

**FALMOUTH PLANNING BOARD  
TUESDAY, DECEMBER 1, 2015, 6:30 P.M.  
FALMOUTH TOWN HALL, COUNCIL CHAMBERS  
MINUTES**

**MEMBERS PRESENT:** Jay Chace; Tom McKeon; Rudy Israel; Chris Hickey

**MEMBERS ABSENT:** Jason Cole; Bill Benzing

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

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

**Item 1:** Approval of minutes from the November 3, 2015 Planning Board meeting. Mr. McKeon motioned to approve minutes. Mr. Hickey seconded. Motion passes 3-0 (Israel abstained).

**ADMINISTRATIVE ACTION ITEMS:**

**Item 2: Falmouth Public Schools** – 51 Woodville Road – Site Plan Review for installation of a hoop house. Tax Sheet 300. Map-lot R05-021. Zoned F, RCZO.

**Item 3: Town of Falmouth** – Brookfield Road – Request for an amendment to the Brookside Field Extension Subdivision to create a new open space lot and for proposed change in ownership for a portion of the open space. Tax Sheet 453, Map-lot U56-001/002 et al, Zoned RB, F, RCZO, LR (Shoreland).

**Item 4: (TABLED) Terrance J. DeWan & Associates** – 358 & 360 US Route One – Request for approval for a freestanding sign with two tenant panels. Tax Sheet 150, Map-lot U54-028, Zoned RA, BP.

Mr. Chace asked if any members of the public wished to have the items removed and discussed. No public responses. Mr. McKeon motioned to approve Administrative Items 2 & 3 as shown above. Mr. Hickey seconded. Motion passed 4-0.

**AGENDA ITEMS:**

**Item 5: Belinda Marston** – Blackstrap Road – Request for Private Way approval to provide frontage and access to 2 lots. Tax Sheet 010, Map-lot R08-064, Zoned FF, RCZO.

Mr. Croce provided a zoning context as it relates to this item.

David Titcomb, Titcomb Associates, gave an overview of the project for the applicant, Belinda Marston. The only staff review item that is still outstanding is the Fire Chief's request that the houses be sprinkled. Mr. Titcomb explained that the applicant would prefer that the houses not be sprinkled as it creates a hardship for Ms. Marston's daughters.

Mr. Chace asked the Board members if they had any questions of clarification to which there were none.

**PUBLIC COMMENTS:** Van Wilkerson, 627 Blackstrap Road, concerned about a stream going from the pond at Poplar Ridge and coming down to a culvert on the subject property. He was surprised that the stream was not on the drawing and explained that there are brook trout in the stream.

**NO FURTHER COMMENTS.**

Mr. Chace asked Mr. Titcomb to provide insight on where the stream is. He stated he didn't know exactly where the stream that Mr. Wilkerson was talking about is located but said the work they would be doing is well away from Blackstrap Road.

Mr. Titcomb explained, with the help of Ms. Marston, where the proposed culvert will be located and where the current culvert is. Mr. McKeon asked staff for clarification on what the Board is limited to as far as the standards are concerned. Mr. Hickey asked Mr. Titcomb if he had any information on the culvert on Blackstrap Road. Mr. Titcomb did not but stated that Ransom Consulting went out and observed current conditions and determined that the existing 18" culvert was adequately handling the water/runoff.

Mr. Chace stated that he did not see reference of the stream in the wetlands delineation report provided by Sweet Associates. Mr. Titcomb stated there will be a NRPA permit that will be required for the placement of the culvert. Mr. Hickey stated it may be worth specifying a different type of culvert such as an open bottom culvert than trying to determine if the 18" culvert is appropriate. Mr. Titcomb stated the new culvert isn't going to restrict flow any more than the existing culvert under Mystical Way downstream does now. He stated the new culvert would sit on natural ground unlike the Mystical Way culvert which is hanging. Mr. Chace asked if access needed to be from the right of way or if the access could be shared with Mystical Way in Cumberland. Mr. Croce stated that there was language in Section 19-60 of the ordinance which speaks to private ways being approved to provide frontage AND access.

The Board commenced a discussion regarding shared access for this project using Mystical Way in Cumberland. Mr. Chace asked Ms. Marston if she's had discussions with the neighbors that own the private way. Ms. Marston stated that the land is all family land and felt shared access wouldn't be an issue from a property rights perspective. Mr. Titcomb stated they could create the private way, but just not build it.

Mr. Chace discussed with Ms. Marston the option of exploring the shared use of access to the property through Cumberland. Ms. Marston felt it was less expensive to upgrade Mystical Drive.

