

**FALMOUTH PLANNING BOARD
TUESDAY, JUNE 7, 2016, 6:30 P.M.
MINUTES**

MEMBERS PRESENT: J. Chace (Chair); T. McKeon (Vice-Chair); B. Kaplan; C. Hickey; J. Cole

MEMBERS ABSENT: R. Israel

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

Chair Chace brought the meeting to order at 6:35 p.m. and informed Mr. Kaplan that he was a voting member for the evening.

Item 1 Approval of minutes from the May 3, 2016 Planning Board meeting.

Mr. Hickey moved that the minutes of the May 3, 2016 minutes be approved as written. Mr. McKeon seconded. Motion passed 4-0 (Chace abstained)

ADMINISTRATIVE ACTION ITEMS:

Item 2 Donna Little – 377 Gray Road – Request for Lot Division to create one new house lot. Map-lot R06-067, Zoned FF, RCZO & RTE100CO.

Item 3 Falmouth Ventures LLC, – 240 US Route 1 - Request for approval for a 38 square foot wall sign for Lamey Wellehan. Map-lot U24-005, Zoned VC1.

Item 4 Patricia Marston-Snow & Halsey W. Snow, -- 6 Amethyst Way – Private Way Amendment to divide a lot. Map-lot R08-064-C, Zoned FF & RCZO.

Mr. Chace asked if any members of the public wished to have any of the items removed from Administrative Action Items. No response from Public. Mr. Chace then asked if anyone from the Board wished to have any items removed from Administrative Action Items. Mr. McKeon asked Staff about conditions of approval. Staff stated that he felt the items could be approved without removing them from Administrative Action with the conditions, which the applicants have seen and agreed to, incorporated into the approval.

Mr. McKeon moved to approve Administrative Action Items 2-4 including Conditions of Approval outlined in Staff Notes. Mr. Cole seconded. Motion passed 5-0.

PUBLIC HEARINGS:

Item 5 A series of zoning amendments to implement Year 1 Comprehensive Plan strategies as identified by the Town Council.

Mr. Chace asked the Public if anyone was interested in a presentation of this item. No answer from the Public. Claudia King, Town Councilor and a Community Development Committee member, offered a brief presentation. Mr. Chace then opened the floor up for public comment.

PUBLIC COMMENTS: Tim O'Donovan, 6 Barre Way, supports the zoning amendments.

PUBLIC COMMENTS CLOSED.

Mr. McKeon stated that this item has had many public meetings. He is fine with these zoning amendments. Mr. Hickey asked whether the amendments had a graduated density allowance based on relationship to public utilities like sewer. Karen Farber, Town Councilor and CDC member, stated that the CDC contemplated such an arrangement but then decided against it due largely to the added complexity of the ordinance.

Amanda Stearns, Community Development Director, stated that the current ordinance does not have a density bonus based on sewer or water connections. There are lots of other factors that determine lot size, though, such as suitability of soils for septic.

Mr. Hickey was sympathetic to concerns about making the ordinance more complicated, but also felt it was a good planning tool to take public sewer into account. He feels the Town should provide the incentive for developers to connect to sewer.

Mr. Cole had no issues with the proposal. Mr. Kaplan stated he felt he would like to see thoughts of energy usage included in this plan. Mr. Chace felt that trying to incentivize growth should include another look at sewer connection. He was confused about Section 19-42 – Multi-Family dwelling, which includes a new provision stating that the site must be accessed by two means of access. He wondered about the rationale for this, especially in instances where developers are tasked with trying to reduce curb cuts.

Ms. Farber stated that the town has a connectivity policy when looking at public streets. They were trying to think of this in terms of multi-family residential development and how to eliminate dead-end areas. She felt there was value in connectivity including for bicycles and pedestrians.

Mr. McKeon moved to approve the zoning amendments with the recommendation of changes. Mr. Cole seconded. Mrs. Stearns requested that the Planning Board name the specific items they would like changed. Mr. McKeon asked to withdraw his motion, and Mr. Cole agreed.

