

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

MEMBERS PRESENT: Jay Chace (Chair), Rudy Israel, William Benzing, Christopher Hickey, Thomas McKeon (alternate)

MEMBERS ABSENT: Bernard Pender (Vice Chair)

STAFF PRESENT: Ethan Croce, Senior Planner

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

Thomas McKeon was appointed as a voting member for the meeting.

1. Approval of minutes from the December 3, 2013 Planning Board meetings.

The minutes were deferred to the next meeting, since only two members were present who were at that meeting.

Administrative Action Items

2. Kevin O'Rourke & Peter Anderson – Blackstrap Road – Request for a subdivision amendment to the Preserve at South Ridge Subdivision to add a drainage easement. Tax Sheet 180; Map-Lot R08-014-001 and R08-012-001. Zoned Farm & Forest and RCZO.

Ethan Croce explained that the subdivision received its final approval in August 2013. A required drainage easement was inadvertently left off the recording plat. This approval would allow for the plat to be amended and re-recorded.

Bill Benzing moved to approve the administrative item; Chris Hickey seconded. Motion carried 5-0.

Agenda Items

3. Amsterdam Property Corp – 160 Falmouth Rd. – Request for sketch plan review of the proposed Lower River Ridge Falls 6 lot subdivision. Tax Sheet 390; Map-lot R04-020-001. Zoned RB, RP & LR (Shoreland) and RCZO.

Ethan Croce discussed the relevant ordinance sections and standards pertaining to this application and explained the sketch plan process.

Edward Van Loenen, representing Amsterdam Properties, discussed some of the history of the two lots he is proposing to develop. He talked about his relationship with two of the neighbors, who have demonstrated opposition to the developments.

Tom Greer of Pinkham & Greer presented the application. The property lies along Falmouth Road and leads down to, but doesn't directly abut, the Presumpscot River. The land closest to the river is very steep. The highest part of the property is along Falmouth Road; the majority of the land drains to the river, except for one area that drains toward the Van Loenen home. Most of the property is heavily forested; the forest is old and there is not much undergrowth. He discussed the soils located on the property; most of the site is suitable for septic. The proposed 6 lots include the current home that fronts on Falmouth Road. They plan to take the existing drive and use it to serve the subdivision. He said one lot would have double frontage on the development road and Falmouth Road.

Jay Chace said today the Board received a letter from Elizabeth Klebe and another from Kurt Klebe about the proposed development.

Public comment period opened.

Kurt Klebe of Falmouth Road spoke about the history of his property. He did understand at the time he purchased his home that whoever bought the property behind his house would put some houses on it in the future, but felt that the difficulties of the roadway, environmental concerns, and soil conditions on the lot would limit the number of homes that could be built. He spoke about some burning and clearing that took place on the abutting property last year.

Frederick Shotz of Falmouth Road was curious about the proposed square footage of the homes that would be built and the proposed density.

Sean Mahoney of Falmouth Road asked about the valuation of the wetlands. He said a previous development on Falmouth Road filled wetlands by mistake. He said there is an important feeder stream that leads to the Presumpscot in this area. He questioned how this development fits in with the comprehensive plan; it is an important viewshed area. He spoke about the current home on the property and how it was originally permitted.

Public comment period closed.

Jay Chace asked about the location of the stream.

Mr. Greer indicated the location of the stream. It goes through a culvert under Falmouth Road and then into the wetland. From there it leads to a swale and ditch that leads to the river. He agreed that the wetland was mislabeled as low-value on the plans. It is a high-value wetland and that will be fixed on the next submission. They will have to adjust those two lots. He said the wetland and the steep slopes are primary conservation areas. Once they adjust the two lots, the wetland will be in the common open space. Another section of steep slope is either within the open space or the perimeter buffer.

Bill Benzing asked how they are going to reconfigure the two lots.

Mr. Greer said the building envelopes will be moved to the back of the lots, and the lot lines will be shifted to leave the wetland as open space. This would require them to reduce the frontage of one lot; they could either create a master plan for the lot or combine the driveways for the two lots. The lots are 24,000-30,000 sq. ft. each; the minimum for the zone is 20,000 sq. ft.

Bill Benzing asked about the sq. footage of the homes.

