

**FALMOUTH PLANNING BOARD  
TUESDAY, FEBRUARY 2, 2016, 6:30 P.M.  
MINUTES**

**MEMBERS PRESENT:** J. Chace-Chair, J. Cole; T. McKeon; C. Hickey; R. Israel

**STAFF PRESENT:** Ethan Croce, Sr. Planner; Lisa Sangillo, Recording Secretary

Mr. Chace called the meeting to order at 6:32 p.m.

**Item 1**

Approval of minutes from the January 5, 2016 Planning Board meeting. No comments. Mr. Hickey motioned to approve the minutes. Mr. Israel seconded. Approved 5-0.

**ADMINISTRATIVE ACTION ITEMS:**

**Item 2**

**Falmouth Land Trust** – Schuster Road – Request to vacate the Overlook Farms Subdivision. Map-lot R06-087, 087-B, -D, -E. Zoned FF, RCZO, and Route 100 Corridor Overlay.

The applicant is seeking approval to vacate all development rights and approvals associated with the 17-lot Overlook Farms Subdivision approved by the Planning Board in September 2014.

Mr. Chace asked if any members of the public or any Board members wished to have the item removed from Administrative Action. No one responded. Mr. Israel motioned to approve the application. Mr. McKeon seconded. Approved 5-0.

**REGULAR AGENDA ITEMS:**

**Item 3**

**Ocean View Retirement Community, LP** – 20 Blueberry Lane – Request for Pre-Application Sketch Plan Review for a 14-unit cottage expansion. Tax Sheet 310, Map-lot U27-013-A/A1/A2/B. Zoned RB, OVRC.

The applicant is applying for pre-application sketch plan review for a proposed expansion of the Ocean View Retirement Community. This proposed expansion contemplates 14 new cottage units consisting of a mix of single family detached dwellings and two-unit attached dwellings.

Mr. Croce gave an ordinance overview for the Board members as it relates to this application. Chris Wasileski of Ocean View gave a brief overview of the application for the Board. He

explained that this project is an extension of their Schoolhouse Cottage project. The project will eliminate the three existing single family house driveways along Middle Road. He stated he met with Chief Rice on Monday, February 1, 2016 and received his feedback on pursuing an extension of Whipple Farm Way which would basically satisfy one of the two comments Chief Rice had about street connectivity. He stated the Board will see this in the next submittal and he would probably run it by the Chief again to ensure he is in agreement.

He stated he has had meetings with an abutter, Mr. DiPietro, regarding the existing conservation easement area, stormwater management, and screening issues. He then discussed abutter's issues and concerns and how they are keeping these in mind when developing their parcel.

Rich Licht went over staff comments with the Board. He stated Weathervane Way is no longer proposed to be extended and connected to Whipple Farm Lane. They are now proposing to only have a pedestrian connection from Weathervane Way to Whipple Farm Lane.

They may make some geometric changes to the area where the Fire Access/Pedestrian pathway and Marion Way meet. He discussed the closing off of the driveways at the three parcels on Middle Road and said they will re-vegetate/buffer these residences from the Middle Road side. They are also obligated through prior approvals to construct a sidewalk along the length of Middle Road between Lunt Road and Blueberry Lane.

Mr. Chace asked for clarifying questions from the Board; there were none.

**PUBLIC COMMENTS:** Tony DiPietro of 165 Middle Road stated the homes, nature trail, and three more homes will be taken down. He spoke about the existing conservation easement and trails. He wants to make sure the portion of fire access lane between Middle Road and Marion Way is used as an emergency access road only. He stated there should have been proper signage installed indicating this with no exceptions for construction vehicles, special functions, etc and that Ocean View should be adhering to the rules they agreed to 10 years ago when Whipple Farm was developed. He stated there was supposed to be a 100' setback for structures from Middle Road, and he wants to make sure that requirement is being adhered to with this new project. The stormwater has increased with Ocean View's newer development of the former school campus resulting in water running down onto Middle Road which ices up during the winter and creates black ice. He stated Ocean View has acknowledged this and should take care of the issue. He feels there should be no chemical fertilizers used on the conservation area since runoff from the area drains down to Middle Road and down to the bay.

Mr. Wasileski stated he wanted to continue working with Mr. DiPietro regarding his comments and reinforced that they want to make this a better project.

#### **PUBLIC COMMENTS CLOSED.**

Mr. Hickey asked if the Emergency Access road was a paved 10' wide access. Mr. Wasileski stated it was a 10' wide paved access road which they will maintain the current width, but rebuild the road as it has had a couple of washouts. He will talk to the Fire Chief about gates

and/or signage to address Mr. DiPietro's concerns. This is the only change proposed to that section of fire lane. He clarified that they would build a "French drain" or drainage system underneath the road, but nothing else since this is in the conservation area.

