Falmouth Planning Board  
Selectmen’s Meeting Room, Town Hall – January 26, 2021  
Virtual Meeting - 6:30 pm  
MINUTES

Present: Pat Kerfoot, Chair, Charlotte Harris, Vice Chair, Paul Dreyer, Clerk/Secretary, Jim Fox, John Druley, Pamela Harting-Barrat, Robert Leary  
Also Present: Tom Bott, Town Planner; Michaela Shoemaker, Community Development Planner

Chairwoman Pat Kerfoot called the meeting to order at 6:30 pm.

In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the January 26, 2021 public meeting of the Falmouth Planning Board shall be physically closed to the public to avoid group congregation.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Falmouth Community Television.
2. Real-time public comment can be addressed to the Planning Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.
   a. Zoom Login instructions:
      i. Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Planning
      ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.
3. Additionally, public comments may be sent in advance of the meeting to planning@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.
4. Applicants, their representatives and individuals with enforcement matters before the Planning Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Planning Board may contact the Planning Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the planning@falmouthma.gov so that they may be displayed for remote public access viewing.

MINUTES: January 12, 2021  
MOTION by P.Dreyer/R.Leary to approve the minutes of January 12, 2021.  
Voted 7-0-0

COVENANT RELEASE REQUEST: Frederick Road

MOTION by C.Harris/P.Harting-Barrat to release the Covenant on Frederick Road.  
Voted 7-0-0
APPROVAL NOT REQUIRED:

Applicant: Halloran Associates – Plan of land to divide one parcel into six (6) parcels at the north end of Homer Avenue (Map# 02A 06 001 006)

Engineer Tom Bunker – This is one unbuildable lot which is beach and dune fronting on Megansett Harbor. The family is splitting it up into six parts going to the water. Lot 15 will remain as is; a 14 foot right of way. All six lots are unbuildable.

MOTION by P.Harting-Barrat/R.Leary that the Planning Board vote to endorse “Approval under the Subdivision Control Law not required”. The plan does not depict a subdivision by definition. This endorsement is without regard to zoning or buildability and should not be construed as an approval that the lots shown are entitled to a building permit.

Voted 7-0-0

PLANNING BOARD DECISION:

Applicant: Michael and Nicole Bingaman – Definitive Plan application and Special Permit application for a 6-lot Planned Residential Development located at Lot 15B, Timothy Bourne Cartway

John Druley recused himself.
Michaela Shoemaker – Some critical issues are the telephone and cable utilities are not shown on the plan. Storm water calculations need to be revised and have not been provided. They also needed to provide a drainage map.
Engineer Mike Borcelli – The catch basin is at the low point and there was a mislabeling on the plan. The original drainage calculations still stand. The water shed areas are effectively the same. I stand by my plan and the calculations.
Attorney Kevin Klauer – The drainage is designed for the road layout. Drywells could be created to not drain to the roadway.
M.Borcelli – The Utility Companies won’t even speak to a developer until he has an approved subdivision plan. They take the endorsed plan and then they design their layout.
R.Leary – Some of these issues are addressed by the waivers and conditions in this motion?
Attorney Kevin Klauer – Some are in fact addressed by the waivers. The street off-set, sidewalks, the street trees. The Utility Company issue is a cart before the horse thing. Others are relatively minor that we can address with the Engineering Department.
C.Harris – The Engineers request are not in the decision.
P.Dreyer – This is a good project and I think we need to move forward with the motion.

MOTION by R.Leary/J.Fox that the Planning Board vote to approve the application of Michael and Nicole Bingaman, under Article IV (4) – Definitive Plans – Chapter 305 Subdivision Regulations of The Town of Falmouth and GRANT a special permit pursuant to section 240-123 for a Planned Residential Development of the Zoning Bylaws to allow 6 lots to be created ranging from 18,507SF to 24,600SF with 159,900SF or (50.8 per cent) of open space at the parcel located at 0 East Falmouth Highway as shown on Assessor’s Map 32 Section 01, Parcel 001, lots 015B for a plan entitled: “Definitive Plan of Land for Lot 150 Timothy Bourne Cartway prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated October 1, 2020 with revision date of January 4, 2021, scale of 1” = 40’, along with a “Plan and Profile – Dylans Way for Lot 150 Timothy Bourne Cartway prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated October 1, 2020 with revision date of January 4, 2021, scale of 1” = 40’, along with “Plan of Land for Lot 150 Timothy Bourne Cartway prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated October 1,
FINDINGS:
The applicant, Michael and Nicole Bingaman, is applying to the Planning Board for Definitive Subdivision under Article IV (4) and Special Permit under Section 240-123 for Planned Residential Development. The applicant is proposing to create six (6) lots that will range in size from 18,507 sf to 24,600 sf and will have 159,900 sf or (50.8 per cent) of open space, 50 per cent of open space is required. The applicant is proposing a 682’ foot long roadway with cul-de-sac that will provide frontage for all the proposed lots.

A special permit granting authority shall grant a special permit only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site.

WAIVERS:
Section 305-24 Streets A(6): The intersection of center lines of streets with another street shall occur not less than 300 feet apart. Centerline of the proposed intersection will be approximately 140”
Section 305-30 Sidewalks, grass plots and street trees: Sidewalks, grass plots and street trees shall be required in every subdivision. (See Standard Cross Sections, Schedules A and B [1]

FINDINGS Specific to § 240-122 of the Zoning Bylaw:
The Planning Board may, by special permit, allow the creation of lots with less than the minimum areas, setbacks, widths, coverage or frontages specified in Article XIV may be laid out and dwellings of different types may be erected on such lots and existing recreational uses or existing agricultural uses may be included within the perimeter of the parcel as a mixed-use development. Such endorsement by the Planning Board may be given only when and if the plan meets the following minimum requirements and conditions and four or more of the purposes of § 240-122.

FINDINGS Specific to § 240-122 of the Zoning Bylaw
A. Agricultural or farming activity will be preserved and protected from redevelopment;
B. The natural integrity of environmentally sensitive or wildlife habitat areas will be enhanced;
C. Scenic vistas will be highlighted and preserved;
D. Existing recreational activities, integral with the regional and local tourist and recreational economy, which cannot otherwise be self-supporting, will be preserved and protected from redevelopment;
E. The excellence of the overall design and residential amenities are such as to warrant special consideration for modification of existing standards elsewhere in this chapter;
F. The proposed development is consistent with all municipal comprehensive plans and objectives; and
G. The proposed development site plan is designed in its space allocation, proportions, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary and integral with the site's natural features.

THEREFORE, given the above and the conditions to be imposed below, the Planning Board finds the application Special Permit proposal to reduce the minimum area of the lots will be in
harmony with the general purpose and intent of this chapter and that the proposal will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town.

CONDITIONS

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning board to determine if a modification of this decision is necessary. Pursuant to 240-183.B. of the Zoning Bylaw, no permit for occupancy of the new construction shall be issued until the Planning board is satisfied that the conditions of this approval have been met.

2. Pursuant to section 240-221 of the Zoning Bylaw, this special permit shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause.

3. The Applicant shall meet the attached Soil Erosion & Sediment Control Standard Conditions.

4. Review for conformance and inspections for erosion and sediment control will be performed by an outside consultant.

5. Prior to commencing the project a preconstruction meeting be held to include representatives from the developer, the Town, and any outside consultants.

6. The applicant will discuss and work with the neighbor located across the street regarding plantings to provide buffer

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C.Harris – I’d like to add as a condition that the inspection be performed by an outside consultant.

M.Shoemaker – That is number four in the conditions

K.Klauer – That’s relevant to the sediment and erosion control. We do have an objection to outside consultants for inspections of the project. We think this is an unnecessary cost. It’s a relatively small project.

M.Borcelli – The topography on the site varies about two feet over the entire site. It’s almost table top flat. This is not a site where the erosion needs to be controlled.

P.Dreyer – I think the project is fine the way it is. Item 6 refers to discussing the work with the neighbor and we had talked about reorienting the road ut is not in the conditions.

K.Klauer – The road was realigned and the applicant will work with the neighbor if there is additional screening needed.

P.Kerfoot – On number five we can cut out the word outside from consultants.

P.Harting-Barrat – Cut out by an outside consultant on number four.

R.Leary/J.Fox accepted the changes to the motion.

Voted 6-0-0

PUBLIC HEARING:

Road name change request: Change Maury Lane to Marie Tharp Lane

P.Dreyer – I remember reading about Marie Tharp many years ago when she worked at the Lamont-Doherty Observatory. She was an exceptional scientist and cartographer who developed the first map of the floor of the Atlantic Ocean.

MOTION by J.Fox/P.Harting-Barrat to accept the name change of Maury Lane to Marie Tharp Lane.

Voted 7-0-0

Applicant: Sun Elite, LLC – Special Permit application to extend a Special Permit Decision issued December 8, 2004, to Albert Shamsi, Trustee, as extended by Decision issued January 23, 2019, which allowed a density bonus of two (2) lots (Lots 9 and 10) on Pam’s Way, for an additional three (3) years commencing January 23, 2021.
Attorney Bob Ament – In 2004 the Planning Board granted a Special Permit under a bylaw then in effect, no longer in effect, that allowed a bonus on a number of lots. The applicant applied for four additional lots in a 16-lot subdivision, so it would have been a 25 per cent bonus that was allowed. The Planning Board granted two bonus lots, so an 18-lot subdivision was constructed. Shortly after the real estate market dropped significantly and the affordable housing obligation to pay $200,000 per lot to a local affordable housing fund could not be achieved. That has been the case for all the years since. In order to walk away from a closing today; you’d need to sell those lots for around $230,000. Early in 2018 the Planning Board extended the permit giving the applicant two years to work something out. The applicant entered into an agreement with the Falmouth Housing Trust and worked for a year or so to make an arrangement that the Town could approve and that worked to create affordable housing; but also allowed the property to be sold. The two lots on Pam’s Way actually required construction of Pam’s Way. The total expenses the developer has incurred are probably $100,000 over the years. We do need to get an extension of the Special Permit.

J.Druley – I was wondering if the Planning Board has the right to change the terms of the Special Permit.
T.Bott – Town Counsel’s opinion is they did not.
J.Druley - I would ask the Board to consider going from $200,000 a lot to $130,000 a lot. That would help create more affordable units.
R.Leary – I agree with John; we are going to be revisiting this again due to the $200,000 per lot being the sticking point.
B.Ament – I ask you to extend the Special Permit for three years.

Email from John and Nancy Erickson in opposition.
Steve Kramer, 60 Crowell Road – concerns about septic systems and clean water.
Scott Thrasher – in opposition.

**MOTION** by J.Druley/C.Harris to extend the Special Permit that was granted in 2019 for three more years.
Board Members discussed the length of extension.
Staff will draft a positive decision for February 9th meeting.

**Applicant:** Sandwich Road Development, LLC – Special Permit application along with a Site Plan Review application to have a contractor’s yard in the AGA District, including a contractor’s yard building with floor area of 7,450 SF and exterior contractor’s yard storage, parking and assembly area of 39,900 SF, and one detached single-family dwelling located at 0 Sandwich Rd (Map# 17 01 032 000)

T.Bott – Last week we discussed the drainage issues after correspondence with the Engineering Division and Town Counsel. My issues were house plans and a site visit to look at additional plantings.
Tom Bunker – I don’t believe we have a difference with the Engineering Department on the calculations; I think it’s a difference in standards. There’s enough runoff in these watershed areas to require 14 leaching pits. Our system is not designed to meet the 25-year storm. The Engineering Department uses a very high standard of the most intense one hour of a 25-year storm.
B.Ament – That runoff runs into a naturally vegetated area of the adjacent contractor’s yard lot. It won’t happen with any frequency. It won’t have any impact on the abutting property. It doesn’t seem like the right standard to use on this project.
P.Kerfoot – I would tend to agree with both of you.
Hearing was closed and taken under advisement.

**PLANNING BOARD DISCUSSION:**
*Zoning Bylaw Recodification Update*
T.Bott – We have our first meeting of the working group and Phase Two Articles. Town Counsel has submitted an Article for funding to get us through Phase One.
**Complete Streets Public Input**
T.Bott – Public comments are open through February 5th. The presentation due on February 13th is on the website.
P.Dreyer – Some members of the Transportation Management Committee have proposed an update of the Complete Streets policy implementation since it has been a year since the policy was adopted.

**Falmouth Housing Trust Funding**
P.Dreyer – This moving appears to be ignoring the fact that there was an Covenant signed by the Planning Board and Falmouth Housing Trust last year for Lewis Neck Road.
J.Fox – I feel this is a complete intent to circumvent the vote we made.
J.Druley – It’s only about funding. If it never gets built, it doesn’t get funded.

**Davis Straits Update**
T.Bott – We are looking at putting a paper survey in with the Collector’s bills in February. I have a presentation at the Board of Selectmen’s meeting February 1st. I reached out to WCAI. Trying to do an outreach meeting with our consultants might help as well.

**Committee Reports:** None
P.Dreyer – Wastewater Management Committee report/presentation

**ANNOUNCEMENTS:** None

**GENERAL CORRESPONDENCE:** January 13, 2021 through January 26, 2021

**FUTURE AGENDA ITEMS:** None

**NEXT MEETING:** February 9, 2021  
February 13, 2021 Joint Meeting with Board of Selectmen

Meeting adjourned at 8:50pm.

Respectfully Submitted,
Paul Dreyer, Clerk/Secretary
Sheri Theroux, Recording Secretary
FORM A

APPLICATION FOR ENDORSEMENT
OF PLAN THOUGHT NOT TO REQUIRE APPROVAL

File one (1) completed application with the Planning Board and one (1) copy with Town Clerk, in accordance with the requirements of Section 81P and 81T of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

Falmouth, MA. January 19, 2021

To the Planning Board:

The undersigned, believing that the accompanying plan of land in the Town of Falmouth does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan to the Planning Board for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Title of plan (include date and scale) Plan of Land at Homer Avenue Prepared for Halloran Associates, North Falmouth, MA, November 6, 2020, Scale: 1" = 20'

2. Name of applicant Halloran Associates, Inc

Address 0 Homer Avenue Off, North Falmouth, MA 02556


Address 164 Katharine Lee Bates Road, Falmouth, MA 02540

4. For title see deed recorded in Barnstable County Registry of Deeds Book 218517

5. Location and description of property: Unbuildable vacant beach parcel fronting on Megansett Harbor of the north end of Homer Avenue

6. State simply the reason for the plan: The purpose of this plan is to create six unbuildable lots

7. Map, section and parcel number 02A 06 001 006

Signature of applicant (or agent)

NOTE: This application is to be accompanied by an ink drawing on tracing cloth and three (3) prints thereof, of the size and containing the data required by the Falmouth Subdivision Regulations.
To: Falmouth Planning Board  
From: Thomas Bott, Town Planner  
Date: January 21, 2021  

RE: McLaughlin-Halloran ANR

The ANR plan for McLaughlin-Halloran is very busy and is being prepared for Land Court. The area outlined in green is the actual property being divided into six non buildable parcels each approximately eight feet wide. The lot has 14.10 foot of frontage on the end of an unimproved portion of Homer Ave, a public way. Mr. Bunker notes that the purpose of the plan is to give the respective family members each access to the beach. I have asked Mr. Bunker for an additional note “Not Buildable Lot” across the six obviously unbuildable parcels. There is currently a notation under the signature block that “Lots 9 through 15, inclusive, are not buildable lots.”

With the notations in place, I believe that the Board may endorse the plan.

Attached is a GIS Plat of the subject area showing the McLaughlin-Halloran
Planning Board Review

To: Thomas Bott, Town Planner
From: Scott Schluter, P.E., Staff Engineer
CC: File
Date: 1/13/2021

Re: Timothy Bourne Cartway Proposed Subdivision

The Engineering department reviewed the following:


2. Plan: “Plan and Profile for Lot 15B Timothy Bourne Cartway” (the “profile plan”), Sheet 1 of 2, and “Standard Details for Lot 15B Timothy Bourne Cartway” (the “details plan”), Sheet 2 of 2, dated October 1, 2020, last revised 1/4/21, by Falmouth Engineering Inc.


Original comments are in italics, current comments are in bold. Comments were organized for clarity.

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Addressed Comments

**Sewage**
- Sewage disposal plans would be subject to the Board of Health for approval.

Nothing to address.

**Water**
- Review and approval of the potable water system and fire protection is subject to the Water Department and Falmouth Fire Rescue Department.
  - An 8” ductile iron water main is proposed; no water services are shown on the plans.
  - A hydrant is proposed at the proposed cul-de-sac. Where are the closest existing hydrants? We defer to Falmouth Fire Rescue as to the number and location of hydrants required for adequate fire protection.

Nothing to address.

**Parking and Access**
- Access to the lots will be via a proposed road to be constructed off the existing private right of way of Timothy Bourne Cartway. No driveway permits or street opening permit will be required for this project as proposed.

