

**FALMOUTH PLANNING BOARD DRAFT MEETING MINUTES  
TUESDAY, SEPTEMBER 2, 2014, 6:30 P.M.  
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Jay Chace (Chair), Rudy Israel, Christopher Hickey, Thomas McKeon (alternate). Tom McKeon was appointed as a voting member.

**MEMBERS ABSENT:** Bernard Pender (Vice Chair), William Benzing

**STAFF PRESENT:** Ethan Croce, Senior Planner

The meeting was called to order at 6:32 pm.

Approval of minutes from the July 1, 2014 & August 5, 2014 Planning Board meetings.

The minutes of the **July 1, 2014** meeting were not approved as there were only two attending members who were at the July meeting.

The minutes of the **August 1, 2014** meeting were approved 3-0. Chris Hickey abstained as he was not present at the August meeting.

**ADMINISTRATIVE ACTION ITEMS**

**1. Bailey Sign Inc** – US Route One (Goodwill) – Request for approval for three wall signs. Tax Sheet 240. Map-lot: U12-012; Zoned VC1 and SP (Shoreland).

Public comments: no comments.

No Board comments or concerns. Motion to approve item by T. McKeon. R. Israel seconded. Approved 4-0.

**2. Dana Dresser** – 12 Whispers Way – Request for approval of a private way amendment to add one lot. Tax Sheet 220; Map-lot R03-064-A. Zoned Farm and Forest and RCZO.

Public comments: no comments.

No Board comments or concerns. Motion to approve items by T. McKeon. R. Israel seconded. Approved 4-0.

**PUBLIC HEARING**

**3. Public Hearing** on Verizon Wireless's request for a conditional rezoning for a Tier III Personal Wireless Facility at 121 Field Road. Tax Sheet 130; Map-lot R03-081; Zoned Farm & Forest and RCZO.

Ethan explained what the Board is being asked to do with respect to the Public Hearing, which is one of the required steps in the rezoning of the parcel. The merit review will be conducted at a later date. Jay Chace commented that the Planning Board's role is to raise the questions and concerns to the Town Council.

There were three individuals representing Verizon Wireless: Attorney Kelly Boden of Verrill Dana, Greg Costello of Vital Site Services, and Keith Valente of C-Squared Systems. Mr. Valente explained that after research by their real estate team, this site was only available area suitable to fill in the gap in coverage that exists.

Public comment:

Tucker Irwin-Watts Farm Way – He opposes the proposed rezoning for three reasons: 1) He understands this to be a commercial project, which does not belong in an area this area which is zoned Farm & Forest; it belongs in a commercial zone such as the Route 100 and Route 1 commercial areas. 2) He pointed out that the Town's Comprehensive Plan talks about preserving the landscape and the rural character of the Town. He questions whether there are dead spots along Woods Road and Winn Road. He feels as though they may be along the Maine Turnpike, and if so, a tower on Field Road is not the right solution. 3) Tier II towers are currently not allowed in that area. He questioned why smaller towers wouldn't suffice and whether or not they have exhausted less intrusive methods of dealing with issue. Bottom line and real reason he's opposed is the visual impact. One picture has the tower right over his house, and he is concerned it will affect the value of his property.

Kelly Irwin-Watts Farm Way – She is also opposed and also stated the project isn't in line with the Town's Comprehensive Plan. Their area is designated as a rural area, and they purchased it because of this. They also have rare and endangered species within their area. Their property includes conservation land that they want to protect and they do not want face this kind commercial structure. She pointed out Section 3.12.2b of the Comprehensive Plan regarding restrictions on scale of things. Scenic views are protected in the Comprehensive Plan and feels as though this tower is not in line with the "Plan".

Marty Bruno-Watts Farm Way – Mr. Bruno is also opposed and stated it doesn't make sense for this area of town. He moved there because it's rural. It's a high profile part of town, and he stated that a cell tower will stick out to visitors.

Board Member Comments:

There was quite a bit of lengthy discussion between the Planning Board members, Staff, and the Verizon representatives regarding this issue. Basically, the general consensus raises the questions:

1. How does this project confirm to the Town's Comprehensive Plan? Tom McKeon asked Ethan if the Board was voting on recommending this this to the Town Council. Ethan stated that the Planning Board would recommend forwarding the project to the Town Council for the rezoning. It's within the Board's judgment whether or not the project meets standards of the Wireless Ordinance, because ultimately the Planning Board will approve the application if the Town Council approves the rezoning under Section 3.12. Tom felt that at this point, he would have no recommendation.
2. Chris Hickey stated that his understanding was that this was a conditional rezoning and asked why this was site chosen over others in terms of coverage and viability. Several of the Board members questioned whether or not other sites were considered and why smaller towers couldn't be used. Rudy Israel stated that he wanted to see Verizon demonstrate to the Board that 121 Field Road is the only suitable area for this site. Ms. Boden stated that they made a formal presentation to the Town Council on August 25<sup>th</sup> and will again on September 8th.

