

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

**MEMBERS PRESENT:** J. Chace (Chair); T. McKeon (Vice-Chair); J. Cole; R. Israel

**MEMBERS ABSENT:** B. Kaplan; C. Hickey

**STAFF PRESENT:** Ethan Croce, Sr. Planner

**STAFF ABSENT:** Lisa Sangillo, Recording Secretary

Chair Chace brought the meeting to order at approximately 6:32 p.m. and asked Mr. Croce for a roll call.

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

Mr. McKeon moved that the minutes of the July 5, 2016 minutes be approved as written. Mr. Israel seconded. Motion passed 3-0 (Chace abstained).

**ADMINISTRATIVE ACTION ITEMS:**

**Item 2** **Ridgewood Associates LLC** – Falmouth Road – Request for Site Plan and Subdivision Re-Approval for the Ridgewood Subdivision. Map-lot R04-026/U26-011. Zoned OSRD.

Bruce Coggeshall requested that this item be removed from the Administrative Action Items and moved to the regular agenda items.

**Item 3** **Bailey Sign Inc** on behalf of Mbrace Orthodontics – 74 Gray Road. Request for approval for 2 wall signs and 1 freestanding sign. Map-lot U44-012. Zoned WFC and Rt.100 CO.

**Item 4** **Paul Gaudet** – Bella’s Way – Request for private way amendment to modify the street right of way. Map-lot R06-031/032A/032B. Zoned VMU and Rt.100 CO.

Mr. McKeon moved to approve items 3 and 4 as presented. Mr. Israel seconded. Motion passed 4-0.

**AGENDA ITEMS:**

**Item 2** **Ridgewood Associates LLC** – Falmouth Road – Request for Site Plan and Subdivision Re-Approval for the Ridgewood Subdivision. Map-lot R04-026/U26-011. Zoned OSRD.

Mr. Croce gave an overview of the project for the Board stating that this was a re-approval for a two-year extension on the project build-out.

Peter Biegel, Land Design Solutions, gave a brief overview of the project.

**Public Comments:** Bruce Coggeshall, Applewood Lane, was concerned about the control of the site's common improvements which are proposed to be turned over to the homeowners September 2016. He is requesting that the Planning Board impose a condition of approval requiring the developer to provide a certification from a competent engineer that the common facilities are in good working order prior to turnover.

**Public Comments closed.**

Mr. Biegel stated that inspections of the site's facilities are completed when things are under construction. There are other inspections that are the responsibility of the developer. He stated he has not seen any failure of any facilities. Mr. McKeon asked Mr. Biegel if the road network was built. Mr. Biegel stated that road network is in and that the final paving for Phase 2 has not been completed but will be after construction is finished.

Mr. McKeon asked if the facilities necessary for stormwater were completed. Mr. Biegel stated that they were, and a couple of swales need to be revisited. He stated that the site has been stabilized. Mr. McKeon asked if Mr. Biegel could provide the new HOA with certification and a warranty that the remaining elements of the infrastructure are being built to approved standards. Mr. Biegel stated the construction team could provide that.

Mike Payson, one of the developers of the project, stated that they have a performance guarantee in place to ensure adequate completion of site improvements that will not be released until the final site inspection is completed by the Town Engineer.

Mr. Chace asked what is being transferred next month. Mr. Payson explained the requirements of the condominium act and how it relates to the Homeowners Association. Mr. Israel asked Mr. Coggeshall if there was a plan for the Homeowners Association to hire an engineer to perform an inspection. Mr. Coggeshall stated that they requested that the budget for this year include funds for an engineer to do a study, but the declarant declined the request.

Mr. Croce went over the ordinance requirement language for the Board. Mr. McKeon reference protections that exist in the State's Condominium Act. Mr. Chace stated that with the performance guarantee in place, he isn't sure there is any need to impose additional conditions at this time. Mr. Croce clarified that enforcement matters are handled by the Code Enforcement Officer and not the Planning Board.

Mr. McKeon moved that the application be approved as presented. Mr. Israel seconded and asked if they could grant the extension with the condition it be completed within 2 years. Mr. Croce stated that the current Planning Board cannot bind a future Board regarding whether to approve or deny a future request for an extension.

Motion passed 4-0.

**Item 5 Ocean View Retirement Community, LP – 22 Blueberry Lane – Request for Final 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. Croce provided the Board with a zoning context.

Chris Wasileski, Matt Teare and Rick Licht were present to represent OceanView. Mr. Wasileski stated they would propose to address the parking designations of reserved spaces by striping spaces. He stated they received specific comments from Public Works regarding the sidewalk, specifically the Town Engineer, who was willing to work with them to get their specifications to 100%.

