

**FALMOUTH PLANNING BOARD  
TUESDAY, OCTOBER 4, 2016, 6:30 P.M.  
MINUTES**

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

**MEMBERS ABSENT:** J. Chace (Chair);

**STAFF PRESENT:** Ethan Croce, Senior Planner; Lisa Sangillo, Recording Secretary

Vice Chair McKeon brought the meeting to order at approximately 6:30 p.m. and asked for a roll call. He informed Mr. Kaplan that he would be a voting member until Jason Cole arrived.

**MINUTES:**

**Item 1** Approval of minutes from the September 6, 2016 Planning Board meeting.

Mr. Hickey moved that the September 6, 2016 minutes be approved as written. Mr. Kaplan seconded. Mr. Israel abstained. Motion passed 3-0.

**PUBLIC HEARINGS:**

**Item 2**

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 Development Plan an additional one year.

Vice-Chair McKeon explained the amendment to the public.

**Public Comments:** No public comments.

No Board questions or comments. Mr. Israel motioned to recommend approval of the extension. Mr. Kaplan seconded. Passed 5-0.

**AGENDA ITEMS:**

**Item 3**

**Charles Harriman** – 98 Field Road – Request for Final Subdivision Approval for the 4-lot Palmer Road Subdivision. Map-lot R03-076-A, Zoned FF & RCZO.

Keith Smith from Terrence J. DeWan & Associates gave the Board an overview of the status of outstanding items for this project. They changed the bio retention area on Lot 1 to a grassed underdrain soil filter to provide greater attenuation so the stormwater waiver at the Field Road study point is no longer necessary. Nancy St. Clair, project engineer, went over the new calculations at the rear of the site where they were able to better attenuate flows with a modified design. Now, the only stormwater waiver being requested is for a 3% increase during the 100 year storm at the rear of the project. She answered the concern the Board had

with the CCSWCD's comment regarding the 3% waiver, namely that looking at the 3% waiver for this project in isolation might be acceptable but if every project were to receive a 3% waiver then the cumulative impacts would be unsustainable. She verified that any future development in the subdivision would need to be re-evaluated by the Planning Board.

Ms. St. Clair went over the other outstanding items in the District's review memo. She stated that at this point, all review comments have been addressed.

**PUBLIC COMMENTS:** No public comments.

The discussion was brought back to the Board where Mr. Cole and Mr. McKeon stated they appreciated the hard work and cooperation with this application.

Mr. Croce presented the Conditions of Approval to the Board and the applicant. Mr. Hickey motioned to grant the applicant's stormwater waiver request. Mr. Cole seconded. Motion passed 5-0.

Mr. McKeon asked if the open space had been transferred to the Town. Mr. Smith stated they needed the Planning Board approval first. Mr. Croce stated this was included under Condition 2.b.

Mr. Hickey motioned to approve the application with conditions of approval as provided to the applicant. Mr. Israel seconded. Motion passed 5-0.

#### **Item 4**

**Avesta Blackstone, LP** – 21 Squidere Lane – Request for Preliminary and Final Subdivision and Site Plan Approval for 19 proposed units of senior apartments. Tax Sheet 010, Map-lot U24-023-B, Zoned RA, AVRC.

Drew Wing, Avesta Housing, introduced the members of the design team who would be presenting to the Board tonight. Matt Phillips, landscape architect from Carroll Associates, gave an overview of the project highlighting the major changes made to the site design since sketch plan review. They are asking for a waiver of 7-13A of the subdivision ordinance to combine preliminary and final review stages. He outlined the concerns from the residents such as parking, buffering, privacy, and snow removal. He stated they have slightly reconfigured and reduced the size of the new building to 7200 sf. They have pulled the driveway out of the setback; therefore there is no request for a waiver on that item anymore. They have reconfigured the parking and the main arrival and drop-off area to allow more parking near the front of the site. They have also added compact parking to minimize site impacts. They have added buffering and screening along the property. They have added shrubs and trees around the parking areas of the other buildings. They removed the trash dumpster and replaced it with totes and a trash and storage shed. This opened a section of pavement to be utilized as a turn-around. They have replaced lights with LEDs that are dark sky compliant. The community center will be rehabbed and modified. There are two rain gardens that will help control stormwater. There

will be two easements provided, one to the Town for a turnaround and one to the Portland Water District for relocation of a water line. They have designed handicap ramps and a crosswalk with tip-downs at Depot Road/Squidere Lane. They feel they've addressed all concerns from the peer reviewer and staff.

