

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

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

MEMBERS ABSENT: R. Israel

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

Chair Chace brought the meeting to order at approximately 6:32 p.m. and asked for a roll call. He informed Mr. Kaplan that in the absence of Mr. Israel, Mr. Kaplan would be a voting member.

Item 1 Approval of minutes from the August 2, 2016 Planning Board meeting.

Mr. McKeon moved that the minutes of the August 2, 2016 minutes be approved as written. Mr. Cole seconded. Motion passed 5-0.

ADMINISTRATIVE ACTION ITEMS:

Item 2 - David Libby – 10 Manhattan Way – Request for Private Way Amendment to divide Lot 1. Map-lot R07-052-001. Zoned FF & RCZO. Mr. Chace recused himself from this item as the access to this lot has an easement across his property.

Mr. Hickey moved to approve the application as presented. Mr. Cole seconded. Motion passed 4-0. (Chace abstained.)

Item 3 - The Preserve at South Ridge LLC – 30 South Ridge Road – Request for Subdivision Amendment to modify the building envelope for Lot 1. Map-lot R08-014-001. Zoned RA & RCZO.

Item 4 - Longwoods Road Realty Trust – Longwoods Road– Request for Private Way re-approval to provide frontage and access to one house lot. Tax Sheet 150. Map-lot R01-016. Zoned RBm & RCZO.

Mr. Hickey moved for approval of Items 3 and 4. Mr. Cole seconded. Motion passed 5-0.

PUBLIC HEARINGS:

Item 5 - Introduction by the Community Development Committee (CDC) of a zoning amendment to enact contract zoning.

Chair Chace asked Staff if there would be a presentation to which Mr. Croce stated there would not unless the Board had questions.

PUBLIC COMMENTS: Steven Mohr, Mohr & Seredin Landscape Architect, had concerns about refining the definition of “Consistent With” to remove the potential for disagreements over subjective interpretations, and in Section III, making sure there is flexibility over waiving most ordinance standards not just the space and bulk standards. He also suggested allowing phasing to be considered where appropriate for the larger projects to keep them economically viable.

Caleb Hemphill, Town Councilor and CDC Committee Member, stated that the original language was primarily slated for residential growth areas. It was requested by the Town Council to add commercial areas as well. He also stated that this item will be heard at the September 12th council meeting.

PUBLIC COMMENTS CLOSED.

Mr. Hickey referenced the “abutter notice” section of the proposed ordinance and his feelings that only notifying immediate abutters is inadequate because the impacts of rezoning larger contract zone projects will often be more far-reaching. Ethan Croce mentioned that this reduced abutter notice was at the CDC level and that the statute may require an expanded abutter notice requirement for contract rezonings later in the review process. Chris Hickey thought it made sense to add any such expanded abutter notice requirement in the statute to the CDC stage as well. Mr. McKeon agreed with Mr. Hickey as did Mr. Cole.

Mr. McKeon motioned to recommend to the Town Council to adopt the contract zoning as written with the recommendation they revisit the abutter notification requirement at the CDC stage. Motion passed 5-0.

AGENDA ITEMS:

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

Chair Chace asked Staff for a zoning requirement overview for the Board. Keith Smith, Terrance J. DeWan & Associates, representing Charles Harriman and the Palmer Road Subdivision final approval application. Mr. Smith went over the items from the Preliminary Approval that the Board required for final approval, the first being the open space which was conditionally accepted by the Town Council. They have updated the landscape plan, received DEP approval, and cleaned up the plans and covenants and restrictions. They also addressed site distance concerns and stormwater. They have two waivers they are requesting. The first waiver is from the requirement for a common ownership and stewardship plan of the open space. The other waivers are for post development storm water attenuation.

Nancy St. Clair, St. Clair Associates, went over the technical review memo received today from the Cumberland County Soil & Water Conservation District engineer. They are asking for waivers on the peak discharge rates for two points of analysis. She stated that they are in agreement on virtually all of the items in the 19 page stormwater memo.

Ms. St. Clair reviewed the District's memo and the applicant's responses to the review comments. She felt confident they could work out addressing the remaining outstanding comments at the staff level as a condition of approval.

Regarding third party inspections, the Town would require weekly reports done by the contractor and provided to the Town, which Public Works requested. She went over the peak discharge rates; one in the rear of the site and one in the front. They noted an increase at the Field Road study point but noted that the modeling did not quantify the attenuation of the proposed biofilter. They noted an increase of 0.36 CFS in a 2-year storm and less than 2CFS for the 100-year storm.

Study point 2 is at the back of the site, and they are proposing to have a storm berm level lip spreader and meadow buffer. Flows to the drainage area at the rear of the site are projected to be approximately 40 CFS for the 100 year storm event and the capacity of the ravine has been modeled at 300 CFS.