Jay stated that the Planning Board needs to make sure those questions are put before the Council to approve or deny as it's the Board's opportunity to add their voice to the public comments given to the Council.

Mr. Valente gave an overview of why the site was selected over other areas showing the Board where the existing Verizon facilities were located on the map. Currently, the demand for and growth in data is driving company to keep up with network capacity. The purpose for the 121 Field Road tower is to fill in coverage to that area where there are gaps. Their real estate team went out to identify existing structures to fill in the gap on this side of town and did not find any existing structures, buildings, towers that could be used in this area of Falmouth, and stated that this site may not be the only site that will work.

Tom McKeon stated that Field Road is one the rare exceptions in Falmouth where there is still a rural feel as you drive up it, and one of the goals of the Town Ordinances and the Comprehensive Plan is to protect that rural feel. He questioned why it's so tall and, again, if there was any other area that would work.

Chris Hickey stated that the Board would have to encourage the Council to do their best to protect the interest of all parties involved. Jay Chace stated he was taking a neutral position at this point and will encourage the Town Council to be diligent. Ethan gave the Board three options to give the Town Council: recommend rezoning approval; recommend rezoning approval with conditions, or recommend rezoning not be approved. Jay also encouraged the public to attend the Public Hearing at the Town Council meeting on September 8<sup>th</sup>.

After further discussion regarding whether or not the project was in line with the Comprehensive Plan, Tom McKeon moved to make a neutral recommendation to the Town Council. Jay Chace seconded the motion. Motion approved 4-0.

**4. David Chase** – 430 Route One – Request for pre-application sketch plan review for construction of a self storage facility. Tax Sheet 70; Map-lot U62-005-001. Zoned BP.

Tom Greer spoke on behalf of Dave Chase to put in 57,000 s.f. of storage units on this site. The entrance would come off Route 1 into the site with an office area and parking on the right. They may add a southerly exit to accommodate tractor-trailers. They are putting in two steps in the rock towards the top of the hill as well as fencing at the top of hill for safety reasons to keep people from coming in over the top of the hill. They will also be installing security cameras. They will need a DEP permit, so they will be grading site to collect all storm water. Underdrain soil filter will be installed. Shrubbery meets buffering standards required in zone, and for site security, they want to utilize the second floor of the office building for a residential structure for overnight security.

The three buildings in the front will be climate controlled, Mr. Greer felt that those buildings could be dressed up to conform more to the Town's architectural requirements. They are anticipating DEP permitting in the next few weeks pending the outcome of this meeting. They are looking for input from the Board on buffer along the front, exit drive, and architectural style. They plan on responding to the Board's questions and comments and submission in October for Planning Board approval.

Public comments: no public comments.

Jay Chace asked about the dwelling on site that Mr. Greer mentioned in his presentation. Mr. Greer responded that they were looking for input from the Planning Board regarding having an apartment over the office to allow that particular building to be bigger and also allow them to have someone onsite full-time or near full-time for security purposes. He confirmed that this was an afterthought and wasn't in the original presentation.

Chris Hickey mentioned that the Town of Gorham changed their ordinance for this specific purpose, where it was pertinent to have someone onsite full time. Jay asked if this was something that Falmouth's zoning would allow. Ethan Croce said no. Chris Hickey thought the Town should take a look at the language in the Gorham ordinance. A discussion continued regarding the storm water discharge system. Mr. Greer described how the system would be similar to the one at the Key Bank/Starbucks site further down the road.

Tom McKeon asked about staff concerns regarding the buffer. Mr. Greer went over what is currently in the buffer, what trees will be saved and stay within the buffer, where the 20 foot wide plantable area is, and why it needs to stay there. Ethan clarified that clearing is taking place right to the property line. A double layer of new plantings will take place within the 20 foot wide plantable area.

Mr. McKeon also asked Ethan if this addressed his concerns regarding the buffering meeting the ordinance. Ethan reiterated the requirements of the ordinance that deal with retaining natural buffers and asked if the Board would be satisfied with the applicant's planting proposal.

Jay asked if they could break up the buffer into three sections to enhance the landscaping to the best of the ordinance requirements. Mr. Greer said they could.

Chris Hickey asked Mr. Greer why the previously approved site plan showing the stormwater facility at the rear of the site isn't appropriate for this project. Mr. Greer stated that they didn't want to have to blast large amounts of ledge as it would be extremely expensive.

