

**FALMOUTH PLANNING BOARD AGENDA
TUESDAY, SEPTEMBER 8, 2015, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBER**

MINUTES

Meeting was called to order at 6:31 p.m. by Chair Jay Chase.

Item 1 Approval of minutes from the August 4, 2015 Planning Board meeting.

Mr. Israel moved to approve the minutes. Mr. McKeon seconded.
Motion passed 4-0.

ADMINISTRATIVE ACTION ITEMS:

Item 2 David Chase – 430 US Route One – Request for approval for three signs for Falmouth Self Storage. Tax Sheet 70; Map-lot U62-005-001. Zoned BP.

The applicant is applying for approval for three externally illuminated signs at the recently approved Falmouth Self-Storage site at 430 U.S. Route One. The three signs consist of a 38.7 square foot freestanding sign, a 31 square foot wall sign, and a 37 square foot wall sign. The two wall signs will be externally illuminated with linear downlighting. The freestanding sign will be externally illuminated with a light mounted within the landscaped planter sign base.

Mr. Israel moved for approval of Mr. Chase's application. Mr. McKeon seconded. Motion passed 4-0.

Item 3 Claudia King – 160 Woodville Road – Request for Shoreland Zone Permit for maintenance to an existing embankment dam. Tax Sheet 140&421, Map-lot R03-033. Zoned F & RCZO.

The applicant is seeking a Shoreland Zone Permit to maintain and repair an existing earth embankment dam located on the property. The existing dam's primary outlet structure, a drop inlet catch basin with horizontal culvert, has failed and has resulted in a partial failure of the embankment. The proposal is to remove the malfunctioning culvert and riser, replace the earthen material in the embankment, and to extend the existing rip rap spillway to create a passive outlet structure.

Mr. Israel moved to approve Ms. King's application. Mr. McKeon seconded. Motion approved 4-0.

PUBLIC HEARING:

Item 4 Proposed amendment to the Zoning and Site Plan Review Ordinance Sec. 19-23.11 Master Development Plan Time Limits, in order to extend the Tidewater Master Plan Development District an additional six months.

Mr. Croce gave the Board an overview of the proposed amendment which is identical to the request made in April of 2015.

PUBLIC COMMENTS: No public comments.

PUBLIC COMMENTS CLOSED.

The Board then discussed the item and all were in favor of extending the timeline by six months.

Mr. McKeon moved that the Board recommend the amendment as described above. Mr. Hickey seconded. Motion passed 4-0.

AGENDA ITEMS:

Item 5 **Doten Properties, Inc.** – Tidewater Village Lot 4 – Request for Site Plan Review for a restaurant with outdoor dining on Lot TV-4 in Tidewater Village. Tax Sheet 320. Map-lot U52-006-001, Zoned TMPDD.

The applicant is now requesting site plan approval. The applicants have obtained their MDOT Traffic Movement Permit and have obtained the required endorsement of the Cumberland County Soil and Water Conservation District for their erosion control plan and stormwater management plans.

Mr. Croce provided a zoning overview for the Board.

Present for the applicant was
Mike Hayes with Grant Hayes Associates.
Ross Cudlitz with Engineering Assistance & Design
Charlotte Maloney, the landscape architect
Amy & Lance Meader, owners of Rivalries
Tammy & Steve Doten, 469 Doten LLC, owners of the parcel.
Bill Bray, a Traffic Engineer with Traffic Solutions

Each representative went over their respective submissions outlining for the Board the changes made since the previous submissions.

Mr. Bray gave a detailed presentation of the traffic and parking studies asking and stated that the applicant must apply for and receive a Traffic Movement Permit. He handed out a side-by-side comparison

of a revised Table 7 to the Board and went over the changes with the Board reading the revised Table 7 into the minutes. The numbers from Table 7 are summarized below:

TIMEFRAME	DEMAND	SUPPLY
Weekday Noontime	50	55
Weekday 5 p.m.	62	117
Weekday 7 p.m.	103	141
Saturday Noontime	45	141
Saturday 5 p.m.	88	141
Saturday 7 p.m.	110	141

He then stated that in order to utilize the spaces along the south side of Clearwater Drive, there will need to be some regrading and vegetative clearing.