Mr. Licht went over an update on the site plans of a change to an electrical line based on Central Maine Power's desirability to have it moved to the lawn area. They have now received their DEP minor revision approval. The sidewalk has been designed and is going through Staff review for final design details. They have a cost estimate from the contractor for a performance guarantee on the sidewalk. They provided an updated serviceability letter from the Portland Water District.

He stated the building elevations have been slightly modified since the previous submittal and presented the updated drawings to the Board. He stated that they have done some housekeeping items on the plans, and they feel confident that the recording plat has all the necessary elements. Mr. Licht pointed out for the Board where the sidewalk is being built.

**Public Comments:** No Comments.

Mr. Israel asked if the parking on Lunt Road itself is public parking or event parking. Mr. Licht stated this was public parking. Mr. McKeon confirmed that the lot that runs parallel to Lunt Road has designated parking for residents and events. Mr. Licht stated it did to which Mr. Wasileski confirmed. Mr. Wasileski also stated that the sidewalk is ADA compliant and was straightened to allow adequate winter maintenance.

Mr. Cole asked Mr. Wasileski to elaborate on the process of applying for historic tax credits with the National Park Service to which Mr. Wasileski clarified for the Board.

Chair Chace asked for the timing of the sidewalk construction along Middle Road. Mr. Licht stated their intent was to construct each piece of the sidewalk along with the corresponding project (i.e. Plummer School section of the sidewalk would be built with the Plummer School project). The second phase would be constructed when the work at Motz and the propane tanks are done. The third phase would commence with the Middle Road cottage expansion project.

Chair Chace confirmed with Staff that this discussion covered all requirements and conditions required by the Town for the sidewalk. Staff stated the Board has the

authority to add this as a condition of approval that the sidewalk timing be coordinated with each project phase.

Chair Chace then asked if there was some way to add a short sidewalk connection directly to the intersection of Middle and Lunt Road to avoid out of direction travel and to enhance the Town's vision of pedestrian and bicycle connectivity and activity coming to the Recreation Center and the playing field.

Mr. Licht stated they would be willing to look into a connection, although this could prove burdensome and expensive for what the developer has already committed to. Mr. Wasileski reiterated Mr. Licht's comments.

Mr. McKeon asked Staff for general conditions of approval. Mr. Croce distributed copies of these conditions to the Board and read them into the record.

The Board added additional wording to Condition 3C to clarify the two phases of the sidewalk construction, "portion of sidewalk located on lots G, F, and E, and all parking areas including the Lot F parking expansion shall be constructed and available for use prior to building occupancy".

Chair Chace asked if the Board wished to add another condition regarding sidewalk connectivity at Lunt and Middle Road. Mr. Teare stated that Town Manager Nathan Poore agreed to pay for additional items like this that the Board may request. He stated that OceanView can construct it but that Mr. Poore stated the Town would pay for it. Mr. Licht stated that this is a challenging location. This area will become Town property and the Town has every right to construct a sidewalk connection at that intersection, but he doesn't feel the applicant should be saddled with additional expense, cost and obligation. Mr. Cole was concerned with how an additional sidewalk connection could affect the applicant's National Park Service historical status.

Mr. Israel doesn't feel the applicant should be required to construct the additional connection. Mr. Cole stated he was concerned with the project losing its NPS status. Mr. Croce stated that the NPS restrictions expires after 5 years.

Mr. McKeon moved to approve the application with conditions as provided by Staff with the amendment to 3C adding the language "portion of sidewalk located on lots G, F, and E, and all parking areas including the Lot F parking expansion shall be constructed and available for use prior to building occupancy". Mr. Cole seconded. Motion passed 4-0.

## **OTHER BUSINESS:**

### **Item 6 Contract Zoning Discussion**

The Community Development Committee will be introducing a zoning amendment to the Town Council on August 8<sup>th</sup> to enact contract zoning. The Board discussed the merits and drawbacks of this issue. One of the issues raised was why an applicant would comply with the ordinance if they have an option to apply for contract zoning. Mr. McKeon stated that he did not see a standard of when it's contract zoning and when it's

not. Mr. Croce stated that was strictly a political decision. He stated this proposed process does have four findings that need to be made in order to adopt contract zoning, which is four more findings than are required to be made with the rezoning process currently being used. The consensus of the Board is they are generally supportive of the concept. The Board felt that public notice at the CDC level was a good thing. Chair Chace confirmed with Staff that site plan review is still required even with the approval of contract zoning, unless the specific contract states otherwise.

Meeting adjourned at approximately 8:30 p.m.

Recording secretary,  
Lisa Sangillo