

**FALMOUTH PLANNING BOARD
TUESDAY, APRIL 2, 2019
MINUTES**

MEMBERS PRESENT: B. Kaplan; D. Sinnett; J. Kelly; P. Kenlan; Mr. Jordan (arrived during Item 4)

MEMBERS ABSENT: T. McKeon (Chair); J. Cole (Co-Chair)

STAFF PRESENT: Dawn Emerson, Land Use Planner

Dawn Emerson, Falmouth Land Use Planner, called the meeting to order at 6:30 p.m. in the absence of the Chair and Co-Chair. Mr. Kenlan then appointed Mr. Sinnett and himself as regular voting members for this meeting. He then retroactively requested a motion to elect himself as Chair for the meeting. Mr. Sinnett moved. Mr. Kaplan seconded. Motion passed 4-0.

Item 1 Approval of minutes from March 5, 2019 Planning Board meetings.

Mr. Sinnett moved to approve the minutes from the March 5, 2019 as presented. Mr. Kelly seconded. Motion passed 4-0.

Acting Chair Kenlan asked the Board and the Public if anyone wished to have the administrative action item moved to the regular agenda items. No Board members nor any member of the Public wished to move this administrative action item to the regular agenda.

Item 2 Matthew and Nichole Crandall – 13 Shaw Road – Request for Private Way Amendment to adjust the 50’ right of way to obtain the required front setback. Map-lot R06-085, Zoned Fm, RCZO, RT100CO.

Mr. Sinnett moved to approve the application. Mr. Kelly seconded. Motion passed 4-0.

Item 3 Salty Dog Adventures – 251 US Route 1 – Request for Sign Permit for a 142”W x 29”H sign. Map-lot U12-002, Zoned VC1.

Mr. Sinnett moved to approve the application. Mr. Kaplan seconded. Motion passed 4-0.

Item 4 Demetria Chadbourne – 78 Leighton Road – Request for Site Plan Review for a 19-space parking lot addition to the parcel. Map-lot U14-014, Zoned VMU, RT100CO.

Acting Chair Kenlan asked Staff to summarize the application and what was expected of the Board.

Andy Morrill, BH2M representing Ms. Chadbourne, presented this application to the Board. He explained that the dental practice is very successful and growing rapidly.

The current parking is not adequate for the practice. He further explained the parking lot has been designed to meet all applicable Town standards. They have also added a 4-foot wide at grade pedestrian sidewalk on the building side of the lot. Mr. Morrill explained that the applicant has asked for a waiver of the landscape architect requirement for this project. The current parking lot will be for employees and handicap patients.

Mr. Morrill went over a few of the Town comments they received. With respect to building coverage calculations, Sheet 2, Note 12, they showed 32% coverage which included impervious surface coverage. They will update this. They have proposed 9 x 8 parking stalls are what they have proposed. He will correct narrative moving forward. He stated the business generates only about 1-2 bags of trash a week; therefore, they feel a dumpster is not warranted.

Mr. Sinnett asked Mr. Morrill what the year storm that he designed the run-off control. Mr. Morrill stated they have not done any stormwater calculations as part of this application. Mr. Sinnett asked if there was an industry standard they used. Mr. Morrill stated they have used DEP standards and have sized the level spreader based on these standards to accommodate a project of this size. Mr. Sinnett stated he did not see any steep slopes or wetlands on the plans and asked if that was because there are none. Mr. Morrill stated that was correct.

Acting Chair Kenlan asked Staff about the Board's authority to grant the waiver of a landscape architect the applicant is requesting. Staff directed Mr. Kenlan to the waiver language in the ordinance, 19-28.B.3.

Acting Chair Kenlan asked if the applicant had any issues with the Conditions of Approval. Mr. Morrill stated they did not.

Mr. Kaplan asked about the lighting of the parking lot. Mr. Morrill stated there would be no pole lighting; they would all be wall mounted.

PUBLIC COMMENTS: No Public Comments.

Mr. Sinnett asked Staff about reference to invasive species or any other general shade tree guidelines within the Town. Staff stated it was referenced in various places in the ordinance. Mr. Sinnett was concerned with these items when waiving the requirement for the landscape architect that there were guidelines for the applicant to follow.

