.

GF5. The proposed development (“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 Marriott 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(a). The Project Site consists of those five assessors parcels listed in Appendix A hereto, as well as the former road layout of Lantern Lane abutting said parcels.

GF6. The Project is to be implemented and constructed in accordance with the following plan sets and other information and documents referenced below:

“Springhill Suites” by Hancock Associates:

Sheet C1: *Title Sheet*, dated 3/9/15
Sheet EC: *Existing Conditions Plan*, dated 6/25/14
Sheet C2: *Site Preparation and Erosion Control Plan*, dated 3/9/15
Sheet C3: *Layout and Materials Plan*, dated 6/29/15
Sheet C4: *Grading, Drainage and Utility Plan*, dated 3/9/15
Sheet C5: *Site Details*, dated 3/9/15
Sheet C6: *Site Details*, dated 3/9/15

Other Documents by Hancock Associates:

Disturbed Area Plan, dated 12/2/13
Stormwater Report, dated 9/15/14
Proposed Drainage Areas, dated 4/1/14
Existing Drainage Areas, dated 4/1/14
Profile and Section Exhibit, dated 6/30/15
Groundwater Mounding Analysis, dated 7/6/15

“Springhill Suites by Marriott” by JD LaGrasse & Associates, Inc.:

Sheet T1.0: *Title Sheet*, dated 3/11/15
Sheet L1: *Schematic Landscape Plan*, dated 2/26/15
Sheet L2: *Planting Plan*, dated 4/3/15
Sheet L3: *Details*, dated 3/1/15
Sheet A1: *Street Perspective 1*, dated 3/1/15 and amended by 7/17/15 filing

Sheet A2: *Street Perspective 2*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A3: *Bridge Perspective*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A4: *South and East Elevation*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A5: *Section Cuts Through Bridge*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A6: *North and West Elevation*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A7: *Detailed Elevation*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A8: *Ground Floor Plan*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A9: *1st Floor Plan*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A10: *2nd Floor Plan*, dated 3/1/15 and amended by 7/17/15 filing
Sheet A11: *Roof Plan*, dated 3/1/15 and amended by 7/17/15 filing

Other Documents by JD LaGrasse & Associates, Inc.:

Architectural Exterior Materials Specifications, dated 4/9/15
Architectural Site Furnishings/Architectural Site Materials, dated 4/9/15

Letter from Julianna Hoch, *Re: Memo June 26, 2015 SpringHill Suites LR/TR14017
Community Character Comments*, dated 7/17/15
Main Street Looking West, dated 7/17/15
Context Renderings – From Main Street (East), dated 7/17/15
Context Renderings – From Main Street (West), dated 7/17/15
Context Renderings – From Lantern Lane, dated 7/17/15
Detailed Elevations, dated 7/17/15
Site Plan, dated 7/17/15
Exterior Elevations, dated 7/17/15
Main Street Looking East, dated 7/17/15

“Springhill Suites” by Chandler Signs, LP, LLP:

Sheet 1 of 8: *South Elevations – Main Street*, dated 4/8/15
Sheet 2 of 8: *S/F Wooden Sign*, dated 4/8/15
Sheet 6 of 8: *Proposed Elevation – Option 2*, dated 4/8/15
Sheet 7 of 8: *D/F Wooden Sign – Option 2*, dated 4/8/15
Sheet 8 of 8: *D/F Wooden Sign – Option 2*, dated 4/8/15

“Falmouth Spring Hill” by Omni-Lite, Inc.

Outdoor Lighting Plan, dated 4/21/15

Other Documents:

Letter from Law Kingdon Architecture, *Preliminary LEED Analysis of Springhill Suites
in Falmouth, MA*, dated 4/13/15
Letter from Law Kingdon Architecture, *Proposed Mechanical Systems for Springhill*

Suites in Falmouth, MA, dated 4/14/15
Draft Landscape Maintenance Contract/Maintenance Plan, dated 4/7/15

GF7. 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 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 Applicant's stated purpose of meeting local zoning site coverage requirements, and providing screening and buffering to the Project from abutting properties north of the Project Site, 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 the entire Project Site, including said parcel, is and shall be subject to this Decision.

GF8. 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 July 9, 2014. The Planning Board's decision is currently under appeal.

