Approved: 5-5-15

FALMOUTH PLANNING BOARD MINUTES
TUESDAY, APRIL 7, 2015

Members Present: Jay Chace (Chair), Bill Benzing (Co-Chair), Tom McKeon, Rudy Israel
Members Absent: Chris Hickey

Staff Present: Ethan Croce-Senior Planner; Lisa Sangillo-Recording Secretary

The meeting was called to order at 6:33 pm.

Item 1 Approval of minutes from the March 3, 2015 Planning Board meeting.

Mr. Israel moved to approve March 3, 2015 minutes. Mr. McKeon seconded. Motion approved 4-0.

REGULAR AGENDA ITEMS:

Item 2 **Falmouth Foreside, LLC -** Request for a subdivision amendment to the Mussel Cove Landing Subdivision relative to construction of a sidewalk on Depot Road. Tax Sheet 240. Map-lot U12-003. Zoned RA.

Mr. Croce gave an overview of this request to have the Planning Board approve an alternative plan for the project's required pedestrian connection.

Dustin Roma, Malone & McBroom civil engineer for the applicant, gave an overview of what is being presented for approval, which is an alternate scenario than what was originally approved under the original developer. He stated that they have received a few review comments from Staff for modifications to the plan and are fully on board to complying with them. They have met with the Town Engineer and Public Works regarding the sidewalk, which would be built in the Town's right-of-way and they are looking for an approval conditioned on meeting all requirements of Public Works. A couple of changes to the plans, at the suggestion of Public Works, are to:

1. Extend sidewalk to land on the edge of the extended shoulder on Route 88.
2. Provide fencing near the creek.
3. Rock wall stabilizing area where mature trees are, instead of rip rap, on one property with a steep slope.
4. Sidewalk will go from 4 feet wide to 5 feet wide.

No clarifying questions from the Board.

PUBLIC COMMENTS: Heidi Almy – 19 Depot Road – had questions about providing any kind of a bike lane and whether or not the sidewalk intrudes on any private property; Mr. Roma confirmed it does not. She also suggested lowering speed limit on the road as a sidewalk was being added.

PUBLIC COMMENTS CLOSED.

Mr. Chace asked the applicant to provide a little more of an overview of how Depot Road would change. Mr. Roma stated that they are looking to maintain the current curb line where it exists today. Where they can, they would like to utilize existing curb line, if possible, with no esplanade. The perception of anyone utilizing the roadway, curb to curb, would not change. The work is able to be done within the existing right-of-way with no encroachment on private properties.

Mr. Chace feels this is more of a public benefit than what was originally proposed.

Mr. Croce stated that the original Conditions of Approval would carry over from the prior approvals. A cost estimate would be reviewed by the Town Engineer to make sure the work falls within the amount of the existing performance guarantee.

Mr. McKeon moved that the amendment to the prior approval be approved subject to addressing the concerns of Public Works. Mr. Israel seconded. No discussion by the Board. Motion passed 4-0.

Item 3 **Turning Point Development LLC –**100-102 Gray Road - Request for Pre-Application Sketch Plan Review for a 3-lot subdivision and 28-unit residential planned development. Tax Sheet 371. Map-lot U44-035; 035B, C, D&E; Zoned VMU and CO.

Mr. Croce gave an overview of the ordinance standards related to this project.

Bill Brogan with WP Brogan & Associates, civil engineer for the applicants, gave an overview of the project. The site consists of two parcels (approx. 4 acres each) which were part of a commercial condominium approval in 2007.

Mr. Brogan went over the duplex style design for the condo units. They incorporated a shared driveway due to Board comments at the last submission.

He stated that based on suggestions from the Board at the previous meeting, they identified five (5) key issues the Board raised that they have addressed in this submission:

1. Loop road - they created different concepts to try an incorporate a loop road. Ordinance requires 400’ of street separation. The distance between two access drives would only be 260 feet; there is not enough road frontage to meet the 400’ separation requirement.

2. Connectivity to abutter’s properties - He explained how the abutting lots are mostly undevelopable and outlined to the Board where possible connectivity would be to four (4) contiguously owned parcels that begin at Mountain Road and extend behind the applicant’s property.

3. Route 100 curb cuts – By removing a curb cut, they meet the ordinance requirement of a 200' separation and also combines the traffic into one access point.

