

**FALMOUTH PLANNING BOARD
TUESDAY, MAY 3, 2016, 6:30 P.M.
MINUTES**

MEMBERS PRESENT: T. McKeon-Vice Chair; R. Israel; B. Kaplan; C. Hickey.

MEMBERS ABSENT: J. Chace-Chair, J. Cole.

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

Vice Chair McKeon brought the meeting to order at 6:30 p.m. and informed Mr. Kaplan that he was a voting member for the evening.

Item 1 Approval of minutes from the April 5, 2016 Planning Board meeting.

Mr. Israel moved that the minutes of the April 5, 2016 meeting be approved as written. Mr. Kaplan seconded. Motion passed 3-0. (Hickey abstained)

ADMINISTRATIVE ACTION ITEMS:

Item 2 Kevin Roche & Sarah Noble – Lot 3, Arrowhead Drive – Request for Private Way Amendment to modify the perimeter buffer. Tax Sheet 490, Map-lot R07-074-003. Zoned FF & RCZO.

Item 3 SeaView Homeowners Association – 10 Ameriscoggin Rd — Request for Subdivision Amendment to Seaside Way to modify the boundaries of the subdivision’s conservation area. Tax Sheet 082, Map-lot U18-054/054-001. Zoned RA & RCZO.

Mr. Israel moved that the administrative action items be approved. Mr. Hickey seconded. Motion passed 4-0.

PUBLIC HEARINGS:

Item 4 Amendments to the Code of Ordinances, Section 19-25 Elementary School Redevelopment District (ESRD), in relation to the development of the Plummer School into affordable elderly housing units.

Matt Teare of Ocean View gave an overview to the Board members of their zoning amendment as it relates to their Plummer School project. Rich Licht of Licht Environmental Design gave a presentation of the amendment. The four key items are the definition of housing for older persons, removal of the 600 s.f. dwelling unit minimum size, changing multiplex allowances, and changing the residential growth permit allowances for this project.

PUBLIC COMMENTS: No public comments.

Mr. McKeon asked Mr. Licht why it was necessary to exempt the project from the residential growth permit and was worried about setting a precedent for exemptions for future projects. Mr. Licht stated it doesn't affect the schools, and as it is senior housing, there would be no children. Mr. Hickey asked what the Federal Housing Act for Older Persons defines as "senior housing". Karen Farber, Town Council, explained that Federal guidelines define it as 55 and over and it was recommended by the Town Attorney that it be defined that way. She also stated that this was always the intent from the beginning of the Ocean View project and this was an effort to pull it all together. Mr. Hickey asked why the "affordability" isn't being referenced in the amendment. Ms. Farber stated it is in the proposed deed between the two parties, the Town of Falmouth and Ocean View. Mr. McKeon asked if the Federal Housing for Older Persons Act talks about "affordability". Mr. Teare stated it does not, which is why affordability was incorporated into the deed. Amanda Stearns, Director of Community Development, explained that the "senior housing" definition applies only to two districts, the Elementary School Redevelopment District (ESRD) and the Retirement Community Overlay District (RCOD).

The Board members discussed the amendment. Mr. Israel stated that he was leaning towards recommendation as he had no issues with the amendment. Mr. Kaplan agreed with Mr. Israel. Mr. Hickey stated it makes sense, but shares Mr. McKeon's concern about "tiptoeing" around the growth cap issue. Mr. McKeon suggested that it be made clear in Section 19-25 that the allowance is restricted to the retirement districts only. He also feels it is a great project, but feels they need to be careful with the growth cap.

Mr. Israel moved to recommend the amendments for approval. Mr. Kaplan seconded. Motion passed 4-0.

Item 5 Amendments to Section 19-1 of the Code of Ordinances, Zoning and Site Plan Review Ordinance, to create a new Retirement Community Overlay District to facilitate the expansion of the Avesta Blackstone housing development on Squidere Lane.

Drew Wing, Development Officer for Avesta Housing, gave an overview of their zoning amendment.

PUBLIC COMMENTS: No public comments.

Mr. McKeon asked if Board members had any questions. Mr. Hickey confirmed that the parcel was being rezoned RCOD and asked if there were any features that were different from the current RCOD. Mr. Wing went over the language changes of the ordinance. Mr. McKeon confirmed that the Avesta project was a senior housing for older persons and not a continuum of care project. Mr. Wing stated that staff felt it was not necessary to change the affordability levels in the ordinance even though they are going above and beyond by making setting affordability at 60% AMI. Mr. Hickey questioned the age restrictions. Mr. Wing stated the age restrictions were 62 and older or disabled for the current Blackstone residences. He stated the new project would be a

55 and older project. The maximum number of dwelling units will not exceed 39. They have suggested in the language that the maximum number of parking spaces per unit be 1 space. Mr. Croce explained the RA District setbacks to Mr. Hickey.