Jesse Thompson of Kaplan Thompson Architects gave an overview of the architecture and the changes to the building from July. He stated it was basically the same, just a little smaller. Final siding material will be of a clapboard style, and either vinyl or composite wood. They are going to build a new laundry room in the Community Center as they are rehabbing the center instead of building a whole new building as previously contemplated. There will be more windows and more light. They will also be rehabbing the existing 20 units. New ventilation systems will be in all units, and replacing faucets on a case by case basis depending on how worn out elements are in the units.

Mr. Hickey asked what other design elements are proposed on the building to make it blend in with the site's existing buildings. Mr. Thompson stated that the new building has gabled ends and a pitched roof and the building is the same width as the current buildings. They didn't think a 3-story building was appropriate nor a flat roof given the neighborhood context. They made sure all the building elements were the same as the existing buildings. Mr. Hickey felt some of the functional elements on the building could be placed elsewhere such as the meter bank and he also wondered about the ventilation louvers near the roof. Mr. Thompson stated the ventilation area would be painted white, not black like on the plans, and would not stand out as much. He also said the meter bank is fairly hidden in a side corner of the building. Mr. Hickey appreciated that clarification.

Mr. Israel asked about the distribution of the handicap parking. Mr. Phillips pointed out where the 7 dedicated spaces would be. He also stated there would be a few additional spaces that would be striped with unencumbered access for current residents.

Mr. Cole inquired about the review of the Cumberland County Soil and Water Conservation District as it is one of the outstanding issues. Project engineer John Mahoney went over the comments received today from CCSWCD which he stated he was in complete agreement with addressing as a condition of approval. He stated that they expanded their rain garden to better attenuate flows. He stated they were fine with the suggestion of using a certain geotextile. Mr. Hickey asked if the applicant was comfortable with a condition of approval that they comply with all requirements in the CCSWCD memo. Mr. Mahoney confirmed that they were.

Mr. McKeon stated that the ordinance doesn't allow the Board to change the number of parking spaces. He inquired about the previous resident concerns about labeling the parking spaces. Mr. Wing stated that Avesta doesn't generally assign parking spaces due to legal issues. He stated they would reserve specific spaces for current residents that have lived there a long time but that new residents would not have reserved spaces. Mr. McKeon asked about the parking

reconfiguration residents were concerned about. Mr. Wing stated they did rework the parking to meet the residents' needs. Mr. McKeon asked about pedestrian access. Mr. Wing stated there is currently a sidewalk along Squidere Lane to provide access to the Depot Road sidewalk. He asked Mr. Phillips about the buffering and removal of trees. Mr. Phillips stated they would be leaving what is currently there and adding additional vegetation. Mr. Cole asked about snow storage areas. Mr. Phillips noted on the plan the location of snow storage and said that snow would need to be hauled away in large storms.

**PUBLIC COMMENT:** Marie Ann Bell, Apartment 18 was concerned with the lack of space when it's snowing and lack of room for emergency vehicles and plows.

Mr. McKeon stated they received a handwritten letter from a Susan Zeimer regarding the lack of space for the new building as well as lack of parking for visitors and guests.

**No further comments.**

Mr. McKeon stated the applicant was asking for a waiver for preliminary and final approval and asked Mr. Wing to explain why. Mr. Wing stated that there are financial award deadlines that are critical to this project.