4. The 40-foot right of way is proposed to be used as road frontage but would need a waiver from the Board for this. The request for the 40 foot right-of-way waiver only affects Lot 3. He explained why the single family lot was brought into the development. The applicant still maintains it was a request of the Board at the time. If they can't split the lot off, it stays there, but it's worth more to the tax value, if it's on its own lot.

5. Roadway width 24' versus 30' - The total daily trip ends based on Trip Generational Manual, a condo unit will generate 5.8 trips per day per unit versus 9.57 for single family home. This averages out to 165 total trip ends for the day for the condo which falls right in the middle of the local road standard of 100-250 trips a day. They are seeking an even narrower road on the branch roads of 22' width standard as there will be one parking space per unit, plus enough parking in driveway for an additional two cars.

Mr. Chace asked for clarifying questions from Board members of which there were none.

PUBLIC COMMENTS: No public comments.

PUBLIC COMMENT CLOSED.

Mr. McKeon stated to Mr. Brogan that one of the primary purposes for two ways in and two ways out are for emergency vehicle purposes. He suggests they work with the Fire Dept. to meet their requirements as they have added more dwelling units since the last proposal.

He then asked Mr. Brogan to explain what buffering was going to be. They plan on maintaining the vegetative swath that currently exists along Route 100 as well as buffering the property line that extends from the 40' right of way. Mr. McKeon asked if their condo documents required that the buffer be maintained to which Mr. Brogan stated they would look into. He also stated that tree growth would most likely be the buffer, which should maintain itself. Mr. McKeon asked how they would preserve the ability to connect to the back lots, to which Mr. Brogan stated it was through the 40' right of way, which is shared by surrounding properties. Mr. McKeon stated he wants to know the legal status of the row to allow for connectivity to the back lot; and whether or not there are easements and who holds them. Mr. Brogan stated he thought they were in everyone's deeds and there was a legal opinion done in 2007. Mr. McKeon asked Mr. Brogan to put all this in a letter.

Mr. McKeon asked if there was a restriction on the number of cars per unit. The town ordinance for parking spaces is 9x18 feet; the applicant is proposing two, 10x20 garage spaces, plus enough width in the driveway to park 4 additional cars for a total of 6 cars.

Mr. Benzing clarified with Mr. Brogan that it was a 2 car garage for each unit and the driveway was the full width of the garage with 4 spaces inside and 4 spaces outside. He is concerned with the Public Safety issue for a dead-end street with this many housing units and concerned with the street width. Mr. Benzing stated that the Public Safety notes included suggestions for a hydrant and to possibly sprinkle the residences. Mr. Brogan stated if the back ever gets developed, there would be a second point of access with that development; also stating that the reason they want to keep the road narrow is to slow speeds down. He also stated that they would not sprinkle the units unless it's required.

Mr. Croce gave some history regarding Applegate and Ridgewood. Applegate was constructed before the Town's current interconnection policies were in place. With Ridgewood, the Planning Board mandated a street interconnection to the abutting subdivision street with preliminary approval but the Town Council, through the rezoning process, ended up tying the Planning Board's hands in the end by placing a prohibition on having a connecting road for this one development.

Mr. Israel asked for confirmation that the project was approved back in 2007 as a condo project, but no easements have been transferred to the Town. Mr. Brogan stated the site plan has expired on the project only the subdivision approval is still valid. Mr. Israel asked if they planned to move forward with the project, which Mr. Brogan stated they hopefully would if the Planning Board likes it.

Mr. Chace stated in terms of the loop road, they have documentation from the Fire Dept. that is compelling and said this issue needs to continue to be explored. He is encouraged that they are looking at more condo units, but is concerned that the recreation spaces are right behind some of the units and thinks those spaces need a little more attention and thoughtful design detail. Mr. Chace questioned if there was an interest in maximizing the project's density by building multiplex units of more than two units per building. Mr. Chace supports the concept of a narrower road width, especially with a connecting road.

Mr. Brogan stated the additional access road is a project killer. Mr. McKeon suggested to Mr. Brogan that he work with the Fire Chief to find a way to eliminate his concerns. Mr. Benzing stated the Fire Chief may feel more comfortable if the condos were sprinkled.