Nothing to address.
Grading and Drainage

- Evaluation of the submitted stormwater calculations could not be made because there are no proposed contours shown on the plans.

We recommend that the plans be revised to include proposed contours.

Proposed grades were added to the plans as recommended.

Subdivision Regulations

- §305-12 Contents. B. – No proposed street name is shown on the subdivision plan.
  The revised plans indicate Dylan’s Way which would be a unique name for the Town of Falmouth and in our opinion not similar to other street names; we do not object to the name and defer to the Planning Board.

- §305-12 Contents. E. (9) – No proposed monuments are shown on the subdivision plan.
  The plans were revised to include concrete bounds as required by the regulations.

- §305-12 Contents. E. (10) – The widths of streets or ways within 300 feet of the subdivision are not shown on the subdivision plan.
  The plans were revised to include this information.

- §305-12 Contents. E. (12) (h) – The total number of bounds to be set is not shown on the subdivision plan.
  The plans were revised to include this information; 33 concrete bounds with drill holes will be installed.

- §305-12 Contents. E. (14) (d) – The right of way width is not shown on the details plan.
  The plans were revised to include this information.

- §305-12 Contents. E. (16) – While existing topography is shown on some of the submitted plans, there doesn’t appear to be a plan that meets the requirements listed for a topographic plan; there are no proposed contours shown on any plan.

Proposed grades were added to the plans as recommended.

Design and Construction Standards

- §305-24 Street. B. Width, alignment and grades (7) – The proposed catchbasins are located upstream of the intersection with Timothy Bourne Cartway. We typically look for catchbasins to be installed at the intersection or the roadway should be graded in such a way that the proposed catchbasins can capture all the stormwater generated on the proposed roadway. The catchbasins should either be relocated or the proposed road should slope down from Timothy Bourne Cartway to the current proposed catchbasin location.

  We recommend that plans be revised so that all of the roadway stormwater for this project is captured.

  The plans were revised; the roadway dips down from Timothy Bourne Cartway before rising towards the highpoint in the proposed road.

- §305-24 Street. F. Drainage (8) – With no proposed contours shown on the plans, it cannot be determined if all the requirements are met.

  We recommend that the plans be revised to include proposed contours.

Proposed grades were added to the plans as recommended.

- §305-28 Fire alarm system. – It is our understanding that Falmouth Fire Rescue no longer requires fire alarm boxes.

Nothing to address.
• §305-31 Utilities. – No water services from the watermain are shown on the plans. No service connections for all the required utilities are not shown to the front street line of each lot. The plans were revised to include this information.

• §305-33 Street signs. - No street sign is shown on the plans. The plans were revised to include this information.

• §305-30 Streetlights. – No streetlight is shown on the plans. The plans were revised to include this information.

• §305-38 Monuments. – No roadway monuments or lot corner bounds are shown on the proposed plans. The plans were revised to include this information.

• §305-39 Signs. – No street sign is shown on the proposed plans. The plans were revised to include this information.

• §305-41 Fire alarm systems. - It is our understanding that Falmouth Fire Rescue no longer requires fire alarm boxes. Nothing to address.

• §305-43 Streetlights. – No streetlight is shown on the proposed plans. The plans were revised to include this information.

Zoning
• §240-126 Density limitations. (A.) – The as of right plans show some lots with less area that the underlying zoning requires (45,000 square feet). The revised plan shows all lots a minimum of 45,000 square feet. This comment was previously addressed with a revised plan.

Definitive Plan of Land
• A road name should be proposed for review. The plans were revised to include this information.

• Prior to sign off on any building permit for the lots, the Engineering Division will issue addresses for the lots. Nothing to address.

Plan and Profile
• The catchbasins at Station 0+25 would not capture all of the roadway runoff. We recommend that plans be revised so that all of the roadway stormwater for this project is captured. The plans were satisfactorily revised to address this comment.

• Labels should be added to the profile elevations on the horizontal access indicating which is existing and which is proposed. The plans were revised to address this comment.

• No proposed contours are shown on this plan. We recommend that the plans be revised to include proposed contours. The plans were revised to address this comment.
By Right Plan
- Some of the lots do not meet the 45,000 square foot minimum lot area; it does appear that all 6 lots could meet the area requirement.

This comment was previously addressed with a revised plan.

General
- This is a subdivision that will create a new road, therefore, as currently proposed, trash pickup will be at the ends of each driveway and the Town will provide snow removal from the proposed roadway.

Nothing to address.

Open Comments

Subdivision Regulations
- §305-12 Contents. E. (14) (b) – Gas mains, and electric/telephone/cable utilities are not shown on the profile plan view.

No revisions to the drawings were made regarding this comment. We defer to the Planning Board if a waiver should be requested and granted.

- §305-19 Ownership of ways and easements. – Notation of the ownership requirements is not included on the subdivision plan.

The required notation was not added to the revised plans. We defer to the Planning Board if a waiver should be requested and granted.

Design and Construction Standards
- §305-24 Street. A. Location (1) – The proposed road intersection is not in alignment with the existing Faith’s Way.

No revisions to the drawings were made regarding this comment. We defer to the Planning Board if a waiver should be requested and granted.

- §305-24 Street. A. Location (2) – There are no provisions for projection of the proposed street to the adjoining property.

No revisions to the drawings were made regarding this comment. We defer to the Planning Board if a waiver should be requested and granted.

- §305-24 Street. A. Location (6) – The intersection of the proposed street with Timothy Bourne Cartway is less than 300 feet from the Faith’s Way intersection.

No revisions to the drawings were made regarding this comment. We defer to the Planning Board if a waiver should be requested and granted.

- §305-24 Street. F. Drainage (3) – The proposed storm drainage facilities do not appear to be designed to accommodate the runoff for total potential development permitted under Zoning.

We recommend that the stormwater systems be sized to mitigate for the total potential development permitted under Zoning.

No revised stormwater calculations were provided; recommendation remains.
• §305-24 Street. F. Drainage (7) – No calculations were provided indicating compliance. 
No revised stormwater calculations were provided. We defer to the Planning Board if a waiver 
should be requested and granted.

• §305-30 Sidewalks, grass plots and street trees. – The cross sections shown on the details plan do not 
meet the parameters shown on the Town Standard cross section. No grass strip or sidewalk is provided. 
No street trees are proposed.
No revisions to the drawings were made regarding this comment. We defer to the Planning 
Board if a waiver should be requested and granted.

• §305-36 Utilities. F. - The plans do not show service connections for all required utilities to the front 
street line of each lot.
No revisions to the drawings were made regarding this comment. We defer to the Planning 
Board if a waiver should be requested and granted.

• §305-37 Sidewalks. – No sidewalks are shown on the proposed plans.
The plans were revised to include a sidewalk across the frontage of this lot along Timothy 
Bourne Cartway, however no sidewalk is shown for the proposed road. We defer to the 
Planning Board if a waiver should be requested and granted.

• §305-40 Trees. - No street trees are shown on the proposed plans.
No revisions to the drawings were made regarding this comment. We defer to the Planning 
Board if a waiver should be requested and granted.

• §305-42 Inspections. A. – We request that the Planning Board include a condition in any approval that 
the inspections be performed by an outside consultant. We recommend that any approval includes a 
condition for a preconstruction meeting.
Request remains.

Zoning
• §240-125 Permitted uses and structures. C. – The required notation is not included in the plans.
No revisions to the drawings were made regarding this comment. We defer to the Planning 
Board if a waiver should be requested and granted.

Plan and Profile
• The catchbasins at the cul-de-sac are not located at the low point in the road at Station 5+44.27. 
We recommend that plans be revised so that the catchbasins are located at the low point in the road.
The plans were revised, the catchbasins are still located at Station 5+00 while the low point is 
Station 5+46.82. We recommend that the plans be revised to show the catchbasins at the 
proposed low point in the road.

Details
• The roadway cross section does not match the Town standard detail.
No revisions to the drawings were made regarding this comment. We defer to the Planning 
Board if a waiver should be requested and granted.
Drainage Map

- How were the drainage divides determined, there are no proposed contours. We recommend that the plans be revised to include proposed contours.

While proposed contours were added to the plans, no drainage map was provided so there is still no way to determine the drainage divides used. We recommend that a drainage map be provided.

- The areas do not appear to include the total potential development allowed under Zoning. We recommend that the stormwater systems be sized to mitigate for the total potential development permitted under Zoning.

No revised stormwater calculations were provided; recommendation remains.

General

- We request that the Planning Board include a condition in any approval that the Applicant meet the attached soil Erosion & Sediment Control Standard Conditions. We defer to the Planning Board if an erosion and sediment control plan is submitted to be included in the approval or if this plan is submitted prior to approval of a Building Permit.

An ESC plan was included in the revised plans, however, not all items typically required are shown on the plans, particularly the limit of work/clearing for the project and protection of the existing downstream catchbasins in Timothy Bourne Cartway. We recommend that this information be added to the plans. We recommend that there be a condition that the ESC plan be followed and inspections be based on the final approved plan.

- We request that the Planning Board include a condition in any approval that review for conformance and inspections for erosion and sediment control be performed by an outside consultant.

Recommendation remains.

- We request that the Planning Board include a condition in any approval that a preconstruction meeting be held to include representatives from the developer, the Town, and any outside consultants.

Recommendation remains.

Unless otherwise noted as requests or recommendations in red text, we defer to the Planning Board if the above comments are adequately addressed in the submission or during the meetings, if the requested waivers are justified, or if additional waivers are required and should be requested and granted by the Board.

Thanks,

Scott Schluter, P.E.
Staff Engineer
DPW Engineering Division
Town of Falmouth
Melinda Maranchie

From: Michaela Shoemaker
Sent: Tuesday, January 19, 2021 11:17 AM
To: Thomas Bott; Melinda Maranchie
Subject: Bingaman Decision/Referral

Hi All,

We received a referral from engineering last Wednesday, therefore after the Tuesday meeting. Engineering is recommending the applicant revise the plan so all roadway stormwater for the project is captured, the plans be revised to include contours, and that stormwater be sized to mitigate the total potential development permitted under zoning. Apparently the referral is too large for me to attach to this email but it is saved in the folder (thank you to Melinda).

Tom I’m not sure if this is something you feel comfortable having the Board move forward with a decision on Tuesday with these requests from Engineering but I wanted to bring it to your attention.

Thanks,
Michaela
MOTION: That the Planning Board vote to approve the application of Michael and Nicole Bingaman, under Article IV (4) – Definitive Plans – Chapter 305 Subdivision Regulations of The Town of Falmouth and GRANT a special permit pursuant to section 240-123 for a Planned Residential Development of the Zoning Bylaws to allow 6 lots to be created ranging from 18,507SF to 24,600SF with 159,900SF or (50.8%) of open space at the parcel located at 0 East Falmouth Highway as shown on Assessor’s Map 32 Section 01, Parcel 001, lots 015B for a plan entitled: “Definitive Plan of Land for Lot 150 Timothy Bourne Cartway prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated October 1, 2020 with revision date of January 4, 2021, scale of 1”=40’, along with a “Plan and Profile – Dylans Way for Lot 150 Timothy Bourne Cartway prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated October 1, 2020 with revision date of January 4, 2021, scale of 1”=40, along with “Plan of Land for Lot 150 Timothy Bourne Cartway prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated October 1, 2020 with latest revision November 30, 2020, scale of 1”=40”, along with “Soil Erosion & Sediment Control Plan Erosion Control Plan prepared for Michael & Nicole Bingaman in Falmouth”, prepared by Falmouth Engineering, dated January 4, 2021, scale of 1”=20’ along with drainage worksheet and runoff calculations and a letter from the applicant’s attorney, with the following:

**FINDINGS:**

The applicant, Michael and Nicole Bingaman, is applying to the Planning Board for Definitive Subdivision under Article IV (4) and Special Permit under Section 240-123 for Planned Residential Development. The applicant is proposing to create six (6) lots that will range in size from 18,507SF to 24,600SF and will have 159,900 SF or (50.8%) of open space, 50% open space is required. The applicant is proposing a 682’ foot long roadway with cul-de-sac that will provide frontage for all the proposed lots.

A special permit granting authority shall grant a special permit only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site.

**WAIVERS:**

**Section 305-24 Streets A(6):** The intersection of center lines of streets with another street shall occur not less than 300 feet apart. The centerline of the proposed intersection will be approximately 140”

**Section 305-30 Sidewalks, grass plots and street trees:** Sidewalks, grass plots and street trees shall be required in every subdivision. (See Standard Cross Sections, Schedules A and B)[1]

**FINDINGS Specific to § 240-122 of the Zoning Bylaw:**

The Planning Board may, by special permit, allow the creation of lots with less than the minimum areas, setbacks, widths, coverage or frontages specified in Article XIV may be laid out and dwellings of different types may be erected on such lots and existing recreational uses or existing agricultural uses may be included within the perimeter of the parcel as a mixed-use development. Such endorsement by the Planning Board may be given only when and if the plan
meets the following minimum requirements and conditions and four or more of the purposes of § 240-122.

FINDINGS Specific to § 240-122 of the Zoning Bylaw

A. Agricultural or farming activity will be preserved and protected from redevelopment;
B. The natural integrity of environmentally sensitive or wildlife habitat areas will be enhanced;
C. Scenic vistas will be highlighted and preserved;
D. Existing recreational activities, integral with the regional and local tourist and recreational economy, which cannot otherwise be self-supporting, will be preserved and protected from redevelopment;
E. The excellence of the overall design and residential amenities are such as to warrant special consideration for modification of existing standards elsewhere in this chapter;
F. The proposed development is consistent with all municipal comprehensive plans and objectives; and
G. The proposed development site plan is designed in its space allocation, proportions, orientation, materials, landscaping and other features as to produce a stable and desirable character, complementary and integral with the site's natural features.

THEREFORE, given the above and the conditions to be imposed below, the Planning Board finds the application Special Permit proposal to reduce the minimum area of the lots will be in harmony with the general purpose and intent of this chapter and that the proposal will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town.

CONDITIONS

1. The plan shall be constructed as approved. Any changes shall be reviewed by the Planning board to determine if a modification of this decision is necessary. Pursuant to 240-183.B. of the Zoning Bylaw, no permit for occupancy of the new construction shall be issued until the Planning board is satisfied that the conditions of this approval have been met.

2. Pursuant to section 240-221 of the Zoning Bylaw, this special permit shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause.

3. The Applicant shall meet the attached Soil Erosion & Sediment Control Standard Conditions.

4. Review for conformance and inspections for erosion and sediment control will be performed by an outside consultant.

5. Prior to commencing the project a preconstruction meeting be held to include representatives
from the developer, the Town, and any outside consultants.

6. The applicant will discuss and work with the neighbor located across the street regarding plantings to provide buffer

Sincerely,

Thomas Bott
Town Planner
cc: Applicant
To: Planning Board  
From: Thomas Bott, Town Planner  
Date: January 21, 2020  
RE: Covenant Release Frederick Rd  

We have another request for an “ancient history” Release from a Covenant this one from 1990. Much like with Boxberry Hill in August 2020, Tanglewood Rd in June 2019 and Pond View Place in April 2018 it appears as though the Board may have previously taken action but the release wasn’t recorded.  

In this case it appears as though the Dierker’s requested a release from the Covenant in March 1990 which the Board voted a release of their Bond in July 1990.  

The Planning Board decision included waivers for an 18’ gravel road and a condition that the property could not be further subdivided. It appears as though the $500 bond being held was for hydroseeding. There is currently a house on the property which appears to have been built between 1984 and 1995.  

I recommend that the Board approve the requested Release.  

Attachments: Map of Subject Property  
Documents from File
June 14, 1989

Carol Martin
Town Clerk
59 Town Hall Square
Falmouth, MA 02540

RE: TED DIERKER - DEFINITIVE PLAN

Dear Ms. Martin,

At a meeting held June 13, 1989, the Planning Board voted to APPROVE the Definitive Plan submitted by Ted Dierker, drawn by Holmes & McGrath at a scale of 1"=40', dated March 27, 1988 with the following waivers and conditions:

1) WAIVERS:

   a) 44' wide road layout (reduced to 40' wide),
   b) 22' paved road (replaced with 18' gravel road),
   c) underground utilities,
   d) sidewalks.

2) CONDITIONS:

   a) A suitable covenant or bond shall be submitted and approved prior to endorsement of these plans as required by this approval and the Subdivision Rules and Regulations;

   b) The owner/applicant shall be responsible for protection and maintenance of all improvements from any and all damage at all times until the subdivision road, drainage and utility improvements are completed. Timely responses to requests of the Planning Board for repair of damage shall be necessary to prevent forfeiture of any and all bonds.

   c) The property shown on the plan is not to be further subdivided.