Mr. Israel stated he felt the applicant did an excellent job reconfiguring the site for parking and circulation. Mr. Hickey stated he had concerns around operational matters, such as trash disposal, but those are internal operational issues that are not really in the purview of the Planning Board. He stated he supports the waiver request, but supports it due to the thoroughness of the application addressing all review comments and submittal requirements and wants to make clear that it would be inappropriate to grant this type of procedural waiver based on financial issues as any development project could make that argument.

Mr. McKeon stated he was in agreement with the waiver and agrees with Mr. Hickey's statement regarding operational issues. He appreciates the applicant's efforts to address the concerns raised.

Mr. Hickey moved to grant the waiver for preliminary and final approval. Mr. Cole seconded. Motion passed 5-0.

Mr. Croce distributed the draft Conditions of Approval to the Board and the applicant.

The applicant had no concerns with the conditions of approval.

Mr. Israel moved to approve the application as presented subject to conditions of approval and subject to addressing all outstanding review comments from CCSWCD.

Mr. Hickey seconded clarifying that this is preliminary and final approval.  
Motion passed 5-0.

### **Item 5**

**Kathryn Ellis** – Mast Road – Request for pre-application sketch plan review for a new private way serving one country estate lot. Map-lot R09-039-C & R09-041 (portion of), Zoned FF, RCZO, HLCO.

Amy Segal of Terrence J. DeWan & Associates gave an overview of the project. She stated their surveyor has confirmed that there had not been any lots split out of the Hawkes property within the last 5 years so this will not be a subdivision. She pointed out where the access easement is on the abutter's property. She stated that putting the driveway in will require grading and filling of almost 10 feet to comply with the 8% maximum grade. They will be submitting a phosphorus control plan with the next submittal as the property is within the Highland Lake Overlay District. She confirmed that the arrows on the plans were drainage areas and not wetlands. She pointed out the best site for the septic system. The house site is 100 feet from both wetland systems.

Mr. McKeon asked the Board if there were any questions for the applicant. Mr. Hickey asked if the attorney conducted a title search and if any previous subdivision of the land was found. Ms. Segal stated, not formally, that the title attorney hasn't found any evidence of previous subdivision of the parent parcel and they would do a title search. Mr. Israel asked if any preliminary work had been done with respect to sight distance. Ms. Segal stated their engineer went out this week and confirmed the proposed location over the access easement is the safest driveway point as it's over 400 feet of sight distance. She stated they are keeping a wooded buffer along Mast Road for stormwater.

Mr. Cole confirmed that this is a 16 acre parcel. Ms. Segal stated it is and that the current proposal is to create one buildable lot but to reserve the potential to split it in the future.

Mr. McKeon asked if the proposed road crossed over any primary or secondary conservation areas. Ms. Segal stated that the driveway will try to follow the general location of the existing woods road to minimize tree clearing and is in the 50 foot buffer. Mr. McKeon stated that the ordinance could require the applicant to inventory the rear 10 acre portion of the site for conservation areas and to determine if there might be a better location to site the building window. Ms. Segal confirmed this was correct. Mr. McKeon asked if there was any way to move the access road closer to the existing woods road to decrease the site impacts and the amount of fill being used, recognizing that the ordinance speaks to designing roads to minimize cuts and fills. Ms. Segal stated they could explore that in more detail and could submit photographs which would be helpful to understand the sight distance and topography issues.

Mr. Hickey described the purpose of the 4-step design process and suggested that the applicant provide analysis of the rear 10 acre portion of the side and to

provide evidence as to why the proposed house location is better from an ordinance standpoint.

Mr. McKeon asked the applicant to identify the buffers that will be required.

**PUBLIC COMMENTS:** No public comments.

Mr. Hickey stated the Board would be looking for more information on the entire parcel for the next submission. Mr. Hickey then asked if they had looked into acquiring the “wedge” of land from the abutter where the access easement is located so that they could build one house lot without needing Planning Board review. Ms. Segal stated they could not take ownership of that portion of land without reducing the abutter’s street frontage below the required minimum.