Mr. Greer said that would be market driven, but would likely be 2,000-3,000 sq. ft.

In response to questions from Board members, Mr. Greer indicated the location of the abutters' properties and Portland Trails' property on the plans.

Tom McKeon asked if any of the open space on the plan is linked to any other open space properties. Mr. Greer said they connect to the Portland Trails property, but there are no other connections.

Mr. Mahoney said the fields and forest on his land are under conservation easement and there is a trail on the property.

Bill Benzing asked about the drainage. Mr. Greer said the open space goes across the property line. The majority of the development area drains directly to the river but some of it drains to the swale.

Bill Benzing asked if it feeds the stream. Mr. Greer said it doesn't seem to, according to the topography they have.

Bill Benzing asked if the development would change the drainage patterns. Mr. Greer didn't think so. He thought the development would only disturb 10,000 sq. ft. of a 20,000 sq. foot lot. Everything to the east of lot 6 will be undisturbed.

Bill Benzing asked how much footage there is between Falmouth Road and the first clearing. Mr. Greer thought it was 250 feet or so.

Jay Chace asked if it was the developer's intent to minimize clearing on the southern lots. Once a lot is created, there is no limit to the size of the home that can be built on the lot.

Mr. Greer said their intent was to leave a little bit of woods between lots; they couldn't do it between two of them but they will leave buffers where they can. Mr. Van Loenen is the one that will design and build the homes. The intent was to minimize the stormwater impact, as Mr. Van Loenen owns the home downstream.

Jay Chace said the high value wetland and the steep slope to the south east have been indicated as the primary conservation areas and are included in the open space. He asked the applicant to discuss the waiver request on the identification of trees greater than 15".

Mr. Greer said this side of the road is virtually an open field and has limited building envelopes. He didn't think locating large trees is necessary to help locate the homes. They aren't going to work around them. He argued that trees grow, and they grow fast. They are building a development for the next 100 years. Anything trees they locate today will be gone by then.

Jay Chace asked if the two areas shown as open space meet the 30% threshold. Mr. Greer said it does, between the common open space and no-cut buffers.

The Board discussed the requested waiver on the identification of trees of greater than 15" caliper.

Mr. Greer argued that the design process identifies the open space areas and therefore the best location of the building envelopes. If there are trees in the envelopes, they would be cleared. He didn't think identifying those large trees would change the Board's mind as to where the building envelopes would be located.

Mr. Van Loenen wondered what the Board would do with the information on the location of the trees. He asked if they would require the removal of a lot if there is a large tree in the middle of it.

Bill Benzing said it would be helpful to know the number and location of the trees. If there are only two large trees, it would be different than if there would be a whole forest of them.

Jay Chace felt the inventory would provide another layer of evidence in considering the conservation subdivision design, which considers preservation of significant vegetation.

Tom McKeon didn't think they had enough evidence to grant the waiver.

Chris Hickey felt a site walk would be helpful in this issue. He agreed that the Board's role is to ensure that the ordinance is applied to create the best possible development.

Rudy Israel agreed that a decision on this waiver would be easier after a site walk.

Jay Chace was comfortable that they have properly identified step 1 of the 4 step design process. The next step is to discuss the buildable areas.

Chris Hickey asked how much frontage the existing lot would have on Falmouth Road. Mr. Greer said it would have 125 feet.

Chris Hickey asked if there is a requirement that the driveway comes off the road where the lot has the greater length of frontage.

Ethan Croce said, while this lot has double frontage, there is a required 100 foot streetscape buffer along Falmouth Road. There is no ordinance requirement as to where the frontage comes from, but they would expect it to come off the subdivision street instead of the collector road. He discussed some of the issues they face with lots with double frontage, but he doesn't see those as an issue in this instance due to the streetscape buffer.

Jay Chace pointed out that the streetscape can be called out as no-disturb or vegetated.

Chris Hickey asked about stormwater management. Mr. Greer said they don't think they need any, since most of the flows go directly to the river and the development is small. Total impervious surface is less than 1 acre.

Jay Chace asked how long the road is. Mr. Greer thought it was 600-650 feet.

Jay Chace asked about the net residential calculations. The calculations for this application included the 10% base for roadways and driveways, as required, but did not also deduct the easement on the lot since that easement is planned as the location of the roadway. He wondered about the Town Attorney's thoughts on this approach.