Sincerely,

Michael J. Murphy
Town Planner
March 20, 1990

Mr. Raymond Tavares, Chairman
Planning Board
Town Hall
Falmouth, MA. 02540

Dear Mr. Tavares:

We would like to request that the Falmouth Planning Board release the existing covenant placed on our Frederick Road subdivision plan. The required road work has been completed.

A $75.00 check is attached.

Please notify Ted Dierker of the Planning Board's decision:
Box 819
West Falmouth, MA. 02574
540-8301

Sincerely,

Christina Dierker for
Ted Dierker
Richard Dierker
Virginia Dierker
July 23, 1990

Carol Martin
Town Clerk
65 Town Hall Square
Falmouth, MA 02540

re: TED DIERKER—RELEASE OF BOND

Dear Ms. Martin,

At a meeting held July 24, 1990, the Planning Board voted to release all remaining bonds held against Ted Dierker for his definitive plan on Frederick Road.

Sincerely,

[Brian A. Currie]
Brian A. Currie
Town Planner

cc: Ted Dierker

[Stamp: RECEIVED JUL 26 1990]
TOWN CLERK/TREASURER FALMOUTH, MASS.
January 26, 2021

Pat Kerfoot, Chair
Planning Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Application for Special Permit for Contractor’s Yard under Section 240-38(k)
0 Sandwich Road, East Falmouth, MA, Assessors Parcel 17 01 032 000
Owner/Applicant: Sandwich Road Development, LLC

Dear Pat:

Please accept this letter as a brief explanation of the drainage calculations and design prepared by BSS Design and reviewed by the Falmouth Engineering Department.

Contrary to comments in the Engineering Department review of our plans, the drainage systems in drainage areas A, B and C are connected; they all ultimately drain to the proposed driveway and parking area in front of the proposed contractor’s building.

Area A storm water enters the driveway along the first 200’ or so at the upper end of the driveway near Sandwich Road and will flow to the catch basin on the west side of the driveway about 55’ south of the proposed house. The first 60’ of the driveway is paved and the runoff from the pavement will flow into a water quality (detention) swale north of the house which could overflow back to the west side of the driveway and into the aforementioned catch basin. The swale was never intended as a critical component of the drainage system other than to improve the water quality, and all the storm water is accounted for in the calculations for the leaching pits.

It was noted in the review of the drainage calculations that Area A does not have enough catch basins. This was intentional because there is no such thing as one tenth of a catch basin, adding another catch basin would be a costly over design, and the total amount of water is accounted for in Area C. The same comment applied to Area B, but we did add another catch basin for Area B (at the entrance to the parking area). Any water that will not be leached in Areas A or B will flow down hill to Area C, where most of the leaching capacity is proposed. We also note (as did the engineering department review) that water may briefly pond in the parking area in front of the proposed contractor’s building under extreme circumstances. Our calculations show that there could be as much as 4,508 CF (including excess water from Areas A and B), maximum 1’ deep. Each of the five leaching pits will infiltrate 660 CF per hour, the five together will infiltrate 3,300 CF in one hour, so the puddle will be infiltrated in about 1 hour 20 minutes. This ponding, if any, will be temporary and may occur only after we have been subjected to a 25 year storm which includes within it a one hour rainfall of 2.5 inches. See the discussion of storm events and design standards in the next paragraph.

The Falmouth standard for drainage calculations is the 25 year storm, but it specifies that we use the most intense one hour of the 25 year storm, which is 2.5 inches of rainfall in one hour. This is a very intense hypothetical rainfall which results in designing drainage systems with large short...
term storage capacity.

The total rainfall for a 25 year storm is 5.75 inches in 24 hours, which would require only 3.66 leaching pits to recharge the entire rainfall volume on-site.

The total rainfall for a 100 year storm is 7.2 inches in 24 hours, which would require only 4.66 leaching pits to recharge the entire rainfall volume on-site.

I bring up the size of a 100 year storm because Tom Bott and I discussed it last week, and I want to point out the difference in the 25 year 1 hour storm, the 25 year 24 hour storm and the 100 year 24 hour storm. As you can see the 25 year 24 hour storm is more than double the rainfall of the 25 year 1 hour storm and the 100 year storm total rainfall is three times the rainfall depth of the 25 year 1 hour storm. These storms will generate two and three times the volume of rainfall (respectively), of the one hour storm but over 24 hours rather than one hour. I have attached my calculations for runoff from the 25 and 100 year 24 hour storms and the 24 hour leaching capacity of a leaching pit.

Our design proposes eight leaching pits, which is more than enough to recharge the total runoff volume of the 100 year 24 hour storm without any ponding in front of the building.

I will be happy to answer any questions regarding these calculations and our site plan.

Sincerely,

[Signature]

Thomas Bunker
BSS Design, Inc
1,000 Gallon Leaching Pit with 4' of stone all around
inside radius = 2.75', outside radius = 3.0', outside radius of stone = 7.0', effective height = 6.0'
Percolation rate = 2 minutes / inch = 1 min./0.04166 ft.
Bottom area of pit not included in leached volume calculation.

Volume of Leaching Pit
\[ V = \pi r^2 h = 3.14159 \times 2.75^2 \times 6.0 \]
\[ = 142.55 \]

Volume of Voids
\[ V = 0.45 \pi (R^2 - r^2) h \]
\[ = 0.45 \pi (7^2 - 3^2) \times 6.0 \]
\[ = 339.29 \]

Volume leached in 1 hour
\[ V = \text{surface area} \times \text{duration} \times \text{percolation rate} \]
\[ = (2\pi R^2 h) \times 60 \text{ min.} \times 1'' / \text{min} \times 1'/12'' \]
\[ = (2\pi \times 7^2 h) \times 60 / 12 \]
\[ = 659.73 \]

Total stored & leached in 1 hr = 1,141.57 Cubic Feet
1,000 Gallon Leaching Pit with 4' of stone all around
24 hour leaching

inside radius = 2.75', outside radius = 3.0', outside radius of stone = 7.0', effective height = 6.0'
Percolation rate = 2 minutes / inch = 1 min./0.04166 ft.
Bottom area of pit not included in leached volume calculation.

Volume of Leaching Pit
\[ V = \pi r^2 h = 3.14159 \times (2.75)^2 \times 6.0 \]
\[ = 142.55 \]

Volume of Voids
\[ V = 0.45 \pi (R^2 - r^2) h \]
\[ = 0.45 \pi (7^2 - 3^2) \times 6.0 \]
\[ = 339.29 \]

Volume leached in 24 hours
\[ = \text{surface area} \times \text{duration} \times \text{percolation rate} \]
\[ = (2\pi R^2 h) \times 24 \text{ hours} \times 1''/2\text{min} \times 1'/12'' \]
\[ = (2\pi \times 7' h) \times 60 \times 24/12 \]
\[ = 15,833.59 \]

Total stored & leached in 24 hrs = 16,315.43 Cubic Feet
Drainage calculations prepared for
991 SANDWICH ROAD - 25 YEAR 24 HOUR STORM
Hatchville, Falmouth, Massachusetts
Includes entire watershed and final disturbed area

Drainage calculations are based on the following formula and criteria
25 year, 24 hour storm (5.75" of rainfall)
\[ Q = C_w \times I \times A, \quad \text{where} \quad Q = \text{flow (cfs)} \]
\[ C_w = \text{weighted coefficient of runoff - roof and pavement } C = 1.0, \text{ other areas } C = 0.4 \]
\[ I = \text{rainfall intensity} \]
\[ A = \text{total watershed area in acres} \]

Total volume (CF) = \( Q \text{(cfs)} \times \text{duration (24 hrs)} \)

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weighted C</th>
<th>total area in acres</th>
<th>Q (cfs)</th>
<th>total runoff volume (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>81,286</td>
<td>5,981</td>
<td>0.4411</td>
<td>2.0034</td>
<td>5.081</td>
<td>18,293.27</td>
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</table>

A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 16,300 CF of water in 24 hours.
One (1) 1,000 gallon leaching pit is proposed in Area A

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
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<th>total area in acres</th>
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<tbody>
<tr>
<td>Area B</td>
<td>65,613</td>
<td>8,504</td>
<td>0.4688</td>
<td>1.7015</td>
<td>4.587</td>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 16,300 CF of water in 24 hours.
Two (2) 1,000 gallon leaching pits are proposed in Area B

<table>
<thead>
<tr>
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<th>pervious area (SF)</th>
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<td>Area C</td>
<td>46,336</td>
<td>43,303</td>
<td>0.6898</td>
<td>2.0578</td>
<td>8.163</td>
<td>29,385.54</td>
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Ponding volume in parking area next 3 lines

Storage. Vol.

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<tr>
<th>Area</th>
<th>pervious area (SF)</th>
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<tr>
<td>Basin Contour 41 (SF)</td>
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<td>3,383</td>
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<td>CB 40.5 to Cont 41 avg area</td>
<td>1,692</td>
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<td>depth</td>
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<td>845.75</td>
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<td>Basin contour 41.5</td>
<td>11,265 sf</td>
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<tr>
<td>Average area 41 + 41.5/2</td>
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<td>3,662.00</td>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 16,300 CF of water in 24 hours.
Five (5) 1,000 gallon leaching pits are proposed in Area C

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3.66 (1.12 + 1.01 + 1.53) 1,000 gallon leaching pits are required, 8 are provided
Drainage calculations prepared for
991 SANDWICH ROAD - 100 YEAR 24 HOUR STORM
Hatchville, Falmouth, Massachusetts
Includes entire watershed and final disturbed area

Drainage calculations are based on the following formula and criteria
100 year, 24 hour storm (7.2" of rainfall)
Q = Cw * I * A, where
Q = flow (cfs)
Cw = weighted coefficient of runoff - roof and pavement C = 1.0, other areas C = 0.4
I = rainfall intensity
A = total watershed area in acres

Total volume (CF) = Q(cfs) * duration (24 hrs)

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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 16,300 CF of water in 24 hours.
One (1) 1,000 gallon leaching pit is proposed in Area A

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<th># of pits:</th>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 16,300 CF of water in 24 hours.
Two (2) 1,000 gallon leaching pits are proposed in Area B

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Ponding volume in parking area next 3 lines: Storage. Vol.

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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 16,300 CF of water in 24 hours.
Five (5) 1,000 gallon leaching pits are proposed in Area C

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4.66 (1.41+1.27+1.98) 1,000 gallon leaching pits are required, 8 are provided
Drainage calculations are based on the following formula and criteria:

25 year, 1 hour storm (2.5" of rainfall)

\[
Q = C_w \times I \times A, \quad \text{where} \quad Q = \text{flow (cfs)}
\]
\[
C_w = \text{weighted coefficient of runoff - roof and pavement } C = 1.0, \text{ other areas } C = 0.4
\]
\[
I = \text{rainfall intensity}
\]
\[
A = \text{total watershed area in acres}
\]

Total volume (CF) = \( Q \times \text{duration (1 hr)} \)

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<tr>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,441 CF of water in 1 hour.

# of pits: 5.13

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<tr>
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</thead>
<tbody>
<tr>
<td>B-NATURAL</td>
<td>70,686</td>
<td>0</td>
<td>0.4000</td>
<td>1.6227</td>
<td>1.6227</td>
<td>5,841.82</td>
</tr>
</tbody>
</table>

A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,441 CF of water in 1 hour.

# of pits: 4.05

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weight ed C</th>
<th>total area in acres</th>
<th>Q (cfs)</th>
<th>total runoff volume (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-NATURAL</td>
<td>90,460</td>
<td>0</td>
<td>0.4000</td>
<td>2.0767</td>
<td>2.0767</td>
<td>7,476.03</td>
</tr>
</tbody>
</table>

A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.

# of pits: 5.19

Total number of 1,000 gallon leaching pits with 4' of stone all around required to recharge the storm water runoff from the watershed used in the storm water calculations for the proposed contractors building, in its natural condition. 14.37
Drainage calculations prepared for
991 SANDWICH ROAD
Hatchville, Falmouth, Massachusetts
INCLUDES ENTIRE WATERSHED AND FINAL DISTURBED AREA

Drainage calculations are based on the following formula and criteria
25 year, 1 hour storm (2.5" of rainfall)

\[ Q = C_w \times I \times A, \quad \text{where} \quad Q = \text{flow (cfs)} \]

\[ C_w = \begin{cases} 
1.0 & \text{roof and pavement} \\
0.4 & \text{other areas}
\end{cases} \]

\[ I = \text{rainfall intensity} \]

\[ A = \text{total watershed area in acres} \]

Total volume (CF) = \( Q(\text{cfs}) \times \text{duration (1 hr)} \)

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weighted C</th>
<th>total area in acres</th>
<th>Q (cfs)</th>
<th>total runoff volume (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A</td>
<td>81,286</td>
<td>5,981</td>
<td>0.4411</td>
<td>2.0034</td>
<td>2.2093</td>
<td>7,953.60</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour. One (1) 1,000 gallon leaching pit is proposed in Area A</td>
<td># of pits: 6.97</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area B</td>
<td>65,613</td>
<td>8,504</td>
<td>0.4688</td>
<td>1.7015</td>
<td>1.9943</td>
<td>7,179.59</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour. Two (2) 1,000 gallon leaching pits are proposed in Area B</td>
<td># of pits: 6.29</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area C</td>
<td>46,336</td>
<td>43,303</td>
<td>0.6898</td>
<td>2.0578</td>
<td>3.5490</td>
<td>12,776.32</td>
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<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ponding volume in parking area next 3 lines</td>
<td>Storage. Vol.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basin Contour 41  (SF)</td>
<td>3,383</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>CB 40.5 to Cont 41 avg area</td>
<td>1,692</td>
<td>0.50 depth</td>
<td>845.75</td>
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<td></td>
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</tr>
<tr>
<td>Basin contour 41.5</td>
<td>11,265 sf</td>
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<td></td>
</tr>
<tr>
<td>Average area 41 + 41.5/2</td>
<td>7,324</td>
<td>0.50 depth</td>
<td>3,662.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour. Five (5) 1,000 gallon leaching pits are proposed in Area C</td>
<td># of pits: 7.25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\[ 20.51 (6.97+6.29+7.25) \] (1,000 gallon) leaching pits are required, 8 are provided
Drainage calculations are based on the following formula and criteria
25 year, 1 hour storm (2.5" of rainfall)
\[
Q = C_w \times I \times A, \quad \text{where} \quad Q = \text{flow (cfs)}, \quad C_w = \text{weighted coefficient of runoff - roof and pavement } C = 1.0, \text{other areas } C = 0.4
\]
\[
I = \text{rainfall intensity}
\]
\[
A = \text{total watershed area in acres}
\]
Total volume (CF) = Q(cfs) * duration (1 hr)

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weighted C</th>
<th>total area in acres</th>
<th>Q (cfs)</th>
<th>total runoff volume (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area A (Built)</td>
<td>4,592</td>
<td>5,981</td>
<td>0.7394</td>
<td>0.2427</td>
<td>0.4487</td>
<td>1,615.25</td>
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</table>

A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.
One (1) 1,000 gallon leaching pit is proposed in Area A

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weighted C</th>
<th>total area in acres</th>
<th>Q (cfs)</th>
<th>total runoff volume (CF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area B (Built)</td>
<td>9,225</td>
<td>8,504</td>
<td>0.6878</td>
<td>0.4070</td>
<td>0.6998</td>
<td>2,519.42</td>
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</table>

A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.
Two (2) 1,000 gallon leaching pits are proposed in Area B

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weighted C</th>
<th>total area in acres</th>
<th>Q (cfs)</th>
<th>total runoff volume (CF)</th>
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</thead>
<tbody>
<tr>
<td>Area C (Built)</td>
<td>5,808</td>
<td>43,303</td>
<td>0.9290</td>
<td>1.1274</td>
<td>2.6186</td>
<td>9,426.90</td>
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</table>

Ponding volume in parking area next 3 lines
Basin Contour 41 (SF)
CB 40.5 to Cont 41 avg area
Basin contour 41.5
Average area 41 + 41.5/2

A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.
Five (5) 1,000 gallon leaching pits are proposed in Area C

7.94 (1.42+2.21+4.31) (1,000 gallon) leaching pits are required, 8 are provided
To: Planning Board  
From: Thomas Bott, Town Planner  
Date: January 21, 2020  
RE: FAHF Process

Applications requesting funds from the Falmouth Affordable Housing Fund (FAHF) are reviewed by the FAHF Working Group appointed by the Town Manager to advise the Town Manager on his/her funding recommendations. The FAHF Working Group consists of:

- 1 Selectman;
- the Assistant Town Manager;
- 1 representative of the Community Preservation Committee;
- 1 representative of the Affordable Housing Committee;
- Housing Coordinator;
- and 1 non-voting designee from the state office of MassHousing.

The Housing Coordinator distributes the project application to the following Town Departments for a 14-day review and comment period: Assessor; Building Commissioner; Conservation; Health; Planning; and Public Works.