Item 4 **Jill and Joe Cooper** – 149 Foreside Road – Request for Pre-Application Sketch Plan Review for the proposed 3-lot Foreside's Hidden Pines Subdivision. Tax Sheet 240. Map-lot U10-002. Zoned RA & RCZO.

Mr. Croce provided a zoning content overview of the property for the Board.

Tom Greer from Pinkham and Greer is the engineer working with the Coopers on the proposal. Mr. Greer gave an overview of the project which is a proposed three-lot

conservation subdivision off Foreside Road. A letter from an attorney was provided stating that the applicant has rights to add the lots to the property and access those lots of the existing right of way. Mr. Greer stated that the applicants were hoping the Board will make a site walk of the property. The existing driveway serves four homes. The existing house extends into the 50' perimeter buffer. He outlined the 50' buffers around the property as well as where the buildable areas of the property are located; the main house stays where it is. A 20' wide easement that goes into the property will be expanded by 30' which will also contain the underground utilities (i.e., water, sewer, electric, etc.). Interconnection is a problem currently, so they won't be having any interconnected roads. They cannot expand beyond their property due to the easement issue.

Mr. Chace asked the Board for clarifying questions. Mr. Israel asked Mr. Greer to outline the access roadway. It's currently a 20' wide easement which will be expanded to a 50' wide easement. Mr. Chace asked if it would be offset in its general location. Mr. Chace also asked about a 40' sewer easement. Mr. Greer stated that easement would go away as part of sewer comments from the Town. They were originally going to combine the sewer pipes, but the Town stated they needed to run two separate pipes to connect to the sewer on Route 88.

Mr. McKeon asked if Mr. Greer was able to address the subject of the open space as it relates to Mr. Croce's notes. Mr. Greer stated that they are now going to propose adding a belt of open space that connects two other parcels of open space, giving each home direct access.

Mr. McKeon confirmed the utilities would be underground, to which Mr. Greer stated they would. Mr. Chace asked who owns the 20' easement. Mr. Greer stated that he understood that it is owned by the people in the back, but Mr. Cooper's property has easement rights over it. They will be reviewing the survey plan with the surveyor to see if there are any other encumbrances. .

Mr. McKeon asked if Mr. Greer would address the issues raised by the Fire Chief. Mr. Greer said there will be a new street name and new street addresses for all properties served by the new road. The neighbors will have to change their street addresses based on the Fire Department's comments. Mr. Greer stated that Orchard Lane is correctly shown on the photograph submitted.

Mr. Greer stated that there were 4 items that were incomplete. They are requesting a waiver on the high intensity survey for using the county soils mapping instead. They are well beyond the 400' separation distance from the nearest streets. They are going to ask for a waiver of locating trees that are 15" or greater diameter. They intend to clear all of the trees within the building site. They don't believe they need to map those trees. Mr. McKeon asked how difficult it would be to map the trees that are 15" or more. Mr. Greer said they are going to cut them with this plan.

With respect to the viewsheds, when you look into the property from Route 88, it is all forested. They will provide copies of all easements and deeds next submission. They are currently having a surveyor review them.

PUBLIC COMMENTS:
Susan Burns of 157 Foreside Road, speaking on behalf of 5 abutting property owners, stated that the plan set submitted to the Planning Board, and the plan set they reviewed at Town Hall, is different from what was just presented tonight. She stated that their biggest concern is the abutter who owns the fee title to the 20' right of way. The second concern is the proposed width of the row, which will be 50', and how they are going to achieve the 50' without coming very close to property lines. Concerned also about the big picture impact of removing the historic pines that the abutters have gone to great pains to keep pruned and maintained. She felt the lots were inconsistent with the existing character of Route 88. She then stated she understood that for the preservation of the open space, there is a requirement for common open space and a declaration of covenants that will be needed, which they have not seen yet.

They had a question about the soils, topography, and drainage and how it will impact drainage on neighboring properties, as well as buffers on vernal pools and other protected resource areas. They were concerned about the lights from vehicles with respect to the position of the driveways. They were also concerned as to whether or not the site lines at Route 88 had been assessed for distance as it is a crest of a hill.

Dana Twombly represented his mother of 155 Foreside Road. They stated they supported everything that Ms. Burns stated. He wanted to correct a statement made by Mr. Greer to clarify that the common driveway currently serves five houses and not four.

PUBLIC COMMENTS CLOSED.

