

**FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, JULY 1, 2014, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

MEMBERS PRESENT: Bernard Pender (Vice Chair), William Benzing, Christopher Hickey, Thomas McKeon (alternate)

MEMBERS ABSENT: Jay Chace (Chair), Rudy Israel

STAFF PRESENT: Ethan Croce, Senior Planner

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

Tom McKeon was appointed as a voting member.

1. Approval of minutes from the May 6, 2014 Planning Board meeting.

Chris Hickey moved to approve the minutes; Bill Benzing seconded. Motion carried 4-0.

Administrative Action Items

2. Maine Audubon – 20 Gilsland Farm Rd – Request for site plan approval for six freestanding solar electric panels. Tax Sheet 404; Map-lot R02-007-A. Zoned RA, RP & LR (Shoreland), and RCZO.

3. Demetria Chadbourne – 78 Leighton Rd – Request for approval of three new wall signs and a freestanding sign. Tax Sheet 373; Map-lot U44-014. Zoned VMU and Route 100 corridor overlay.

Chris Hickey moved to approve the administrative items; Bill Benzing seconded. Motion carried 4-0.

Public Hearings

4. Public hearing on an amendment to the Zoning and Site Plan Review ordinance to allow some flexibility for the siting and replacement of utility infrastructure.

Amanda Stearns, Community Development Director, gave an overview of the proposed amendment. The Wastewater Department needs to upgrade the Mill Creek pump station, which is located in a wetland area. The station is a chokepoint for the system and overflows during rain events. The Public Works department would also benefit from this amendment, since any repair or replacement of underground utilities (piping, culverts, etc.) in the shoreland zone technically requires permitting. In the case of an immediate need for replacement, due to flooding for example, this is a concern. She discussed each of the proposed amendments.

Public hearing opened; no public comment.

Tom McKeon said the Planning Board would still review the pump stations, which would still need to meet all other standards. He wondered if there was a limit to the size of the station. Ms. Stearns said standards were listed in the ordinance.

Tom McKeon asked about the issue with the Mill Creek station.

Ms. Stearns said it currently violates setbacks and needs to be expanded. It is in the location that it needs to be in for the system, so moving it is not an option.

Tom McKeon asked if they could waive the setbacks in question; Ethan Croce said no.

Tom McKeon asked why they are taking underground piping out of Planning Board review.

Ms. Stearns said most underground lines are bored or trenched; the area of disturbance is very small and there are common BMP standards for construction and erosion & sedimentation controls. This would

allow road crossings to be approved along with building permits approved by the Code Enforcement Officer (CEO). Both the CEO and the building inspector are certified Shoreland Zone officers.

Chris Hickey asked if “distribution and collection” is a technical term, with specific size standards.

Ms. Stearns said they haven’t made any distinction with regards to the size of the underground utilities. Anything of great size would likely be associated with a large building that would have come to the Planning Board anyway.

Chris Hickey wasn’t sure that was the case; he saw an opportunity for utilities to move high-voltage lines through the Town without an associated building. Tom McKeon agreed.

Chris Hickey would like to see a cap on an appropriate size for a distribution line for a utility.

Bernie Pender asked how they determine placement of new pump stations.

Ms. Stearns said they typically see those as part of a subdivision; the property owner would hire someone to design the system and proposed locations for the pump stations, which are reviewed and approved by the Wastewater Department.

Chris Hickey wondered about how other towns treat this; Ms. Stearns said many other towns exempt them entirely, or don’t treat them at all. Falmouth’s policy has been to hold the Town to the same standards as everyone else.

Chris Hickey asked if there was any distinction between public and private utilities; Ms. Stearns said no. The definition in the amendment does not distinguish between a municipal and private utility.

Chris Hickey moved that the amendment should be approved with the revisions as suggested. Tom McKeon seconded.

The Planning Board suggested the following revision: a cap on the scale on the utilities that the CEO is reviewing; larger scale, underground distribution or collection pipes or lines should require Planning Board approval.

Motion carried 4-0.

Agenda Items

5. Richard Russell – Falmouth Road – Request for private way approval to serve one lot. Tax Sheet 390; Map-lot R04-021-A. Zoned RB and RCZO.