Mr. McKeon moved to approve the amendments as written with the recommendation that in Section 19-42 instead of requiring 2 means of egress, requiring a standard. Mr. Cole seconded. Mr. Hickey stated he would like to see density standards on water sewer connection. Mr. Chace stated he was satisfied with the amendments as they were written. Mr. Cole agreed with Mr. Chace that it makes sense, but can it be handled through another vehicle other than a zoning change to this package of amendments. Mr. Hickey made an amended motion to recommend that the CDC, working with the Town Council, revisit the matter of creating additional density standards depending on whether a lot is

hooked up to public sewer and/or public water. The motion failed for lack of a second.

The Board approved the original motion 5-0.

AGENDA ITEMS:

Item 6 Charles Harriman – 98 Field Road – Request for Preliminary Subdivision Approval for a 4-lot subdivision. Map-lot R03-076-A, Zoned FF & RCZO.

Mr. Chace asked Staff to give a zoning overview of the application.

Keith Smith of Terrance J. DeWan & Associates gave an overview of the application. He went over the updated design for the Board as it relates to the viewshed. Their main concern was to get Lot 4 out of the view shed as much as possible. He pointed out the road change and the lot changes. Lot 3 was moved further behind an existing hedgerow and Lot 4 was moved toward Lot 3. He showed the proposed buffer on Lot 4 within the open space as well as providing buffer for the adjacent lot. The open space has increased to 4.8 acres. He also pointed out the buffering along the private way and along Field Road. He stated they are recommending that a portion of the 50 foot perimeter buffer on Lot 3 be a no cut buffer.

Mr. Chace asked the Board for clarifying questions. Mr. McKeon asked Mr. Smith to show the area to be deeded to the town. He pointed out the open space areas on the plan, and stated that they hoped to have it wrapped up before the final Planning Board meeting. Mr. McKeon asked if any areas of open space are not going to the town. Mr. Smith stated there are not. Mr. McKeon asked who would maintain the landscaping along the road. Mr. Smith stated that he had added a draft Covenants and Restrictions in the packet addressing that. Mr. McKeon asked what the status of the new revised trail connection is. Mr. Smith stated there is a 10' easement over lot 3 for pedestrian access.

Mr. Chace asked Staff if the Town Council knows about this parcel and it being deeded to the town. Staff stated that the appropriate committee does know about the parcel.

PUBLIC COMMENT: David Gagnon, 121 Field Road, said as a LMAC member, he was disappointed that Lot 4 wasn't adjusted much to be out of the viewshed and was also disappointed in the amount of open space on Lot 3. Mr. Gagnon spoke as an abutter and said he was disappointed in the "revised" placement of lot 4. He is concerned about the drainage on the lot and how it will adversely affect his property across Field Road.

Lisa Patterson, 97 Field Road, lives across the road from Mr. Harriman. She stated that the vegetation is going to be on the public space and will be maintained by the Town. She doesn't feel the Town has the time or the resources to take care of this buffer. She doesn't feel it's appropriate for the Town to maintain that.

No further public comments.

Mr. McKeon stated his concern has been the viewshed. He thinks that the current design isn't perfect, but it has improved. He wondered if the trail that is located on the applicant's remaining land can be required to be included as a condition of final approval.

Mr. Cole asked why they put the buffer on lot 4 in the open space and why they made it the responsibility of the Town to maintain. Mr. Smith stated his understanding from previous meetings was this was what the Board wanted but they are amenable to changing it to be on Lot 4. Mr. Cole asked if it could be moved back onto lot 4 and have the property owner maintain it under the Covenants and Restrictions. Mr. Chace stated it was better to have the buffer on Town property. Mr. McKeon stated that they wanted some documentation of how the landscape buffer is going to be maintained. Mr. McKeon stated it would be easiest to put it on lot 4 and put it on the HOA to maintain the landscaping by incorporating it into the deeds. As part of a final approval, they Board would like to know how this is going to be handled. Mr. McKeon stated there needed to be a covenant in the Lot 4 deed to keep the homeowners from cutting the trees down.

Mr. Hickey stated he finds the discussion about the viewshed to be surreal. He feels the discussion is not realistic as there is the question of who will maintain the hayfield that the applicant is currently maintaining. In 10 years it could be grown up and the viewshed could be moot.