The Town Manager within 5 days submits his/her recommendation to the Community Preservation Committee.

Funding recommendations by the Community Preservation Committee are submitted to the Board of Selectmen acting as Trustees of the FAHF for a funding decision.

The Board of Selectmen/Trustees may accept, reject, amend to reduce or return for further study such recommendations. **The Board’s decision shall be final.**

All funding awards approved by the Board of Selectmen will be subject to terms and conditions to be detailed in a commitment letter from the Town Manager.

**Attachments:** Falmouth Affordable Housing Fund Application Review Process
Falmouth Affordable Housing Fund
Application Review Process

Applications requesting funds from the Falmouth Affordable Housing Fund (FAHF) are reviewed by the FAHF Working Group. The FAHF Working Group is appointed by the Town Manager to advise the Town Manager on his/her funding recommendations. The FAHF Working Group consists of: 1 Selectman; the Assistant Town Manager; 1 representative of the Community Preservation Committee; 1 representative of the Affordable Housing Committee; the Housing Coordinator; and 1 non-voting designee from the state office of MassHousing.

Preliminary Review

The process begins with the applicant submitting a Letter of Intent to the Housing Coordinator who conducts a preliminary screening based solely on:

1. Receipt of a complete Letter of Intent (LOI);
2. Consistency with the purposes of the FAHF enabling legislation — Chapter 29 section 2 (b) of the Special Acts of 2011 of the MA General Court;
3. Consistency with the purposes of the Community Preservation Act (or other funding source if applicable).

The Housing Coordinator will make every effort to complete this preliminary review within 10 days of receipt of an LOI and notify the applicant and the FAHF Working Group of the eligibility decision. Eligible applicants are invited to submit a full application.

Application Review

The FAHF Application is submitted to the Housing Coordinator who notifies the FAHF Working Group that an eligible application has been received. The Housing Coordinator distributes the project application to the following Town Departments for a 14-day review and comment period: Assessor; Building Commissioner; Conservation; Health; Planning; and Public Works. Depending on the size and complexity of the project, a consultant may need to be retained to conduct a financial review.

The Housing Coordinator prepares an application summary and assembles related information and staff comments for review by the FAHF Working Group. The FAHF Working Group shall provide the applicant an opportunity to meet. The FAHF Working Group evaluates the project feasibility, the degree to which it meets the priorities for the FAHF established by the Trustees (Board of Selectmen), and the availability of funds. The FAHF Working Group submits a funding recommendation to the
Town Manager. The recommendation may be full, partial or no funding. The Town Manager within 5
days submits his/her recommendation to the Community Preservation Committee for consideration
per enabling legislation. Funding recommendations by the Community Preservation Committee are
submitted to the Board of Selectmen acting as Trustees of the FAHF for a funding decision. The Board
of Selectmen/Trustees may accept, reject, amend to reduce or return for further study such
recommendations. The Board's decision shall be final. All funding awards approved by the Board of
Selectmen will be subject to terms and conditions to be detailed in a commitment letter from the Town
Manager. The Applicant is notified of the Board of Selectmen/Trustees funding decision and the
Housing Coordinator facilitates preparation of the commitment letter in consultation with Town
Counsel, the Town Manager's Office, and the applicant. The Housing Coordinator processes payments
to the applicant pursuant to the commitment letter and other contractual documents.
Thanks Tom!

Peter Johnson-Staub  
Assistant Town Manager  
Town of Falmouth, MA  
O: 508-495-7320  

http://www.falmouthmass.us

Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

---

Thank you Tom!

Dear Carla:

FHT has Determination of Access who’s conditions have been met to build one single family home on their lot. As part of that process a Covenant signed by the Town and FHT was placed on the property. Mass Housing Site Approval Letter (PEL) referenced the Covenant in the PEL.

The Municipality notes that the Site is subject to a Covenant between the Town and the Applicant dated November 5, 2019 and recorded with the Plymouth County Registry of Deeds at Book 32557, Page 117, which limits development on the Site to one single-family residential structure. ¹

Footnote 1 reads
It is MassHousing’s position that the existence of a Covenant does not impact a Determination of Project Eligibility as defined by the Comprehensive Permit Rules. However, please note the Massachusetts Supreme
Judicial Court (JJC) confirmed that a property restriction held by a municipality cannot be overridden by the municipality's zoning board of appeals when acting on an application for a comprehensive permit under M.G.L. c 40B. 135 Wells Avenue. LLC v. Housing Appeals Committee.

The PB has voted a separate Determination of Access for Mr. Fender's lot. As soon as I received the revised plan I will be signing the letter below. However the work to be completed is on private property owned by residents of Carol Ave. Mr. Fender would need the permission of those Carol Ave residents to make the improvements. Mr Fender tells me that not all of those residents are willing to grant that permission.

The Planning Board has laid out the conditions for improvements but it's up to Mr. Fender to obtain the easements for the improvements that need to be installed.

November 10, 2020

Rod Palmer, Building Commissioner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Determination of Access for Lewis Neck Rd, East Falmouth, MA
Falmouth Assessors Map # 40 03 001B 000B

Dear Mr. Palmer:

At its meeting of November 10, 2020 the Planning Board voted access to the above referenced parcel would be adequate to provide for the needs of vehicular traffic to the proposed use of land abutting thereon and serve thereby under the conditions described below. At their April 14, 2020, the Planning Board had made a previous Determination of Access which allowed for a single family building permit on lot 40 03 001B 000B per Falmouth Zoning Bylaw §240-179.1 C. Following verification of the April 14, 2020 Determination of Access conditions the Applicant applied for and received the Board’s endorsement of an ANR Plan to split 40 03 001B 000B into Lot 2 and Lot 1. Lot 1 is labeled “not a buildable lot.” A Determination of Access is not a finding that the property is eligible for an Approval Not Required endorsement under GL c. 41 §81P for the creation of any additional building lots.

Conditions as shown on a plan entitled Road Improvement Plan and Profile for Lewis Neck Road prepared for William Fender by Falmouth Engineering Inc dated April 13, 2020 revised through November 10, 2020:

1) Lewis Neck Road paved sixteen feet wide consisting of a super elevated roadway fifteen feet wide with a one foot Cape Cod berm on the east edge of the existing gravel road;
2) Installation of three leaching drainage structures as reviewed on October 22, 2020 by the Town of Falmouth Engineering Division;
3) Easements to be provided for the installation and proper operation and maintenance of drainage structures on private property;
4) Easements to be provided for improvements of the paved roadway on private property to allow and to ensure that in addition to the roadway a minimum cleared width of 18 feet and a minimum cleared height of 13 feet can be maintained to ensure access for emergency equipment;
5) Per the Falmouth Determination of Access Policy the applicant is required to pay for the cost of inspection by the Planning Board’s designee;
6) Completion of improvements must be verified prior to the issuance of a building permit

This decision is not to be construed as a determination that the applicant has the right to enter onto Lewis Neck Road to make the named improvements.
This determination is applied to Lot 1 of Map 40 03 001B 000B only and it's not a finding that any other property along Lewis Neck Road is eligible for a similar determination of access. Any future lots created will require another Determination of Access

Pat Kerfoot moved that the Board approve the application of Fender for a determination of access for one dwelling at 63 Lewis Neck as shown of a plan entitled Road Improvement Plan and Profile for Lewis Neck Road prepared for William Fender by Falmouth Engineering Inc dated April 13, 2020 revised through 11/10/20 based on the above conditions and that any future lots created on Lewis Neck Road will require another Determination of Access
Seconded by Pam Harting-Barrat
Vote 6-1-0

Sincerely,

Thomas Bott
Town Planner

CC: Michael Palmer, Town Clerk
Applicant

Attachment: Road Improvement Plan and Profile for Lewis Neck Road prepared for William Fender by Falmouth Engineering Inc dated April 13, 2020 revised through November 10, 2020:

TBott

From: Carla Feroni
Sent: Wednesday, November 18, 2020 4:00 PM
To: Thomas Bott <thomas.bott@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: Lewis Neck Update

Hi Tom,

Would you please provide me with an update on the Lewis Neck Road development road improvements and any other items required by the Planning Board? The FAHF Working Group will be meeting on December 1 to discuss the Lewis Neck application for funding and the current compliance status of the PB requirements will be vital to our discussion.

Thanks,
Carla

Carla L. Feroni
Housing Coordinator
Housing Department
(508) 495-7344 Direct Phone
carla.feroni@falmouthma.gov
Hi Melinda,

The FAHF Working Group will be meeting on Dec. 1 to hear a presentation on Lewis Neck. Peter has asked me to get from you the copies of any minutes of the PB vote. I need to have them by Monday so I can send them out to the W Group. This is a bit of last minute. I wish we had more time.

Thanks,
Carla

Carla L. Feroni
Housing Coordinator
Housing Department
(508) 495-7344 Direct Phone
carla.feroni@falmouthma.gov

Town of Falmouth
59 Town Hall Square
Falmouth, Massachusetts 02540
Thank you for the documentation, Peter.

I have attached the agenda for this Thursday’s CPC meeting. (IT assures me that the link on the agenda will still provide access to the meeting, even though the address has not been updated.)

Carole

Carole Sutherland
Community Preservation Coordinator
59 Town Hall Sq.
Falmouth, MA 02540
508.495.7436
carole.sutherland@falmouthma.gov

From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Sent: Monday, January 11, 2021 12:44 PM
To: Carole Sutherland <carole.sutherland@falmouthma.gov>; Carla Feroni <carla.feroni@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>
Subject: FW: SB Recommendation RE: Falmouth Housing Trust, Lewis Neck

Hello Carole,

Please find attached the Town Manager’s recommendation to the Select Board regarding this application for funds submitted by the Falmouth Housing Trust to the Falmouth Affordable Housing Fund. Please let us know if you have any questions. I will plan to view the virtual CPC meeting on January 14th and will be available to answer questions if needed. I believe Carla will also be present.

Thank you,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

www.falmouthma.gov - The Town of Falmouth website has a new look and a new address!

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From: Peter Johnson-Staub  
Sent: Monday, January 11, 2021 12:40 PM  
To: Falmouth Selectboard <selectboard@falmouthma.gov>  
Cc: Julian Suso <julian.suso@falmouthma.gov>  
Subject: SB Recommendation RE: Falmouth Housing Trust, Lewis Neck

Dear Board Members:

Please find attached the Town Manager’s recommendation with respect to a funding request from the Falmouth Housing Trust for an affordable housing proposal on Lewis Neck Road. This application to the Falmouth Affordable Housing Fund will first be considered by the Community Preservation Committee this Thursday and will then be placed on a Select Board agenda for consideration.

Thank you,
Peter

**Peter Johnson-Staub**  
Assistant Town Manager  
Town of Falmouth, MA  
O: 508-495-7320

[www.falmouthma.gov](http://www.falmouthma.gov) - The Town of Falmouth website has a new look and a new address!

*Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.*
FYI – see Frank’s response below. We’ll send you a copy of the memo when finalized.

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

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Very good, thank you Frank.
Julian

Frank K. Duffy, Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
(508) 548-8800 fax (508) 540-0881

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this communication or otherwise. If you are not the intended recipient and have received this communication in error, please contact the sender immediately and delete the original message. Thank you.

From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Sent: Friday, January 8, 2021 2:58 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>, Carla Feroni <carla.feroni@falmouthma.gov>
Subject: RE: Recommendation to Fund Lewis Neck

Hi All,

Attached is a draft recommendation for Julian to send to the Select Board. We welcome your feedback. The letter needs to be submitted to CPC on Monday Jan 11th.

Thank you,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

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From: Julian Suso <julian.suso@falmouthma.gov>
Sent: Friday, January 8, 2021 10:27 AM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Carla Feroni <carla.feroni@falmouthma.gov>
Subject: RE: Recommendation to Fund Lewis Neck

Thank you Peter. Thank you Carla.
Julian

From: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Sent: Friday, January 8, 2021 10:11 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Carla Feroni <carla.feroni@falmouthma.gov>
Subject: RE: Recommendation to Fund Lewis Neck

Hi Carla,

I spoke with Julian and we spoke with Sam this morning. Sam is now on board with making the road improvements a condition of funding. I’m going to draft Julian’s recommendation. Can you please send me the most current application FHT submitted to FAHF so we can include it as an attachment to the letter?
Thanks,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

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Be advised that most emails to, and from, municipal offices and officials are public record. Confidentiality should not be expected.

From: Julian Suso <julian.suso@falmouthma.gov>
Sent: Wednesday, January 6, 2021 4:04 PM
To: Carla Feroni <carla.feroni@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: RE: Recommendation to Fund Lewis Neck

Thank you Carla. To refresh my memory, do we have such a draft letter of recommendation for this purpose?
Julian

From: Carla Feroni <carla.feroni@falmouthma.gov>
Sent: Wednesday, January 6, 2021 12:06 PM
To: Julian Suso <julian.suso@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Falmouth Town Manager <townmanager@falmouthma.gov>
Subject: Recommendation to Fund Lewis Neck

Hi Julian,

The FAHF made a funding recommendation for Lewis Neck Road in December. The next step is for me to place your recommendation to the CPC on a CPC agenda. The next available CPC meeting date to place this item on their agenda is January 14 and staff has placed a holder on the agenda for this recommendation. The CPC will need this recommendation by January 11 in order to place on the agenda. I'll wait until this Friday to get back to the CPC to move forward with the January 14 FAHF expenditure request.

Thanks,
Carla
MEMORANDUM

TO: Select Board
FROM: Julian M. Suso, Town Manager

CC: Community Preservation Committee
    Carla Feroni, Housing Coordinator
    Frank Duffy, Town Counsel

SUBJECT: Falmouth Housing Trust – Lewis Neck Road Parcel C2 Application to Falmouth Affordable Housing Fund
DATE: January 11, 2021

Board Members may recall that the Falmouth Housing Trust, a private, non-profit housing developer, submitted an application for a comprehensive permit under MGL C. 40B for 4 affordable single-family homes on a 1.16 acre parcel on Lewis Neck Road. This proposal was reviewed by the Board at a meeting with the applicants on 07/14/2020 at which the Board authorized me to send the attached project eligibility letter to Mass Housing. Increasing the supply of housing to meet the needs of the entire community continues to be a priority for the Board and is referenced in the Strategic Plan. The project eligibility letter of 07/15/2020 outlines the proposal and notes some concerns raised by staff and the Planning Board with regard to access. The Planning Board has placed a covenant on the parcel which Town Counsel has opined limits potential development of the parcel to one single-family residential structure. The project eligibility letter of 07/15/2020 asks the FHT to work with abutters to have Lewis Neck Road widened and improved to facilitate safe access for the 4 proposed single family houses as well as those already present.

The Falmouth Housing Trust (FHT) has applied for funding in the amount of $260,000 for 4 affordable housing units from the Falmouth Affordable Housing Fund (FAHF) of which the Select Board are the Trustees. The attached application package provides full details of the proposal. The proposed unit summary appears in the table which follows.
Unit Summary Table

<table>
<thead>
<tr>
<th>Two 2-Bedroom Units</th>
<th>Two 3-Bedroom Units</th>
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<tbody>
<tr>
<td>1,071 Sq. Ft.</td>
<td>1,551</td>
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<tr>
<td>1 Unit 80% AMI*</td>
<td>1 Unit 80% AMI</td>
</tr>
<tr>
<td>1 Unit 100% AMI</td>
<td>1 Unit 100% AMI</td>
</tr>
</tbody>
</table>

*AMI: Area Median Income

On 12/1/2020, a meeting was held with FHT representatives, the FAHF Working Group and myself to review the application for funds. FHT and the Town both had legal counsel present so the questions regarding access and the implications of the covenant could be addressed. It was noted that the Planning Board recently issued an access determination for a parcel abutting the FHT property on Lewis Neck Road which requires that the full length of the road be paved with drainage improvements in order to develop one single-family house on this abutting parcel. The FHT representatives were aware of this access determination and stated that FHT has agreed to contribute to the cost of these roadway improvements if they are undertaken. Town Counsel indicated that such roadway improvements may effectively render the restrictions of the covenant moot.

We note that the unit mix is well targeted to the needs identified in the Housing Production Plan which calls for 50% of single-family houses to be 3-bedroom and 50% 1- or 2-bedroom. In light of the urgent housing needs of the Falmouth community and consistent with the recommendation of the FAHF Working Group, I recommend that the Board approve the full amount of the FHT request of $65,000 per unit for 4 affordable units and that this award of funds be conditioned on completion of the roadway improvements detailed in the Planning Board access determination voted 11/10/2020 for the abutting parcel – Assessor’s Map #40 03 001B 000B and subject to any further terms which will be detailed in a commitment letter from the Town Manager following Select Board consideration and action.