Mr. Greer stated that when the lot was sold out, it was sold out with the understanding that additional homes could be built and the right-of-way utilized. The drainage report will come at a later date in the process. The wetlands out front will be put in the common open space buffer. They will use the existing pavement to widen the road towards their property and are doing nothing to the left side of the pavement. There will be no changes between the existing pavement and Ms. Burns' home.

Mr. Chace asked for specific questions from the Board. Mr. Benzing asked what the buildable area for the lots was. Mr. Greer stated it is about .2 acres total and might be a little more than that when they widen the road. Mr. McKeon asked if there was a way to quantify the concerns about groundwater/runoff for the abutters. Mr. Greer stated the soils that are mapped are sandy soils so they don't anticipate a lot of run off. The area is relatively flat leading away from the homes. He stated they would try to make it disappear with minimal impact. He also stated he hoped the Planning Board would do a site walk.

Mr. Chace asked Mr. Croce to provide a quick overview of what the zoning allows in terms of lot size. Mr. Croce explained what was allowed for conservation zoning projects. All of the lots being proposed conform with the underlying RA district standard. Mr. McKeon asked if there would be a covenant regarding open space. Mr. Greer stated there would be a homeowners association that would have covenants that state what can and cannot be done. Mr. McKeon asked if a draft of that could be included in the next submission. Mr. Greer stated probably; if not, they would come up with a draft of the provisions and restrictions.

Mr. Benzing asked if the site walk should be done sooner rather than later in the process; marking where the building envelope is, where the trees would be removed, and where the driveways would be located. Mr. Greer stated they would have the next packet ready for the June meeting. Mr. Chace requested having a legal review of the easement issue brought to the town attorney.

Item 5 **Doten Properties, Inc.** – Tidewater Village Lot 4 – Request for Pre-Application Sketch 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.

Mr. Croce provided a zoning overview of the project. Mike Hayes who is the architect for the project gave an overview of the proposed restaurant and outdoor dining area on the vacant Lot TV-4 in Tidewater Village. The Dotens, who are the property owners, and the Meaders, owners of Rivalries, were all present. Ross Cudlitz with EAD Engineering gave an overview of the site design.

He stated that Bill Bray is traffic engineer they are working with who has filed for a traffic movement permit. The sidewalks, storm water design, and fencing used will all be in conformance with Tidewater Village Plan Guidelines. The two entrances will be wide enough to manage a heavy rescue unit, but they will lose two of the parking spaces shown on the plan. Snow will be removed from the site. Dumpsters will be enclosed. The utilities will all be underground.

Mr. Hayes gave an overview of the building design.

Mr. Chace asked for any clarifying questions from the Board. Mr. Chace asked for clarification regarding Hat Trick Drive and the relation to the building. Mr. Cudlitz stated they were going to use Hat Trick Drive basically for ingress and egress. Mr. Croce stated that there was currently a sidewalk shown on the plans that went out to bid for Hat Trick Drive on the opposite side of the road.

PUBLIC COMMENTS:
Clifford Gilpin of 18 Heron Point is the president of the homeowners association. He stated that the 50 homeowners that are in the association have serious concerns about the proposal. They want to protect the provisions of the Tidewater Master Plan and continue to have major concerns about the impact of that on the neighborhood. He feels the proposal needs modifications to minimize the impact on the neighborhood.

They feel the lights would be an issue at night. They are concerned about buffering and the visual impact. They would like to see the same significant buffering that is behind the Family Ice Rink along the rest of Farm Gate Road.

Tom Emery is a landscape architect with Foreside Architects, speaking on behalf of the HOA and wanted to provide information and comments early. They are concerned about the calculation of the seating capacity, which has gone to 192 from 175 seats and are asking that the applicant to provide further information about how that calculation was determined. The traffic impact for a building this size is considerably more than the parking numbers being proposed. They have questions about parking locations, the 22-onsite, 22 being leased, and 22 shared spaces, and what rights, if any, does TV4 have to the shared parking spaces. They asked that they modify the building size from 45' to 40' and move it away from Farm Gate Road as well as remove the parallel parking spaces so as not to lose the esplanade. The homeowners association doesn't understand why the walk in cooler is an appendage and asked that it be included in a building design as an architectural wall or some other type of permanent screening. They would like the back of the building that faces the housing areas to be significantly buffered.