A discussion continued regarding the drainage and buffering and ended with a discussion on the entrance and exit of the site and the accommodation of tractor trailers.

Dave Chase briefly clarified that the site is next to Exactitude and not Seafax.

**Kevin Smith** – Schuster Road – Request for final approval of the 17-lot Overlook Farms Subdivision. Tax Sheet 30; Map-lot R06-087, 087-B, -D, -E. Zoned Farm & Forest, RCZO, and Route 100 Corridor Overlay.

Ethan gave a brief zoning and review history of this project. Mr. Greer refreshed the board on the project. The DEP permit has been written and is in Augusta waiting to be signed. DEP wanted to know why the field had to be mowed and the fences kept in place. Mr. Greer explained that it was a Town requirement to keep the rural character in tact as much as possible.

One of the outstanding issues is to designate a person to oversee the open space, which Mr. Greer suggested the Board make a condition of approval. He has spoken with the Falmouth Land Trust who has agreed to monitor the open space, but is not interested in the conservation easement portion of it.

Jay Chace explained that the Board requires DEP permits before Planning Board approval, and wanted to confirm that the permit in Augusta pending signature contains the same plans presented to the Board this evening. Mr. Greer said yes they are the same plans and stated that they are adding 50 feet of paved road onto the plan that DEP doesn't have and all sheets will be updated as part of final plan, which won't affect the DEP permit.

The Board then went over the Waivers one by one.

**Waiver Request #4 – Drawing scales** – The applicant has amended this waiver (1" – 40) request since the last meeting and staff is now agreeable to this request. Mr. McKeon moved to approve Waiver Request #4 provided that the applicant provides the plans that have been agreed to after consultation with the Town. Approved 4-0

**Waiver Request #6 – No lots allowed within the floodplain** – At the last meeting, the Board asked the applicant to put together a formal waiver request for this issue before considering a vote. Mr. Greer believes this is an oversight when the ordinance was drafted. Mr. McKeon moved to approve Waiver #6 allowing a portion of Lot 17 to be in the Flood Plain with the understanding that the building envelope is not in the Flood Plain. Seconded by Rudy Israel. Passed 4-0

**Waiver Request #7 – Survey monumentation** – Planning staff will deferred to the Department of Public Works on this waiver request. Jay Chace stated that they received an email from Jay Reynolds regarding ¾" diameter rods. Mr. Greer believes the industry standards are 5/8" rods and 4" monuments. The ¾" rods are too big for the caps, which split when applied. Mr. McKeon moved to approve waiver request #7

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with the understanding that 5/8" capped rebar and granite monuments will be used in place of the 3/4" rebar as specified by the Town standard. Tom McKeon seconded. Approved 4-0

Waiver Request #8 – This waiver request is not required.

Mr. Greer stated that the waivers will be added to the plan.

Mr. Greer suggested that the common open space issues be made a condition of approval that be completed prior to the signing of the Mylar, and they will put together deed restrictions incorporating the Town attorney's comments that permanent restrictions are imposed.

Jay mentioned there was a question regarding the specifics of the master plan and the request that was made to shorten street frontages and lot widths. They have put language in the master plan and are asking for a flexible standard. Plan C-2.4 – General Note 4 - The last sentence note 4 will be deleted, they will add a sentence if the homeowner wants to change the site of the home with respect to access, they will go back to the Planning Board. Three of the four members are okay with the flexibility.

Public Comments: no public comments.

As long as Public Works doesn't take any issue to the 50' extension of Halter Road, the issue will be dealt with administratively.

Ethan discussed the issue of planting trees to demarcate the border between Cumberland and Falmouth. The mature tree line has been determined to be on the developer's property. The portion of the perimeter buffer that contains those mature trees will be a no-cut buffer, and the portion of the buffer that is currently open field on the other side of Halter Road will be allowed to be mowed if the Board is comfortable with that.

Chris Hickey asked Mr. Greer if they had documentation stating that there are no easements that exist with respect to the old rail bed. Mr. Greer said that they do. Jim Barnes researched this and it would not be a title issue.

Tom McKeon made a motion to approve the applicant's final proposal as presented with the conditions as read into the record. Seconded by Rudy Israel. Approved 4-0.

**Kevin Smith** – 5 Schuster Road – Request for vacation of a previously approved private way. Tax Sheet 030; Map-lot R06-086/087/087-B, D&E. Zoned Farm & Forest, RCZO, and Route 100 Corridor Overlay.

Motion to vacate the previously approved private way related to the Overlook Farms subdivision. Christopher Hickey seconded. Approved 4-0

**Paul Bernard** – 326 Middle Road – Request for a sketch plan discussion relative to a new proposed private way to serve 3 lots. Tax Sheet 150; Map-lot U21-023. Zoned Farm & Forest, RB and RCZO.