Attachments:
- Project Eligibility Letter, Suso 07/15/2020
- FHT Application for Funding
AFFORDABLE HOUSING FUND APPLICATION
Calendar Year 2019

General Information

Project Name: Lewis Neck Road Affordable Workforce Project

Project Location and ParcelID#: Lewis Neck Road 40 03 001C 002C

Type of Project: 4 single family affordable deed restricted homes

Applicant(s) name/ Organization: Falmouth Housing Trust, Inc.

Contact Person: Karen Bissonnette

Mailing Address: P.O. Box 465, Falmouth, MA 02541

Telephone Number: 508 274-1651

Email Address: kb@falmouthhousingtrust.org

Property Ownership

Legal Property Owner of Record: Falmouth Housing Trust, Inc.

Is the owner the applicant? yes
If not, does the applicant have site control or written consent of the property owner to submit an application? If yes, attach documentation. Without this documentation the project will be ineligible for funding for this applicant.

For projects that have an acquisition expense the applicant must provide an appraisal from an independent party that justifies the acquisition cost.

Development Team

Please submit as attachments the resumes of the development team and a list and description of affordable housing projects completed by the applicant. Karen Bissonnette, Joanne O’ Sullivan, Addie Drolette, David Garrison, Troy Clarkson, Tom Manchester

Project Information

Describe the proposed project including:

Project Style:

1 | P a g e
Falmouth Affordable Housing Fund
Rev. 4/19
Type of Units (condo ownership, fee simple ownership, rental, etc.): 4

**Single-Family Owner-Occupied**

Homes with fee simple ownership with a permanent affordable deed restriction

<table>
<thead>
<tr>
<th>Total Number of Units:</th>
<th>4</th>
<th>Number of BRs</th>
<th>2-bedroom, Two 3-bedroom</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Market Units:</td>
<td></td>
<td>Number of BRs:</td>
<td>80%: 2 bed, $175,000</td>
</tr>
<tr>
<td>Number of Affordable Units:</td>
<td>4</td>
<td>100%: 2-bed, $210,000</td>
<td></td>
</tr>
<tr>
<td>Proposed Sale Prices/Rents:</td>
<td>100%: 3-bed, $258,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Condo Fees:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Proposed % of AMI target beneficiaries: 80% and 100%

Describe how this project addresses the unmet affordable housing needs of the community as identified in the Town of Falmouth Housing Demand Study & Needs Analysis (2014) and the Town of Falmouth Local Comprehensive Plan (2016).

Falmouth Housing Trust purchased, at a discount, a 1.1 acre lots on Lewis Neck Road in December 2019. Our intention is to build two 3-bedroom and two 2-bedroom homes on this property. Our plan is to sell one 3-bedroom at 80% of AMI and one at 100% of AMI. In addition, we will sell one 2-bedroom home at 80% of AMI and one 2-bedroom at 100% of AMI. All four houses will be deed restricted affordable homes.

The discounted sale of the land to FHT for this development is a critical part of this project.

The 3-bedroom homes will be 1,551 square feet in size and the two-bedroom homes will be 1,071 square feet in size. The 3 bedrooms will be a Cape Cod Saltbox style home and the 2-bedrooms will be a Colonial style. All of the homes will be built with Photovoltaic technology which will run the electricity in the homes. Consequently, there will be significant saving to the homeowners on utility bills.

We are applying for a municipal subsidy to make it possible to build these homes and include the two at 80% of AMI on the Town’s Subsidized Housing Inventory.

The proposed development is in keeping with approved planning for affordable housing within the Town of Falmouth. The development meets adopted LIP guidelines by the Town of Falmouth for recommended density at 4 units per acre outside Village Center. The proposed development creates 2- and 3-bedroom homes in furtherance of the approved objectives of the Town of Falmouth Affordable Housing Action Plan, which recommends 79 new home ownership affordable-restricted homes per year. The development supports the
Implementation of local and regional housing plans.

This project addresses the affordable needs of the Town in accordance with the Falmouth Affordable Housing Fund Board of Trustees’ 2019 Funding Priorities by creating affordable housing that is consistent with many of the Commonwealth’s Sustainable Development Principles:

- by creating affordable housing with an increased density that is compatible with surrounding homes and neighborhoods
- by meeting criteria of the Target Populations by providing housing for low-income households
- by providing housing for larger families needing 3+bedrooms
- by creating homes for first time buyers
- by providing workforce housing with income up to 100% of AMI for units in excess of the 25% required by a comprehensive permit
- by creating more affordable units than proposed and required through Comprehensive Permit Applications

Also, this project is in line with the Housing Production Plan’s stated need for 70+ housing units per year and Governor Baker’s Housing Choice goal of 135,000 new housing units in the Commonwealth over the next five years.

Clearly, the demand for housing continues to increase and according to the Housing Needs and Demand Analysis Falmouth needs more than 500 homes over the next five years to meet this demand. Our mission is to build workforce housing for young people and families. The lack of affordable housing contributes to the loss of our young workforce—many of whom are low-to-moderate income people who provide essential services to our community. As Falmouth’s young workforce has decreased, our population continues to grow older; the number of age dependent people (children and those 65 and older) is larger than our working population. This is an unhealthy ratio for any community; all communities need a diverse, productive workforce to thrive.

The recent closure of the Falmouth Hospital Maternity and Pediatric units is a harsh reminder of the lack of people in Falmouth and the surrounding areas of child bearing age. No community can survive without this group of people.

By losing or not attracting this demographic, our community is losing the diversity, vibrancy, and contributions that this population brings which effects our local economy and threatens our quality of life. Falmouth’s lack of affordable housing is an obstacle to attracting and retaining a young and talented workforce. To retain this population, our low-to-moderate income residents must have housing they can afford. Because Falmouth Housing Trust...
recognizes the value of this demographic to the health and composition of our town, creating affordable housing for this population is our sole priority. By providing affordable workforce housing, FHT helps to retain this valuable populace that makes our community vital, healthy and economically strong.

**Site Information**

Please provide a description of the surrounding area and community profile including a description of the current site characteristics, zoning, environmental, and any regulatory requirements or constraints. Attach a map and photos of the project site and neighborhood along with any zoning/permitting relief required.

Lewis Neck Road is a private road with single family homes. It is accessed off of Acapesket Road onto Irene Avenue and is at the end of Irene Avenue. There are currently six homes on Lewis Neck Road ranging in house size from 754 square feet to 3,500 square feet, lot size at about an acre a piece and built between 1930 and 1997. Irene Avenue, which is the only road available to access Lewis Neck Road, also has six houses on it, all of which have .30 acre lots and range in size from 884 square feet to 1,700 square feet. On Harborview Drive which is directly behind this property, there are 8 houses that sit on lots under .20 acres of land.

**Building:** The project requires a Comprehensive Permit from the ZBA

**Zoning:** Residential C

**Health:** Perc test was done with favorable results. A conventional septic system will be done for each house lot.

**Conservation:** Building will not impact any area subject to Con Com jurisdiction

**Infrastructure:** There is Town water on the street as well as electricity
Amount of FAHF Request: $260,000

Project Feasibility

Attach project budget information on the included Attachment A –OneStop 2000 Affordable Housing Finance Application Sections 3: Sources and Uses and Section 4: Budget Pro Forma together with at least one bank letter of reference. Attached

Community Outreach

Provide a description of the applicant efforts to engage the community members through outreach, meetings, and other educational initiatives.

There have been several emails with neighbors of this property where questions were answered about the project and a phone conversation with an abutter.

Falmouth Housing Trust will work with Housing Assistance Corporation to do the Affirmative Marketing and lottery for this house and at that time will promote these opportunities to Real Estate Agents as well as to Housing Advocates.

We have also approached philanthropic members of our community to help FHT secure the funds to complete this project. Donors like the idea of a public private partnership to provide more housing and only through the generosity of community members and FHAF/CPC funds will this and future projects be feasible. At the March 12, 2020 Annual CPC Needs Assessment Hearing, the CPC Committee concurred that affordable house was their priority.

As the demand for affordable housing increases it will be crucial for generous community members to be involved.

We continue to raise money for this project because, in addition to the proposed FAHF request of $260,000 FHT needs approximately $250,000 to complete the project. This means that FHT is asking the Town for 15% of the cost of the entire project to acquire the land and build the 4 affordable deed restricted homes.

Also, we are working with several very community minded vendors with the hope that they will provide some of their services as Gift-in-Kind donations.

Development Schedule

Describe the timeframe for the proposed project and how it will be implemented. Provide a timeline for all project milestones included as Attachment B – Project Schedule.
List of Attachments

Attachment B-Project Schedule
List of affordable housing projects completed by Falmouth Housing Trust, Inc.
Resumes of Development Team
One Stop Affordable Housing Finance Application
Builder's quote and specs
Bank Reference
Site Plan
Maps
Pictures property
House Plans

If you have any questions, please do not hesitate to contact Carla Feroni at 508 495-7344 or at the email address below.

Submit one electronic copy to Carla.Feroni@falmouthma.gov
and (6) hard copies to:
Carla Feroni, Housing Coordinator, Town of Falmouth, 59 Town Hall Square, Falmouth, MA 02540
Provide a schedule for project implementation using the Milestones below. If Milestone B or C is not applicable to your project, mark the Milestone “NA.” Note: Implementation Schedules must be realistic. Carefully consider projected Milestone dates. Unrealistic Implementation Schedules may have a negative impact on the project’s application review. Project implementation delay may be considered in recommendation for grant award.

Milestones (Month/Year):

A. Project Start (Month/Year): June 2019 met with Planning Board-Received Access Determination November 2019

B. Procurement Documents Submitted to FAHF (Month/Year): N/A

C. Project Construction/Professional Contract Submitted FAHF (Month/Year): est. Sept. 2020-subject to FAHF commitment and ZBA approval

D. Project/Construction Start (Month/Year): September 2020

E. 50% Project Completion (Month/Year): February 2021

F. 100% Project Completion (Month/Year): May 2021

G. Close-Out Complete (Month/Year): June 2021

Comments:

ATTACHMENT B PROJECT SCHEDULE
July 15, 2020

Michael Busby
MassHousing
One Beacon Street
Boston MA 02108

RE: Site Approval and Project Eligibility — Lewis Neck Rd (Parcel C2), Falmouth Housing Trust

Dear Michael Busby:

The Town has reviewed an application for site approval and project eligibility for four units of affordable housing located on lot C2 of Lewis Neck Road (shown as 55 Lewis Neck Rd in the Town’s GIS) in Falmouth submitted by the Falmouth Housing Trust, which is a private, non-profit entity independent of the Town. Town staff members have met with the developer’s representatives and visited the site. This project was discussed at a meeting of the Town’s development staff on June 18th. The proposal consists of 4 single-family houses on 1.16 acres of which two are proposed to be deed restricted at 80% of Area Median Income (AMI) and two deed restricted at 100% of AMI. Two of the proposed units are 2-bedroom and two are proposed as 3-bedroom units.

The subject property abuts residential properties to the north and west; to the south there is a parcel that is undeveloped at this time. The Local Comprehensive Plan (LCP) calls for “housing for all” with greater infill residential density where appropriate primarily through redevelopment in some areas and discouraging further development in others. The areas for greater density should be determined by available infrastructure, walkability, schools, and services. The Lewis Neck Road location does not meet all of these aspirational goals of the LCP but there is a school, a public library, a pharmacy and other businesses within about a mile and a half and there is a sidewalk along most of these roads. There is water and electricity to the parcel but no sewer at this time. The applicant has been advised that the Town plans to install sewers along Lewis Neck Road and the surrounding area sometime within the next 20 years. While this would be a positive outcome for water quality purposes, future owners should be advised that when sewers are constructed they will face additional costs in the form of betterments and sewer user fees.

The Planning Board is on the record in opposition to construction of 4 units of housing on this parcel due to concerns regarding access — see attached letter from Patricia Kerfoot. Lewis Neck Road is an unpaved, dead end, private road approximately 800 feet long with a traveled way that is approximately 12-foot wide. The road has recently been cleared to a width of 18 feet to meet the requirements of a covenant placed on the deed as a result of a request from the applicant for a determination of access from the Planning Board, which was needed to remove a note on the plan prohibiting development of the parcel. The Fire Department deems the road adequate for public safety access to the subject parcel in its present condition. It is not clear how the road will be maintained at its current cleared width and height given that the driveable roadway is some 12 feet in width and given private ownership. Town Counsel, Frank Duffy, has opined that a covenant restricting the use of land cannot be overridden by a Zoning Board of Appeals under the authority of G.L. c. 40B, §
21 and that release of the covenant requires a vote of the Select Board and Town Meeting — see attached memo. The Town requests that Falmouth Housing Trust work with abutters to have Lewis Neck Road widened and improved to a width of 20 feet per Planning Board Determination of Access Standards of 4/28/2020.

The proposed density of this development is approximately 3.4 units per acre which is low for a 40B development. The proposed lot coverage by buildings listed in the application ranges from 8.8% to 14.5% per lot and lot coverage by development structures for the property is 23%, both of which are within the By-Law limits of 20% and 40% respectively. The property is located within a Coastal Pond Overlay District, however, given the modest scale of the project it would not trigger any restriction or septic denitrification under this bylaw due to the limited size of the project.

The Town’s housing needs as identified in the 2018 Housing Production Plan (HPP) call for 85% of new affordable units to be rental and 15% to be home-ownership. Of the target 56 homeownership units to be created each year, the HPP calls for 50% to be one- and two-bedroom units and the other 50% to be 3-bedroom units. The Town is pleased to see the inclusion of two 2-bedroom units in this proposal and acknowledges that this site is not conducive to rental housing which requires a greater number of units to provide cost effective property management services. The modest size of these houses (1,077 – 1,551 square feet) is viewed positively to moderate the cost of acquisition and maintenance for future occupants. Units that are barrier-free and handicapped accessible, were also identified as a need in the Falmouth HPP.

The Town requests that all units be visitable. The Town will ask that the developer mark the limit of work before clearing and preserve as many existing trees as possible. As we know, mature trees cannot be quickly replaced and provide a host of benefits including improved air quality and water quality. The units should be situated in a way that maximizes their orientation for solar panels. The Town may have further comments during the ZBA’s comprehensive permit review should the proposal progress to that point.

We look forward to working with MassHousing and Falmouth Housing Trust to meet the identified housing needs for the Town of Falmouth within the context of our local planning efforts.

Sincerely,

Julian M. Suso
Town Manager

Attachments:

- Letter from Patricia Ke-foot of 6/18/2020
- Covenant Lewis Neck Road Parcel C2
- Memo from Frank Duffy of 6/18/2020
- Email from Frank Duffy of 7/10/2020

CC: Karen Bissonnette, Falmouth Housing Trust
    Planning Board
    Select Board
June 18, 2020

Julian Suso, Town Manager
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

RE: Project Eligibility – Lewis Neck Road, E. Falmouth, ‘Lewis Neck Road’

Dear Mr. Suso:

At a special meeting of the Planning Board called June 2, 2020 to ensure that comments to the Select Board were forwarded within the time frame for comment on the “Lewis Neck Road” Project Eligibility Letter request, the Planning Board offers the following history of actions:

There has been considerable discussion with Falmouth Housing Trust (FHT) throughout 2019 about their efforts to buy parcel C-2 and to have the note “Not A Building Lot” removed from the ANR Plan endorsed by the Planning Board on August 9, 2011. Lewis Neck Road is a private dirt road with a 12± foot right of way. The FHT lot is approximately 800 feet from the end of the pavement at Irene Ave. After numerous meetings and several votes, the Board voted a Determination of Access for one dwelling on November 5, 2019 with the following determination:

...the above referenced parcel is adequate to provide for the needs of vehicular traffic to the proposed use of land abutting thereon and serve thereby with the following conditions:

1. Lewis Neck Road from Irene to the subject property, Parcel C-2 should be cleared of brush for its length from Irene across the frontage of Parcel C2 to a width of 18 feet and 13 feet of height.
2. Lewis Neck Road shall have potholes filled in front of the property across the frontage of Parcel C2.

On November 26, 2019 the Planning Board voted to endorse an ANR plan removing the “Not A Building Lot” note subject to a Covenant (attached), signed by the Planning Board, Falmouth Housing Trust and the Town Manager. One of the clauses of the Covenant definitively states that the endorsement of the ANR was specifically contingent on there being a building permit for only one single family residential structure.
RE: Project Eligibility – Lewis Neck Road, E. Falmouth, ‘Lewis Neck Road’

WHEREAS, this COVENANT sets forth the agreement by and between the FHT and the Town of Falmouth and the FPB with respect to the FPB’s endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2.

This was an unprecedented measure of having a Covenant in place prior to endorsing an ANR removing a note on a parcel, due to the conditions, width and length of Lewis Neck Road to the subject property.