GF9. Commission staff generated documents throughout the Limited DRI review process for the Subcommittee's consideration, including a staff report dated 5/19/15; memoranda dated 6/25/15 (revised 7/23/15), 6/26/15, and 7/29/15; and an exhibit titled *Project Building Context on Main Street* dated 7/23/15. Commission staff prepared minutes of all public meetings and hearings on the project and when approved, distributed them to members of the Cape Cod Commission.

GF10. Conditions EC1 and WRC2 of the DRI Scoping Decision required that the Applicant submit information and materials responsive to those Conditions for Commission staff review prior to any issuance of a Limited DRI Decision for the Project. Materials and information have been received from the Applicant responsive to those Conditions, referenced as "Letter from Law Kingdon Architecture, *Preliminary LEED Analysis of Springhill Suites in Falmouth, MA*, dated 4/13/15", "Letter from Law Kingdon Architecture, *Proposed Mechanical Systems for Springhill Suites in Falmouth, MA*, dated 4/14/15", and "Draft Landscape Maintenance Contract/Maintenance Plan, dated 4/7/15" in Finding GF6, above.

GF11. By letter dated June 4, 2015, Brian Currie, Falmouth Town Planner opined that the Project was consistent with town zoning, subject to obtaining special permits from the town zoning and planning boards.

GF12. The Project is consistent with Falmouth's Local Comprehensive Plan (LCP), as the Project furthers LCP Land Use Community Goals and Policies, as voted at Falmouth's November 2014 Town Meeting, by improving the quality of the public streetscape, guiding development into village centers, and increasing density through redevelopment.

GF13. The Project Site is not located within a designated District of Critical Planning Concern, other than the Cape-wide Fertilizer Management District of Critical Planning Concern (DCPC). Because no Town of Falmouth implementing regulations have been adopted and in effect pursuant to that DCPC, there are no DCPC implementing regulations with which the Project must be consistent.

GF14. The Commission finds that the probable benefits of the proposed development are:

- 1) Would further the goal of redeveloping the eastern end of Main Street;
- 2) Would improve the character of an underutilized and blighted site through infill redevelopment;
- 3) Would rebuild sidewalk and road infrastructure along Main Street and site access to Lantern Lane;
- 4) Would create additional accommodations for leisure and business travelers;
- 5) May employ some local contractors, workers and suppliers during and after construction;
- 6) Would improve stormwater issues existing on site and off site;
- 7) Would create year round jobs;
- 8) Would have a positive impact on local businesses, as those staying at the hotel would likely spend money at restaurants and shops on Main Street;
- 9) Is consistent with some of the goals of the Business Redevelopment District zoning;
- 10) Would increase property and room tax revenue to the Town.

GF15. The Commission finds that the probable detriments of the proposed development are:

- 1) Its large building size, including that the proposed building and site structures occupy too much of the project site;
- 2) Would not be fully screened & buffered;
- 3) Is not consistent with part of the stated intent of the local Business Redevelopment District zoning, in that mixed use development is not proposed on the Project Site.

GF16. The Commission finds after public hearings and meetings and consideration of all evidence before it that the probable benefit of the proposed development is greater than the probable detriment.

RPP ISSUE AREA OF HERITAGE PRESERVATION/ COMMUNITY CHARACTER

HPCCF1. The Project will not impact existing historic structures or cultural landscapes, as the structures currently on site are not historically significant. Due to the existing developed and disturbed nature of the Project Site, no archaeological resources are expected to be impacted. The Applicant submitted a project notification form to the Massachusetts Historical Commission, and in Commission staff's communications with MHC, no concerns or issues were identified. As such, the Project is consistent with Heritage Preservation MPS HPCC1.1 (Historic Structures), HPCC1.2 (Cultural Landscapes), and HPCC1.3 (Archaeological Sites).

HPCCF2. HPCC Goal 2 (Community Character/Site and Building Design) and its associated standards encourage redevelopment. MPS HPCC2.1 (Strip Development) does not permit the creation or extension of strip development. The Commission finds that the proposed infill redevelopment does not create or extend strip development, as the Project use is single purpose, the building has a shallow setback to the street, the Project facilitates pedestrian activity and

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properly relates to and emphasizes the streetscape, and the site parking is not between the building and the street line. As such, the Commission finds the Project is consistent with MPS HPCC2.1.

HPCCF3. MPS HPCC2.2 (Protection of Existing Roadway Character) and MPS HPCC2.3 (Avoid Adverse Visual Impacts) do not apply to the project as these MPS address new development, not redevelopment.