Ethan Croce said he has not discussed it with Town Attorney Bill Plouffe. There is precedent for the Board taking out other deductions where they overlap, steep slopes that are also in the floodplain, for example. He will reach out to Mr. Plouffe before the next submission.

Chris Hickey asked about the sight distance and the request from staff for a survey.

Mr. Greer said Town Engineer Jamie Mason wants a survey of the road and a graphic showing the vertical and horizontal to determine correct eye height. They have collected the survey data and they will provide that to Mr. Mason.

Chris Hickey asked about the ordinance requirement for sight distance.

Ethan Croce said appendix 5.e.2 of subdivision ordinance refers to a traffic engineer handbook; the sight distance standard is 10x the posted speed limit. On this road, which is posted at 35mph, it would be 350 feet in both directions.

Jay Chace said concerns have been raised by both Public Works and the Police regarding traffic. He expected they would see full traffic reports on both developments. He asked if the roads would ever be turned over to the Town.

Mr. Greer said they would build both roads to town standards to allow for that possibility in the future.

Jay Chace was concerned with the street location. Even though there is an existing driveway, that drive passes directly through the required buffer around the high value wetland. He felt the proposed street should be removed from the buffer area; that would be the expectation for a new development. He thought they could still get the street in if they moved it to the southern limit of the buffer.

Mr. Van Loenen said Public Works told him to place the driveway where it is due to the sight distance.

Jay Chace said it isn't where it meets Falmouth Road that concerns him, but where it impacts the buffer for the wetland. He asked them to explore how to move the road out of the buffer.

Bill Benzing asked if they are going to follow the driveway, widening the first part to Town standards.

Mr. Greer said that is correct. The road was put in to avoid a high rock on one side, and to minimize the tree removal.

Jay Chace argued that they haven't identified the rock cropping as a primary conservation area but the wetland is.

Mr. Greer clarified that the entrance location is required for the sight distance. Jay Chace agreed; the entrance is not his concern.

Chris Hickey asked if the purpose of the primary conservation area is environmental or aesthetic. Bill Benzing felt it was the least amount of environmental impact.

Jay Chace said wetlands and their buffers are priority 1 for primary conservation areas. The Board has the discretion to reassign the priorities but he valued a wetland buffer higher than a rock outcropping. He didn't feel the applicant had demonstrated that there was no other alternative.

Ethan Croce discussed requirements for paper streets and street connections. The ordinance asks for one paper street connection for a street of this length, though the Board can waive that requirement. The northern parcel is apparently under a conservation easement, but a 6 acre lot to the south might provide an opportunity for connectivity.

The Board discussed what they wanted identified for the site walk. They asked for the wetland and its buffer to be identified as well as the northerly buffer.

4. Amsterdam Property Corp – Falmouth Rd. – Request for sketch plan review of the proposed Upper River Ridge Falls 13 lot subdivision. Tax Sheet 390; Map-lot R04-022. Zoned RB and RCZO.

Ethan Croce said the developer is proposing to develop the front 23 acres and set aside the remaining 59 acres for potential development in the future.

Tom Greer of Pinkham & Greer presented the application. The lot fronts on Falmouth Road and runs all the way back to the turnpike spur. The site is primarily wooded and includes a deer yard and three vernal pools. One area was indicated as a vernal pool, but their consultant has said that it is not. He showed the location of a tote road that ran across the abutter's property line. A gravel road was installed last year that they intended to use for logging. This lot was harvested 10-15 years ago and has a great deal of undergrowth. He discussed the topography and drainage of the parcel. Views are limited on the site; abutting properties are heavily wooded, and the portion that meets Falmouth Road is steep and wooded. Based on their net residential area calculations, their maximum allowable density is 18.9 lots; they are proposing 13 lots. They lined up the road entrance with Falls Road and located the street to run along the length of the parcel to minimize the environmental impact. The lots are all 24,000-34,000 sq. feet. He showed the primary impact areas and the location of the open space. This project will trigger a stormwater permit from DEP; they will have an underdrain soil filter and detention basin along Falmouth Road. There will be similar stormwater treatment near the wetlands. Their preliminary evaluation for soils showed that septic could be located for the lots; the development will be serviced by public water. They show a future road connection at the end of the road to the abutting parcel; the majority of that lot is steep slopes so the connection was located to reach the only developable portion of that parcel. He showed their conceptual plan for future development in the rear portion of the parcel.