PUBLIC COMMENTS CLOSED.

Mr. Chace asked for questions or comments from Board members. Mr. McKeon asked about parking issues. He asked what the number of parking places did they think the restaurant needed. Mr. Hayes explained that it's based on two different numbers. First, it's based on the number of seats available for dining and bar which makes up part of the total parking spaces. The remaining spaces are based on square foot requirements of non-dining/non-seating areas (i.e. kitchen, back bar area, storage, prep). For example, 175 seats divided by 3 gives you "x" amount of spaces for patrons. Then the non-seated spaces and divide them by 200, 300 or 500 square feet whatever the building code says. For this facility, they determined a total of 62 parking spaces to accommodate 212 occupants or 182 occupants including staff. Outdoor dining seats are not included in this parking count as it's up to the Board's discretion as to whether or not additional parking spaces are needed as outdoor seasonal dining spaces are considered alternate spaces.

Mr. Hayes stated there are 22 spaces on the property, 10 along the side of the road which are proposed public spaces and not owned by developer, and 20 designated and 20 shared in parking area across the street. Mr. McKeon asked if he was considering that to be 42 directly available - 20 on the lot and 22 secured, and what the applicant's legal right is to parking spaces there. Mr. Hayes stated he would need to ask the original developer and get documentation.

Mr. McKeon stated if they want his vote, the parking issue needs to be addressed and shown that they have the right to use them as well as the traffic on Farm Gate Road needs to be addressed as it is a serious issue. Mr. Hayes stated they will address that. Mr. McKeon stated it's critical and changes the nature of the neighborhood. Mr. Hayes

stated they were taking the screening of everything on the site very seriously on the site. Mr. Israel stated he shared Mr. McKeon's comments regarding parking and other issues.

Mr. Chace asked how the applicant was able to create parallel parking along the road. Mr. Hayes stated that Mr. Croce could address as they sat down with staff regarding the legal aspects. Mr. Croce explained that Farm Gate is a public street so Public Works Director approval is required to allow spaces within the public right of way. Mr. Chace stated he would encourage the applicant to expand on-street parking on Hat Trick Drive as well. This will help discourage people from seeking parking way down Farm Gate Road.

Mr. Benzing asked for clarification on where they were getting the parking spot configuration. Mr. Hayes explained the number they are looking for is 66 spots which they will prove to the Board with a seating diagram. He also stated maybe adding additional spots with the construction of Hat Trick Drive. Mr. Benzing stated that maybe moving the outdoor dining patio closer to Clearwater Drive and away from the neighborhood would be an option. He stated that the current buffering of trees would be a good option for between the restaurant and the neighborhood. Lighting, maybe low level lighting, and using trees as a buffer for that lighting.

Mr. Chace asked them to explain how they came up with the patio location. Mr. Hayes explained that they chose the location of the patio because of its proximity to the kitchen. Mr. Chace also asked about the external coolers and why they chose them to be external given this is new construction. Mr. Hayes stated they would fully detail the design at the next level to show what the screening looks like. Mr. Chace explained that the Board would most likely like to see some small area dedicated to snow removal for smaller events. He also asked if there was a need for an elevator. Mr. Hayes explained that under ADA requirement under 3 stories and/or under 3000 square feet per floor does not require an elevator.

Mr. Chace stated that there would most likely be peer reviews with a landscape architect and an architect under the Tidewater Design Guidelines.

Mr. Chace stated that the Board received some comments from Mr. Emery and others regarding this project. Mr. Hayes stated they would be producing a traffic study. Mr. McKeon stated it would be a good idea to do a traffic and parking study. They are concerned about Family Ice parking getting overloaded and overflowing. Mr. Croce stated the peer review can be commenced at any time the applicant has their plans completed. Many times, applicants initiate that peer review process prior to filing their formal submission. Since no changes can be made to a submission once the submission has been received by the Planning Office, this allows developers to receive peer review comments ahead of time, in advance of a formal submission, and allows developers to respond to those review comments with the formal submission. Per the ordinance, a submission for final approval cannot be made until after approval from outside regulatory authorities (e.g. MDOT) has been obtained. Mr. Chace stated that

with the next submission, the application will be sent out to landscape architectural peer review and architectural peer review.