Mr. McKeon asked for clarification where the access road is and asked what it currently is used for. Mr. Wasileski stated it was used for emergency access only as well as golf cart traffic related to the Ocean View Maintenance Department. People have also used the access to turn around or check their phone. Mr. McKeon confirmed that Ocean View was willing to gate it, but needed permission from the Fire Department first. Mr. Wasileski stated they were, but that the gate is further up the road allowing for a fire truck to be parked there. He then stated that they would commit to placing permanent markers in the open space as discussed. He stated that they would commit to not developing in the conservation easement.

Mr. Chace asked about the reference to a 100' setback from Middle Road and if it has been codified from the original master plan. Mr. Wasileski stated he would refer to Mr. Licht who stated he would look into it. Mr. Chace stated he would like this cleared up in the next submittal.

Mr. Hickey inquired about the possibility of a street connection between Marion Way and Whipple Farm Lane. Mr. Wasileski stated that he believed the proposed Marion Way connection to Homestead Lane would be adequate.

Mr. Cole inquired about the fire access road re-surfacing material choice and suggested that Ocean View explore a material more in keeping with look and feel of the conservation easement area, perhaps moving back to a more natural setting. Mr. Wasileski stated they would look into some type of a greener material, such as permeable pavers, and stated that originally the fire lane was a driveway.

Mr. Chace expressed some concern about losing the Weathervane Way street connection and stated that this connection is shown on the master plan and that the Board must eventually make a finding that the development proposal is consistent with the master plan. He stated that he would be less concerned about losing the Weathervane Way street connection if there were a second street connection provided that extended Whipple Farm Lane though to the new road extension. Mr. Wasileski stated that residents prefer a walking path connection over a road connection.

Mr. Hickey then asked about density and asked to be walked through the calculations. Mr. Licht stated they came up with a Net Residential Density of 18 units, and they are proposing 14 units.

Mr. Chace asked for any other questions from the Board and then asked the applicant if their questions were answered by the Board.

Mr. Licht and Mr. Wasileski thanked the Board for the time.

#### Item 4

**Charles Harriman** – 98 Field Road – Request for Pre-application sketch plan review for a 4-lot subdivision. Tax Sheet 210, Map-lot R03-076-A, Zoned F, RCZO.

Mr. Croce gave a zoning and ordinance context overview of the application to the Board.

Mr. Keith Smith, landscape architect, gave an overview of what has changed since the last submission. He went through the 4 step design process and pointed out where the building sites have changed. They were moved closer to Field Road to maintain a little more open space near Community Park. The homes would likely be 3,000 s.f. or slightly larger.

He discussed the possible connectivity between Cavendish and the Harriman development. He stated that the open space proposed to be conveyed to the Town would be available if the Town wished to pursue trail connectivity in the future.

Mr. Smith felt that the open space is in the proper location especially for the view shed. He pointed out two potential building lots on the abutting properties.

He went over other items in Staff notes that they have complied with. He asked if they needed to provide a Resource Impact Conservation Plan as it seemed redundant. He asked if a 100 scale is acceptable or if it needs to be broken down for recording.

Mr. Chace asked for any clarifying questions.

**PUBLIC COMMENTS:** Lisa Patterson of 97 Field Road felt this housing development is not appropriate. She also feels that the houses depicted on the plans are “Monopoly” houses and will be bigger than shown. She feels the placement of the houses as shown on the drawings is also inaccurate. She feels the trees proposed to create a visual buffer in the development should be referenced as needing to be protected in the deeds so the trees are not removed in the future.

Aaron Svedlow of the Falmouth Conservation Commission reminded the Board about the previous comments made by FCC at the prior meeting and asked that the Board keep them in mind.

Thad Shattuck of 110 Field Road echoed Lisa Patterson’s comments. He was hoping Lot 4 would be eliminated or relocated as suggested by others from its proposed location since this lot has the greatest visual impact.

David Gagnon of 121 Field Road recited the email he sent to the Board. He believes that the conceptual future road location doesn’t meet sight lines and is potentially dangerous. He spoke on water drainage that he doesn’t feel is right. He’s also concerned about who controls the open space “set aside” land and if public access would be allowed. He feels the visual analysis of the viewshed is misleading.

## **PUBLIC COMMENTS CLOSED.**

Mr. McKeon asked about the open space being conveyed to the Town and how far along the discussions are. Mr. Smith stated they haven't had discussions, but the owner's intent is to convey the land to the Town. Prior to granting approval, Mr. McKeon stated the Board would need indication from the Town that the Town is willing to accept the open space and confirmation on how the open space is being preserved into the future.

Mr. McKeon asked if there was any common space that is not proposed to go the Town. Mr. Smith said there was not and stated that the paper street would be a right of way which would eventually be turned over to the Town. Mr. McKeon stated this would need to be clarified in a future submittal.

