

**FALMOUTH PLANNING BOARD
TUESDAY, OCTOBER 6, 2015, 6:30 P.M.
MINUTES**

MEMBERS PRESENT: Jay Chace-Chair; Bill Benzing; Tom McKeon; Rudy Israel; Chris Hickey

MEMBERS ABSENT: Jason Cole

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

Chair Chace called the meeting to order at 6:32 p.m.

MINUTES:

Item 1 Approval of minutes from the September 8, 2015 Planning Board meeting.

Mr. Chace asked for a motion on the minutes. Mr. Hickey motioned to approve the minutes as written. Mr. Israel seconded. Approved 4-0 (Benzing abstaining).

ADMINISTRATIVE ACTION ITEMS:

Item 2 **Woodlands Club, Inc.**, 11 Woodlands Drive, Request for a Fill Permit for improvements to the Club's practice driving range. Map-lot: U67-097; Zoned FF & RCZO.

Item 3 **Leighton Farm Development, LLC**, 75 Leighton Road, Site Plan Re-Approval for Building Pad #2. Map-Lot: U44-017-002; Zoned VMU & Rt. 100 CO.

Item 4 **OceanView Retirement** – 20 Blueberry Lane – Request for Site Plan Review for a 900 s.f. expansion to the Main Lodge. Tax Sheet 310. Map-lot U27-013-B, Zoned RB & OVRC.

Item 5 **ECO-ANALYSTS, INC.**, 117 Foreside Road, Shoreland Zone Permit for a permanent pier and modification of a previously approved seasonal dock. Map-Lot U09-002; Zoned RA & LR (Shoreland).

Item 6 **Andrea Adler** – 16 Hillside Avenue – Request for Private Way Approval for a one-lot private way at 25 Hillside Avenue. Tax Sheet 280, Map-lot U46-003. Zoned FF & RCZO.

Item 7 **Carolyn Gurley** – 9 Eustis Farm Road – Request for Private Way Amendment to add one lot to Eustis Farm Road. Tax Sheet 380, Map-lot R04-011-001. Zoned RB & RCZO.

No members of the public wished to have any of the above items removed from the Admin Action item. Mr. Benzing motioned to approve all administrative action items. Mr. Israel seconded subject to inclusion of Conditions of Approval for Items 6 and 7. Approved 4-0 (McKeon abstaining).

AGENDA ITEMS:

Item 8 **Chapman Development LLC** – Fieldstone Lane – Request for Pre-Application Sketch Plan Review to add one house lot to the Maplewood Subdivision. Tax Sheet 060/414, Map-lot R03-028. Zoned FF & RCZO.

Mr. Croce gave an ordinance overview for the Board.

Owens McCullough presented the application for Chapman Development and gave an overview for the Board.

Mr. McCullough went over the staff review memo of the application; specifically, the road has not been offered for acceptance yet. They are ensuring they provide the right of way for future connectivity, which is currently used for pedestrian access.

Mr. Chace opened public comment.

PUBLIC COMMENTS:

There were public comments from Katie Hallowell, Paula Spencer, Sandy Couch Kelly, Gavin Gillespie, John Marcelynas, and Frank Carner who are all abutters to this property. They collectively were all opposed to this application stating that their understanding was that the open space would remain as open space and felt that they were misled by the applicant when they purchased their property. They also were concerned about the street connectivity and losing the dead end condition and added traffic, especially during school bus drop off and pick up times.

Therese White spoke in favor of the application stating there was added value to the properties with an additional house and presented Chair Chace with a letter from her and Jim White.

PUBLIC COMENTS CLOSED.

Mr. McKeon stated that the Planning Board is not the forum for determining prior representations made by the developer. They are charged with finding whether an applicant has sufficient right, title or interest. He is concerned about the open space and wondered why it has not been turned over to the homeowners association yet. Tim Bryant, attorney for Jim White and Chapman Development referenced Section 12.1 of the covenants. Mr. McKeon feels that the Town Attorney probably should weigh in on this matter of RTI and he has doubts that Article 12 overrides the other provisions in the Declaration.

Mr. McKeon asked about the road and the easement across the open space. Mr. McKeon asked if the abutting property had been developed and if there was a complimentary easement. Mr. Croce stated there is a complimentary pedestrian and bicycle easement at the adjacent Twin Meadows Subdivision but that it could be upgraded to a full street connection in the future.

Mr. McKeon mentioned relocating an existing trail and that the section of Staff's notes pertaining to this needs to be addressed.

Mr. Chace stated that he would also like to have the Town Attorney weigh in on the right, title, and interest issue. He expressed concern that the proposed relocated paper street to Twin Meadows would be re-routed through wetlands. He would like to see the applicant explore other options for keeping the paper street in a location that does not result in more wetland impacts in conformance with the wetland protection provisions of the ordinance.

Mr. McCullough stated the additional lot could probably only be placed where they have mapped it. He then explained the two different paper street alternatives.

Mr. Israel reiterated Mr. McKeon's remarks regarding referring to the Town attorney. He also stated that the applicant's engineer needed to review the right-of-way easement options to have the least amount of wetland impact.

Mr. Benzing also agrees that the Town Attorney needs to weigh in on the right, title and interest issue. His second item of concern was what authority the Board has with respect to the covenants. He felt the paper street options needed to have the least amount of impact possible.

Mr. McKeon asked what standards would apply to this application. Mr. Croce stated current ordinance standards would apply. Mr. Benzing asked about the impact of previous Board members' decisions regarding this project to which Mr. Croce stated the Board is not bound by a previous Board's decision.

Mr. Bryant asked for clarification that the Town Attorney would be weighing in on the right issue since the title and interest issue are clear. He also stated that the Twin Pond subdivision was originally supposed to share the cost of public water getting extended down Woodville Road, but that Chapman Development paid in full per the Planning Board at the time. The conditions were then changed for Twin Ponds and they did not have to hook up to public water and Chapman was never reimbursed for the public water extension. He explained that this is the reason why the developer is asking for an additional house lot, to recoup some of this cost.

Mr. McCullough asked how the town attorney opinion would work; would it be through town staff. Mr. Croce stated that they could hold off contacting the Town Attorney until the applicant's attorney has submitted their legal opinion.

Mr. McCullough asked if their presentation of the street connectivity meets the general requirements of the ordinance. Mr. Chace conveyed the ordinance sections and standards that the applicant would have to comply with, including the standard related to needing to document the existence of unreasonable public road congestion.

Mr. McCullough also asked for direction on the exemption to create the additional lot without having to address the prescriptive open space requirements and if the Board had any discussion or thoughts with respect to this. Mr. Chace stated that the ordinance requirements speak to avoidance of wetlands impacts and that he still needs to be convinced that the new proposed lot and paper street configuration meets this standard.

Mr. Hickey asked what the surplus land between lots 7 and 8 and lots 12 and 13 was retained for and why it was now labeled “retained land” instead of “open space”. Attorney Bryant stated that this was a mistake and Mr. McCullough confirmed that those areas should return to be labeled as open space.

Mr. Chace stated that he would like Note 17, which talks about the wetlands, open space and buffers be preserved in their natural state, to be reviewed by the Town attorney. Mr. McKeon stated that they needed to know what the standard is if they can amend “Note 17”; and if they can amend it, what the applicable review criteria is.

Before adjourning the meeting, Mr. Chace relayed to the Board that on October 29th there is a training seminar for Planning Board members and encouraged members to attend.

Meeting was adjourned at 7:51 pm