Mr. Chace stated the Board needed to have CCSWCD review the plan for stormwater and erosion and sedimentation control. Mr. Smith stated there hasn't been a response from the District yet. He also stated there were minor increases in flows. He stated they were asking for a waiver of flows of two study points. He stated that Ms. St. Clair believes it meets the standards required. Mr. Chace believes there are more issues there and are waiting for CCSWCD to comment.

Mr. McKeon asked how the proposed stormwater meadow buffer will be maintained given that will be on Town land. Mr. Smith went over the stormwater plan. Lot 1 will be required to maintain the stormwater basin on that lot. Mr. McKeon asked if the applicant considered staff's comment about moving the meadow buffer. Mr. Smith stated if the buffer did revert to woods it offers better buffer than a meadow buffer.

Mr. Gagnon stated that LMAC currently maintains open space areas throughout town and, to the point about the viewshed, sometimes maintains area as cleared field.

Mr. McKeon asked about staff comments on septic and wells. Mr. Smith pointed out that the original test pit for Lot 3 will be eliminated. Staff pointed out in the notes that part of Lot 2 is in the view shed. Mr. Smith stated that if the envelope is limited for that lot, it limits the area of development for the homeowner. He stated that the front portion of Lot 3 makes the most sense for

that lot since a homeowner would probably rather have the lot further away from the open space and trails for privacy reasons.

He stated they were in agreement of the design standards. If a street does go in here, new stormwater requirements will need to be presented.

Mr. Chace asked if there was anything in the comments that they felt they could not address. Mr. Smith stated they could address all the comments.

Mr. McKeon moved to grant the waiver on the Resource Impact Plan. Mr. Kaplan seconded. Motion passed 5-0.

Mr. Hickey stated the applicant's agent has done a good job of trying to adhere to the 4-step process and to the Board's recommendations. He moved to approve the applicant's request for preliminary approval. Mr. Kaplan seconded.

Mr. Chace feels that the application is not ready for preliminary approval due, in large part, to the fact that there has been no review of the stormwater management plan by the Cumberland County Soil and Water Conservation District and there are still two pending waiver requests related to increased stormwater flows. Mr. Chace proposed an amended motion for preliminary approval conditioned upon the Board reserving the right to require a re-design of certain site components, including lot lines, pending receipt of the professional stormwater review by the District. Mr. Chace doesn't feel the application is ready for preliminary approval, but he will support a motion that includes this condition. Mr. Cole seconded Mr. Chace's proposed amendment to the motion for preliminary approval. The amendment passed 4-1 (Hickey). The Board then voted on the original motion as amended. The motion passed 5-0.

Item 7 Belinda Marston – Blackstrap Road – Request for Private Way approval to provide frontage and access to two lots. Map-lot R08-064, Zoned FF, RCZO.

Mr. Chace asked for a brief zoning overview from Staff. David Titcomb, Titcomb Associates, gave an overview of the applications. Mr. Titcomb stated that after discussions with the Town of Cumberland, they are comfortable with the applicant using a private way located in Cumberland to access the property. He stated the sprinkler systems recommended by the Fire Chief were still an issue of concern. Belinda Marston talked with Chief Rice regarding this issue. Based on her conversation with the Fire Chief, she understands the Chief's recommendation to be non-binding and only advisory. She stated that the Cumberland Fire Department was a mile down the road and believed that they covered this area of Falmouth for the Falmouth Fire Department.

PUBLIC COMMENT: Stefanie Ginn, Belinda Marston's daughter, was also concerned with the recommendation vs. requirement for the sprinkler system as it would pose a financial hardship.

NO FURTHER COMMENTS.

Mr. Chace stated that based on staff review, the remaining issue is the Fire Chief's recommendation. He then asked if they have looked into any alternatives for fire protection such as a holding tank or pond. Mr. Titcomb stated the cost would be about the same and feels it is too costly.

Mr. McKeon asked Staff what the ordinance states. Staff then read the ordinance to the Board. Mr. Hickey stated that either allowing or not allowing the houses to be unsprinkled, he felt, didn't overburden the services. Mr. McKeon also felt it didn't overburden the services.

Mr. McKeon moved to approve the application for "Stanley Ridge" with proposed conditions. Mr. Hickey seconded. Motion passed 5-0.

