CAPE COD COMMISSION

Upper Cape YMCA, Falmouth (CCC File No. 24008) Development of Regional Impact Review Subcommittee Meeting

Minutes | Wednesday June 12, 2024 at 5:00 p.m.

Virtual via Zoom

APPROVED 08/08/2024

The Chair, Harold Mitchell, opened the Subcommittee meeting by reading the meeting announcement. The subcommittee hearing is being held virtually via Zoom with all members participating remotely. He said that the subcommittee members will discuss the proposed two-story YMCA facility in Falmouth.

The Chair took attendance by roll call.

Roll Call:

- Harold Mitchell, *Chair*, Present
- John Druley, Present
- Jacqueline Etsten, Present
- Douglas Fromm, Present
- Peter Okun, Present

Applicant Presentation:

The Chair recognized Greg Wirsen, representing the Applicant, YMCA of Cape Cod. He introduced Stacie Peugh, President and CEO of YMCA of Cape Cod to give a brief overview of how YMCA decided to pursue a new facility in Falmouth and some of the community benefits it will provide, including an indoor swimming pool, childcare programs, and a partnership with the Community Health Center.

Mr. Wirsen introduced other members of the Project team. He described the Project location and proposed building features and accessory uses, including shared parking and outdoor activity areas. He discussed the project's landscaping plans, stormwater and septic systems, and solar-ready roof.

Mr. Wirsen introduced Jen Hocherman, the Project architect. She described the building design and materials. She presented renderings and floorplans of the building, and explained how the building form is broken up into smaller elements through the incorporation of separate gabled roofs.

Mr. Wirsen discussed the Project's consistency with the relevant goals, objectives and technical bulletins of the Cape Cod Regional Policy Plan (RPP). He briefly addressed the

natural, built systems, and community systems goals, noting that the Applicant is requesting a waiver of strict compliance with the Open Space goal.

Mr. Wirsen introduced Emily Buck, the Project traffic engineer. Ms. Buck explained the traffic study methodology and proposed transportation demand management (TDM) measures. She noted that the intersection of Gifford Street and Brick Kiln Road was identified as a high crash intersection, and the Applicant will work with the town of mitigation measures.

Mr. Wirsen introduced Kim Bielan, the Applicant's attorney. Ms. Bielan described the required open space mitigation for the Project under the Commission's open space technical bulletin, noting that 10.2 acres of off-site open space would be required without a waiver, after accounting for on-site open space that will be protected as part of the Project. She said the Applicant is seeking a waiver of the 10.2 acres. She explained the standards for granting a waiver and how the Project meets those standards. She noted the indoor and outdoor recreational benefits of the YMCA facility, and how the Project has been designed to minimize loss of open space on the site. She explained that the Applicant is a non-profit organization which relies on donations. She noted that estimated construction costs have increased since fundraising began in 2022. She also provided estimates of land costs in the area for full compliance. She stated that the Applicant has been coordinating the town and a local land trust to secure additional off-site open space if possible.

Mr. Wirsen briefly addressed some recommendations made in the staff report, including submitting a final invasive species management plan, avoid clearing during summer, infiltrate roof runoff, and assessing potential issues with signage and signal timing at nearby intersections to identify additional traffic mitigation measures. He also noted that the adjacent 40B development will be completing a sidewalk extension as a condition of a separate permit.

Staff Presentation:

The Chair recognized Alex Peterson, Regulatory Planner, for the Cape Cod Commission staff's presentation. Mr. Peterson introduced other members of commission staff available to answer questions from the subcommittee. He explained that the staff presentation will address the goals and objectives of the Regional Policy Plan (RPP) with respect to the proposed project. He laid out the relevant thresholds for mandatory DRI review and the necessary findings the commission must make to approve the project. He described the requirements for granting a waiver of strict compliance with the RPP.

He said the RPP categorizes areas on Cape Cod by Placetypes, based on similar built and natural characteristics. For this Project, staff recommend that the location falls within the Rural Development Area placetype.

Mr. Peterson noted that the following goals and objectives of the RPP were deemed material and applicable to the Project: Water Resources, Wildlife & Plant Habitat, Open Space, Community Design, Transportation, Energy, Waste Management, Climate Mitigation, Cultural Heritage, and Economy. He briefly addressed each objective, explaining which features of the project design were consistent with the RPP standards, and Commission staff's suggestions to

address any inconsistencies. A more detailed explanation of RPP consistency is available in the staff report dated 6/7/2024.