**BREAK - Resumed at 8:21pm**

### **Item 6**

**Verizon Wireless** – Falmouth Road – Request for an advisory opinion on a conditional rezoning request for a proposed Tier III Wireless Service Facility. Tax Sheet 390, Map-lot R04-022, Zoned RB.

Mr. McKeon asked Mr. Croce to review what is expected from the Board this evening. Mr. Croce stated that the applicant is seeking a recommendation from the Planning Board on whether or not to recommend the requested conditional zoning change to the Town Council. Mr. Croce stated the Planning Board’s review this evening would be much broader than a typical Planning Board review of this type of application because the Board is reviewing criteria for rezoning that the Board would not otherwise review. Mr. McKeon stated his belief that the Planning Board would likely not be voting on this item this evening due to the need for more information to be provided.

Scott Anderson, an attorney with Verrill Dana, represents the applicant and gave an overview of the project and stated they did not expect any formal recommendation from the Board this evening. He explained the differences between Tier 1, 2, and 3 towers and why they are coming before the Board for the Tier 3 tower request. He introduced Chip Fredette, also representing Verizon, and went over what their roles were with respect to this project.

Mr. Anderson explained the reasons for choosing the proposed site for the tower, which include provision of optimal coverage and proximity to other existing towers. The tower will be 110’ tall and anything over 200’ needs to be lit for FAA purposes. Tree canopies run between 45-60 feet high and the tower’s height of 110’ will minimize the visual impact. The only site lighting will be a motion activated down-lit light by the concrete pad. The only items making sound will be a generator and a fan that keeps the cabinet cool in the summer. He stated there would be no sound heard from abutting properties due to the distance from property lines several hundred feet away.

They did an extensive assessment of vernal pools on the site. They have situated the driveway to avoid the vernal pools and wetlands. The road/bridge crossing will be the only item affecting the wetland. They are applying for a Permit By Rule from DEP. No Army Corps approval is required because they are spanning the wetland with a bridge. They did a joint site walk with DEP to identify the vernal pools on-site and are going to include those pools mapped by the Town that they don't have on their maps.

Mr. Anderson showed the Board visuals of the balloon test conducted on 9/24/16. They will provide a full copy of this report for the Planning Board with the next submission. The results show that the tower is difficult to see from all but a few discrete areas of Falmouth. He showed photosimulations of the tower from the various vantage points where the tower would be visible. He showed the tower designed as both a monopole and a monopine.

Mr. Anderson stated that the Town Manager and Staff have pointed out that the applicant's submission does not include an analysis of other co-location options in lieu of a new tower, such as the towers at the DPW building and at Town Hall. He stated that the DPW site is a US Cellular site and it is located too closely to the existing I-295 tower where Verizon is planning to co-locate an antenna and that this would result in too much overlap in coverage areas. Also, the US Cellular tower may not be able to handle the load of additional antennas which means they would have to construct a new tower.

Mr. Anderson stated that the Town Hall tower was originally going to be built by AT&T but was subsequently leased instead to another entity. He stated that the Town Hall tower would not provide enough offloading capacity related to other towers and has a smaller capacity than they need.

Mr. Kaplan asked if the view analysis would be different in the winter. Mr. Anderson stated there would be a slight difference due to leaf drop but not significant.

Mr. Cole asked what the photographic response was on the Turnpike Spur. Mr. Anderson explained how the visibility test was done and showed a map of all public roads in the vicinity of the tower. Greer road segments represent areas where the balloon could not be seen and red roads are areas where the balloon could be seen. All roads driven were green roads. There were only a few discrete vantage points where the balloon could be seen.

Mr. Cole asked about foundation requirements for the tower and if the soils would support that type of construction. Mr. Anderson stated that the bidding contractors have to do an assessment on the soils, ground, bedrock and propose as part of the bid package how the foundation is required to be designed to comply with the tower standards. Mr. Cole asked how the utilities were routed. Mr. Anderson stated they would be all underground under the proposed road. Mr. Cole stated there are other areas near the Spur that may work for siting a tower. Mr. Anderson stated the applicant would have to explain to the Board why any alternative sites won't work to meet the coverage objectives. He explained

that the site chosen provided the least adverse impacts to the abutters and community.