Mr. McKeon stated it was a good project; although his concerns are similar to the last public hearing item where once you start exempting one project from the growth cap there is increasing pressure to exempt future projects. Mr. Hickey asked the Board members for their opinion on the value of being more specific with the elements of the newly created district. Mr. McKeon presumed that there was a desire to minimize creating new ordinance language and new definitions if existing ordinance language can be workable. In this instance, the developer is making the project more restrictive voluntary. Mr. Hickey asked why this rezoning project can't be incorporated into the Comprehensive Plan Zoning Amendments for the growth area. Ms. Stearns stated that the Council gave direction to staff to move forward with this discrete amendment. The Comprehensive Plan Zoning Amendments have been in process for a few years and were about 95% complete when this project came before the Council. The Council also felt this project was very unique and didn't necessarily warrant changing the whole RA district to accommodate this one project.

Mr. Hickey stated that he thinks the project has merit but is not going to recommend the zoning amendments as it is a small project that doesn't seem to merit special consideration. He feels this is a special district, which is what the Town should be trying to move away from.

Mr. Israel motioned to recommend approval of the amendment as presented. Mr. Kaplan seconded. Motion passed 3-1 (Hickey)

AGENDA ITEMS:

Item 6 Longwoods Road Realty Trust – Longwoods Road– Request for Private Way approval to provide frontage and access to one new house lot. Tax Sheet 150. Map-lot R01-016. Zoned F & RCZO.

Mr. Hickey stated that he is frequently represented by Jewell & Bulger, who is party to this application. He stated he mostly works with Mr. Bulger. Mr. Jewell is party to this application, and Mr. Hickey feels he has no conflict with this application.

Tom Greer of Pinkham and Greer Engineering gave an overview of the application. He went over who would be overseeing the open space and explained the various color coding on the plan. He also stated they would be completing the road adhering to Town standards.

Mr. McKeon asked if the Board members had questions of the applicant or the staff. Mr. McKeon asked who would own the open space. Mr. Greer stated it would be the owner of lot 1. Mr. McKeon asked Mr. Greer to go over how they have responded to Staff concerns.

Mr. Greer stated that he made an error in his math calculations for the open space but that they have added additional area to the open space to make up the difference. Mr. Greer also stated they are now proposing a drainage easement for the existing pipe that drains the private way but lies outside of the private way easement. The Town Engineer requested that test pits be done for the roadway to make sure the road and the gravel were built to the town's standards and they are happy to have those tests completed.

Mr. McKeon asked what the waiver for the open space was. Mr. Greer stated that the Town requires the open space be monitored by a third party. They are asking for a waiver as it is a small lot which will remain undeveloped. He stated that the Code Enforcement Officer has jurisdiction over violations of the open space so enforcement could be taken if violations occur. Mr. McKeon asked if this would be noted on the plan that the open space would remain in its natural state. Mr. Greer stated it would and they were open to whatever the Town wanted them to do.

PUBLIC COMMENTS: No public comments.

Mr. McKeon asked if the Board had any questions. Mr. Israel asked Mr. Greer if the open space issue would be covered in the maintenance agreement. Mr. Greer stated that the open space was not part of this agreement as it is just for road maintenance. He stated it would be part of an agreement with the owner of lot 1 and would be recorded as a deed restriction that the space is to remain in its natural state.

Mr. Hickey confirmed with staff that this project was subject to the 4-step design process and questioned why it did not fall under the exempt lot provision. Mr. Croce stated that the property lost its ability to utilize the exempt lot provision of conservation zoning because the project's lot lines had to be altered to make the project workable.

Mr. McKeon stated he was fine with the waiver and didn't think a third party inspector was necessary.

Mr. Hickey motioned to approve the waiver request. Mr. Kaplan seconded. Motion passed 4-0.

Mr. Hickey moved that application be approved with conditions as distributed by staff. Mr. Israel seconded. Approved 4-0.

Item 7 Falmouth Self-Storage LLC – 50 Gray Road—Request for Site Plan Review and Shoreland Zone Approval to add additional storage units and a multiplex. Tax Sheet 451, Map-lot R05-045. Zoned MUC, RT100CO.

Mr. Greer of Pinkham & Greer gave a brief overview of the application. He stated they have obtained their DEP permit. He then went over their waiver request for a landscape

architect and said that the landscape architect designed all of the site's landscaping and completed a visual impact analysis with the 2013 global approval for the project.

PUBLIC COMMENT: No public comments.

Mr. Israel asked if the architecture of the proposed new buildings would be consistent with the current architecture. Mr. Greer stated it would.