Mr. Chace asked if any Board members had clarifying questions for any of the members of the applicant's team. Mr. Chace asked Mr. Bray if his total parking supply included the 25 spaces on the south side of Clearwater Drive, to which Mr. Bray stated it does.

PUBLIC COMMENT:

There were several people who spoke during the public comment. The items of concern were the minimal landscaping, the 9 parallel parking spaces, buffering along the shared spaces, tree preservation, the outside walk-in cooler, outdoor dining patio, the transformer size, the odors/smells that would come from the restaurant on a daily basis, and most importantly the impact the restaurant would have on neighboring Tidewater Farm and Farm Gate Road residents.

There were a couple residents totally in support of the restaurant and the redesign of the Route One corridor.

PUBLIC COMMENT CLOSED.

There was a lengthy discussion of the seating issue and how it related to the available parking with Mr. Croce clarifying that the applicant chose a conservative standard as the 1:3 ratio is technically only for indoor seating where outdoor seating is limited to only a couple months out of the year.

There was a discussion regarding signage of the parking spaces with Mr. Hayes stating that they would need to come up with a Parking Signage Plan.

Mr. Chace spoke about the agenda items that would give additional guidance to the applicant. The parking spaces are a crucial area of concern. He was favorable of the spaces but also wants to be sensitive

of the homeowners. Mr. Doten stated that they approached the town about putting more spaces on Hat Trick Drive and it was determined that there were no available spaces that would work. Mr. Doten stated they could put two spots out front, but they didn't feel it would work.

Mr. Chace also spoke about the treatment of the service areas and if the applicant had an opportunity to look at the peer review comments. Ms. Maloney stated they do plan to use the minimal size bollards and paint them a dark color with three reflective stripes on top.

Mr. Chace stated that the Board felt that their concern was not fully addressed and the applicant is not meeting all the standards that the Board is seeking. He asked that they pay attention to the design standards.

Mr. Chace then asked if making a direct connection on TV3 with satellite parking with a direct pathway was considered. Ms. Maloney stated that patrons most likely wouldn't walk all the way around the restaurant so the applicant would probably put an access near the parallel parking to the parking lot.

Mr. Hayes stated that they probably would have to come up with a Parking Signage Plan. Mr. McKeon stated that the lease for the parking spaces would have to say they are allowed to put signs up.

Mr. Chace asked Ms. Maloney to point out the shrubbery on the Farm Gate Road side. She stated they could put higher shrubbery in. Mr. Croce described the design standard for Hat Trick Drive and whether there is opportunity to continue the street tree theme down Farm Gate. Ms. Maloney stated they were definitely prepared to look at that.

Mr. Chace asked if they'd given any consideration to turning off light fixtures on off hours to save energy and minimize light pollution while ensuring there is adequate security lighting. Mr. Hayes stated that some of the lights can be set up in any way the Town wishes and easily programmable. He stated that there would probably be some emergency or security lighting that would be on at some time.

Mr. Hayes recapped what guidance they received including the 9 spaces on Farm Gate and stated that they needed to know if the Town wanted them or not; the CMP transformer; parking signs; sidewalk cut-through; security lighting; and street trees. Mr. McKeon also stated that he hoped the additional items from the Peer Reviews would also be addressed. Mr. Croce stated that the Board hasn't stated exactly how many spaces are needed, but has relied on the information from the professionals.

A discussion regarding the 9 spaces took place among the Board members. Mr. McKeon asked how the strip would be landscaped if the

parking spaces were eliminated. Ms. Maloney stated it would become wider and denser with some street trees, low perennials and ferns.

Mr. Hickey stated there was support for the neighborhood 10 years ago. Now when there is a need for parking, the Town states there is no more room for stormwater drainage. Mr. Chace stated he would like to echo Mr. Hickey's statement as he feels the same way.

Mr. Cudlitz stated reason for the inability to put parking on Hat Trick Drive is due to the DEP permit that was at its limit for square feet for permitting and the stormwater system was at its absolute capacity, and Town Engineer stated the it would have triggered a DEP revision and overstressed the stormwater systems, as well as the effect on the contract that was already awarded for the development of Hat Trick Drive.