HPCCF4. The Project's building design is consistent with the character of the surrounding neighborhood in terms of its orientation to the street, scale, and architectural details that relate to traditional Cape Cod forms and development patterns, consistent with MPS HPCC2.4 (Consistency with Regional Context or Surrounding Distinctive Area). The Project's proposed building materials are man-made, but are designed to look like traditional materials. Cementitious siding, PVC trim, fiberglass railings, and asphalt roof shingles are all materials that the Commission has deemed consistent with MPS HPCC2.4 in the past, and the selected materials are appropriate for the Project given the proposed commercial use and the finish treatments on surrounding commercial properties. The durability of the proposed materials should assist in maintaining the good upkeep and appearance of the building. Also, based on information from the Applicant, use of recycled/ man-made materials assists the project to achieve LEED certifiability. The height of the buildings and their multiple stories is consistent with larger buildings in the area, and with the town's goals for the Business Redevelopment zoning district related to multi-story design. The proposed shallow building setback from the street maintains pedestrian activity and the enclosed character of the street edge. The east building, which is the larger of the two, provides pedestrian-scale architectural details and active windows on its front facade. The west building, which includes parking on the first level, covers its inactive facade with a landscape screen to shield the parking behind. The contemporary glass-dominated design of the connection between the two buildings is allowed under MPS HPCC2.4. While this element does not relate to local building traditions, it is set back from the front facades of the building (approximately 30 feet) and is not a prominent part of the facade or the design, and this element facilitates the use of two distinct building massings. The RPP supports including contemporary designs when they do not conflict with distinctive architectural styles or areas of established character. Since the proposed neighborhood does not have a single distinctive or consistent historic or architectural style, there is room for a variety of materials and designs. Thus, the Project meets MPS HPCC2.4.

HPCCF5. MPS HPCC2.5 (Footprints over 15,000 Square Feet) prohibits building footprints over 15,000 square feet unless they are designed as multiple distinct massings differentiated by variations in building roofline and footprint. The Project has effectively designed two separate building masses to reduce the scale of the building, and their scale appears further reduced by stepping back the upper stories and including facade and roof variations. As proposed, the west building has a footprint slightly under 15,000 square feet, and so complies with this standard. The east building's footprint is closer to 25,000 square feet, but its narrow scale at the street front, the ell-shape of this building, and the various step-backs and changes in porch roofline effectively break down this single massing into components that meets this standard.

HPCCF6. MPS HPCC2.6 (Building Forms and Facades) requires varied roof forms and facades, specifically calling for at least 10 feet of setback or projection for every 50 feet of facade length. Both the east and west buildings are over 225 feet in length on their longest side. That

requires over 40 feet of facade variation to meet the standard. The east building meets this standard, providing more than 80 feet of variation along its east-facing facade, and approximately 40 feet of variation along its interior west-facing facade. It also provides the required 20 feet of variation along its front facade (106 feet long). Though the west building provides very little variation on the ground level of its long facades, the upper floor variation is sufficient to meet the standard. Thus, the Project meets MPS HPCC2.6.

HPCCF7. MPS HPCC2.7 (Non-Traditional Materials and Designs) does not apply to the Project because the Project is not located in an industrial service or trade area, and the Project proposes the use of materials that are traditional in appearance.

HPCCF8. The Project meets MPS HPCC2.8 (Parking to the Side or Rear of Buildings) through the use of interior parking areas. Incorporating two parking areas within the first floor of the building footprint significantly reduces the amount of parking visible on the site. As extended along a portion of the west building's western façade by condition HPCCC1 herein, the proposed green screen is effective at screening the enclosed parking area.

HPCCF9. The Project meets MPS HPCC2.9 (Landscape Improvements for Redevelopment) by significantly improving the visual character of a blighted site. The Project's landscape plan meets MPS HPCC2.10 (Landscape Plan Requirements) by enhancing the architecture of the Project, using native plant species, and providing buffers to parking on site. While the Project does not include significant LID design principles, the proposed structured infiltration is appropriate given the density of the site redevelopment within a village center.

HPCCF10. The Project's lighting design meets MPS HPCC2.11 (Exterior Lighting) through the use of 90-degree cutoff light fixtures of appropriate design that provide for full cutoff at the lot lines.