Public comment period opened.

Jay Chace said the Board received letters from Elizabeth Klebe and Kurt Klebe, as well as a letter from John Adelman. Those will be made part of the record.

Jeff Carlyle of Falmouth Road was concerned about the impact of this development on traffic. There is a lot of traffic on Falmouth Road in the morning in this area. He struggles to exit his driveway in the morning. The pitch is extremely steep where this property meets Falmouth Road. He thought it would be dangerous for people to exit this proposed road down that steep a slope onto Falmouth Road. This is a massive forest with tremendous wildlife. He hoped the Board would take the comprehensive plan into consideration when evaluating this project. The open space on this parcel is of great benefit to the Town.

Kurt Klebe of Falmouth Road said his primary concern is the traffic impact on this curve. It is a blind curve and it is difficult in the morning. It is currently icy and he was concerned that the stormwater proposed along Falmouth Road wouldn't be sufficient to address the ice issue in the winter. He said one of the proposed paper streets leads to a land trust property. He pointed out that this is the last unprotected un-fragmented habitat block in the Town. This development would cut right through it. He spoke about the requested waiver on road length. An extension on the road length is supposed to be in exchange for some conservation give-back. Any benefit of an extension of the road in this development would be minimal; the open space proposed in this plan consists of steep slopes, perimeter buffer, or wetlands and doesn't connect to any other open space areas. It would be the same regardless of the road length. Allowing this road to be extended would provide an economic windfall without any conservation benefit. He was concerned about the impact on his home, which is a historic home.

Tom Baker of Falmouth Road was concerned about the traffic. He has difficulty getting out his driveway in the morning. The traffic has tripled since the schools went in.

Public comment period closed.

Jay Chace asked about a setback to steep slopes referenced by the applicant.

Ethan Croce said that primary conservation areas include the buffers and setback areas for wetlands. In appendix 9 it states that building envelopes should be 100 feet from primary conservation areas. In the case of a wetland buffer, for example, the building envelope would be 175 feet from the resource. In the case of the steep slope there is no buffer, but the 100 feet standard would still apply.

Mr. Greer said his interpretation is that the building envelope needed to be 100 feet from the resource, not the buffer. They are also 100 feet from the steep slope.

Tom McKeon thought a lot of the building lots require the interpretation that the setback from the steep slopes does not need to be recognized. Mr. Greer said yes; that was based on a prior development in which they could develop up to the steep slopes, but not on them.

Jay Chace asked for clarification that the 100 feet could be within a lot, but not within the building envelope.

Ethan Croce said in a previous project the Board allowed the lots to encroach, but with the building envelopes contracted so that the building itself was not sited within that 100 foot area.

Mr. Greer said in this case they will have an additional setback from the boundary line, which will push the buildings closer to the road.

Jay Chace asked how much of the land is shown in the open space. Mr. Greer didn't have that number, but it meets the ordinance requirements. He thought it was about 35% of the land.

Mr. Greer said that due to the wetlands and steep slopes, the road is in the only location possible. They fit the building envelopes in around the primary conservation areas.

Jay Chace thought all the wetlands on the site are high-value.

Mr. Greer felt that some are high-value and some are not. They need to coordinate with the soil scientist. Some of the buffers may change as a result. He said he looks at sustained steep slopes differently than the smaller slopes. He thought the smaller slopes could be built upon or around; they are not non-buildable slopes. The sustained steep slope at the rear of the lot is a feature that should be preserved.

Rudy Israel asked them to recalculate the high value and low value wetlands on the site analysis.

Jay Chace agreed with Mr. Greer on the smaller steep slopes. The wetlands are an important feature. He wanted to consider maintaining the rural character of the roadside as a higher priority than the small steep slopes.

Mr. Greer said they would work with their landscape architect on maintaining the rural character. None of the homes would be visible from the road, or from abutting homes.

Jay Chace asked about the current logging road. Mr. Greer said it used the same curb cut as the tote road, but went straight back. It will be located on future plans. He said this development would have public water and a sidewalk the whole length.