Mr. Hickey asked if the applicant would be looking to table their item for a future hearing to work on exploring access through Cumberland. Mr. Titcomb asked the Board for the criteria that they would use for using Mystical Way as access to the project. Mr. Chace stated there were many unanswered questions to warrant

hearing from DEP before any decisions are made. Mr. Titcomb stated they would be looking for guidance from the Town on what would be required. Mr. Croce stated that the applicant and/or applicant's attorney could outline the legal/permitting process to follow to be submitted to the Town attorney for review if a joint review with the Town of Cumberland needed to be followed.

Mr. Chace then asked the applicant what types of discussions took place with the Fire Department regarding the sprinkling of the houses. Ms. Marston stated she called, but has not heard back from the Fire Chief to date. Mr. Titcomb stated that sprinkling the houses puts a financial burden on the applicant's daughters. There was some concern expressed among the Board members with the houses NOT being sprinkled. Mr. McKeon stated he would be inclined not to require sprinkling in the houses. Mr. Hickey suggested that the applicant when speaking with the Fire Chief, point out that the nearest fire station is a mile away. The Board seemed to agree that the Fire Chief's concerns should be met but that there may be other options other than sprinkling.

Mr. Chace asked the applicant if they had further points of clarification, which they did not. Item will be tabled.

Mr. McKeon motioned to table the item until the applicant is prepared to come back. Mr. Hickey seconded. Motioned passed 4-0.

**Item 6: Charles Harriman** – 98 Field Road – Request for Pre-Application Sketch Plan Review for a 4-lot subdivision. Tax Sheet 210, Map-lot R03-076-A, Zoned F, RCZO.

Mr. Croce provided a zoning context as it relates to this item.

Keith Smith is the landscape architect representing Mr. Harriman. He gave an overview of the project beginning with the 4-step process. Mr. Smith explained in detail each drawing. He stated there were no vernal pools on site, and two insignificant wetlands on site. He pointed out where the site's buffers are located. He stated he was awaiting nitrate studies as they are proposing wells on the site. He showed where the road would come off Field Road to maintain the best site distance. They are also providing a trail connection that would connect to the Falmouth trail system. They are requesting a reduction of the setback on the lot that abuts the cemetery furthest from the road. The plans include a paper street for potential connection to the remaining land of the applicant.

Mr. Smith stated they have not mapped the 15" or greater trees and asked that the scope of the study be narrowed down so they aren't getting into the forested open space areas of the site. He requested the same consideration to limit the scope of the soil study. He stated that the Fire Chief expressed possible investigation into the viability of connecting with water at Cavendish Way.

Mr. Chace asked the Board if there were any points of clarification.

**PUBLIC COMMENTS:** David Gagnon, 121 Field Rd, asked what people do when they have private water and a sprinkler system and the power goes out. He read a letter to the Board regarding preserving the conservation areas and cluster development. He was also concerned with the possible second future phase of development that might occur.

Thad Chaddack – abutter –concerned because the project bisects the field across the recreational area and how this project seems to be the opposite of the intention of the Comprehensive Plan.

Lisa Gagnon Patterson – 97 Field Rd - does not feel the project meets the RCZO purpose and asked that should the Board approve this project, they require applicant to plant buffering trees to shield the houses.

Robert Montgomery – 130 Field Rd - would like to avoid the visual damage due to a cluster development and the impact on the area.

Jessica Broekman – 69 Field Rd - agrees with Mr. Montgomery’s statements.

Al Aucella - 69 Field Rd-Ms. Broekman’s husband - also feels the area would be destroyed. He feels it would be great to have a walkway between the open space and the development.

Robert Montgomery – 130 Field Rd - stated that the connection to Cavendish is impossible as there is a deep gully there.

Beth Sperry – 110 Field Rd – feels it is such a loss if these areas are developed.

Ted Vail – 74 Field Rd - reiterated what everyone else has stated about the beauty of the area. He feels he can continue to walk and enjoy the area with the project there and doesn’t feel the area will change a great deal if the project is approved.

**PUBLIC COMMENTS CLOSED.**

Mr. Chace explained to the public that the process this evening is a sketch plan and no formal decision will be made tonight.

Mr. Harriman pointed out where his original land was and what portion was sold to the Town. He stated that as long as he is alive, he will never sell any of his additional property. He stated he will plant trees to shield the structures from view. He stated he wants to be a good neighbor and do the right thing.