Mr. Israel moved to approve the waiver. Mr. Kaplan seconded. Motion passed 4-0.

Mr. Hickey asked if the applicant was agreeable to the conditions. Mr. Chase stated he was.

Mr. Israel motioned the application be approved with the proposed conditions. Mr. Hickey seconded. Motion passed 4-0.

Item 8 Portland North Partners, LLC – 60 Gray Road – Request for Site Plan Amendment for changes to parking and vehicular circulation. Tax Sheet 451, Map-lot R05-045-B. Zoned Gray Road Special District, RTE100CO.

Tom Greer of Pinkham & Greer gave an overview of the application for Board members. He stated they meet the buffer standards related to raw number of plantings for the front of the lot, but they are not proposing to meet the requirements for minimum width of the buffer. He stated that, in the future, they would like to apply to the Board for a new sign design. They have agreed to upgrade the lighting on the site and will lower the proposed fixture heights to comply with the Town's regulations.

PUBLIC COMMENT: No public comments.

Mr. Hickey asked if there had been any coordination between the applicant and the Town regarding the Route 100 Redevelopment project. Mr. Greer stated that Mr. Cooper is aware of the Route 100 project because he sat on the committee that helped develop the plan.

Mr. Hickey asked Staff if there was any relationship between the Planning Board and the "larger vision" for the Route 100 corridor. Mr. Croce stated that since the Route 100 project has not yet been approved, the Board is limited to reviewing the application under the current regulatory requirements. Mr. McKeon asked about the storm water management and the waiver for the Cumberland County Soil and Water Conservation District (CCSWCD). Mr. Greer explained how the current drainage functions and that there will only be a nominal increase in flow. If there will be any change at all, it would be between 0.1 and 0.2 CFS. He also stated that the abutter, David Chase, whose project receives the drainage from this site, has sent an email to staff regarding his support for Mr. Cooper's project even if it results in increased drainage. Staff read Mr. Chase's email into the record for the Board. Mr. Greer stated that they will propose to

clean out the catch basins, do sweeping of the paved areas and maintain the drainage system. Mr. McKeon would like these practices included as part of the approval. Mr. Croce stated that that can be a condition.

Mr. Hickey asked Staff if there was any precedent for the Board granting a waiver such as this, exempting it from review by CCSWCD. Mr. Croce stated that for projects that don't invoke the 10,000 s.f. impervious threshold, like this, it is not uncommon. Mr. Hickey asked what the increase was. Staff referenced an email from Mr. Greer stating it was just under 9,000 s.f. Mr. Hickey asked if this site ever received DEP approval. Mr. Greer stated it has not and is not subject to it now.

Mr. McKeon began a discussion about parking, vehicular circulation and buffering. Mr. Greer stated they have added a buffer of trees along the front edge of the property near Route 100. He stated they have put in the plants that are required by the ordinance. Mr. McKeon confirmed they cannot plant within the DOT right of way. Mr. Greer stated the DOT occasionally grants a license to plant in the right of way, but if they take them out the DOT will require the applicant to replace them. Mr. McKeon asked Mr. Greer to explain what kinds of plantings they are using. Mr. Greer stated they are using both understory trees and larger trees that eventually screen the building. There are shrubs that will screen the cars.

Mr. McKeon asked about the Design Guideline stating that circulation patterns should be designed by an experienced traffic professional. Mr. Greer stated he designed the project. Mr. McKeon asked Staff what is normally done to make sure the landscaping is maintained. Mr. Croce stated the applicant has a continuing obligation to maintain the plantings. Mr. McKeon questioned the waiver to the landscaping standards. Mr. Greer questioned if they had to meet it because it's an existing parking lot, and he was not sure if they meet 100% of the trees required. Mr. McKeon stated they needed 20 s.f. per parking space of landscaping and asked Mr. Greer if they met that. Mr. Greer stated he did not know but he didn't think they had. The Board members and applicant proceeded to attempt to perform calculations to determine whether the standards were being met and some members thought that there was a chance that the standard was being met.