HPCCF11. MPS HPCC2.12 (Signage) is met through the proposed limited number of down-lit wood signs, which are compatible and in scale with surrounding buildings and the street.

HPCCF12. Consistent with MPS HPCC2.13 (Underground Utilities), all utilities for the project are proposed to be placed underground.

HPCCF13. MPS HPCC2.14 (Roadway Appurtenances) does not apply to the Project as no signals or mast arms are proposed or required.

CONCLUSION

Based on the above findings, the Commission further finds that:

1. Subject to the Conditions, below, the Project is consistent with the Regional Policy Plan and the applicable Heritage Preservation/ Community Character minimum performance standards therein.
2. Based on letter dated June 4, 2015 from Brian Currie, Falmouth Town Planner; review of Falmouth's Business Redevelopment District zoning; and review of Falmouth's Local Comprehensive Plan (LCP), the Project is consistent with Falmouth's local development by-laws and its LCP.

3. The Project Site is not located within a designated District of Critical Planning Concern, other than the Cape-wide Fertilizer Management District of Critical Planning Concern (DCPC). Because no Town of Falmouth implementing regulations have been adopted or in effect pursuant to that DCPC, there are no DCPC implementing regulations with which the Project must be consistent.

4. With specific emphasis on Findings GF14 and GF15 herein, the probable benefit of the Project is greater than its probable detriment.

5. The Commission hereby approves, with conditions, the Limited DRI application of Falmouth Hospitality LLC for construction and operation of the proposed 110-room hotel project located at 556 Main Street, Falmouth, MA subject to the following Conditions:

CONDITIONS

GENERAL CONDITIONS

GC1. This decision is valid 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.

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 heirs, successors, and assigns.

GC3. Failure to comply, and remain in compliance, with all findings and conditions stated herein, and with all related Commission laws and regulations, shall be deemed cause to revoke or modify this decision.

GC4. The January 22, 2015 DRI Scoping Decision for the Project, and its terms and conditions, are hereby incorporated herein. Any Project changes may require modification to said Scoping Decision and also, accordingly, to this decision. In the event that there are inconsistencies in terms between this Decision and the Scoping Decision, this Decision shall control.

GC5. 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 7/9/2014. The Planning Board's decision is currently under appeal, and this Decision 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 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.

GC5(a). 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 the entire Project Site, including said parcel, is and shall be subject to this Decision. The Applicant shall provide the Commission an executed copy of its lease for said parcel, and a recorded copy of a perimeter plan (per GL Ch. 41 sec. 81x or 81L) assembling and combining the

parcels for the entire, single Project Site, including said 3 Lantern Lane parcel and the area of the former road layout of Lantern Lane traversing the Project Site, 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.

GC6. The Applicant shall obtain all necessary federal, state, and local permits for the Project. Specifically, prior to the issuance of a Preliminary Certificate of Compliance, the Applicant shall obtain all necessary municipal permits, licenses and approvals for the Project, including but not limited to Planning Board Site Plan Review, Zoning Board of Appeals Special Permit for Commercial Accommodations, and Planning Board Special Permit for Lot Coverage.

GC6(a). The Project's consistency with municipal development by-laws or ordinances shall be evidenced and confirmed by the Applicant obtaining all said necessary municipal permits, licenses and approvals.

GC7. No local permitting, review, or application for local permits, licenses, or approvals authorizing development work, as the term "*development*" is defined or referred to in the Cape Cod Commission Act (Act), Regulations, and as approved herein, including but not limited to site work and installation of foundations or footings, shall be undertaken until this decision is final and the Commission Clerk certifies in writing that the decision appeal period has elapsed or if such an appeal has been filed, until the appeal has been finally dismissed, or adjudicated or otherwise disposed of in favor of the Applicant.

GC8. The Project shall be undertaken and constructed in accordance with the Findings and Conditions set out herein, including the plan sets and other information and documents referenced herein under Finding GF6. All other plans and documents required to be submitted as conditions of this decision shall hereby be incorporated into this condition as and when received, reviewed, and approved by Commission staff.

GC9. Prior to issuance of a Building Permit or undertaking any development as approved herein, including but not limited to site work and installation of foundations or footings, the Applicant shall obtain a Preliminary Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to the issuance of a Preliminary Certificate of Compliance have been satisfied, and that the Project is in compliance with this decision.