It should be noted here that the Planning Board is strongly in support of Affordable Housing. But in this instance the Board is concerned with the location of this development due to the length and condition of the unpaved dead end roadway. The Board does not believe the proposal is consistent with the Local Comprehensive Plan which says: “Locations for future housing options should be determined by available infrastructure, walkability, schools, and services.” The Board is concerned about increasing traffic, perhaps up to eight additional vehicles, on a narrow unpaved roadway that was discussed and voted on with Covenant in place for one single family residence, and is now being proposed for four single family residences. Both the Planning Board and Town Counsel believe that no further development of the Lot is possible unless the Town agrees to release the Covenant. There is a recent SJC case, 135 Wells Avenue, LLC v. HAC, that appears to indicate that c. 40B does not give the ZBA authority to change a recorded land use covenant, even if that covenant is held by a municipal entity and creates a restriction that is similar in subject to zoning.

The Board was also concerned about numerous inaccuracies in FHT’s Application including, on page 7 “Site Characteristics and Development Constraints.” FHT answers “no” to the question: “Are there any easements, rights of way or other restrictions of record affecting the development of the site?” There is a lack of any mention of the Covenant.

In summary:

The Board endorsed the Approval Not Required plan only after agreeing to enter into the attached Covenant, an agreement between parties, for one single family residential structure. The Board and Town Counsel agree that the Covenant is not subject to be changed unilaterally by any other than the signatories.

As such, the Planning Board on June 2, 2020 stated that they would not support the Lewis Neck Road 40B project without the release of the Covenant and the release of the Covenant would not be possible with the current road conditions and other expressed concerns regarding infrastructure, walkability, schools and services. The Chair polled the Board; six of the seven members concurred that with existing conditions they would not support a vote to release the Covenant if the FHT requested such.

Sincerely,

Patricia Kerfoot
Chair, Falmouth Planning Board
RE: Project Eligibility – Lewis Neck Road, E, Falmouth, ‘Lewis Neck Road’

CC: Falmouth Select Board
    Falmouth Housing Trust

Attachments: Covenant
December 10, 2019

Mr. Michael C. Palmer, "Town Clerk
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Approval Not Required Decision — Falmouth Housing Trust
Parcel C-2 Lewis Neck Road
Map #40 03 003C 002C

Dear Mr. Palmer,

At its meeting on November 26, 2019 the Planning Board voted to endorse the following plan as not requiring approval under the Subdivision Control Law along with a Covenant to be recorded simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the Falmouth Housing Trust at the Registry of Deeds:

"Plan of Land In Falmouth, Massachusetts Owner Ellen W. Pildis Family Trust Ellen W. Pildis, Trustee PO Box 3384 Waquoit, MA 02566", prepared by Warwick & Associates Inc., dated 09/13/2019, Revised 11/20/2019, Scale 1" = 20'

The plan does not depict a subdivision by definition. This endorsement is without regard to zoning or buildability and should not be construed as an approval that the lots shown are entitled to a building permit.

Sincerely,

Patricia H. Kerfoot,
Planning Board Chair

Thomas Bott
Town Planner

Attachments: Copy of Covenant for Parcel c2 Lewis Neck Road signed December 6, 2019
Determination of Access Letter for One Dwelling, Parcel C2, Lewis Neck Rd
November 25, 2019 Memorandum to Planning Board RE: Lewis Neck Right of Way

cc: Applicant
Assessor’s Office
Rod Palmer, Building Commissioner
COVENANT

WHEREAS, on November 5, 2019, the undersigned FALMOUTH HOUSING TRUST, INC., a non-profit Massachusetts corporation, with an office address at 200 Main Street, Falmouth, Massachusetts ("FHT") received a vote from the FALMOUTH PLANNING BOARD ("FPB") as to a determination of access with respect to Parcel C2 on Lewis Neck Road, East Falmouth, Massachusetts as shown on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 641, Page 33 ("Parcel C2"); and

WHEREAS, the work required to comply with the terms and conditions of the determination of access has not been done because the FHT has not acquired title to Parcel C2; and

WHEREAS, the FHT has assured the FPB that it intends to complete the work required to comply with the determination of access upon acquiring title to Parcel C2; and

WHEREAS, the vote by the FPB as to the said determination of access is documented in a letter dated November 21, 2019 from the Falmouth Town Planner to the Falmouth Building Commissioner and filed with the Falmouth Town Clerk, a copy of which is attached hereto as Exhibit A and recorded herewith; and

WHEREAS, on November 26, 2019 the FPB voted to endorse a Plan dated September 13, 2019, Revised November 20, 2019, with respect to Parcel C2 that contains a note: "See Falmouth Planning Board Determination of Access to Parcel C2 voted November 5, 2019" (the "ANR Plan"); and

WHEREAS, this COVENANT sets forth the agreement by and between the FHT and the Town of Falmouth and the FPB with respect to the FPB's endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2.

NOW THEREFORE, FHT covenants and agrees with the FPB and the Town of Falmouth as follows:

This Covenant shall be recorded with the Barnstable County Registry of Deeds simultaneously with the ANR Plan and the recording of the deed conveying Parcel C2 to the FHT and it shall be effective as of the date of such recording and shall bind the parties and their successors and assigns.

A building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of
access (Exhibit A) have been met as set forth in sec. 240-179.1C “Permits” of the Falmouth Zoning Bylaw.

EXECUTED as a sealed instrument on December 6, 2019.

FALMOUTH PLANNING BOARD

Patricia Kerfoot, Chairman
Charlotte Harris, Vice Chairman
Paul Dreyer

Robert Leary
John Druley
Pamela Harting-Barrett
Jim Fox

FALMOUTH HOUSING TRUST, INC.

By: its President, Joanne O’Sullivan
By: its Treasurer, Susan Roman

ACCEPTED by the Town of Falmouth
By: Julian Suso, Town Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 6th day of December, 2019, before me, the undersigned notary public, personally appeared Joanne O’Sullivan, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of Falmouth Housing Trust, Inc.

[Signature]
Notary Public
My Commission Expires: 11/4/2022
(SRAL)
EXHIBIT A

Access Determination of the Falmouth Planning Board
November 21, 2019

Rod Palmer, Building Commissioner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Determination of Access for One Dwelling – Parcel C2, Lewis Neck Road, East
Falmouth, MA
Falmouth Assessors Map #40 03 001C 002C

Dear Mr. Palmer:

At its meeting of November 5, 2019, the Planning Board voted access to the above referenced parcel is adequate to provide for the needs of vehicular traffic to the proposed use of land abutting thereon and serve thereby with the following conditions:

1. Lewis Neck Road from Irene to the subject property, Parcel C-2 should be cleared of brush for its length from Irene across the frontage of Parcel C2 to a width of 18 feet and 13 feet of height.
2. Lewis Neck Road shall have potholes filled in front of the property across the frontage of Parcel C2.
3. This decision is not a determination that the applicant has any rights to enter onto private property for this purpose.
4. This determination applied to Parcel C2 only and it’s not a finding that any other property along Lewis Neck Road is eligible for a similar determination of access.

MOTION by R. Leary/J. Druley
Voted 5-0-1

Sincerely,

[Signature]

Thomas Bott
Town Planner

CC: Michael Palmer, Town Clerk
Applicant

508 495-7440 o. planning@falmouthmass.us 508 495-7443 f.
December 10, 2019

Mr. Michael C. Palmer, Town Clerk
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Approval Not Required Decision – Falmouth Housing Trust
Parcel C-2 Lewis Neck Road
Map #40 03 001C 002C

Dear Mr. Palmer,

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"Plan of Land in Falmouth, Massachusetts Owner Ellen W. Pildls Family Trust Ellen W. Pildls, Trustee PO Box 3384 Waquoit, MA 02536", prepared by Warwick & Associates Inc., dated 09/13/2019, Revised 11/20/2019, Scale 1" = 20'.

The plan does not depict a subdivision by definition. This endorsement is without regard to zoning or buildability and should not be construed as an approval that the lots shown are entitled to a building permit.

Sincerely,

[Signatures]
Patricia H. Kerfoot,
Planning Board Chair

Thomas Bott
Town Planner

Attachments: Copy of Covenant for Parcel c2 Lewis Neck Road signed December 6, 2019
Determination of Access Letter for One Dwelling, Parcel C2, Lewis Neck Rd
November 25, 2019 Memorandum to Planning Board RE: Lewis Neck Right of Way

cc: Applicant
    Assessor’s Office
    Rod Palmer, Building Commissioner
Peter Johnson-Staub

From:         Frank Duffy  
Sent:         Friday, July 10, 2020 1:53 PM  
To:           Peter Johnson-Staub; Irie Mullin  
Cc:           Julian Suso; Carla Feroni; Thomas Bott  
Subject:      RE: Falmouth Housing Trust Lewis Neck Road MA Housing Site Approval Comment Letter  

Peter: This is a summary of comments and concerns of the Office of Town Counsel for consideration by the Select Board in connection with its recommendation to Mass. Housing.

The current issue arose when Falmouth Housing Trust filed an application with the Planning Board to make a “determination of access” relative to parcel C2 on Lewis Neck Road. At that time parcel C2 appeared on a plan of record recorded in the Barnstable Registry of Deeds bearing the note “not a buildable lot.” FHT expected the determination of access would suffice to release the restriction on building. Lewis Neck Road is a private road and has never been approved under the subdivision control law. At the time of submission of FHT’s application, the road was a dirt road that did not meet the standards for approval under the subdivision control law.

Nevertheless the Planning Board has authority under G.L. c. 41, s. 81P to endorse a plan Approval Not Required (the ANR endorsement) if it determines that the plan does not show a subdivision. It is not a subdivision if the plan shows land on a way in existence having in the opinion of the planning board adequate access. At the request of the Planning Board, this office reviewed the application for determination of access. We concluded that the Planning Board had no established procedure and thus no authority to make a determination of access unless the determination is made in connection with review of a plan filed for the ANR endorsement. For its part FHT insisted the Planning Board had made similar determinations of access previously and declined to file a plan for the ANR endorsement. The dispute continued unresolved from June to November of 2019.

The dispute was finally resolved when, at the suggestion of this office, the Planning Board and the FHT agreed that the parties would execute a Covenant authorizing the FHT to record a plan of parcel C2 in the Barnstable Registry of Deeds without the note “not a buildable lot.” The plan would bear a new note referring to the Covenant. The Covenant, signed by both the Planning Board and the FHT, provides that upon completion of certain agreed upon improvements, parcel C2 could obtain a building permit for a single family house. The Covenant expresses its purpose and reads: “this Covenant sets forth the agreement by and between the FHT and the Town of Falmouth with respect to the FBP’s endorsement of the ANR Plan and the issuance of a building permit for one single family residential structure on Parcel C2.” Thereafter the Covenant contains the following language: ‘a building permit shall not be issued for a single family residential structure on Parcel C2 by the Falmouth Building Commissioner until the terms and conditions of the determination of access (Exhibit A) have been met … “ Read together it is clear the Planning Board and the FHT were providing for the construction of a single family residence.

The Covenant settled the dispute. The Planning Board determined how to achieve adequate access to Parcel C2, the FHT accepted the single family residential structure limitation and the new plan and the Covenant were recorded in the Barnstable Registry of Deeds. The improvements to Lewis Neck Road have been satisfactorily completed and a building permit for a single family residential structure may be issued.

The Town of Falmouth has an interest in the development of Parcel C2 and that interest is clearly expressed in the Covenant. The Town has the right to enforce it and gain the benefit of its bargain.

Frank K. Duffy, Town Counsel
Water Quality Management Committee

South Coast Comprehensive Wastewater Management Plan
• Approved by the MA Secretary of Energy and Environmental Affairs on Feb. 7, 2020

West Falmouth Harbor
• Can now meet the total maximum daily demand (TMDL) target for nitrogen reduction without sewering - first estuary on Cape Cod

Little Pond Sewer Area
• Completed on time and under budget in 2020 with 1,350 parcels connected
• Sewering will remove 88 per cent of nitrogen from Little Pond
• USGS, MBL, and UMass SMST are all monitoring results at twelve sites

Bournes Pond Inlet Widening
• Design and federal and State permits completed, awaiting Con Com permit
• Included in Menauhant Road planned construction project and includes: channel opening to 93 ft, a new jetty, an extended jetty, and beach nourishment scheduled for 2021
Water Quality Management Committee

I/A Nitrogen Reducing Septic Systems

- Falmouth received grants from EPA ($730,000) for installation and monitoring, and a county grant ($75,000) to implement nitrogen removal
- Installed 30 systems in West Falmouth with Buzzards Bay Coalition
- Determine project's impact of nitrogen removal of installed systems

Permeable Reactive Barrier (PRB)

- Demonstration project installed near Great Pond partnered with WHOI
- Received EPA grant ($298,000) for monitoring

Eel River Shellfish Demonstration Project

- Partnered with local oyster growers to evaluate nitrogen removal

Coonamessett River Restoration Project

- Partnered with the Woodwell Climate Research Center and the USDA to determine the impact of the project on nitrogen removal
Water Quality Management Committee

Mill Pond Restoration Project
• Demonstration project near Green Pond
• SMAST recommends aeration, harvesting and detention pond
• Partnered with the East Falmouth Village Association

Bournes Pond Aquaculture Demonstration Project
• Study highlights importance of site selection in three areas
• Optimizing oyster density for nitrogen removal

Oyster Pond Management Plan
• Evaluate the feasibility of low pressure collection systems versus using innovative/alternative septic systems

Next Phase of Falmouth Sewering
• Teaticket/Acapesket service area in Great Pond watershed
• Planning has commenced with construction projected for 2026
Water Quality Management Committee

Review of Low Pressure Pump Systems
• Evaluation of grinder pump system completed that compared costs and issues at eight towns and most chose the Falmouth option

Wastewater Treatment Plant
• Capacity is about 1.2 mgd, permitted discharge is 0.71 mgd at two sites
• Proposed Plant upgrades include: a third sequencing batch reactor for flexibility and anticipated increased flows, new sludge treatment technology, and electrical and communications improvements at the Control Building

Wastewater Discharge
• Detailed evaluations being considered for tertiary-treated effluent:
  - land sites at: site off Blacksmith Shop Rd., Allen parcel in East Falmouth, Augusta parcel in Teaticket; and Falmouth Country Club site
  - two “potential” ocean outfall sites at Vineyard Sound and Buzzard Bay
• Anticipate studies to evaluate the limiting discharge capacity
Regional Considerations

- Cape Cod Water Protection Fund provides grants for infrastructure projects
- Waquoit Bay nitrogen allocation study completed
- Possible future use of Joint Base Cape Cod in coordination with the Towns of Mashpee, Sandwich, Barnstable and Bourne
The WQMC has been very effective, as follows:

• Received approval of the Water Quality Management Plan Update from the MA Energy and Environmental Affairs in February 2020

• Coordinating with others including: Buzzards Bay Coalition, WHOI, USGS, MBL, UMass SMST, Woodwell Climate Research Center, and local shellfish growers

• Initiating several demonstration projects and obtaining grant funding for evaluation of alternatives

• Providing a viable model of wastewater treatment alternatives for other communities on Cape Cod

• Pursuing potential partnerships for regional wastewater alternatives with surrounding communities and Joint Base Cape Cod
January 26, 2021

Pat Kerfoot, Chair
Planning Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

RE: Application for Special Permit for Contractor’s Yard under Section 240-38(K)
0 Sandwich Road, East Falmouth, MA, Assessor Parcel 1701032000
Owner/Applicant: Sandwich Road Development, LLC

Dear Pat:

In its referral comments to the Planning Board issued January 8, 2021, the Engineering Department stated that the Planning Board could require the Applicant to (1) infiltrate all stormwater on the lot on site, (2) infiltrate onsite only the areas disturbed by the project, or (3) reduce offsite flow. The Engineer goes on to say it defers to the Planning Board as to which standard is required.

Tom Bunker has submitted drainage calculations dated January 26, 2021, and related plans. One sheet of calculations is for the disturbed area only and the other sheets are for the entire watershed, before and after development as proposed. The disturbed areas, both pervious and impervious, total 77,413 square feet. The disturbed area (1.777 acres) of Lot 1 (5.569 acres) is only 32%; the disturbed area of Lot 1 and Parcel A together (total 7.972 acres) is only 22.3%. Note that even for residential development, lot coverage by structures, paving and parking of 40% would be allowed by right. These figures demonstrate that the relatively small contractor’s yard and one single family dwelling is reasonably modest development of the site.

To infiltrate on site all the stormwater generated on the disturbed areas requires 8 leaching pits (1,000 gal. each). The total watershed area is 251,023 square feet (5.763 acres), more than three times the disturbed area. To infiltrate onsite all the stormwater reaching the disturbed area from the entire watershed would require 21 leaching pits, 13 more than proposed, at an additional installed cost of an estimated $30,000.00. Tom Bunker’s calculations and correspondence show that these extra leaching pits are simply unnecessary to protect the abutter’s property from the new development.
Planning Board
January 26, 2020
Page 2

It should be sufficient that the Applicant not cause any increase in runoff from its property onto abutting property. To require the Applicant to infiltrate onsite all the run off from the entire watershed, no matter how large that watershed is – in this case more than 3 times the area of disturbance, seems extremely unreasonable. The volume of runoff that naturally flows across Applicant’s land onto abutting property should continue to be allowed. That result will have no adverse impact on the adjacent land. The abutting property is a much larger contractor’s yard and any flow of water off the Applicant’s property onto the abutting property is primarily into a naturally vegetated area.

