

**FALMOUTH PLANNING BOARD DRAFT MEETING MINUTES
TUESDAY, OCTOBER 7, 2014, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

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

STAFF PRESENT: Ethan Croce, Senior Planner

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

1. Approval of minutes from the July 1, 2014 & September 2, 2014 Planning Board meetings.

July 1, 2014 meeting minutes. Chris Hickey moved. Bernie Pender seconded. Approved 3-0. Jay and Rudy abstained.

September 2, 2014 meeting minutes. Jay moved to approve. Rudy seconded. Approved 3-0. Bill Benzing and Bernie Pender abstained.

ADMINISTRATIVE ACTION ITEMS

2. **Unitil Service Corp** – Blackstrap Road – Request for a Shoreland Zone Permit Amendment to extend the timeframe for completion of work within 100 Feet of the Piscataqua River. Tax Sheet 190; Map-lot R06-092/065. Zoned FF and LR/RP (Shoreland).
3. **Michael Heath** – 72 Foreside Road – Request for a private way amendment to remove one lot and reconfigure other lots off Vintage Way. Tax Sheet 220; Map-lot U11-021; Zoned RA and RCZO.
4. **Kristen & David Mitchell** - Anna's Way – Request for a private way amendment to Anna's Way. Tax Sheet 232; Map-lot U23-008-004. Zoned RB and RCZO.

Jay asked if any members of the public wished to remove any items from the Administrative Action items to the regular agenda. No public comments. No Board comments. Bill Benzing moved that items 2, 3 and 4 be approved. Chris Hickey seconded. No discussion. Approved 5-0.

5. ***(Item Tabled)*** **Portland North Partners, LLC** – 60 Gray Road – Request for a site plan amendment for proposed changes to the site's vehicular circulation. Tax Sheet 451; Map-lot R05-045-B. Zoned MUC and CO.
6. **Paul Benard** – 326 Middle Road – Request for approval of a new private way (Harmony Way) to serve 3 lots. Tax Sheet 150; Map-lot U21-005. Zoned FF, RB and RCZO.

Ethan gave a brief zoning overview of this item. Staff identified 2 remaining issues discussed at the September meeting that need to be addressed. RB dimensional requirements apply as well as private way standards, wetlands buffer and setback conditions, and conditional use criteria.

Mr. Bradstreet from Ransom Consulting addressed outstanding items; selection of the name of the road, sight distances at end of road, increase of culvert size from 12" to 18". The location of private way was discussed. Documentation was included in this evening's packet on why location of private way was chosen. The applicant provided descriptions of the impacts on protected resources and incorporation of best management practices of all three locations, and why they felt this was the best location. Also included in this evening's packet was a letter from DEP showing the recommendation from DEP for the current chosen private way location. All items requested at last meeting have been addressed for this meeting.

The two comments for the Town Engineer are: 1. plan note to be placed on the plan that the town not be held responsible for maintaining site distance; 2. Number of curb cuts on Middle Road be limited to one to avoid two different points of entry. Applicant is agreeable to note on plan that applicant would be responsible for maintaining site distance and trimming of vegetation. As far as minimizing the curb cuts, access out onto Middle Road from Lot 4 is where they would like and want this, rather than have the private way go through the buffer.

Jay asked if Board members had technical questions or clarifying comments. No questions proposed..

Public comments – Tom Doyle of Middle Road are abutters of both Lots 3 and 4. He stated he and Mr. Bernard had discussion earlier in the day where Mr. Bernard has agreed to a 50' no cut zone adjacent to his property on the northeast corner. Mr. Doyle asked that this be a condition of approval and be shown on the plan when it is recorded.

Chris Hickey asked if it would be along both Lots 3 and 4. Mr. Benard stated that they are maintaining the trees. There is a 40 foot buffer along the back of the property with an additional 10', and they are making it a no cut zone. It's only along the side line of the Doyle lot only. Rudy Israel asked Mr. Benard to show this area on the plan. No further comments.

Jay asked for questions or comments from the Board. Critical issues are access management and wetland issues.