GC10. Prior to issuance of any Preliminary Certificate of Compliance by the Cape Cod Commission for development as approved herein, the Applicant shall submit final project plans as approved by state, federal, and local 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 those project plans approved, referenced and incorporated herein, the Commissions shall require that the Applicant seek a modification to this decision for further review and approval of the project plans changes in accordance with the "*Modification*" section of the Commission's *Enabling Regulations* in effect at the time the modification is sought.

GC11. Prior to the issuance of a Preliminary Certificate of Compliance, but not until the appeal period for this decision has elapsed, or if such an appeal has been filed, until the appeal has been finally dismissed, or adjudicated or otherwise disposed of in favor of the Applicant, the Applicant shall record a copy of this decision with the Barnstable Registry of Deeds, or as the

case may be, register the same with the Barnstable Registry District of the Land Court, and provide a copy of the same to Commission staff of such recording or registration. This Decision shall not be effective until a copy of the same has been so recorded or, as the case may be, so registered.

GC12. Prior to the issuance of a Preliminary Certificate of Compliance, the Applicant shall provide written proof to the Commission that a copy of this decision has been received by the Project general contractor(s).

GC13. Prior to issuance of a Certificate of Occupancy from the Town, the Applicant shall obtain a Final Certificate of Compliance from the Commission that evidences that all conditions in this decision required to have been satisfied prior to the issuance of a Final Certificate of Compliance have been satisfied and that the Project is in compliance with this decision.

GC14. 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 a Preliminary or Final 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, a site inspection, as 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.

GC15. 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, designed consistent with applicable Water Resources MPS, was installed and functions as designed.

GC16. Prior to issuance of a Final Certificate of Compliance, the Applicant shall submit an executed Landscape Management Agreement consistent with the landscape plan, and draft agreement reviewed and approved by Commission staff.

GC17. All transportation improvements outlined by the Applicant and referenced under Finding TRF7 of the DRI Scoping Decision shall be implemented prior to issuance of a Final Certificate of Compliance. Those improvements are:

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 Disabilities [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.”

GC18. All construction activities shall be consistent with the waste management protocol outlined by the Applicant and referenced under Finding WMF2 of the DRI Scoping Decision.

HERITAGE PRESERVATION/ COMMUNITY CHARACTER

HPCCC1. Prior to issuance of a Preliminary Certificate of Compliance, the Applicant shall provide revised plans showing the green screen of the west building extended approximately 45’ along the western building façade for review and approval by Commission staff. The Project shall be constructed in accordance with any such approved plans, and said plans when approved by Commission staff shall be so incorporated into Condition GC9 of this Decision.

SEE NEXT PAGE FOR SIGNATURES

SIGNATURES

Executed this _____ day of _____ 2015.

Signature

Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss _____, 2015

Before me, the undersigned notary public, personally appeared _____,

in his/her capacity as _____ 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.