Mr. McKeon began the discussion by stating that the Board may have to have a site walk on the property. He confirmed with Mr. Harriman that the open space will be proposed to be given to the Town. He also asked them to point out where the gully was and if it was a stream, which it is. He inquired as to whether the Cavendish paper street connects to the boundary of this site. Mr. Croce stated it wasn’t entirely clear as the Town’s GIS and the Cavendish subdivision plat show different paper street configurations. If the Cavendish Street does not fully

connect, the connection would have to be made when the abutting private way lot on Aspen Way came in for additional development.

Mr. Smith outlined the view sheds and how they would be impacted with this project. He stated they could put in plantings to shield the structures. Mr. Smith then showed photos to the Board of different views from different angles and where the houses would be; the intent is to buffer lot 4 from the views.

Mr. Hickey noted that the applicant does not own the land through which the primary view shed projects and that the Board should take care to consider only the natural and scenic resources under control of the applicant.

Mr. Gagnon stated that as long as he is alive, he wouldn't sell any further property. He pointed out where the building envelopes are for the 4 lots. He stated the view shed was there because of a wording in a restrictive covenant.

Mr. Hickey stated that he felt the applicant identified the 4 step process correctly.

Mr. Croce gave the public a brief overview of the 4-step process. Mr. McKeon asked Mr. Croce if the Board was able to require more than the 30% of open space. Mr. Croce explained the requirements of the threshold of open space. The Board was unanimous in the challenge of applying the open space requirements to the view shed.

Mr. Chace asked the applicant to super-impose the buildings on the plans so they would have an understanding of what the view shed would look like with future submissions.

Mr. Hickey said since lot 4 appears to be the most objectionable would the applicant give thought to relocating lot 4. Mr. Smith pointed out the approximate area of the referenced 300 foot no build view shed preservation area and that this restriction seems to only stay in effect as long as Mr. Gagnon or his family live in the area.

Mr. Chace doesn't feel a site visit is necessary, but will participate if other Board members wish to visit the site. Mr. Israel does not feel there is a need for a site walk. He asked that more thought be given to the buffer of Lot 2 which is less than 50 feet from the property line. Mr. Croce explained to Mr. Smith that the 50 foot perimeter buffer depth is not a waivable item.

Mr. Chace would like to have visuals provided with the next submission to the Board, instead of just being presented on the night of the meeting, in order to provide the Board and staff adequate time to review and understand the analysis.

A member of the public asked if a drive by would be important if the view shed is such an issue.

Mr. Smith would like to address the issues in a preliminary review rather than go through another sketch plan review.

Mr. McKeon stated that connecting the road to Cavendish doesn't seem feasible based on the applicant's representations, but he is concerned with connecting the trails with the Town land. Mr. McKeon also mentioned the Fire Chief's review comment regarding sprinkler systems in the houses.

Mr. Hickey asked to see an engineering estimate of cost for public water connectivity with Cavendish.

Mr. Chace stated to the applicant that when they do come back before the Board, they expect to see a response to all of staff's review comments.

At 8:55, Chair Chace adjourned the meeting for a 5 minute recess. Meeting re-adjourned at 9:00 pm.

**Item 7: OceanView** – 20 Blueberry Lane – Pre-Application Sketch Plan Review for an addition and renovations to the Falmouth House Assisted Living Facility. Tax Sheet 310. Map-lot U27-013-D. Zoned RB, RCOD.

Mr. Croce provided a zoning context as it relates to this item.

Chris Wasileski along with Rick Licht gave an overview of the project and addressed Mr. Croce's staff review comments. He went over the restrictions for expansion and how they are still within the requirements. He stated that they agree with most if not all of the staff review comments/suggestions and will incorporate them into the next submittal.

Mr. Licht walked through how the facility works for orientation. He explained some key features of the property. The first issue is the area of the stone wall that they don't envision changing. The center courtyard will be upgraded and freshened up. The third item, the fire access lane, would be extended and moved out toward the edge of the site.

Mr. Licht touched on parking and some current informal spaces that they may formalize. They feel they need 4-8 additional spaces maximum in addition to what's existing currently. They may add the parking to the right of the site at the far end of the parking lot and not use the proposed spaces in the front. They stated they would add a sidewalk connection out to Blueberry Lane. They will be forwarding a minor amendment to the DEP. He pointed out a stormwater basin at the back of the property. They are thinking of working with that basin or adding roof drip edges to address stormwater.

Mr. Wasileski stated they wanted to implement an expansion to their renewable energy initiative.

Mr. Chace asked the Board for any clarifying comments. As no public was present, there was no Public Comment period.

Meeting adjourned at 9:16 p.m.