With respect to the open space mitigation waiver request, Mr. Peterson explained that there are sufficient grounds for the Commission to grant a waiver, and that the Commission has flexibility in deciding the form and amount of relief granted. He presented a list of probable benefits and detriments associated with the Project for the subcommittee to consider. He also noted the required local approvals and points of consistency between the Project and the Town's Local Comprehensive Plan (LCP).

Subcommittee Discussion:

The Chair asked for questions or comments from members of the subcommittee, to be addressed by the Applicant and/or Commission staff.

The Chair recognized Peter Okun. Mr. Okun asked what is meant by "solar-ready" roof and how that translates into actual solar production. Mr. Wirsen responded that the Applicant has been working with a developer to construct solar on the roof of the building. He explained that the building will have solar on the roof when it opens.

Mr. Okun asked whether there is currently CCRTA bus service on Brick Kiln Road. Mr. Wirsen responded that there might be a new bus stop for nearby 40B development. Ms. Buck stated that there is no bus stop on Brick Kiln, but there could be a SMART DART stop added. Mr. Okun asked how big the 40B development is and suggested that both developments could benefit from a new bus stop. He also asked whether the parking spaces proposed are based on expected need or just the local requirements. Mr. Wirsen replied that the number of spaces is what the YMCA expects to use.

The Chair recognized Jacqueline Etsten. Ms. Etsten stated that she believes the Project provides a very valuable use for the community and surrounding towns, and the location next to Falmouth High School is also very valuable for families. She also appreciated the shared parking plan with the church. She noted that the architectural design of the building is unusual, particularly the front overhang with non-vertical columns. She asked for staff comments on the design and a more legible landscaping plan. Mr. Peterson responded that staff reviewed the design and recommended that the modern elements like the porch overhang and columns were balanced by other traditional elements and the overall design is consistent with the technical bulletin requirements. He said that Sarah Korjeff, Commission staff historic preservation specialist, could provide additional feedback on the design. Ms. Etsten said she would like to hear Sarah's review of the design.

There were no other subcommittee member questions

Public Comment:

Federal, Local, and State Officials

The Chair asked for comments from any federal, local, or state officials. He noted that as of 5:00 pm there were 83 public comments submitted, all of which were supportive of the Project.

The Chair recognized Robert Mascali, Falmouth Town Selectman. Mr. Mascali thanked the subcommittee for their review of the Project and said the YMCA will have significant benefits to the Town and region. He noted that daycare is an enormous benefit associated with the YMCA.

The Chair recognized Doug Brown, Falmouth Town Selectman. Mr. Brown offered positive comments on the Project. He said it would provide a great resource for Falmouth, Mashpee, Sandwich, and Bourne. He said the waivers requested are minimal and should be granted. He said the Twon Select Board might ask CCRTA to add service on Brick Kiln Road. He also noted that being solar ready refers largely to the building design and orientation, and that this is adequate.

The Chair recognized Jed Cornock, Falmouth Town Planner. He offered positive comments and said the benefits have been well-outlined. He said there are potential challenges related to the Long Pond public water supply and looks forward to working with the Applicant to make sure that the Project doesn't negatively impact the water supply. He noted how important it is to connect the project with multimodal transit, including rapid transit, sidewalks, and bike lanes.

General Public

The Chair opened the hearing for comments from members of the general public. He asked those wishing to speak to raise their hands and unmute when recognized by name.

The Chair recognized Keith McLaughlin. Mr. McLaughlin said that he represents the Village at Brick Kiln 40B development abutting the YMCA parcel. He introduced Mike Solimando, the 40B developer. Mr. Solimando said he is in favor of the YMCA and provided shared water line for the Project, and said they are building the sidewalk connecting to the church. He said he is concerned about the closeness of the driveway to the lot line and the rear of the residential homes. He said he would like the driveway to be potentially moved or share an entrance drive in order to provide more space.

The Chair asked for any other public comments. He recognized Taylor Fruzzetti, from the Falmouth Enterprise. He directed her to contact Commission staff for questions after the hearing.