BOARD RECESS AT 8:35 PM

READJOURNED AT 8:43 PM

Item 8 OceanView Retirement Community, LP – 22 Blueberry Lane – Request for Preliminary Subdivision and Site Plan Approval to redevelop and expand the former Plummer School into 34 housing units. Map-lot U27-003-G. Zoned ESRD.

Mr. Chace asked Staff to give an overview of the ordinance requirements.

Matt Teare gave a PowerPoint presentation of the application for the Board. He stated they would like to make a new request for both preliminary and final approval tonight if at all possible. He explained that the Development Agreement between the applicant and Council, drafted in late 2015, was updated and the housing affordability was made permanent and added to the deed. They have received preliminary approval from the National Park Service and the Maine Historic Preservation Office. He stated they wanted to keep the integrity of the original building and the original site maintained. He also stated they wanted the addition to be clearly subservient to the main building.

Mr. Chace asked exactly where the brick on the proposed addition would be. Mr. Licht pointed out where the transition to clapboard would be and where the wood clapboard would be wrapping around to the building on the other side. Mr. Hickey asked if the bump-out on the applicant's presentation was different than what was the applicant submitted for the Board's packets. Mr. Teare reviewed the plan and stated that it did appear to be different. The ornamental strip on the top of the brick, he imagined, would be carried down. Mr. Teare stated he thought that it was not a bump out near the building corner but an illusion where the brick transitions to the clapboard. He also stated that the plans have not been updated with the new footprint. Mr. Cole asked if it was a true masonry wall. Mr. Teare stated it was a brick veneer. Mr. Hickey asked if the fascia treatment would also be carried to the same transition point to which Mr. Teare stated he believed so.

Mr. Licht stated that they believe there is sufficient parking capacity for the property. For Plummer, they are hoping to secure 26 reserved spaces for the 34

units. They are proposing to widen the Plummer driveway to allow formalized on-driveway parking and an 18 foot travel lane and are asking the Board to approve the travelway at an 18' width.

Mr. Licht went over the area of the building near the boiler room that will have an air handling unit installed. He stated the area will be well screened with decorative fencing and landscaping. He also stated that the overhead utilities from Lunt Road are being removed and replaced with underground utilities.

Mr. Hickey motioned to find that the proposal is consistent with the approved Master Plan for the property. Mr. Kaplan seconded. Passed 4-0 (McKeon abstained).

Mr. Chace asked about the approval process for the National Parks Service. Mr. Teare went over the process with the National Parks Service to date. He also stated that they are still waiting for their DEP approval.

Mr. Chace asked about the proposed sidewalk along Middle Road. Mr. Licht stated that the sidewalk is something the applicant is required to construct. For this application they are looking at it as a conceptual sidewalk plan and they are open to how the Board wants to look at this. They have shown the conceptual sidewalk location on all the plans to be clear that the sidewalk is a strong component of these projects, but they didn't want to tie its specific location until it's gone through a review with staff. Mr. Licht stated they are showing the sidewalk conceptually, but they believe it will be a separate formal approval. They would like to build it in phases as the construction is working down the street. Mr. McKeon asked if the sidewalk would connect with the next project. Mr. Licht stated it would go all the way from Blueberry Lane to Lunt Road. Mr. Teare added that the sidewalk would be built in front of Plummer during the Plummer project thinking that will be very close to the work on Motz, and then the remaining portion all the way down to Blueberry Road during the Middle Road Cottage phase.

Mr. Hickey asked what the current thinking was on the Village Green space and how it would be utilized in the future. Mr. Wasileski stated there would ultimately be a trail going around the village green and around the existing stormwater basin and a multi-purpose playing field. They have committed to a certain amount of common area landscaping. Mr. Hickey confirmed with Mr. Wasileski that OceanView would be responsible for creating that trail system and landscaping which is all in the Development Agreement.

Mr. McKeon asked if the parking spaces that extend beyond what is there for the Plummer School takes into account the employees and residents. Mr. Licht stated they did and that this is shown in the parking studies. Mr. McKeon then asked how parking in the non-dedicated area would work. Mr. Licht stated that Community Programs has encouraged people to park on the north side of the lot and take the proposed trails to Motz. He also stated he felt the parking was okay even with a large event on the Village Green field.