Mr. Emery asked Mr. Croce to clarify that the site plan review process often takes multiple Planning Board meetings but that, theoretically, this project could be approved in one more meeting. Mr. Croce said that was true.

Mr. Chace convened the meeting for a 5 minute break at 9:27 p.m.

The meeting re-adjourned at 9:34.

Item 6 **Risbara Bros. Construction Co. Inc.** – Hardy Road - Request for final major subdivision approval for the proposed 7 lot Grove Forel Baek Subdivision. Tax Sheet 451; Map-lot R07-100. Zoned F, RCZO, and SP (Shoreland).

Mr. Croce provided a zoning overview of the project.

Nancy St. Clair provided a brief overview of the project. The council voted in favor of accepting the open space with certain conditions. She then went through the key points from the previous submittal.

1. Exempt lot status – This lot was sold on Thursday, April 2, 2015.
2. Buffering – she explained the areas adjacent to lots 6 and 7 are perimeter exterior buffers and no cut buffers. The septic system will include a 10' incursion on lot 6 with that buffer. There is a note on the plan that states that areas of Lot 6 and Lot 7 are no cut buffers.
3. Streetscape buffers – They identified trees that needed to be taken down for site distance and ones recommended be taken down by the Town Engineer. A no other vegetation will be disturbed on the buffer, etc. note has been added.
4. Water supply – They received email from DEP requesting that additional items be water tested on the wells closest to the former landfill, which they have agreed to do this testing as requested by the DEP for one year. This would be a one-time test and provided for all of the wells.
5. Common open space. Town voted in favor of accepting the open space and they will be blazing the property limits to identify property lines around the perimeter of the project. Two sheds will be removed prior to conveyance of the open space.
6. Evaluation of dam associated with pond in the open space – A third party review was conducted and recommendations were made including waterproofing on the dam. The applicant has agreed to do certain improvements around the dam as part of the preparation of the Town's acceptance of the open space.
7. Timing of conveyance. – Applicant upon approval will be seeking building permits. Ms. St. Clair read for the Board a note that has been added to the plan regarding the Town's acceptance of the open space. Mr. McKeon asked if all the open space was going to the Town to which Ms. St. Clair stated all the open space proposed on the plan was going to the Town.

8. Open space monitoring plan and a stewardship fund. They have asked for a Waiver of this requirement. LMAC prepared a memo supporting the waiver as the Town will own the land and will maintain it.
9. Appendix 7.C – The applicant seeks a waiver of storm water management and post development peak rate of runoff. They received the review from Cumberland County Soil and Water Conservation District for the storm water and they are in favor of the waiver.
10. Permit by Rule from DEP. Copy of the permit is included in final packet.

Mr. Chace asked for clarifying questions from the Board. Ms. St. Clair stated that they looked at a few alternatives to reduce storm water runoff. To which she pointed out using the maps she provided at the meeting. Both runoff areas had slight increases, but were well within acceptable limits. Mr. McKeon asked if the roofline BMP requirement was on the plans. Ms. St. Clair stated yes.

PUBLIC COMMENTS:
Bob Gaudreau of 55 Hardy Road feels the applicant has done a remarkable job in meeting demands of the abutters. He has identified two minor issues with lots 4 and 5 asking that the basements are built 2 feet above the high water mark of the pond across the street and also asking that they don't dig to below the water level. The second item was item #10 on list of plan documents regarding the common open space that allows for snowmobiles in common area. He asked that the allowing of snowmobiles be removed from the plan and left up to the Town to decide.

Mary Louise Dyer of 65 Hardy Road. She and her husband hired a hydrologist and geologist, Mr. Reeve. He felt their pond and well were going to be alright. He had concerns about the conservation area next door and felt there was a lot of stuff in the water. He felt the St. Germain testing was an older system of testing and felt it should be retested. She stated Mr. Reeve would be more than happy to discuss his findings with the Board.

PUBLIC COMMENTS CLOSED.

Mr. Chace asked if any of the Board members had questions. Mr. McKeon asked about Item 10 and the snowmobile issue. Mr. Croce stated that, at the developer's request, the Town Council put a condition on the acceptance of the open space that snowmobiles be allowed.

Mr. Risbara stated that he wanted that note on the plan so they would know that snowmobile use wasn't precluded. He also stated they had no concern about the basement foundation and they will be well above the pond water level. He asked if the Board would want a note on the plan to that effect. There was no requirement for a note.