Mr. McKeon asked staff to confirm that the Planning Board could require additional open space as part of the approval. Mr. Croce stated that was correct and that the amount of open space determined through the ordinance calculation is the bare minimum amount required.

Mr. McKeon asked if there would be a deed restriction on Lot 4 to maintain the proposed landscaping. Mr. Smith stated they could either make it a no-cut restriction within the lot or else place the buffering within an area of open space and protect it that way. Mr. McKeon also suggested that the applicant explore removing/diminishing the size of the building envelope for Lot 4 so that the house site is pulled further out of the viewshed.

Mr. Chace stated that the ordinance does allow the Planning Board to reorganize the list of open space priority areas. Mr. Chace also wanted the applicant to be aware of the Town's street connectivity policy and the potential impact of that policy on the ability of the proposed dead end street to be accepted by the Town in the future. He also wondered how the public would obtain access to get to the open space at the back of the parcel. Staff stated that the Board cannot require that the applicant provide public access over the street but that the applicant could voluntarily provide public access for pedestrians and bikers. Mr. Smith stated that Mr. Harriman currently informally allows public access over the property to access the open space at the back of the property.

Mr. Hickey discussed the issue of feasibility of a public water connection for the four lots, and he would like to see a comparison between providing public water vs the cost of installing four separate wells. Mr. Israel agreed with Mr. Hickey's request. Mr. Smith stated they could provide that comparison in subsequent submittals.

Mr. Hickey felt it was irrational to provide a protection of a view shed over someone else's land over which there is no control. Mr. Chace responded by stating that the two properties that are not controlled by the applicant are part of a subdivision so any changes to those properties would have to come back before the Planning Board at which time the Board could configure any potential additional building windows to better protect the viewshed.

A discussion ensued between Mr. Hickey and Mr. McKeon regarding the view shed and the benefits to maintaining it. Mr. McKeon stated that the viewshed exists today and while no one can ever predict what may or may not happen in the future he believes there is a rationale for taking measures to protect the viewshed that currently exists.

Mr. Cole echoed Mr. Israel's and Mr. Hickey's comments regarding the water connectivity. He stated that there are techniques whereby a utility run for a water line could be done with minimal impact to the land and he encouraged the applicant to explore those avenues and come back to the Board with more information on why this cannot be done. Mr. Smith stated the applicant was not open to drilling or boring and felt it was detrimental to what he was trying to accomplish. Mr. Chace echoed Mr. Cole's remarks. Mr. Israel stated he wanted to see cost comparisons.

Mr. McKeon looked to staff to confirm that the Board could approve the road as a dead end. Staff stated the Planning Board could approve it as a dead end, could require a built road connection, or could require a paper street connection. Mr. McKeon stated he wasn't interested in a paper street or a built road given the open space location and topography. Staff stated that the paper street would not be in the location shown by the applicant, rather, would be configured to avoid the ravine and wetland on the applicant's property. If the Planning Board approves a dead end street, a pedestrian and bicycle connection is required. Mr. Chace and Mr. McKeon indicated support for the applicant's proposed dead end street design with the stipulation that pedestrian and bicycle connections be included in the final design.

Mr. Chace stated he was interested in seeing what the subdivision design would look like if Lot 4 were relocated to the opposite side of the new street. Conservation zoning permit the flexibility to make this work. He would also like to see more of a tree line enhanced on the open space.

Mr. Smith asked about Lot 4 and potentially limiting the building envelope on that lot and asked if it was the building placement or the lot size that the Board is concerned about for Lot 4. Mr. Chace stated that, for him, it was about the impacts of the building location in the viewshed and about pulling the building further out of the viewshed and closer to the road. Mr. Israel stated that the building site for Lot 4 is at the high point of land and asked if the applicant gave any thought to the height of the buildings and their effect to the view shed. Mr. Smith stated they were standard New England sized homes. Mr. Smith stated that Lot 4 was only a 1-2 foot difference on the high point in response to Mr. Israel's comment.

Mr. McKeon clarified that the applicant needs to deal with homeowners/legal documents prior to final approval to address things like the structure of, and responsibilities for, road and stormwater maintenance.

Mr. Smith stated that the next step is preliminary approval and that he will explore reducing the impact of Lot 4 to some degree, perhaps making some limitations on building placement and landscape mitigation.

Mr. Gagnon asked what the fire suppression system looked like. Mr. Chace referred him to the Code Enforcement Officer. This ended the pre-application sketch plan review of this application.

Mr. Hickey asked about the status of the Ordinance Reorganization. Mr. Croce updated the Board.

There was a discussion among Staff and the Board regarding the shift from paper submittals to electronic submittals.

Meeting adjourned 8:40 p.m.

Recording Secretary  
Lisa Sangillo