Mr. McKeon asked if the field was currently being used. Mr. Wasileski stated it was being used for 3rd, 4th and 5th grades. Mr. Kaplan asked if there was going to be parking on the street. Mr. Licht stated there was sufficient space to shift the center line over to allow for parking on the street and formally striped giving them 29 new spaces. This was going to be done within 2 weeks. Mr. Cole asked if it retained a bike lane on the south side. Mr. Licht stated it did not. Mr. Hickey stated that one thing that jumps out at him is the lack of commercial loading. He asked where he envisioned commercial parking (i.e. U-Haul). Mr. Licht stated it was front door delivery. Mr. Cole asked if there was a dedicated space for the trucks to park. Mr. Licht stated there was not. Mr. Hickey wondered about removing the six reconfigured 6 parking spaces in front of Plummer and having that as a loading/unloading area. Mr. Licht pointed out a suitable area for loading on the plan and explained that working with NPS makes it difficult and constraining because they cannot change the plan without having to have it approved by NPS as well.

Mr. Croce stated that the Director of Community Programs would likely want to provide input on any proposal that would remove the six parking spaces in question as they are in a strategic location.

Mr. Chace asked if other Board members were comfortable with the 18' drive aisle and asked staff if the Board had the option to vote on Final Approval tonight. Mr. Croce stated that a waiver request would be required to combine the preliminary approval and final approval stages into one meeting but that it otherwise is within the Board's authority to approve. He stated that he does not have final conditions of approval drafted because that request was not made prior to the night of the meeting and because he was not asked to review the application for a final approval. He said he cannot inform the Board as to whether all of the final approval requirements have been satisfied but pointed out that written evidence of DEP approval, and PWD approval, are two requirements which he believes have not yet been met.

Mr. Chace stated he didn't share the concern with respect to needing a dedicated loading area. Mr. Hickey stated he is fine with commercial deliveries but is concerned with the 18' drive width and the concerns from the Town Engineer. Mr. McKeon confirmed with the applicant that they are concerned with getting the approval from the NPS for anything more than the 18' drive. He also felt that the Community Programs Director's approval of this project would change if those six spaces were removed, so he is fine with the 18' travelway width. Mr. Cole also doesn't feel the driveway is problematic as access with a fire truck wasn't raised as an issue. Mr. Kaplan has no problem with it either.

Mr. Chace stated the remaining detail to be worked out is the sidewalk on Middle Road. He feels the final sidewalk design should be locked down with this application before a final approval. Mr. Licht stated he was comfortable with a condition on having the building of the sidewalk, more or less as shown, conditioned to staff approval. Mr. McKeon asked if this was true all the way down to Blueberry Lane if the Board made it a condition to both of the approvals before them tonight that the sidewalk be engineered to staff's approval. Mr. Licht stated yes, the Board could add a condition to that effect and subject to the final

engineering and design with staff as need be. Staff stated that the conditions approved with the overall school redevelopment project in 2013 included a requirement in the phasing plan that the sidewalk be constructed and tied the timing of the sidewalk to the first of either the Plummer School redevelopment or the Phase IV cottage development. They could amend the 2013 approval requirement to accelerate or delay the construction of the sidewalk.

Chair Chace stated he would like to see how the final grading of the sidewalk will work with the project and that this should be a component of the application for final approval. Mr. Cole asked if the inclusion of the sidewalk had any play in the NPS aesthetics of how this looks when everything is said and done. Mr. Teare stated that the reason they haven't designed the sidewalk is that they haven't had an approved project yet. He then stated they have no problem with making the sidewalk a condition with a time limit of when it will be built. He stated he would like to separate the design requirement, but put the timing in these approvals as they have no problem making the commitment that the sidewalk will be built or when it will be built.

Mr. Hickey asked if Mr. Chace's concern was the Planning Board having a say in the design of the sidewalk. Mr. Chace stated that, for final approval, the Board should know what the final design and actual construction will look like. To merge the approval phases together solely for expediency purposes doesn't fit with the intent of the ordinance nor the intent of this review. He is concerned with considering a final approval tonight.

Mr. Hickey stated that he has never been an advocate of the Planning Board delegating it's review responsibility to staff for review of a significant project element. He doesn't think that is fair to either staff or the project and is something he's not in favor of.

Mr. McKeon moved for preliminary approval of the application. Mr. Kaplan seconded. Motion passed 5-0.