Chris commented on the additional driveway on Lot 4 instead of having the 20 foot driveway extending over to the private way. Chris asked if Lot 1 was obtaining its access from the private way. Mr. Bradstreet commented that there were 3 driveways and a road. Chris asked if that changed the evaluation of different road options where Lot 4 would require a driveway off Middle Road? Mr. Bradstreet answered that the option to connect the driveway of Lot 4 to the private way no longer exists. The applicant has had letters from abutters who preferred not to have the driveway behind their house. They also do not like the location of the 20' strip of land over the private way because it goes down their property line into their backyard. The 20' buffer will not be eliminated, but will be used as a walkway

Tom asked if applicant was asking the Board if they could choose either way or if they wanted to go on Middle Road? Mr. Bradstreet stated Middle Road. Tom not clear about the gravity of additional curve cut, but would rather see an additional curve cut onto Middle Road for Lot 4.

Chris asked what the rationale is behind limiting curve cuts? Ethan answered that it was a combination of safety and mobility by limiting and minimizing conflict points, maintaining mobility, and minimizing turning vehicles. Jay stated if there were two separate lots, applicants could come forward and get two driveway permits. In this instance, Mr. McKeon and Jay are comfortable with what is being proposed.

Ethan then read the Conditions of Approval into the record, as well as added the new condition that the final plans shall be revised to show a the no disturb buffer along the Doyle's property; the deeds to Lots 3 and 4 shall also reference the buffer strip. Mr. Bradstreet also stated that an additional note would be added incorporating the town engineer's request that site distance along 20' buffer and driveway be maintained by the applicant. Mr. Benard asked if these items can be added to the Road Maintenance Agreement. Jay agreed that would be the appropriate place.

Chris asked if applicant conveys property, would language transfer to new property owner. Ethan answered yes; they could change the language to read "property owner".

Jay entertained a motion to approve the application. Chris Hickey moved to approve the Paul Benard private way with conditions of approval. Bill Benzing seconded. Approved 5-0.

7. **Turning Point Development LLC** – 100-102 Gray Road – Request for pre-application sketch plan review for a 3-lot, 22-unit residential planned development. Tax Sheet 371. Map-lot U44-035; 035B, C, D&E; Zoned VMU and CO.

Ethan gave zoning overview to the Board, specifically Sections 3.9 and 3.10 of Zoning Ordinance Appendix II of the Subdivision Guidelines. Bill Brogan gave overview of project, which is located ¼ mile north of Leighton Road on Route 100. There is a ravine located along the stream on south parcel line. In 2007, a commercial subdivision application was approved that split lot into 2. Several easements (utility and access) on the plan were pointed out and Mr. Brogan explained that the applicant would like to remove the access easements as part of new project, which would require some legal work to clean them up. He identified limited areas of development, and explained the site plan for the 2007 project which was never built. Existing structures will be left as is and they will maximize use of commercial building and make it into a four unit building. Lot one is the largest lot, a little over 6 acres. Lot 2 is for the commercial lot building. Lot three, which is under ½ acre, they are requesting frontage on the 40' right of way to make it a conforming lot as there is not enough frontage on Rt. 100. They want to remove this lot from the existing parcel essentially reversing a 2007 Planning Board approval to include it in the commercial parcel and returning it to its pre-2007 state. They will fix the entrance to north to meet town standards and combine other two curve cuts.

Board members were asked if they had any points of clarification at this time. Jay asked about aerial photo and asked Mr. Brogan to explain the different lines on the photo.

Tom asked what the ownership of duplexes were going to be. Mr. Brogan explained that the dwellings would be condominiums. Tom then asked if there would be a declaration for that and if it would be drafted when they came back to the Planning Board. Mr. Brogan stated those would be in place for the preliminary review.

Public Comments – no public comments.

Chris asked how the net residential area calculations were configured. Ethan explained that Section 5.31 is the section of the ordinance that spells that out and walked Chris through the calculation. Chris then asked Ethan if the applicant's property was currently calculated correctly as he didn't see deductions in the tables. Ethan stated that those numbers were accidentally omitted and a revised plan which included the deductions was emailed out. Mr. Brogan distributed an updated plan to the Board members. Jay asked Ethan if he reviewed the calculations.