Ethan Croce explained that staff are generally comfortable with the application; the two remaining issues are 1 Approval of a driveway crossing over the low-value wetlands under the criteria in section 5.38.5; and 2 The Board’s comfort with the sewer easement and the deed restriction on 20 feet of the 50-foot right of way.

Tom McKeon asked if they had a preference for the driveway location.

Dan Diffen, representing the applicant, explained that the building has not been sited yet within the envelope. The three proposed locations are equal; there is not one that is better than the other two.

Chris Hickey asked about the size of the culvert required at the wetland crossing; Mr. Diffen said they haven’t sized it yet, but thought it would be a 15 inch. There is no DEP streambed there; it is a wet drainage channel.

Chris Hickey thought the location closest to the property line, if it were channelized flow, would come out in a more defined stream onto the abutting property. Mr. Diffen said that portion of the property is a little channelized already; they would have to consider flow dissipation.

Chris Hickey felt the option off the hammerhead made the best sense; Mr. Diffen said that option has the least impact, but the steepest slopes. The grade on the driveway would be about 10% in that location.

Bill Benzing wondered about their preferred location of the building within the envelope; Mr. Diffen said they don't have a preferred location.

Tom McKeon asked what each driveway would require for cuts and fills; Mr. Diffen said that would be determined by final design, but he felt it would be minimal. More would be required for the first option.

Public comment period opened; no public comment.

Ethan Croce explained that all private ways are required to provide the Town with a sewer easement over the entire 50 foot width of the right of way; this property has a deed restriction over 20 feet of that area. The applicant and the abutter have agreed to a release of the restrictive covenant to be recorded at the Registry of Deeds. Both the Town Attorney and the Wastewater Superintendent are comfortable with that approach.

Ethan Croce read the conditions into the record.

Tom McKeon wanted to make it clear that the Board was approving only one of the three driveway locations to be constructed, and not all three. Ethan Croce would revise the conditions.

Tom McKeon moved the application, with the conditions as read and with the added condition that, while any of the three proposed driveway locations would be allowable, only one shall be permitted; Chris Hickey seconded. Motion carried 4-0.

6. Portland North Partners, LLC – 60 Gray Road – Request for sketch plan review of proposed changes to the site's vehicular circulation. Tax Sheet 451; Map-lot R05-045-B. Zoned MUC and Route 100 corridor overlay.

Tom Greer of Pinkham & Greer, representing the applicant, gave an overview of the site. It is located on Route 100, with a private drive along one side and the Turnpike exit on the other. The applicant has had a difficult time signing new tenants to the building due to the internal circulation on the site. They want to build a new, 16-foot driveway off the private drive to access the front of the site. They are not proposing any changes to the existing buildings, just the driveway. At some point in the future, when they get a new retail tenant into the site, they would come back to the Board for a full site plan. All the zoning has changed since these buildings were built in the 1980's and, while they would like to bring the site into compliance, they can't financially do that at this time. The new driveway would be 16 feet wide and located close to the building to avoid the septic system. It would have a slight bend in it, with some smaller trees to accent it. They would have a section of fence to highlight the boundary line and some additional landscaping to provide extra cover. They aren't changing the use of the buildings at this time.

Bernie Pender asked where the new face of the building would be. Mr. Greer said it would be the side facing Route 100. The site was originally designed to front the circular drive, but retail stores need street exposure.

Tom McKeon asked about staff's comments regarding review of the site.

Ethan Croce said staff have not reviewed the proposed site plan, as the applicant would need to address how they are meeting the standards, which standards they were not meeting, any waivers they were requesting and their justification for those.

Tom McKeon asked if the Board determines whether an application meets the requirements for minor site review.

Planning Board Minutes

July 1, 2014

Page 4 of 7

Ethan Croce said it is staff's decision to send an application to the Board. It is a two-part process, requiring both the Community Development Director and the Senior Planner. In this instance, both he and Ms. Stearns agreed that this application was sufficiently complex to warrant Planning Board review.

Tom McKeon asked if this automatically triggers the requirement for a full site plan.

Ethan Croce said that is correct; there is no option to review only one portion of a site. Once they trigger site plan review, they have to address all the standards.

Tom McKeon said the Board has no ability to look at only one element of the site. Ethan Croce said that was correct.

Mr. Greer said they will come back to the Board with a site plan application with only these proposed changes, and waivers on all other elements of site plan review.