The Applicant respectfully requests that the Planning Board elect to apply the standard that there be no increase in runoff from the site.

Very truly yours,

\[\text{Bob Ament}\]
Robert H. Ament

RHA/gmb
Enclosure

cc: Tom Bott, Town Planner
Re: request of Woods Hole Oceanographic Institution to change street name

Dear Tom:

Woods Hole Oceanographic Institution (WHOI) would like the Planning Board to vote to change the name of Maury Lane to Marie Tharp Lane. Maury Lane is a dead-end private way that extends easterly from School Street in Woods Hole. Seven lots have frontage on Maury Street; WHOI owns them all.

Town Code Section 199-1 grants the Planning Board authority to change names of streets where confusing similarity exists, after notice to abutting landowners and a public hearing, and subject to MGL c. 85, Sections 3a and 3b. WHOI believes that the present street name could cause confusion, particularly in an emergency, because of its similarity to the name of Maura Lane in East Falmouth. Since there are several residential properties on Maura Lane in East Falmouth, and since WHOI would like to change the name of the street it owns, it makes sense to change the name of Maury Lane rather than Maura Lane.

In addition to wanting to change the street name for the reason specified in Town Code Section 199-1, WHOI favors the name change because the historical figure for whom Maury Lane is named, Matthew Fontaine Maury (1806-1873), is not someone WHOI wishes to continue to honor by attaching his name to a street serving its facilities. Maury made important nineteenth century contributions to oceanography, but when the Civil War began in 1861, Maury resigned his commission in the U.S. Navy and joined the Confederacy. Known for advocating using naval power to benefit the South, Maury developed torpedo defenses for the Confederacy and helped it acquire ships and technology from England. After the Civil War, Maury tried to create in Mexico a “New Virginia” based on the South’s Plantation society, especially the exploitation of Black slave labor.

On June 5, 2020, Mark Abbott, then WHOI’s President and Director, joined with other leaders of Woods Hole institutions to decry systemic racial discrimination, pledging to work harder to foster a more inclusive, equitable, diverse and just community. Renaming Maury Lane, which will be consistent with Town Code Section 199-1, will be a small but meaningful and sensitive act that advances those ideals.

Marie Tharp (1920–2006) worked to create the first scientific map of the Atlantic Ocean floor. Using data acquired by WHOI scientists, she revealed the rift valley along the Mid-Atlantic Ridge, leading to acceptance of the theories of plate tectonics and continental drift. In 1997 she was named by the Library of Congress as one of the greatest cartographers of the 20th century. Among other honors,
Marie Tharp received the National Geographic Society’s Hubbard Medal (1978) for lifetime achievement in research, discovery and exploration, and WHOI’s Mary Sears Woman Pioneer in Oceanography Award (1999), given for life achievement and impact, particularly leadership through mentoring junior scientists, technicians and students.

As soon as convenient, please contact me about this request, with the goal of achieving the street name change early in the new year.

Sincerely yours,

Bob

Robert H. Ament

c. David Derosier, WHOI Director of Facilities
Chris Land, Esq., WHOI Vice President for legal Affairs and General Counsel
Peter de Menocal, PhD, WHOI President and Director
To: Falmouth Planning Board  
From: Thomas Bott, Town Planner  
Date: January 21, 2021  
RE: WHOI street name change request

WHOI wished to change the name of the private way Maury Street to Marie Tharp Lane. All the properties along Maury Lane are owned by the Woods Hole Oceanographic Institute.

Under Article 1 Street Names, the Board has the authority to exchange existing names due to duplication or potential confusion.

§ 199-1 Authority of Planning Board.  
The Town does grant authority to the Planning Board to exchange existing names of streets where duplication or confusing similarity exists within the Town limits after due notice to all abutting landowners and a public hearing, and subject to the provisions of MGL c. 85, §§ 3a and 3b.

The submitted letter notes the similarities with Maura Lane and gives some background on the namesakes for both Maura Lane and the requested Marie Tharp Lane. To Professor Tharp's credit, renaming the street shouldn't cause any rift. A check of the GIS shows a Maria Lane, Marion Road, Mariners Lane as well as Thatchers Lane and Thayer Street.

Engineering, Falmouth Fire and Rescue and Emergency, and the Communications Departments had no objects to the name change. We did receive word that,

"The Board of Assessors is very concerned with the change of Maury Street to Marie Tharp Lane. Many of our historic records are by address and street name. We spend a fair amount of time researching properties when all the owner has is an address. Many people have no information on parcel id’s, nor do they understand the use of parcel id’s. We would have the same concern for any other name change within the town."

Attachment: GIS Map of Maury Lane
January 11, 2021

Falmouth Planning Board
59 Town Hall Square
Falmouth, Massachusetts 02540

re: Site Plan Review, Sandwich Road

Dear Board members,

We failed to submit the drainage calculations along with the revised plans after the last hearing, and this letter is to forward the calculations to you and the Engineering Department and respond to the most recent Engineering Department comments. The drainage system is designed so that all the runoff from disturbed areas is infiltrated on-site and there will be a reduction in flow of storm water off site.

As pointed out by the Department, there are several standards for the design of a storm water drainage system: 1) no increase in storm water flow off-site, 2) all disturbed areas are infiltrated on site, or 3) all storm water infiltrated on-site. This drainage system was originally designed to the first standard, that there will be no increase in storm water flowing off the property. Since the initial filing two of the proposed leaching pits were increased in size so that our design conforms to the second standard, that the storm water runoff from all disturbed areas is infiltrated on site. This seems to me to be the most reasonable standard to meet because run off from the disturbed areas will have a shorter time of concentration and will reach the bottom of the watershed with a greater flow (more cubic feet per second). The upper reaches of the watershed are flatter topography with a longer time of concentration, and the runoff will arrive at the bottom of the watershed later, after much of the ‘first flush’ from the disturbed areas has been infiltrated. With this in mind I believe that even more of the storm water runoff will be infiltrated by the system as designed. Allowing the currently existing, or reduced, volume of water to continue flowing down stream from this site will not adversely affect any property.

I will be happy to further explain or answer any questions at the hearing.

Sincerely,

[Signature]

Thomas Bunker
BSS Design, Inc

cc: Falmouth Engineering Department
Robert Ament
Mark Bogosian
Drainage calculations are based on the following formula and criteria:

25 year, 1 hour storm (2.5" of rainfall)

\[ Q = C_w \times I \times A \]

- \( Q \) = flow (cfs)
- \( C_w \) = weighted coefficient of runoff - roof and pavement \( C = 1.0 \), other areas \( C = 0.4 \)
- \( I \) = rainfall intensity
- \( A \) = total watershed area in acres

**Total volume (CF) = \( Q \times 1 \) hour**

<table>
<thead>
<tr>
<th>Area</th>
<th>pervious area (SF)</th>
<th>impervious area (SF)</th>
<th>weighted ( C )</th>
<th>total area in acres</th>
<th>( Q ) (cfs)</th>
<th>total runoff volume (CF)</th>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.
One (1) 1,000 gallon leaching pit is proposed

**# of pits: 1.08**

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<th>total runoff volume (CF)</th>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.
One (1) 1,000 gallon leaching pit is proposed

**# of pits: 1.54**

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<td>Area C (Built)</td>
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Ponding volume in parking area next 3 lines

Storage. Vol.

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<td>Basin Contour 41</td>
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<td>CB 40.5 to Cont 41 avg area</td>
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A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.
Five (5) 1,000 gallon leaching pits are proposed

**# of pits: 4.05**

6.67 (1,000 gallon) leaching pits are required, 7 are provided
Drainage calculations prepared for
991 SANDWICH ROAD
Hatchville, Falmouth, Massachusetts

Drainage calculations are based on the following formula and criteria
25 year, 1 hour storm (2.5" of rainfall)
\[ Q = C_w \times I \times A, \quad \text{where} \quad Q = \text{flow (cfs)} \]
\[ C_w = \text{weighted coefficient of runoff} - \]
\[ \text{roof and pavement } C = 1.0, \text{ other areas } C = 0.4 \]
\[ I = \text{rainfall intensity} \]
\[ A = \text{total watershed area in acres} \]

Total volume (CF) = \( Q(\text{cfs}) \times \text{duration (1 hr)} \)

<table>
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<tr>
<th>Area</th>
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<th>Q (cfs)</th>
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<tr>
<td>A 600 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 761 CF of water in 1 hour.</td>
<td># of pits: 0.97</td>
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<td>A 600 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 761 CF of water in 1 hour.</td>
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<tr>
<td>A 1,000 gallon leaching pit with 4' of stone all around is calculated to hold and/or percolate 1,141 CF of water in 1 hour.</td>
<td># of pits: 4.80</td>
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</table>
1,000 Gallon Leaching Pit with 4' of stone all around

inside radius = 2.75', outside radius = 3.0', outside radius of stone = 7.0', effective height = 6.0'
Percolation rate = 2 minutes / inch = 1 min./0.04166 ft.
Bottom area of pit not included in leached volume calculation.

Volume of Leaching Pit

\[ V = \pi r^2 h = 3.14159 \times 2.75^2 \times 6.0 \]
\[ = 142.55 \]

Volume of Voids

\[ V_{\text{voids}} = 0.45 \pi (R^2 - r^2) h \]
\[ = 0.45 \pi (7^2 - 3^2) \times 6.0 \]
\[ = 339.29 \]

Volume leached in 1 hour

\[ V_{\text{leached}} = \text{surface area} \times \text{duration} \times \text{percolation rate} \]
\[ = (2\pi R' h) \times 60 \text{ min.} \times 1''/2\text{min} \times 1''/12'' \]
\[ = (2\pi \times 7' h) \times 60/2/12 \]
\[ = 659.73 \]

Total stored & leached in 1 hr = 1,141.57 Cubic Feet
Hello Planning,

We had some discussions in the office about the outfall pipe included in the Sandwich Road project. I ended up contacting Town Counsel about it and this is what I got back:

Scott,

Jim was likely thinking of potential claims for trespass or nuisance from stormwater discharged onto an adjacent property. With a nuisance claim from the ‘common enemy’ of water, the court makes a fact-based determination of whether the alteration of flow onto an adjacent property is from a reasonable land use, and therefore permissible, or causes significant, easily avoidable harm, and therefore is not.

I would need to know more about the details of the project to provide a conclusive analysis, but the short answer is that the outflow pipe should probably be redirected so that it doesn’t discharge onto the abutting property, if that is at all feasible from an engineering and cost standpoint.

Thanks,
Irie

Hopefully that helps if a discussion comes up at your meeting.

Scott S.

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Planning Board Review

To: Thomas Bott, Town Planner  
From: Scott Schluter, P.E., Staff Engineer  
CC: File  
Date: 1/15/2021

Re: Sandwich Road Parcel 17 01 032 000

The Engineering department reviewed the following:

- Letter – to Falmouth Planning Board, from Thomas J Bunker, dated January 11, 2021, regarding Site Plan Review, Sandwich Road

Following is a list of our comments regarding these documents only. Our previous 1/8/2021 review comments regarding all but stormwater management, which these documents aim to address, still stand. Our previous stormwater comments only are in *italics* and new comments in **bold**.

**Grading and Drainage**

- Evaluation of the stormwater management system could not be made because no calculations were provided.
- §240-112 Stormwater management. B. Design Requirements: (3) states that “Uncontaminated runoff should be directed in such a way as to recharge the groundwater within the lot where it originates, unless an alternative location is approved.” While there appears to be infiltration mitigation for the parking and buildings, there does not appear to be infiltration for the southern graded portions of the site. There will likely be a reduction in stormwater flow to the abutting properties post construction, however not all disturbed areas are mitigated for.

*We recommend that stormwater calculations be provided.*

Comment remains. We agree that there is likely a reduction in stormwater runoff to abutting properties, but there were no calculations provided. The Board can consider what standard to hold: the regulation that all stormwater on the lot is infiltrated on site; interpret the regulation to mean all areas disturbed by the project is infiltrated onsite; or that there is a reduction in offsite flow and grant a waiver. Either way, there are no calculations to confirm the system sizes and impacts. We defer to the Planning Board if a waiver is sought and granted for §240-112 and if calculations should be provided.

- There appears to be less areas modeled in the calculations than there are facilities. The calculations are for Area A, Area B, and Area C “Natural” and two “Built”. The area indicated as “A” has two separate stormwater facilities, a grassed retention swale and a leaching pit; calculations should be provided for these separately since they are not connected. There is a standalone catchbasin and discharge pipe in the area indicated as
“B”; there should be a separate drainage area and calculation for this. We recommend that the calculations be revised, including splitting Area A and Area C.

- There are discrepancies in the areas between various tables and plans. See below for Area A example. The plans and calculations should all match. We recommend that the plans and calculations be revised. It isn’t clear if the January 11, 2021 calculations append or are a revision of the A-BUILT from May 28, 2020. We recommend that a complete set of combined calculations be provided.
The calculations do not show that the leaching facilities are sized to completely contain and infiltrate the Town’s design storm. Based on the calculations, Area A requires 1.1 of the structures and only 1 is shown, Area B requires 1.5 of the structures and only 1 is shown. We recommend that the calculations be revised and resubmitted showing that they are capable of mitigating for the entire Town design storm.

The calculations for Area C includes ponding in the parking lot to contain and infiltrate the Town’s design storm. We defer to the Planning Board if this is acceptable. See below for approximate ponding area. This area is approximately elevation 41.5 which is what is used in the calculations.
• The Applicant’s Engineer states that there are three standards for the stormwater system design. We want to clarify. The regulations state that “Uncontaminated runoff should be directed in such a way as to recharge the groundwater within the lot where it originates, unless an alternative location is approved.” It is our practice to hold this standard for all areas that are disturbed by the proposed project. For example, we would not expect stormwater facilities to be installed for the wooded area of this parcel shown below.

  o It is our opinion that the absence of stormwater facilities for the above area would not require relief from the regulation.

  o It is our opinion that the regulation, as written, requires projects to infiltrate all runoff from disturbed areas on the property or in an offsite location if approved by the Board. (We want to be clear, if undisturbed areas would contribute stormwater runoff to proposed stormwater structures, this runoff volume must be accounted for when sizing the structures so it would be all disturbed areas plus any other contributing area.)

  o It is our opinion that there is not an allowance in the regulation to only reduce the stormwater; all stormwater must be infiltrated either onsite or at an approved offsite location. Therefore, it is our opinion that a design that only reduces the stormwater runoff requires relief from the regulation.

Where downstream areas from this project are not Town right of ways or Town properties, we defer to the Board if relief should be granted from the regulation for this project or if the stormwater management systems must infiltrate all runoff from all disturbed areas as required by the regulations. Following are example areas where there is no capture of stormwater.
runoff from disturbed areas (note these are quick approximations, not actual drainage divides). If relief is granted to allow only reducing runoff, we recommend that calculations be provided showing exactly how much the reduction is for individual areas and an analysis of peak flows to ensure there isn’t an erosion issue onto adjacent properties.
The project includes a catchbasin with a discharge pipe just outside the Conservation Commission's buffer. While work is not proposed within the buffer, discharge from a catchbasin this close could have an impact on resource buffer area. No calculations were provided so potential impact to the abutting property a few feet away is also not clear. In a previous letter, the Applicant's Engineer states that this basin would not capture flow and is only there to serve as an overflow from the parking area ponding but it isn't clear why it wouldn't capture runoff as there are areas upstream from this catchbasin. Has the Conservation Commission been made aware of this pipe's proximity to resource area buffer? Note that this pipe was not part of the original plans so unless the revised plans were sent to them, they may not be aware of this change.

Thank you,

Scott Schluter, P.E.
Staff Engineer
DPW Engineering Division
Town of Falmouth
To: Falmouth Town Planning Board  
1/17/21

Regarding: 2nd Contractor's yard  
Sandwich Rd.  
(next to Greener Image's)

From: Dorothy Spaccio  
398 Hayway Rd.  
E-Falmouth, MA 02536

telephone: 548-9813

Dear Falmouth Town Planning Board,

Please carefully consider 2nd Contractor's yard which has been proposed to locate next to the current yard of Greener Image Landscaping. It will be a very sorry day for Falmouth to let this happen. I have lived here for 30 yrs., and have a good understanding of Falmouth's parcel of land next to the vernal pool by Greener Image Landscaping. Falmouth's land extends through woods to a water tower on Hayway Rd.