Further Subcommittee Discussion:

The Chair asked for additional comments, questions, and requests from members of the subcommittee.

The Chair recognized Peter Okun. He asked to see the layout of the entrance driveway. Mr. Wirsen explained where the driveway is in relation to the lot lines. He said that there are issues with the bus turning radius, but that the Applicant is willing to discuss further fencing or plantings to buffer the adjacent residential development.

Mr. Okun asked if the property was ever sold does the DRI approval and all waivers go with the property. He asked if the property was sold to a developer that wasn't a non-profit with a financial hardship would they still get to benefit from the waiver. Mr. Peterson responded that a DRI decision is tied to the property even if conveyed to another party. He also noted that there would likely be findings and conditions in an approval with a waiver that are specific to the particular project, including non-profit status, financial hardship and community benefits. Ms. Bielan said that the YMCA would be amenable to crafting a condition that would tie the waiver request to the Project and require the open space go before the Commission again if the property was ever sold.

The Chair recognized Doug Fromm. Mr. Fromm asked whether the open space waiver request could be addressed tonight. Mr. Mitchell said that the subcommittee could discuss that. Mr. Fromm said that the financial hardship has been made clear and he would like to take an action favorable to the waiver request.

The Chair recognized John Druley. Mr. Druley said that relative to the open space waiver, the Town of Falmouth has over 25% land preserved as open space and the 300 Committee has done a wonderful job through the years. He said that he thinks the Commission could grant the waiver or the Applicant could work with the 300 Committee and be able to find 10 acres at some point in the future to satisfy the open space needs.

The Chair asked Mr. Fromm for a motion to consider for the waiver. Mr. Fromm said that from what he has heard it would be a considerable financial burden to require the purchase of the ten acres of additional open space and he would not like this financial burden make this project too much of a challenge to move forward. He made a motion to grant the waiver. Mr. Druley seconded the motion.

The Chair asked for discussion of the motion. Mr. Okun said he is in favor of the waiver so long as there is a condition tat if the property is transferred to a for-profit organization in the future, it would have to come back to the Commission for review. Mr. Mitchell agreed. Mr. Okun stated that he believes the community benefit is so great, and this is a nonprofit organization, so the waiver should be freely granted.

Mr. Peterson asked for clarification on what findings the Subcommittee is making and what they are recommending be waived. Mr. Mitchell responded that there is 1.23 acres of open space on-site, 11.4 acres required for full compliance, and they are looking for waiver of the remaining 10.2 acres of off-site open space.

Mr. Druley stated that he supports the waiver completely.

The Chair recognized Jordan Velozo, Chief Regulatory Officer Commission staff. Ms. Velozo clarified that the Subcommittee is voting to make findings and recommendations to the full Commission, but actually granting the waiver will be up to the full Commission.

The Chair asked for a vote on the motion to recommend granting the open space waiver in the amount of 10.2 acres as put forward by Doug Fromm and seconded by John Druley. He took a vote by roll call.

- John Druley, Yes
- Jacqueline Etsten, Yes
- Douglas Fromm, Yes
- Peter Okun, Yes
- Harold Mitchell, Yes

The Chair said the Subcommittee could take motions to continue the hearing to give staff and the applicant time to respond to outstanding questions related to the building design and landscaping. He also said he would take a motion to move forward with a draft decision for the Subcommittee to review at that continued hearing.

Mr. Okun made a motion to direct staff to draft a decision approving the Project with conditions as discussed during the hearing for review by the Subcommittee. Mr. Fromm seconded the motion. The Chair took a vote by roll call.

- Harold Mitchell, *Chair*, Yes
- John Druley, Yes
- Jacqueline Etsten, Yes
- Douglas Fromm, Yes
- Peter Okun, Yes

The Chair asked for a motion to continue the subcommittee hearing to Wednesday July 10, 2024 at 5:00pm to be held virtually via zoom. Mr. Okun made a motion to continue. Mr. Fromm seconded the motion. The Chair took a vote by roll call.

- Harold Mitchell, *Chair*, Yes
- John Druley, Yes
- Jacqueline Etsten, Yes
- Douglas Fromm, Yes
- Peter Okun, Yes

The motion carried and the hearing was continued.