PUBLIC COMMENTS: No public comments.

Chair Chace stated one of the principal issues is that the applicant is asking the Board to approve a stormwater waiver when there is additional design work that still needs to be completed around that waiver request. Mr. McKeon asked Ms. St. Clair, regarding Study Point 2, there was any intermediate way to meet the quantity requirements of the ordinance without adding a detention pond. Ms. St. Clair stated they need to provide a method to reduce the peak discharge either with a detention pond or some other attenuation. They stated they are looking at an increase, but the amounts, even though they don't meet the ordinance, won't make a big difference.

Mr. McKeon asked about the watershed that is serviced by that ravine and inquired as to the likelihood of future additional development where everyone would also want to request a waiver. The concern then would be creating a situation where the ravine would be overwhelmed by cumulative impacts. Ms. St. Clair stated that the applicant's land is the majority of the tributary area to that ravine.

Mr. Hickey asked for additional overall context, predevelopment flow off the site versus the post development off the site. He wanted to know overall what the difference is, if any. Mr. Hickey asked for confirmation that the proposed design attenuated the flow to the abutter's property. Ms. St. Clair stated that was correct.

Mr. Cole asked Ms. St. Clair if the study also encompassed the drainage basins to the north, Cavendish Road, etc. She stated they did not include those as they are offsite and not flowing through. He then asked if the spreader was going to turn the open space area in to a low lying wetland or is there sufficient gradient for it to drain to the ravine. Ms. St. Clair stated she felt there was sufficient gradient for it to drain.

Mr. Chace recalled abutters raising issues of off-site drainage issues along Field Road in the past. Ms. St. Clair stated that they will have a culvert under their road that will bring stormwater back to the Town's drainage system. Mr. Cole asked if current modeling

addressed hydraulic changes. Ms. St. Clair stated no, that was a comment from the Town Engineer that they agreed to provide additional documentation on.

Ms. St. Clair stated they anticipate the calculations will demonstrate that there will be sufficient capacity in the Field Road drainage system. If this is not satisfactory to the staff, they can make modifications to the bio-retention cell to provide additional attenuation.

Mr. Chace reiterated what he felt he was hearing that there is an assumption that what the applicant is proposing can be worked out satisfactorily with staff as a condition of approval. He is concerned with the Board granting waivers on unknowns. He asked Mr. Mason what his comments are on the review memo from CCSWD.

Mr. Mason stated in speaking with CCSWD they felt they needed more information of the Town's Field Road system downstream. They were generally open to considering the waiver, but didn't have enough confidence with the numbers provided. He felt that they needed to be 100% confident.

Mr. McKeon asked Chair Chace if he felt there hasn't been sufficient evidence provided to grant the waivers. Mr. Chace feels there is more information needed before the Board can take final action.

Mr. Hickey stated he felt the applicant has presented a professional application and is confident they will work through this eventually. At the same time, a waiver granted by the Planning Board should be based on facts and evidence so he tends to agree with Chair Chace that the waivers are not ready to be granted.

Mr. McKeon confirmed that Mr. Mason is "looking for calculations that the existing infrastructure can handle the peak flows" and asked Ms. St. Clair if they had completed calculations. Ms. St. Clair stated they have not yet.

The Board all agreed that the application should be tabled to ensure the stormwater items have been completely evaluated.

Mr. Hickey asked to provide the applicant with clear direction of what the Board is looking for. Mr. Croce stated that CCSWD provides an endorsement for erosion control and, if the Board wishes, stormwater. Mr. Hickey stated he would be comfortable with the applicant working with the Town Engineer on stormwater issues. Mr. Chace asked Mr. Mason for how comfortable he was with reviewing these stormwater calculations. Mr. Mason stated he typically would rely on the CCSWD for the review of detailed calculations.

Ms. St. Clair stated there is another waiver on the table regarding open space monitoring and asked for clarification on the 2 points of discharge and asked the Board if they needed to focus only on Study Point 1. The Board felt that Study Point 1 needs to be the focal point.

Mr. McKeon moved to approve Waiver Request 1 for the open space monitoring and fund. Mr. Cole seconded. Motion passed 5-0.

Mr. Cole moved to approve Waiver Request 2 relative to Study Point 2. Mr. Hickey stated he didn't support separating the two study points since the stormwater study points are all interrelated and a change to one area could affect the other. Mr. Cole withdrew his motion to approve a waiver at Study Point 2.

Mr. Hickey moved to table final approval for the Charles Harriman application. Mr. Cole seconded. Motion passed 5-0.

Meeting adjourned 8:04 p.m.

Recording secretary,
Lisa Sangillo