Mr. Mckee stated he would lean towards getting rid of the 9 spaces for the neighbors. Mr. Chace feels that way as well as does Mr. Hickey and Mr. Israel feels he would like to see shrubbery and 2 or 3 parking spaces.

This application was tabled.

Break at 9:10

Readjourned at 9:16

Item 6 **TideSmart Realty, LLC** – 91 Johnson Road – Request for Site Plan Review for the conversion of a residential structure to a commercial property. Tax Sheet 083, Map-lot U62-002. Zoned BP.

The applicant is requesting site plan review and approval to convert an existing structure, currently approved as a single family dwelling unit, to a 1,819 square foot commercial office. The establishment of a commercial use, and the requirement to establish parking and vehicular service for the same, triggers the requirement for site plan review.

Mr. Croce gave a zoning context overview to the Board.

Tom Greer, Pinkham & Greer, gave an overview of the application. He pointed out a tree that was in the right of way that the Town Engineer wanted removed, but they were hoping to leave it there as it is a very mature tree. The buffer along Johnson Road is an issue this evening that they are hoping to have a waiver.

They are also asking for a greenhouse to be added to the 380 US Route One site. They are asking that the connector driveway be graveled and the parking spaces for the Viridescent House be graveled as well. They were more than willing to clear the catch basin on the top corner of the

property per the Town Engineer's comments. They are more than willing to clean up the items brought up by Staff.

No clarifying comments.

PUBLIC COMMENTS:

Chris Naigle, attorney for Peter Kennedy, and Scott Anderson, attorney for Steve Woods were both present at the meeting. They presented both side of the argument regarding the easement and whether or not right, title and interest is present.

A neighbor and abutter to the property, Pete McCormack, Woodward Lane, was concerned regarding safety issues and increased traffic.

PUBLIC COMMENTS CLOSED.

The Board discussed regarding right, title, and interest as well as the easement and determined that they would like the Town Attorney to opine on these items.

Mr. Chace stated they do have an application before them that they do have to go through the site plan review standards.

A discussion ensued about how to handle the application presented this evening. Mr. McKeon stated that they have two choices: one to wait for the Town attorney's opinion, the second to go ahead with a site review. Mr. Chace stated the general consensus was to wait for the town attorney's input before approval.

Mr. Hickey suggested they go through the four waiver requests. He stated he wasn't supportive of the waiver the requirement for the site plan information to be delivered on the Town's GIS system. He felt it makes it easier and feels it should be an activity of the applicant and not Town staff.

Mr. McKeon asked why the waiver of the 11 trees as instead of 15 trees as required by the ordinance. Mr. Greer stated that they felt the trees currently on site are adequate and also felt the 15 trees would be a potential of site line blockage. Mr. Chace confirmed with Mr. Croce that this item didn't go out to the landscape peer reviewer. Mr. Chace stated it would be helpful for the landscape architect to weigh in on it.

The third waiver the applicant is requesting pertains to the driveway dimensions of 25'. They are requesting a reduction to a 24' driveway to match up with the driveway that is directly across Johnson Road which is 24'. The Board agreed that the waiver would be okay for this purpose only and any future development would have to abide by ordinance standards.

The fourth and final waiver pertained to the photometric standard to provide a photometric plan that shows illumination levels on the site. Mr. Greer stated that the existing lights in place match what has been previously approved.

Mr. McKeon has no problem with the waiver. Mr. Chace stated the Board would need a written description of the current lighting to review. He also stated Mr. Croce's observations need to be addressed as well.

Mr. Hickey asked Mr. Croce if there was any guidance on what is required for an interior road. Mr. Croce answered with language from the ordinance. Mr. Hickey stated that they would need a waiver for the interior road.

Mr. Woods asked about the greenhouse, which the Code Enforcement Officer is fine with under current conditions.

Mr. Croce brought another potential waiver on a surveyor stamping the final plan to the Board's attention.

Application was tabled.

Meeting adjourned at 11:01 p.m.