Mr. Sinnett moved to approve the waiver for a landscape architect under the condition the applicant adheres to the Town list regarding invasive species. Mr. Kelly seconded. Motion passed 5-0.

Mr. Sinnett moved to approve the application as presented including conditions of approval as outlined by Staff. Mr. Kaplan seconded. Motion passed 5-0.

Mr. Sinnett asked the Acting Chair if he had heard any feedback from the LPAC Committee meeting taking place simultaneously as to whether they have completed their work. Mr. Jordan, who is a member of the LPAC Committee stated the meeting was still in progress but felt that people would start trickling over.

Mr. Sinnett moved to table Homestead Acres to allow people attending the LPAC meeting to participate in this application. Acting Chair Kenlan asked Staff what the timeline was for the Homestead Acres application. Staff replied with 45 days if they choose to begin discussions at this meeting if the application is deemed complete. There was no second on the motion; therefore, the meeting proceeded with the next item.

Item 5 **Homestead Acres, LLC** – 4 Mountain Road – Preliminary Subdivision Approval for 65 Single Family Condominium Lots. Map/lot U42-015, R07-156/157/158/158A, U43-010-B, & U43-012-A, Zoned VMU, RTE100CO.

Acting Chair Kenlan asked Staff to summarize the application being presented to the Board.

Matthew Ek of Sebago Technics represented the applicant, David Chase. He stated they have incorporated the most recent review comments from Public Works, Wastewater, and Staff. He stated they are now at 68 units for the project.

Staff asked for clarification regarding the waiver of the site distance requirement. The road has been designed to meet the driveway site distance.

Acting Chair Kenlan opened the discussion up to questions from the Board. Mr. Jordan asked about the neighborhood meeting. Mr. Ek stated it was set up as part of the DEP process. Mr. Jordan then asked if the lots would be separate lots or one lot with condominium units.

Mr. Kelly asked what was allotted for parking. Mr. Ek stated there are 2-car garages providing parking within and 2 spaces in the driveway. They are allowing only parking on one side of the street. Mr. Kelly then asked about turning around on dead end streets. Mr. Ek stated they will have hammerheads to allow for turning around.

Mr. Sinnett asked whether the project will have public sewer or private septic. Mr. Ek stated they are proposing public sewer. Mr. Sinnett then asked about the sewer line that is close to two particular lots. Mr. Ek stated they have spaced two particular lots further apart allowing for 30' wide strip for the sewer line in that area as well as one additional area. The remaining sewer lines will be located within the roadways with easements provided for the roadway width. Mr. Sinnett asked if there were areas set aside for recreation. Mr. Ek pointed out the trail network that will be part of the project as well as an easement to connect to the trail network on the remaining reserve land.

Mr. Sinnett and Mr. Kenlan stated they would like to see more commercial use in the next submission to be more in line with the Comprehensive Plan.

Mr. Sinnett pointed out that the traffic study is using data that is not current. He asked Mr. Ek if they planned on updating the study. Mr. Ek stated they have projected the 2014 traffic counts out to current use. Mr. Sinnett stated he would like to see current counts that include Marston Street. It was stated the study does take Marston Street into account with respect to current use figures. Mr. Jordan mentioned the Meadow Wind property and having those figures added into the study.

Mr. Jordan moved to take a 15-minute recess. Mr. Sinnett seconded. Motion passed 3-2 (Kenlan and Kaplan – nay)

15 MINUTE RECESS

Meeting resumed with questions from the Board. Mr. Kaplan asked if the structures would have basements. Mr. Ek stated there would be basements. Mr. Kaplan asked what they were planning on for utilities. Mr. Ek stated they were hoping that natural gas lines would be brought into that area; if not, there are other options available, which will be addressed in a future submission. Mr. Chase stated the gas company has committed to bring the natural gas in.

Mr. Sinnett asked about the private way. Mr. Ek stated there are driveways within the condominium.

PUBLIC COMMENTS:

Steve Dyer, 16 Mountain Road – Mr. Dyer’s comments focused on the impacts of this project to the wetlands and the environment. He is also very concerned about the traffic impacts/connectivity at the Falmouth Road/Mountain Road/Gray Road intersection. He spoke about the topic of open space and the lack of commercial space called for in the Comprehensive Plan.