Chris Hickey asked about the deer wintering yard. Mr. Greer said that was mapped by the Town. IFW doesn't map or monitor deer yards in southern Maine; according to the biologist there are more deer than there need to be in southern Maine. He indicated the approximate location of the deer yard on the plans.

Chris Hickey thought they are not even approaching that area in this phase of development; Mr. Greer confirmed that was correct.

Tom McKeon observed that the steep drop to Falmouth Road is a safety concern. He asked them to address that in the next stage.

Mr. Greer said they have worked on a preliminary road design. The first 75 feet of the road will be less than a 3% grade and there will be a 9% grade for less than 500 feet. They can provide a cross section for the rock cut.

Jay Chace would like to see the extent of grading for the curb cut, to address the rural character of the roadside. Mr. Greer said they would demonstrate that in the next submission. He discussed some of the plans they have discussed for this area.

Jay Chace would like to see as little tree removal in the streetscape as possible, especially in light of the detention pond.

Mr. Greer said DEP standards require them to collect 75% of the road; the town requires that they not increase peak flows. They think they will have to treat at the bottom of the slope so they are stuck with where they will have to put the detention pond.

Jay Chace spoke about the street length. The ordinance allows for 1500 feet without a waiver; this road is about 2000 feet long. He wanted to see justification for the length of the road, that they have taken advantage of all available flexibility provided in the ordinance, and is there no other alternative.

Chris Hickey asked the intent of the road length limitation. Mr. Greer felt it was fire protection.

Ethan Croce said another reason was road connectivity; allowing a road to extend 3000 feet into a site doesn't encourage the developer to provide connectivity. Two paper streets are required if the road exceeds the 1500 feet limitation.

Mr. Van Loenen felt that previous Boards have allowed longer roads to get to buildable areas; the most buildable area of this property is in the back. He didn't think it had to be in exchange for conservation benefit.

Ethan Croce said in a past project the first 1000 feet was almost entirely wetland, so there was no buildable area before that.

Jay Chace said the road at the end curls directly into the buildable area, and houses are located in the buffer area of the slope.

Mr. Greer said that was to keep the road away from the steep slopes and along the top of the ridge. He felt the language that indicates that they need to stay away from the steep slopes is carryover; he felt the primary conservation areas that require that 100 foot setback are wetlands and their buffers.

Ethan Croce explained that the 100 feet is required under appendix 9 when locating optimal building sites.

Bill Benzing was concerned with the traffic. Mr. Greer felt the number of new homes relative to the traffic would be minimal; he felt the new residents would end up waiting to get out onto Falmouth Road.

Bill Benzing asked the rationale for designing this development to reach so far to the back, instead of stopping at the 1500 feet of road length allowed under the ordinance.

Mr. Greer said they debated how far to go; it is driven by economics. The beginning of the road is expensive to build. The rear development may never happen; the front lots are probably the most valuable. The rear lots would be easier to develop.

Tom McKeon asked about the rear portion; Mr. Greer said that is a conceptual plan. They haven't done much research on that part of the property. They are still open to selling that back portion to the Land Trust.

Bill Benzing asked if the sidewalk and curb would run along one side for the whole length of the street. Mr. Greer said it would. They are looking at underdrain soil filters instead of wooded buffers for the stormwater in this development, because of the steep slopes.

The Board asked to have the road center line and the extent of clearing and re-grading along Falmouth Road flagged for the site walk.

Rudy Israel said all the abutters have concerns about the roadway and impact to their properties. He asked when the traffic study would be available. Mr. Greer said they would get that started.

Jay Chace thought a peer review of the traffic study might be useful in this case. The Board agreed.

Jay Chace asked the applicant if there were other options for the stormwater that would preserve the streetscape. Mr. Greer felt that they would alter the land and then landscape it. Over time, as the landscaping grows it would look fine.

Chris Hickey asked if any archeological surveys have been done of the site. Mr. Greer said no; he didn't think any are required. They will notify the state historic preservation commission when they do the wetland crossing. It is part of the NRPA application.

Ethan Croce said there are no references to a requirement in state statute either. There is general language that speaks to locating cellar holes and the like as secondary conservation areas. The ordinance would require those to be mapped and located on the plans.

Mr. Greer said there aren't any there. He thought this parcel was all field historically.