Next, the state owns 3 parcels of land, 1 South of Rte. 151, and 1 north. MA Audubon owns a related parcel of land around a pond very close to the route 151 fairgrounds.

There has been considerable development since I have lived here. A gas station and 3 business areas have closed the deer population that enters these areas. What has been open for the passage of the deer from Rte 151 is the land that has been proposed for a second contractor's yard. What happens is that the deer cross Rte 151.
and travel through land (power lines) south of Rte 151. They have used the vacant land behind my house and cut through my yard, or to the vernal pool where they travel the woods to the highway Rte 140, lower.

The proposed development of a Second Contractor's yard will be a sorry day for deer hunters. It would be wonderful for Falmouth to buy the land, leave it be, and let the hunting continue.

It also will be a very sad situation for property owners to suffer the noise to come from a Second contractor's yard. It would be healthy for the owners to let Falmouth keep this beautiful connection going.

This proposed development reminds me of the baseball field on Rte 114 Sandwich Rd. It is a wonderful development for our area, and came about after building a retirement home on the pond there was denied.

The MA Division of Fisheries and Wildlife “no-Take” letter issued Apr 23, 2020. is offering a report that is incredibly off the reality of the wildlife situation. My observation of birds that pass here, Hermit Thrush and a pair of Golden Eagles is very representative of what happens here in undeveloped areas.

It would be very good and fair if the money...
that the owner paid for the Sandwich Rd. Parcel comes back to the present owner and Falmouth Conservation Group buys the land to especially aid the deer population.

A second contractor's yard is severely out of order in keeping the 4 parcels of conservation lands in working order. We hope the proposed contractor's yard can be carefully studied by conservation land people. A second contractor's yard will severely hurt the wildlife. It really doesn't belong to be here.

Sincerely,
Dorothy Sgarzi
SANDWICH ROAD CONTRACTOR'S YARD

HATCHVILLE, FALMOUTH, MA
PLANTING NOTES

Landscape contractor shall visit site prior to submitting bid to become familiar with site conditions.

No planting will be installed until soil grading and construction has been completed.

Contractor is to notify all utilities on property and to protect all utilities during excavation.

All container material to be green in container a minimum of 6 months.

All material shall comply with the Ideal Edition of the American Standards for Nursery Stock, American Association of Nurserymen.

Contractor shall repair all damage to property from planting operations at its cost in the event.

Contractor shall guarantee new plant material for one calendar year from date of plant acceptance.

All proposed plants shall be located correctly as shown on the plans.

All disturbed areas not to be paved or planted shall be tilled and seeded with smooth dormant grass turf seed mix to full depth of penetration.

Three burlap (2") deep, three stranded burlap mulch will be installed under all trees and shrubs that are located within 15 feet from ground cover areas and general vegetation areas.

All irrigation shall be drip or dry type only, no municipal water to be used for irrigation.
EROSION AND SEDIMENT CONTROL NOTES

1. All erosion and sediment control measures shall be installed in
   accordance with the approved plan and the standard "Guidelines
   for Construction Activity on Wetlands" (Mass. Coastal Zone
   Management). When implementing the plan, the Contractor is
   responsible for ensuring the proper installation of erosion and
   sediment control measures. All erosion and sediment control
   measures shall be removed or restored prior to finalination of the
   project.

2. All erosion and sediment control measures shall be installed prior to
   any soil disturbance or excavation work on site, and a minimum
   of 24 hours will be allowed for the establishment of erosion and
   sediment control measures before any work is started. The
   contractor is responsible for implementing the erosion and
   sediment control measures, and any work shall not be
   commenced before a permit has been issued by the DPW and
   the contractor has provided proof that the erosion and sediment
   control measures have been installed.

3. Any soil stabilization area must be protected with a physical
   barrier to prevent disturbance of the soil. The physical barrier
   shall be temporary and approved by the DPW and shall be
   removed upon completion of the work.

4. All construction activities shall be conducted in accordance with
   the approved plan and the standard "Guidelines for Construction
   Activity on Wetlands." Any deviation from the approved plan
   shall be approved in writing by the DPW.

5. All areas subject to erosion and sediment control shall be
   preserved in their natural state. The contractor is responsible
   for ensuring that no disturbance occurs during construction.

6. All areas subject to erosion and sediment control shall be
   preserved in their natural state. The contractor is responsible
   for ensuring that no disturbance occurs during construction.

7. All areas subject to erosion and sediment control shall be
   preserved in their natural state. The contractor is responsible
   for ensuring that no disturbance occurs during construction.

8. All areas subject to erosion and sediment control shall be
   preserved in their natural state. The contractor is responsible
   for ensuring that no disturbance occurs during construction.

9. All areas subject to erosion and sediment control shall be
   preserved in their natural state. The contractor is responsible
   for ensuring that no disturbance occurs during construction.

10. All areas subject to erosion and sediment control shall be
    preserved in their natural state. The contractor is responsible
    for ensuring that no disturbance occurs during construction.

11. All areas subject to erosion and sediment control shall be
    preserved in their natural state. The contractor is responsible
    for ensuring that no disturbance occurs during construction.

12. All areas subject to erosion and sediment control shall be
    preserved in their natural state. The contractor is responsible
    for ensuring that no disturbance occurs during construction.
To:        Falmouth Planning Board  
From:      Thomas Bott, Town Planner  
Date:      January 21, 2021  
RE:        Extension Special Permit Pams Way, Sunrise Estates  

As I most recently wrote the Board in May 2020: This is a very unusual case with unique facts and there is no clear precedent to follow. In January 2019 the Planning Board determined that they were unable to modify or apply the repealed provision on Section 240-138. The Board did vote to “revive” the long expired Special Permit by granting a two year extension of special permit. Since that time Town Counsel and I have had continued discussions about options for this applicant.  

The reason the applicant could not build on the two bonus lots is the fact that he failed to build within the original 3 year window. With the additional 2 year window granted by the Planning Board, the applicant could proceed to build today. At this point the applicant is requesting, prior to the expiration of the Special Permit Extension, an additional three years with the hopes of resolving the issues relative to developing the two bonus lots and generating substantial funds for affordable housing.  

The Board’s granting of the extension will give more time to sell the subject lots.  

§ 240-221Lapse.
A special permit granted under this Article shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if the construction has not begun by such date, except for good cause. The determination of good cause shall be made by the special permit granting authority.
TOWN OF FALMOUTH, MASSACHUSETTS
PLANNING BOARD
APPLICATION TO EXTEND A SPECIAL PERMIT
Date: December 24, 2020

To the Planning Board of the Town of Falmouth:

The undersigned hereby applies to extend a Special Permit Decision issued December 8, 2004, to Albert Shamsi, Trustee, as extended by Decision issued January 23, 2019, which allowed a density bonus of two (2) lots (Lots 9 and 10) on Pam’s Way shown on “Definitive Subdivision Plan of Land Located in Falmouth-Mass. Prepared for Sunrise Estates” recorded in Barnstable County Registry of Deeds Plan Book 599 Page 7, for an additional term of three (3) years commencing January 23, 2021.

The bonus lots are Assessors parcels 33 16 003 009 and 33 16 003 010

Applicant: Sun Elite, LLC
Address: 175 S. Gretna Green Way, Los Angeles, CA 90049
Owner: Sun Elite LLC
175 S. Gretna Green Way, Los Angeles, CA 90049

Applicant’s Interest: Owner of Lots 9 and 10

The owner’s title to the land is derived under deed from Andrea S. Youman, Trustee of A.A.R. Realty Trust, which deed is dated April 4, 2005, and recorded in Barnstable County Registry of Deeds Book 19698 Page 57.

Applicant’s Signature: Received by Town Clerk:

Sun Elite, LLC

[Signature]
By: Robert H. Ament, its Attorney
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Phone: (508) 540-6555
Email: bob@amentklauer.com

RECEIVED
DEC 24, 2020 11:04:43 AM
TOWN CLERK
December 24, 2020

Thomas Bott, Town Planner
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540

Re: Extension of “density bonus” Special Permit for Lots 9 and 10 Pam’s Way

Dear Tom:

In June 2020, efforts to develop Lots 9 and 10 Pam’s Way were paused. The Falmouth Housing Trust withdrew its application to the Board of Appeals to modify the affordable housing obligation, and the agreement between the Housing Trust and Sun Elite LLC terminated. This was a setback for the Sunrise Estates Homeowners Association, for the Owner and for affordable housing interests.

When we spoke afterwards, you recommended that the next step should be to ask the Planning Board to further extend the term of its “density bonus” Special Permit issued December 8, 2004, as extended by decision issued January 23, 2019.

The same good cause to extend the special permit exists today as when an extension was granted in 2019. The two lots are still available for development and there is “good cause” for raising funds for affordable housing as intended by the special permit. The Sunrise Estates neighborhood wants these lots developed in order to share common expenses as intended. The developer made significant efforts in 2019 and 2020 working with the Falmouth Housing Trust to achieve a satisfactory result, without success. Hopefully, renewed effort in 2021 will succeed.

Sun Elite requests that the Planning Board extend the term of the Special Permit for three (3) more years, the length of the original term. During such extended term, hopefully the applicant and the Town can resolve issues relative to developing the two lots and degenerating substantial funds for affordable housing. At this point, I would expect that the recipient of funds may be the Falmouth Affordable Housing Fund, which I think was your preference.

Filed herewith are:

1. Application to extend the term of the Special Permit;
2. Filing fee of $200.00;
3. Certified abutters list and four sets of labels.

When the cost of notices is known, please let us know and we will deliver a check for those expenses.

Please schedule this request for hearing.

Very truly yours,

Robert H. Ament

RHA/gmb
Enclosure

cc: Sun Elite, LLC
December 8, 2004

Mr. Michael C. Palmer, Town Clerk
Town Hall
Falmouth, Massachusetts 02540

re: Albert Shamsi Density Bonus Special Permit
33 16 003 000; 33 16 003C 000B

Dear Michael,

At its meeting of December 7, 2004 the Planning Board voted to approve the application of Albert Shamsi, Trustee, A. A. R. Realty Trust for a special permit under Article XXVI—Affordable Housing Development—of the Zoning Bylaw of the Town of Falmouth for a plan entitled: "Definitive Subdivision Plan of Land located in Falmouth, MA prepared for Sunrise Estates" prepared by Ferreira Associates, dated June 23, 2004, revised September 20, 2004, scale 1” = 60’ (3 sheets) with the following findings, waivers and conditions:

FINDINGS

The applicant seeks approval for a density bonus of four lots for the above subdivision. To qualify for the density bonus, the Planning Board must find such a development, density increase, relaxation of zoning standards or transfer of development rights does not have a material, detrimental effect on the character of the neighborhood or the Town and is consistent with the performance standards of Article XXIII. The Planning Board has the discretion in determining the number of lots for a density bonus, up to 25% more than would be allowed by right. For a subdivision of this size and in this location, the Planning Board finds a density bonus of two lots, or 12.5% is sufficient and consistent with the criteria and performance standards referenced above and will condition its decision accordingly.

The applicant has proposed to make a cash payment in concert with §204-138, instead of providing the affordable units on site. The Planning Board has the discretion to determine the amount of the payment by using either a formula based on an appraised value, or by having the Falmouth Housing Authority certify the full cost of constructing replacement affordable units. In a letter dated January 9, 2004, Mr. Robert Murray, Director of the Falmouth Housing Authority determined that a "4-plex" unit of affordable housing, replicas of those constructed on Gifford Street, could be constructed for $300,000, absent the cost of land. The cost of land, based on a weighted average of recent affordable housing projects sponsored by the Falmouth Housing Corporation was $25,000.00 per unit. Since §240-138 requires two replacement units of affordable housing for every density bonus lot granted, and two bonus lots are proposed for...
approval, four affordable units will be built and a payment of $400,000.00 ($300,000 for
cost) will be required in condition #1 below.

In its decision of the Planned Residential Development dated October 26, 2004, the Board
waived the requirement for an Environmental Impact Statement, per §240-137 (D) with the
condition that a cluster septic system be installed prior to occupancy. The homes built on the
density bonus lots will also be required to utilize this common system in condition #2 below. As
decided by the Board on October 26, 2004, the approved Planned Residential Development is
required to maintain 50% of the land as open space. In order to add the two bonus lots to the
subdivision, the Board will grant a waiver of the open space minimum requirement in condition
#3 below.

Subject to the above, the Board finds that the proposed development consistent with all municipal
comprehensive plans and objectives. The Planning Board makes a finding that the proposed
development site plan is designed in its site allocation proportions, orientation, materials,
landscaping and other features as to provide a stable and desirable character complementary and
integral with the site’s natural features. The Board finds the criteria of § 240-216 of the Zoning
Bylaw also satisfied subject to the conditions below.

WAIVERS

§240-129 (B) Reduction in required open space from 50% to 45% in order to accommodate the
bonus lots.

CONDITIONS

1. The Definitive Plan may be amended to reflect a density bonus of two lots for a total of
eighteen lots for the subdivision. A covenant shall be provided for those two lots
restricting the issuance of a building permit until such time as a fee in the amount of
$200,000.00 per density bonus lot ($400,000.00 total) is deposited in a local housing
fund pursuant to §240-138 B (1) of the Zoning Bylaw. These lots shall be designated on
the definitive plan with a note referencing this condition prior to endorsement. The
Special Permit for this density bonus shall lapse if said covenant has not been released
within a period of three years after endorsement of the definitive plan, unless for good
cause as determined by the Planning Board.

2. Both density bonus lots shall be part of the common denitrification septic system
conditioned as part of the Planned Residential Development decision of the Board dated

3. To accommodate the two additional lots the Definitive Plan may reflect an open space
requirement of 45% that will allow .9183 buildable acres to be set aside as two additional
lots. This Board shall approve any changes to the configuration of the open space prior
to definitive plan endorsement.

2
Vote of the Board:

Mr. Andrade: absent  Mr. Latimer: yes
Mr. Herbst: yes  Mr. Swain: yes
Mrs. Kerfoot: yes
Mr. Forciniti: yes

NOTE: Any appeal from this decision of the Planning Board can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (GL) as amended, and must be filed within twenty (20) days after the date of filing of this decision with the Town Clerk.

Sincerely,

[Signature]

Brian A. Currie
Town Planner

cc: applicant
abutters
Planning Boards Bourne, Mashpee, Sandwich
CERTIFICATION OF NO APPEAL.

I, Michael Palmer, Town Clerk of the Town of Falmouth, hereby certify that the Notice of Approval of the Planning Board’s decision was received and recorded at this office on DECEMBER 8, 2004 and that no Notice of Appeal of this decision was received during the twenty days next after such receipt and recording of said Notice.

Date: MARCH 22, 2005

Re: ALBERT SHAMSI DENSITY BONUS SPECIAL PERMIT

BARNSTABLE REGISTRY OF DEEDS
January 23, 2019

Mr. Michael C. Palmer, Town Clerk
Falmouth Town Hall
59 Town Hall Square
Falmouth, Massachusetts 02540

Re: Falmouth Housing Trust, Inc.
Lots 9 and 10, Pam's Way / 33 16 003 009, 010

Dear Mr. Palmer:

At its January 22, 2019 meeting, it was determined that the Planning Board was unable to modify or apply the repealed provision of the zoning bylaw Section 240-138 requested in the Application of Falmouth Housing Trust to modify a Special Permit Decision issued December 8, 2004 to Albert Shamsi, Trustee. The Planning Board however granted a two year extension, from the filing of this decision, for an extension of Condition #1 of the December 2004 Special Permit for a density bonus under the conditions described in the original decision.

FINDINGS:

(1) By its terms condition #1 expired 3 years from the date of endorsement of the plan. The lots were never developed and the condition expired in 2007 or 2008.
(2) The zoning bylaw contained s. 240-138 which allowed the payment of a fee for greater density and bonus lots was repealed in 2010 and no longer exists.
(3) Typically a request for an extension is made before the lapse, not after the lapse, although there doesn’t appear to be controlling statute or rule. The former s. 240-138 makes no mention of the procedure to extend the condition.

SPECIAL PERMIT FINDINGS:

Section 240-138 has been repealed and deleted from the bylaw and it is no longer within the authority of the Planning Board to apply it to new subdivision plans or modify conditions of previously approved subdivision plans.

Sincerely,

Thomas Bott
Town Planner

cc: Applicant
    Assessor’s Office

A TRUE COPY ATTEST

[Signature]
TOWN CLERK OF
FALMOUTH, MASS.
CERTIFICATION OF NO APPEAL

I, Michael Palmer, Town Clerk of the Town of Falmouth, hereby certify that the Notice of Approval of the Planning Board's decision was received and recorded in this office on Jan. 23, 2020 and that no Notice of Appeal on this decision was received during the twenty days (20) next after such receipt and recording of said Notice.

Michael Palmer
Town Clerk

Date: December 24, 2020

RE: Falmouth Housing Trust, Lots 9 and 10, Pam's Way