Mr. Chace stated that the reason he previously asked about the storm water outfalls was to be sure where the downstream impacts were to make sure there were not

potential lots that were going to be impacted. He is comfortable with the Appendix 7.C waiver request. Mr. McKeon and Mr. Israel are also comfortable with the waiver request. With respect to the open space and stewardship requirement waiver, Mr. Chace is comfortable with that waiver as well.

Mr. Benzing moved to accept the waiver request of the open space and stewardship fund. Mr. McKeon seconded. Passed 4-0.

Mr. Benzing moved to accept the waiver request of the storm water management. Mr. McKeon seconded. Passed 4-0.

Mr. Chace asked about the streetscape and maintaining the character of the road and what the potential was for 40' swaths to be cut through the buffer. Utilities have the ability to enforce what they want. Mr. Risbara stated they would never see a contiguous 40' swath. They would always bring the power in where the driveway is where possible. Central Maine Power won't come out to meet him on site until he gets final approval. There could be a 25' swath and a 15' swath, but not a 40' swath.

Mr. Chace then asked which lots, based on his experience, would see this more aggressive clearing. Mr. Risbara stated Lot 3 and possibly Lot 4. Lot 3 would need a pole as well as Lot 4 and would need an additional access point. Mr. Chace would like to see coordination of driveway and power on Lot 4. Mr. Risbara stated they could make one opening on Lot 4 work.

Mr. Israel felt the existing plan note was sufficient as they have to coordinate with Central Maine Power. Mr. McKeon also agreed with Mr. Israel. The Board was fine with the current note.

Mr. McKeon state the issues that remain are the memo from Mr. Reeves that was presented by Mrs. Dyer and Mr. Gaudreau's two concerns. With respect to the snowmobile concern, Mr. McKeon stated if the town is okay, then he's okay.

Mr. Benzing stated the potability of the water was that each home would have a water test which is noted on the plans and part of the approval is that there will be further testing before the issuing of a Certificate of Occupancy. The concerns from the independent hydrologist are already listed on the plans. Mr. Israel agrees.

Mr. Croce read the conditions of approval for the record.

Mr. Chace entertained a motion from the Board. Mr. Benzing moved to approve the application as presented along with the conditions of approval that Mr. Croce just read into the record. Mr. Israel seconded. Motion passed 4-0.

Item 7 (Item not on the agenda) Tom Greer requested that the Board discuss a request from his client, Joe Cooper, to reconsider the Board's vote last month relative to a recommendation on a proposed zoning amendment for 60 Gray Road.

Mr. Chace stated that, as Chair, he was previously approached with this request and had decided not place this item on the agenda. He wanted to make fellow board members aware of this decision and why. Mr. McKeon was supportive of allowing Mr. Greer to explain the reasons why he wants this item reconsidered but said it may not ultimately change his vote. Mr. Benzing doesn't feel as if there is a need to reconsider as he does not think it will change anything. The Board's role is advisory only and it is the Council that needs to make the ultimate decision. The Board has dispensed of its public hearing duties already.

There was a discussion of whether or not to allow this item to be presented at a future Planning Board meeting.

Mr. McKeon moved to allow Mr. Greer to present to the Planning Board again.
Mr. Benzing stated he was not feeling as if it needed to go on another agenda. Mr. Israel stated that he may be amenable to at least hearing a discussion but that the Council often votes how they want even if it is contrary to the Board's recommendation anyway. The Board was split with two members indicating they would be amenable to having a discussion regarding a formal reconsideration and two members not supportive of having a special discussion regarding reconsideration. Mr. Chace requested that staff work with the Town Attorney on determining what the proper procedure would be if the Board decided to move forward. Mr. Chace said that after hearing some support from two Board members tonight for re-opening up this item that he is amenable to allowing the item on a future agenda for a discussion about whether the Board wants to reconsider the item.

Item 7 <u>Election of Planning Board Officers</u>

Mr. Benzing motioned to approve Mr. Chace as Chair of the Board and Mr. Benzing as Vice Chair. Mr. Israel seconded. Motion passed 4-0.

Meeting adjourned at 10:48 p.m.

Recording Secretary,

Lisa M. Sangillo