Item 9 OceanView Retirement Community, LP – 20 Blueberry Lane – Request for Preliminary Subdivision and Site Plan Approval for a 14-unit cottage expansion. Map-lot U27-013-A/A1/A2/B. Zoned RB, RCOD, OVRC.

Mr. Chace asked staff for an ordinance overview. Mr. Wasileski gave an overview of the project. He stated he would have a full submittal to the DEP within the next couple of days. He outlined that there is a sidewalk that will connect from the corner of the Plummer school development all the way to through this development connecting to Blueberry Lane.

Mr. Licht went over Staff comments and stated that they would like approval that they are consistent with the master plan. He stated that the conservation easement was drafted with language that allows for the maintenance, repair, relocation and replacement of utilities. He feels that the design is fine with the easement. He stated they would be happy to submit a formal waiver request for the soils report. He stated that they were challenged with steep slopes coming

down the hill with grades that vary up to 9% and, therefore, would be happy to request a formal waiver of the grades that were steeper than 3% grade near the intersections. Regarding the issue of 22' vs. 24' road width, if it requires a waiver, they would like to request a waiver for a 22' road width. There was some confusion regarding the fire access road shown on the plans. Staff stated in the notes that area needed to be more defined as to exactly how it will be integrated with the new street. Mr. Licht stated that the fire lane will be improved. The gate at the bottom near Middle Road will be improved, the culvert replaced and the gate moved further up the road. The future middle road sidewalk will be provided with a public easement. Mr. Licht stated they would be happy to provide the detailed changes to Weathervane Way and the pedestrian walkway. Staff asked if the conservation easement language permitted grading and clearing associated with housing unit development as proposed. Mr. Licht stated they were not sure that the easement language allowed for that, but they are going to adjust it so it doesn't require any grading in that area.

PUBLIC COMMENT: No public comments.

Mr. Hickey stated he was comfortable with granting the waiver for the 22' roadway. Mr. Chace stated, as with the past application, that this is the time that the sidewalk details need to be addressed such as what the layout is, what the grading looks like, and what trees are going to be removed. Mr. Licht addressed Mr. Chace's comment and stated that no large trees would be removed for the sidewalk. Mr. Hickey asked if they were required to have a formal site walk to review the project. Mr. Wasileski stated they would be amenable to the site being flagged by a surveyor so Board members could walk it at their leisure.

Mr. McKeon stated he has no trouble on a soils report waiver. Mr. Chace said if the CCSWCD or DEP had questions then they would need to provide that. Mr. McKeon then asked if they were going to get the approval of the CCSWCD on stormwater. Mr. Licht asked Staff if they needed CCSWCD approval if they receive DEP approval, and if so, asked that this requirement be waived. Mr. Chace stated that he would like to have the CCSWCD look at it as it would be a more detailed review and asked Staff if CCSWCD was a requirement. Staff stated it was ultimately at the Board's discretion. Mr. Chace then stated he would like to have the review done to be in keeping with the Board's standard practice. Mr. McKeon stated he was in agreement with Mr. Chace.

Mr. McKeon asked Mr. Licht how steep the road grade would be. Mr. Licht stated the maximum grade was about 9% but confirmed that this grade is allowed for distances of 500 feet without any waiver.

Mr. Chace asked Board members if they had other concerns or comments that haven't been addressed. Mr. Hickey asked Mr. Licht to walk him through the changes made to the conservation easement area. Mr. Licht pointed out the proposed filter point and a trail connection and culvert improvement.

Mr. Hickey stated that the applicant mentioned there were rights within the Conservation Easement. Mr. Licht stated if the Board needs legal review, they will provide an opinion from their legal counsel. He then went over the

improvements for Mr. Hickey. Mr. Wasileski stated it would be an improvement from a stormwater perspective as well as an aesthetic perspective. Mr. McKeon asked if the conservation easement was included in the packet. Staff stated it was not and anticipated it would be submitted with the next submittal. Mr. Chace stated it would be helpful to have the applicant's attorney submit a legal opinion with the next submittal.

Mr. Hickey moved to grant preliminary approval of this application. Mr. Cole seconded. Approved 5-0.

Meeting adjourned at 10:32 pm.

Recording Secretary,
Lisa Sangillo