Notary Public

SEAL

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

Barnstable Registry of Deeds

DEED BOOK/PAGE: 4806-089
4774-078
3120-230
2008-119
2005-069
1990-352

PLAN BOOK/PAGE: 179-59
81-19

DRAFT

APPENDIX B

Written Comment from the Public and Public Officials

2015-05-18 Letter Public Goldrick	2015-06-15 Letter Public Lavoie
2015-05-18 Letter Public McDonald	2015-06-15 Letter Public Lowell
2015-05-20 Letter Public McKnight	2015-06-15 Letter Public Mount
2015-05-21 Letter Public Unsigned	2015-06-15 Letter Public Stratton
2015-05-22 Letter Public Nolan	2015-06-15 Letter Public Yesue
2015-05-26 Hearing Submittal Abbott	2015-06-16 Email Public Gadsby
2015-05-26 Hearing Submittal Gould	2015-06-16 Email Public Neubauer
2015-05-26 Hearing Submittal Kirk	2015-06-16 Hearing Submittal Cook
2015-05-27 Email Public Gillooly	2015-06-16 Hearing Submittal Hayward
2015-05-28 Email Public Hunnibel-Neubauer	2015-06-16 Hearing Submittal McDonald
2015-05-29 Email Public Officials Moran	2015-06-16 Hearing Submittal Tarnay
2015-05-29 Letter Public Leschen	2015-06-16 Hearing Submittal Taylor
2015-05-29 Letter Public Payne	2015-06-16 Hearing Submittal Tillier
2015-06-01 Letter Public Garber	2015-06-17 Email Public Leschen
2015-06-01 Letter Public Siegal	2015-06-17 Email Public Neubauer-Belcourt
2015-06-02 Email Public Hunnibell	2015-06-17 Letter Public Alatalo
2015-06-02 Email Public Neubauer	2015-06-17 Letter Public Peal
2015-06-03 Letter Public Neubauer	2015-06-22 Email Public Ridgeway
2015-06-05 Letter Public Goldrick	2015-06-22 Letter Public Walker
2015-06-05 Letter Public Manson	2015-06-23 Email Public Lindell
2015-06-08 Letter Public Gould	2015-06-24 Email Public Lebherz-Fay
2015-06-08 Letter Public Stetcher	2015-06-29 Letter Public Manson
2015-06-08 Letter Public Tillier	2015-06-29 Letter Public Wendlandt
2015-06-09 Email Public Neubauer	2015-06-30 Hearing Submittal Cook
2015-06-09 Email Public Whitehead	2015-06-30 Hearing Submittal Garber-Molyneaux
2015-06-10 Email Public Hallstein	2015-06-30 Hearing Submittal Lavoie
2015-06-10 Letter Public Singer-Clark	2015-06-30 Hearing Submittal Peal
2015-06-10 Letter Public Stasey	2015-06-30 Hearing Submittal Siegal
2015-06-11 Letter Public Barry	2015-06-30 Letter Public Price
2015-06-11 Letter Public Buessler	2015-07-01 Letter Public Neubauer
2015-06-12 Email Public Hallstein	2015-07-06 Email Public Sulanowski
2015-06-12 Email Public Tarnay	2015-07-06 Letter Public Peal
2015-06-12 Letter Public Cavicchio-Rizzi	2015-07-06 Letter Public Ridgeway
2015-06-12 Letter Public Edstrom	2015-07-07 Letter Public Officials Wampanoag
2015-06-12 Letter Public Moniz	2015-07-08 Letter Public Mount
2015-06-12 Letter Public Perry	2015-07-09 Hearing Submittal Leschen
2015-06-15 Letter Public Ashmore	2015-07-10 Email Public Marsh

2015-07-13 Email Public Nidositko	2015-08-15 Email Public Bonczek
2015-07-14 Email Public Woringer	2015-08-15 Email Public Fishbein
2015-07-16 Email Public Hallstein	2015-08-15 Email Public Hallstein
2015-07-20 Email Public Thomas	2015-08-15 Email Public Miele
2015-07-20 Letter Public Marsh	2015-08-15 Email Public Moniz
2015-07-21 Email Public Edstrom	2015-08-15 Email Public Peal
2015-07-21 Letter Public Neubauer	2015-08-17 Email Public Maddox
2015-07-22 Email Public Logan	2015-08-17 Email Public Zawoysky
2015-07-22 Letter Public Clark	2015-08-18 Letter Public Officials Falmouth Board of Selectmen
2015-07-22 Letter Public Elmhirst	2015-08-18 Email Public Abbott
2015-07-22 Letter Public Folger	2015-08-18 Email Public Allison
2015-07-22 Letter Public Kot	2015-08-18 Email Public Botbol
2015-07-22 Letter Public Rizzi-Cavicchio	2015-08-18 Email Public Clark
2015-07-22 Letter Public Simons	2015-08-18 Email Public Clarkson
2015-07-23 Letter Public McDonald	2015-08-18 Email Public Pucci
2015-07-23 Hearing Submittal Clark	2015-08-19 Email Public Bertsch
2015-07-23 Hearing Submittal Falmouth B&B Assoc.	2015-08-19 Letter Public Bone
2015-07-23 Hearing Submittal Singer	2015-08-19 Email Public Lancaster
2015-07-23 Hearing Submittal Tarnay	2015-08-19 Letter Public Lavoie
2015-07-23 Letter Public Donald	2015-08-19 Petition-Email Leschen
2015-07-23 Letter Public Gould	2015-08-20 Email Public Brody
2015-07-23 Letter Public Leighton	2015-08-20 Email Public Groag
2015-07-24 Letter Public Martin	2015-08-20 Email Public Hayward
2015-07-24 Letter Public McDonald	
2015-08-10 Letter Public Cool	
2015-08-14 Email Public Meriot	