Mr. Hickey asked who sets the coverage objectives. Mr. Anderson stated each individual carrier has a desired coverage objective. Mr. Hickey stated that one of the requirements is for the proposal to be consistent with the Comprehensive Plan and wondered about using numerous Tier 1 solutions (e.g. utility poles) vs. one Tier 3 solution.

Mr. Anderson explained the alternative discrete ways Verizon can provide coverage in densely populated areas such as downtowns in response to Mr. Hickey's comments.

Mr. Israel asked about the analysis with respect to the DPW site and the proposed site. Mr. Anderson explained why the DPW site won't work and why it will require more detail. Under the ordinance, they have to look at existing sites.

Mr. Cole asked if changing the design of the "Falmouth 4 site", referenced earlier, in conjunction with DPW and the Town Hall tower could achieve their current objectives and whether those options have been evaluated. Mr. Anderson stated that was exactly the question the applicant needs to answer. They will talk about the global design of the overall regional network in the next submission.

Mr. Croce clarified that the existing tower at Town Hall is currently much shorter than the tower anticipated by AT&T. Mr. Israel asked where the Town Council is in selecting a peer reviewer. Mr. Croce stated they have identified a firm out of Massachusetts and they will be reviewing the applicant's revised submission when it comes in.

Mr. McKeon commented that the RF study map makes it appear as if there is very little Verizon wireless coverage in Falmouth even though there is. He then asked what control they had over the remaining portion of the property owner's lot they are leasing a portion of to make sure it stays wooded and if the road was going to be used for future development by the owner. Mr. Anderson stated that they would look at the answer to that question. He stated they would probably have a hard time getting the owner to put the remaining property in a no cut zone and stated they need to give this issue more thought. They are proposing a 12' wide gravel driveway.

Mr. McKeon asked what the size of the right of way is. Mr. Anderson stated it was a 20' easement area. He stated that staff correctly pointed out that the applicant is proposing site improvements outside of the 20' easement area and that they need the written permission of the landlord for that. They are leasing the tower space and have a non-exclusive easement for the access road.

**PUBLIC COMMENTS:** Kurt Klebe, 165 Falmouth Road, stated he had submitted written testimony to the Board which he will not repeat. He is concerned about the tower and propane tank and the location in the middle of a deer yard which is heavily hunted. He is concerned about fire danger if a stray

bullet hits the tank and fire response access. He stated he is not sure the road is sufficient for safety vehicles. He is also concerned that this is the last unprotected, undeveloped habitat block on the east side of Falmouth. He is generally opposed to this location for a cell tower.

Didi Stockley owns parcels to the west of the Klebes. She wanted to plead with the Board to keep this site in its current undeveloped state.

**No further comments.**

Mr. McKeon stated they will close their deliberations until the next submission is received. He suggested that it is helpful when public comments are backed up with actual evidence instead of simply anecdotal evidence to help the Board with their decision.

Mr. Hickey asked if the applicant explored access from the Turnpike Spur instead of Falmouth Road. Mr. Fredette explained why this would likely not be an acceptable option for the Turnpike Authority. Mr. Anderson stated he didn't believe they could get access off the Turnpike but they would look into it. Mr. Cole pointed out that a very tall (90'?) light pole was installed near Bucknam Road and asked if Verizon looked into that as an alternative. Mr. Anderson stated they would look into that. Mr. McKeon also asked about how visible the tower would be from the adjacent Falmouth trails system. Mr. Fredette stated they would have to do another balloon float to find out. Mr. Anderson stated it would likely not be visible given the close proximity of the trails to the site.

The meeting adjourned at 9:56 p.m.

Recording Secretary,  
Lisa Sangillo