Mr. Brogan explained the reason for the waiver allowing for the frontage of Lot 3 to be along the 40' right of way. It's only conforming because it's part of the condominium subdivision. They not proposing to improve the right of way for a roadway, and explained that staff suggested the possibility of 50' right of way between house and business, but doing that would take up critical part of parking lot of commercial building.

Jay stated that there is an existing 40' right of way and suggested a loop road to connect it to the 50' right of way and felt there was more they could do in terms of design of residential development plan. A loop road hits on all three critical elements of the development.

There was a discussion regarding the existing dwelling and why it shouldn't have been included in the original plan. Ms. Ferrante stated that the parcel was no longer marketable because of it being included in a commercial parcel. She also stated that they did look at loop road with a previous engineer and found it to be more costly and it diminished the number of units.

Bernie asked about tearing down the dwelling and starting new. Ms. Ferrante stated it was a home for 50 years and they rent it. They never considered tearing it down. It's a nice house.

Mr. Benzing asked what the process would be to change the lot designation, and whether or not it would be easier to rezone the area. Ethan stated it would require site plan review by the Planning Board. Basically, the applicant would like to restore it to what it was in 2006, which was a non-conforming lot and they need waivers from the Planning Board to do so. Tom then asked if the applicant was okay to make the lot a separate single family use with waivers from the Board. Ethan stated that the Board could grant a waiver for them to do that. There is no way to restore to pre-2007 plan with out a waiver to allow their frontage to be ascertained along the 40' right of way instead of a 50' frontage.

Bernie Pender asked Ethan if he recalled the rationale for including little house in 2007. Ethan did not remember back that far. There was a discussion regarding the authority of the Board to require the parcel to be included in a commercial parcel.

Chris Hickey asked if they explored the option of having a single street that came in on the 40' row? Mr. Brogan felt that "they" meaning the Board wanted all new residential lots to come in on Route 100. Ethan felt that may not be the case and may not require a waiver for road frontage on the 40' ROW.

Jay Chace felt that there should be a traffic study where they would be adding 22 lots which would create quite a bit of traffic on that stretch of road. He also felt it would help define what the better access point was and if the loop road would distribute traffic more evenly or create more problems.

Chris Hickey pointed out that the current concept crosses buffer areas of the stream and other natural resources and wondered if bringing it in from top brings it around those wetlands. He would like to see a concept for that alternative as it also resolves the frontage issue of Lot 3.

Mr. Hickey also asked how they decided on 2-family buildings as they have the opportunity for a variety of buildings. Ms. Ferrante stated that Mr. Ferrante is a building and they have a friend who lives in a beautiful residential condo in Portland. The previous commercial design didn't work for them. They were looking to attract an older group of people, there's a need for it, and nothing else works. In addition, having the sewer come into the proposed road would be more cost effective.

Tom McKeon pointed out that with the loop concept, there is concern about additional curve cuts, and asked what the current proposed location of the road would be. If loop doesn't make sense, there should be some ability to connect to back lot; maybe the trail on inner urban railway similar to the Smith Farm, down the road, where they incorporated the rail bed into their project as recreational/historical resource.

The overall discussion centered around the possibility of a loop road, visitor parking, and the 40' right of way frontage issue. The Board also talked about the possibility of a site walk possibly after the preliminary package is submitted to determine whether or not a waiver will be needed for Lot 3 and if it can be removed from the overall parcel, and if not, why. The Board also discussed with the engineer regarding a traffic study.

The last item discussed was the applicant's waiver request of the Class B Soil Survey. The engineer requested that they be able to use a standard soil survey for storm water as they are using public sewer. Jamie Mason, from Falmouth Public Works, supports this waiver which will formally be voted on at the preliminary application presentation.

Meeting adjourned at 8:38 pm

Respectfully submitted,

Lisa Sangillo
Recording Secretary