At Bernie Pender's request, Mr. Greer discussed the current internal circulation of the site. The chokepoint between the two front buildings is the biggest issue for potential tenants. There is a loading dock that makes it awkward to get through there. The proposed driveway would be one-way in, allowing for direct access to the front buildings, with traffic progressing around the front buildings and the out through the current drive. At Chris Hickey's request, Mr. Greer discussed the front building. The best side is interior to the site, but it is partitioned inside to allow tenants on both sides. The goal is to orient the front more toward Route 100.

Tom McKeon asked about the use of the private road. Mr. Greer said David Chase's excavation business and self-storage facility are on the other side of that road. They lined the drive up so that it is directly opposite the entrance to the self-storage.

Chris Hickey asked if staff's concern regarding the driveway was with its proximity to the entrance, or just the complexity of the overall proposal.

Ethan Croce said it was the complexity; the minor site plan review amendment was not intended to cover changes to circulation, parking, adding curb cuts, etc. It was only intended to cover those changes that would not impact the other improved portions of a site.

Chris Hickey felt there was no option but to do site review. He felt the proposed circulation was an improvement.

Bernie Pender asked if there was a drive accessing the private road behind the rear buildings; Mr. Greer said there is.

Bernie Pender asked if there were any directional signs there; Mr. Greer said there is one stop sign at the front. There is not heavy traffic on the private road.

Bernie Pender asked if they have considered any other viable drive options; Mr. Greer said they have considered access off Route 100, but that isn't feasible. The proposed one-way design makes the best sense.

Bernie Pender suggested they review the site plan requirements and make plans if any of the requested waivers are denied.

Tom McKeon asked if they are adding any new lighting. Mr. Greer said they are suggesting new lighting for the new drive with the intent to highlight it. They will provide a photometric plan.

Tom McKeon asked about the existing lighting on the site and whether they have reviewed yet. Mr. Greer said there is lighting out there, but they haven't looked at it.

Tom McKeon asked if the applicant has seen Mr. Chase's comments; Ethan Croce said they have.

Chris Hickey pointed out that not every new tenant would trigger a full site plan review. He asked if they are trying to get this approved, but not build it until a tenant comes in that would do the site plan.

Mr. Greer said that was correct, but the site plan has a two year limit. If they can't get a tenant within those two years, they might build it anyway.

Bill Benzing asked if the goal was to have only one tenant in that front building, or will it be multiple tenants.

Joe Cooper, applicant, said they have looked at both single- and multiple-tenant uses.

Bill Benzing wondered if the proposed drive is wide enough to serve as the front entrance to the building. He felt there was not a lot of space to get around the building.

Mr. Cooper said there are tenants on both sides of the building, and people currently drive all the way around that building. This proposal would only change the circulation coming in; they would go out the same way they do now. He pointed out that they can't come off Route 100 because State ordinance prohibits a curb cut within 500 feet of a turnpike ramp. That would put their drive in about the same location as the existing private road.

At Bernie Pender's question, Mr. Greer said the plans have been revised slightly from what was submitted to the Board for review. He discussed some of those changes.

Bernie Pender would like a better idea of the space around the side of the front building; he was concerned that emergency vehicles would not be able to get around with cars parked there. Mr. Greer said there is parallel parking and a drive aisle; it is plenty wide enough.

Tom McKeon would like more information about how the circulation would work.

Chris Hickey asked about any other agency approvals; Mr. Greer said they don't need any.

Tom McKeon asked about impact to the stormwater; Mr. Greer said the amount of pavement they are suggesting is small, and any impact would be minimal.

Chris Hickey asked about pedestrian access; Mr. Greer said there are no sidewalks and there are no pedestrians in that area.

Chris Hickey asked about improving connectivity; Ethan Croce said both general review standards and Route 100 design guidelines speak to improving pedestrian connectivity. The Town's Bike/Pedestrian master plan envisions sidewalks on both sides of Route 100 in this area.

Chris Hickey asked how sidewalks would be placed along Route 100; Ethan Croce said it would be done piece by piece as projects come in. The Town has capital funds to fill in gaps as necessary. The Mercy project was required to build out the sidewalk along their frontage when their site plan was approved.

Bernie Pender asked what is across Route 100 from this property; Mr. Greer said it is mostly open. There is one small building across the street, and then there is the bridge over the river.