Mr. Bradstreet gave an overview of project for the Board and has documentation to address low value wetland from James Mancini that will be submitted to the Town. Soil test pits have been submitted and will be submitted to Ethan with above documentation.

They confirmed that they need meet proper site distance standards since they removed vegetation earlier today to provide better sight lines. Exiting to the left is 410' of site distance, and after clearing today on the property in front, there is 370' to right, which does meet Town's criteria.

Existing septic field locations were not shown on the plans in packet, but Mr. Bradstreet had a plan at the meeting showing those locations. There are no wells on the site; they all have public water. He mentioned that there would be a note on the Plan to the effect that the applicant would not hold the Town liable for stormwater coming off the public road to the private road.

There is a proposed culvert across the new right of way. Town Engineer wanted to make sure the town is not responsible for maintaining that culvert and that it will be noted on the Plan as so.

Regarding Section 5.38 - location of private way, Mr. Bradstreet went over three different proposals as to where the road could be placed. The proposed location was the best alternative and based on discussions with DEP after they looked at the site and the wetlands they suggested that the current location was the best. The current location has only 3400 sf of wetland impact. To go through the narrowest portion of the wetland would add 150 ft. to the project and would require a 500 ft. road. It had 3,200 sf of impact to the wetland. They didn't feel that the additional 150 ft. of road to save 200 sf of wetland was a cost effective tradeoff.

Jay questioned where the two parcels are. Mr. Bradstreet pointed out where the parcels were as well as what the private way would service.

Chris Hickey asked who would have fee interest in remaining wedge of land on Middle Road, and who owned the right of way. Mr. Bradstreet stated that it goes with Lot 2. Mr. Bernard stated that Lot 2 would own it and there would be easements for the other lot.

Public Comment –

Jay noted that the Board had received a letter from Michael Draper and Cynthia Gibson-Draper dated 9/2/14, which will be part of the record for the application.

Tom Doyle – 16 Chandler Drive – Mr. Doyle is an abutting landowner and asked why this was not a subdivision as there are 4 lots on contiguous parcels. He stated he would like to see and understand what the DEP's assessment of wetlands is as well as understand where the building envelope is on the lots, specifically, where the septic systems are going to be and potential impact on his lot.

No other comments.

Jay asked if there was a letter in the application file from Attorney Joseph Mazziotti addressing the subdivision question. Mr. Bradstreet stated the letter was attached and gave a brief overview of the issue with respect to the two lots. Mr. Bernard stated that the lots have been two separate lots since 1930s. They were put together as one lot for tax reasons. He owns one and his daughter owns the other. The CEO looked over the issue and agreed.

Chris Hickey questioned if there was a requirement that driveways to lots served by private ways come off of the road where the lot is deriving its frontage. Ethan cited Section 5.27 and a discussion began regarding having access to Lot 4 come off of Middle Road or the private way. Lots 1 and 4 don't have to develop frontage off the private way.

These are two separate lots; therefore, each lot can be divided one time without triggering subdivision review. If the lots were to be divided a second time, they would trigger subdivision review.

Jay asked what consideration was given to bringing the proposed private way through the other Middle Road frontage, in the area of proposed lot 4, straight across the wetland, and then bearing over. Mr. Bradstreet explained the limitations of a 750 ft. road with two 90 degree curves as opposed to a 350 ft. long road. It would increase the impact to the McDonald's property significantly and adjacent to

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McDonald's property. It doesn't make sense to bring in on opposite side for the minimal difference of impact to the wetlands.

Paul Bernard stated that these are two separate lots and he should be able to put two roads in, one for each lot; but by choosing the one road, they are saving on impacts to the wetlands. They are trying to do it the right way, both for himself, his family and people around him, as well as having minimal impact to the wetlands. Mr. Bradstreet stated that he will have a more thorough description of what was described tonight with regards to where they came up with the location and weighed the differences in the cuts and fills and wetlands impacts.

So as to not create potential ponding, as the culvert on Middle Road is 18", Chris suggested they upsize the proposed culvert on their plans to 18" from 12" as the cost is minimal.

Tom requested that the Town Engineer confirm site distances since clearing has been done. Site distances will be placed on the plan.

Chris asked if there was going to be more topography on the next submittal. Mr. Bradstreet said not necessarily. Mr. McKeon stated that because of the obligation of the Board to determine the best alternative where the road is placed, a more detailed plan would be helpful.

Meeting adjourned at 10:38pm

Respectfully submitted,

Lisa Sangillo  
Recording Secretary