Mr. Hickey asked about a peer review of the internal parking situation. He stated it was a strange site with strange movements and parking configurations and felt a minimal peer review would be appropriate for this application. Mr. McKeon referenced the Design Guideline speaking to circulation patterns being designed by an experienced traffic professional. Mr. McKeon asked Mr. Greer where the "dead end" parking was. Mr. Greer pointed out on the plan where those spaces were located and that this arrangement was not ideal but the spaces are on the back end of the building and would probably become staff parking. Mr. Israel stated that he recalled the suggestion from the last meeting to have a traffic engineer look at the design. Mr. Greer stated that he has been doing parking and circulation designs for 25 years and he considers himself to be a competent designer of traffic. Mr. Greer said that he was insulted that the Board might require a traffic engineer to review the project design but that they

would have that done if necessary. Mr. Israel stated the traffic flow based on Mr. Greer's drawing was confusing to him and asked him to explain it to the Board. Mr. Greer went over the plan for Mr. Israel. Mr. Israel then asked about pedestrian circulation. Mr. Greer went over the sidewalks that have been added. Mr. McKeon asked what right they have to put a sidewalk over the DOT land. Mr. Greer stated it falls under the same license agreement as plantings on DOT land. Mr. McKeon stated he would be inclined to require the sidewalk across the site's frontage per the staff's suggestions. Mr. McKeon stated that a heavy commercial area like this should have sidewalks for pedestrian use along Route 100 and the Bike-Ped Master Plan calls for sidewalks here as well. Mr. Greer stated they would live with the requirement for a sidewalk.

Mr. Israel asked about the separation of the new drive and the service entrance. Mr. Greer stated it was about 60 feet. Mr. Hickey stated he was supportive of the 75' driveway separation distance waiver request and suggested a sign for "Service Entrance Only".

Mr. Kaplan asked what the current use of the site was. Mr. Greer stated that they are comprised of warehouse space, vacant space and small businesses.

Waiver 1 – Width of landscape buffer. Mr. McKeon asked for discussion with regard to this waiver. Mr. Israel stated he could support the waiver of this buffer width and moved to approve the waiver for width of the landscape buffer. Mr. Kaplan seconded. Motion passed 4-0.

Waiver 2 – Cumberland County Soil and Water Conservation District (CCSWCD) 19-157.B2 – Mr. Hickey stated he was struggling with this as the site has never gone through DEP and the runoff produced by this project will increase from present amounts. Mr. Hickey stated he would agree with the waiver if there was a DEP letter stating the site complied with current standards. Mr. Greer stated that peak flow control is not part of the law and that the focus is more on quality. He explained how they are not impacting abutters. Mr. McKeon stated he was struggling with this waiver as well. Mr. Greer stated CCSWCD looks at it from an erosion control standpoint. Mr. McKeon asked Mr. Greer if he had an erosion control plan. Mr. Greer stated yes. Mr. Hickey asked what part of the provisions directly address water treatment/water quality. Mr. Croce stated the applicable ordinance criteria addressing stormwater. Mr. McKeon and Mr. Israel stated they were leaning towards supporting the waiver. Mr. Hickey stated he would not support the waiver as there has not been any outside regulatory review of the stormwater plan.

Mr. Israel motioned to approve the waiver of the endorsement of the CCSWCD. Mr. Kaplan seconded. Motion passed 3-1 (Hickey).

Waiver 3 – 75’ separation distance between driveways -- Mr. Hickey motioned to approve the waiver conditioned on installation of signage. Mr. Israel seconded. Motion passed 4-0.

Waiver 4 – Landscaping waiver, Section 19-154 -- Mr. Greer stated he didn't have a definitive answer to how far off they are on meeting this standard. Mr. Hickey asked how many parking spaces they were proposing to add. Mr. Greer stated 18. Mr. Croce stated it was 29 extra spaces (117 proposed; 88 existing). Mr. Israel motioned to grant the landscape waiver. Mr. Hickey seconded. Motion passed 4-0.

Mr. Croce went over the conditions with the Board specifically Item 2.c., the Performance Guarantee to be posted to ensure the installation of improvements and other requirements of the Town. Mr. Greer added they would provide that guarantee prior to start of construction. Mr. McKeon asked Mr. Greer if he was in agreement with all the Town Engineer's comments. Mr. Greer stated he was. Mr. McKeon stated he wanted a condition of approval to require a maintenance plan for the storm drain system. Mr. McKeon asked Mr. Greer if the re-stripping of the site takes into account the ADA Compliance Brief. Mr. Greer stated it does. Mr. McKeon stated he wanted a sidewalk as a condition of approval. Mr. Greer stated he was fine with all conditions of approval.

Mr. Croce stated that a new condition #4 would require the applicant to develop and submit a maintenance plan for the stormwater management system subject to review by the Town Engineer. The details of the condition on the frontage sidewalk will be approved by staff. Mr. Hickey stated he would not be voting to approve the application as he feels a review of the stormwater should be required.

Mr. McKeon asked for further discussion. No further discussion.

Mr. Israel motioned to approve the application with all conditions and waivers referenced. Mr. Kaplan seconded. Mr. Croce read the added conditions into the record. Motion passed 3-1 (Hickey).

Meeting adjourned at 9:37 p.m.

Recording secretary,
Lisa Sangillo