Mr. Greer clarified that this property does not actually abut Route 100; the Maine Turnpike Authority owns the property on Route 100 except for one small portion of the site. This property received subdivision approval, with approved access off the private road.

Chris Hickey advised them to review the ordinance as to where the Board has the authority to waive requirements and be prepared on those standards are not waiver-able.

Public comment period opened.

Dave Libby, joint owner with David Chase of the right of way for the private road, encouraged the Board to review this project favorably. He didn't see the need for sidewalks in this area, and he strongly opposed them. He felt the driveway would be an improvement to the site and he had no problem with the proposed plan.

Public comment period closed.

7. OceanView Retirement Community Limited Partnership and Oceanview at Lunt and Plummer Schools, LLC – Blueberry Lane and Lunt Road. – Request for a site plan amendment to the Oceanview Schools Redevelopment Project for changes to Schoolhouse Drive and the Village Green parking lot. Tax Sheet 310; Map-lot U27-003. Zoned RB, RCOD, ESRD and RCZO.

Rick Licht of Licht Environmental Design said the application is for two specific amendments. They are asking to narrow a portion of Schoolhouse Drive, and to relocate the access drive to the Village Green parking lot. In the original application they were going to align the access to Checkerberry Lane. The lodge that used the Lane no longer exists, so the Lane is now just a driveway. Maintaining the drive location would require the removal of a stand of trees and a ledge knoll. Moving the drive to the proposed location would avoid the ledge, save some of the trees, and would still avoid light shining onto the home directly across the street, but it would remove two parking spaces. School House Drive was initially approved at 24 feet wide for the first 250 feet, narrowing down to 22 feet after that point. Due to an error in the construction plans, the curbing was installed at 22 feet wide the entire length of the street. It was estimated to cost \$10,000 to remove the installed curbing. He argued that the Legacy building will receive minimal truck traffic, probably only once a week and the 22 foot width will still work for a WB50 truck. He showed a graphic demonstrating that a WB40 tractor trailer would be able to use the 22 foot width, though it might have to do a backing maneuver when leaving the Legacy loading dock.

Chris Hickey Wasileski of Oceanview showed a photo of the construction on the site, with vehicles on the property, including WB50's and lumber trucks, using the 22 foot wide drive. They haven't had any problems.

Bill Benzing liked the idea of preserving the trees and ledge at the Village Green access; the biggest concern was the abutter's concern with the location. If the abutter feels comfortable with the new location, he felt it was okay.

Mr. Licht said if there should be any light wash, they would be comfortable with a condition that they work with the abutter to plant landscaping or a buffer to mitigate any light issue.

Bill Benzing asked about the potential bottleneck for truck traffic at Legacy; Mr. Licht said that is internal to the site, and not a result of the 22 foot width.

Chris Hickey asked if that was a part of the original approval; Mr. Licht said it was.

Chris Hickey asked if the trucks would drive over the medians. Mr. Licht said no; the medians are installed and they have had WB50s come in and they have not driven over the medians.

Chris Hickey asked about the intent of the 24 foot width for the entrance; Bernie Pender said the 22 foot width was a waiver. The 24 foot width was to accommodate commercial truck traffic; the concern was that the trucks couldn't make the turns without hitting the median. They allowed it to narrow down past the entrance to Legacy.

Chris Hickey asked the location of the new access at the Village Green; Mr. Wasileski said it would be lined up with the driveway across the street and would wrap around the existing trees.

Mr. Licht said they would need less grading in that area as well.

Chris Hickey asked about the sight distance, since they will be so close to the trees. Mr. Licht said they might need to remove some limbs, but the sight distance was adequate.

Tom McKeon asked for clarification on the access drive. Mr. Licht said the proposed location would be located almost directly across from the Bolduc driveway; it would be slightly to the left of it, away from the home on the lot.

Bernie Pender asked about the changes to the parking. Mr. Licht said they would lose two parking spaces near the access to the fire lane.

Planning Board Minutes

July 1, 2014

Page 7 of 7

Public comment period opened; no public comment.

Tom McKeon moved to approve the application; Chris Hickey seconded. Motion carried 4-0.

The meeting adjourned at 8:31 pm.

Respectfully submitted,

Melissa Tryon

Recording Secretary