Keith Noyes, 94 Gray Road – Mr. Noyes comments focused on the lack of updated data in the traffic study and traffic impacts this project will cause as well as environmental impacts to the wetlands and endangered species that are in the project area. He also mentioned the lack of a master plan that was requested of the applicant at the last meeting. He mentioned the historical value that this parcel holds for West Falmouth.

Jack Kaminski, Mackenzie Lane – Mr. Kaminski noted there were items on the Staff Review memo and Public Works Review memo that jumped out at him and stated that there were a lot of “i”s to be dotted and “t”s to be crossed.

Todd Kelly, 9 Sulky Way – He commented on the wetland property behind Harmon’s that used to be a hole 20’ deep that was filled in. He stated the roads should be made either private or public so the site distance ordinance can be adhered to. He is also really concerned about the traffic impact.

Linda Dyer, 16 Mountain Road – Ms. Dyer was also concerned about the increase in vehicles and the impact on the area. She is against the filling in of the pond.

Julie Porter, 12 Mountain Road – Ms. Porter is concerned about the natural gas lines as it pertains to a Public Safety aspect. She stated that she and other neighbors are working with Washington, DC for historical status designation for West Falmouth Village.

Ellen Boyce, 409 Gray Road – Ms. Boyce’s main concern is the number of homes going in on this project and the impact they will have not only on the traffic in the area, but the impact on the schools as well.

Mary O’Brien, 134 Gray Road – Ms. O’Brien is concerned about the wetlands right behind her house and the impact this project will have on these wetlands. She is very concerned about traffic impacts as a result of this project.

(Name not given), 134 Gray Road – This woman shares all of the same concerns as all the other public commenters; the density, traffic and wetlands.

No further comments.

The discussion was brought back to the Board for further discussion, questions, and comments.

Mr. Sinnett asked if the project open space would be available to public use. Mr. Ek stated it would as part of the condominium documents. Mr. Sinnett stated he would like to see this project as single-family homes instead of condominium units citing a specific area in the ordinance. Staff explained to Mr. Sinnett the areas of the ordinance that define what type of project this is.

Mr. Jordan confirmed with Mr. Ek, per Public Comments, that the applicant was planning on filling in the pond. Mr. Ek stated they were and would be filing for a DEP Application as well as an Army Corp of Engineers Permit. Mr. Jordan stated he would like to see the application as part of the next presentation.

Mr. Sinnett revisited the residential development definition within the ordinance asking for Staff and applicant comment on the architectural harmonious environment requirement of the ordinance. Staff stated this requirement relates to the structures. Mr. Ek stated they would be submitting building plans with the next submission.

The applicant, Staff and the Board discussed the local standard for the roadway versus the subcollector standard.

Acting-Chair Kenlan asked the applicant if they have reviewed the various comments by Town staff. Mr. Ek stated they have not reviewed all comments, but they will be addressed and incorporated in the next submission.

Mr. Jordan asked if there was anything that would deem this an incomplete application. Mr. Sinnett stated that it was an incomplete application because the applicant was required to submit a master plan with this submission and did not do that.

Mr. Jordan stated he would like to see the project have a bit less density and more of a commercial aspect to the project.

Mr. Jordan moved to table the application. Mr. Kelly seconded. Mr. Sinnett stated he felt a period of discussion for guidance will be prudent.

Mr. Sinnett questioned whether a condominium development is prudent in this case. He would like to see it not treated as a condominium as it doesn't seem like a permitted use in the VMU. Mr. Ek stated they would try to get clarification on this issue.

Mr. Jordan asked that the applicant address all comments in the next submission even if they are repetitive.

Mr. Kelly stated he wanted an updated traffic study, especially with all projects in process on Route 100. Mr. Kenlan concurs with Mr. Kelly and also requested a peer review of the traffic study.

Mr. Kelly and Mr. Jordan would like a site walk.

Mr. Kenlan stated he anticipated the applicant would ask for a waiver on the site distance, and the Board would need clarification and back up to back up this waiver.

Mr. Jordan asked who would schedule the site walk. Staff stated that the Town would coordinate the site walk via email.

Motion to table passed 4-1. (Kaplan abstained)

Meeting adjourned at 8:40 p.m.

Recording secretary,
Lisa Sangillo