Jay Chace asked the applicant to identify how they are meeting the ordinance requirements and address the staff comments in their next submission.

5. Kevin Smith – 5 Schuster Rd. – Request for sketch plan review of the proposed Overlook Farms 15 lot subdivision. Tax Sheet 30; Map-lot R06-087, 087-B, -D, -E. Zoned Farm & Forest, RCZO, and Route 100 Corridor Overlay.

Ethan Croce discussed the relevant ordinances and standards pertaining to the application.

Tom Greer of Pinkham and Greer presented the application. This parcel lies between the Cumberland town line and Gray Road. Mr. Smith has run this as a horse farm for a number of years. All the fields are either pasture or hay fields. There is an existing barn near the road. On January 10, Mr. Smith is buying a triangle of land from the McNitts that comes off Schuster Road and up to the Town line. This was approved for a private way with three lots, but it was never built. They plan to maintain the location of that right of way in order to provide access to the McNitt home; there is a conceptual plan to add two more lots in Cumberland to that right of way. Mr. Smith doesn't own any property in Cumberland; his right of way will lead to the town line. There are wetlands that come through the site; they are in an

unmapped A zone on the FEMA floodplain map. When they map it, he expects that the flood zone will be smaller than what FEMA shows for the area. Mr. Smith plans to continue to operating the horse farm; he felt the back area was the best place to develop. The current plan for the roadway would result in minimal wetland impact. He discussed the drainage on the site. All the wetland along the proposed roadway drains to Schuster Road into culverts that have been recently replaced by the Town. They will analyze the entire watershed for the next submission. It is a fairly big watershed. The parcel is broken up into areas of pasture. He indicated the location of old trolley car trail, which is long gone. The white picket fence runs the length of Route 100 and around the pasture. He didn't think there were any trees of 15' caliper; the lot is all pasture or scrub. He discussed the viewshed from Route 100 and said the view from the road would show houses against the backdrop of a hill, not houses on top of a ridge. They have done test pits for septic on all the proposed sites. The views from Route 100 are the significant feature of this site. The horse farm contributes to the rural character. Their goal is to develop the back portion of the parcel while maintaining the rural character of the front of the parcel. For the net residential calculations they removed all areas of wetland and floodplain, though he expected the floodplain area to shrink a little. Most of the wetlands are high-value and are fed by the stream. The wetlands will be in open space; the pasture areas are the developable areas. He discussed the design of the road; they will have a wetland crossing. There is an open space buffer all along the outside edge. They have a series of underdrain soil filters planned to treat the road. It is difficult to do stormwater treatment on this parcel since it is an open field. They consider all the lots to be lawn, so they have to treat 80% of that area. He indicated a location where they could provide a paper street if the Board wanted them to. The lots are about 1 acre in size; they could shrink them slightly but they need enough room for both a septic system and a well for each lot.

Ethan Croce said a provision in the ordinance allows septic and wells to be located in the open space to allow for smaller lots.

Mr. Greer said 10 lots would require a stormwater permit from DEP; now that they have 15 lots they need a site location of development permit. They are working with DEP to see if some of the lots might be grandfathered, which would allow them to file for the stormwater permit only. The common open space for this project is the pasture along Route 100. The thought was that a perpetual easement would be granted to the farm to allow them to continue using it as a pasture.

Ethan Croce said one threshold issue is that the Town Attorney has said that state law requires subdivision plats to show all land that is in contiguous ownership. That issue is addressed if the land sale from the McNitts to Mr. Smith goes through prior to approval. The second threshold issue would still apply to all land owned by Mr. Smith. There is a question about the 8 acre lot along Schuster Road. Both lots cannot be exempt from subdivision review; even though they are in separate deeds, only one lot can be exempted. State statute states that all land in contiguous ownership is considered one lot, even if it is in separate deeds. Cutting off the southerly lot creates a lot under state statute. A small triangular portion of the northerly lot is being conveyed to the southerly lot.

Mr. Greer said Mr. Smith has talked about cutting out the 8-acre parcel that contains the barn. It can either be created as an estate lot or kept as a contiguous lot. They will clarify their intention prior to the next submission.

Jay Chace thought if it is kept as a contiguous piece it would become an exempt lot for subdivision purposes. It would have to be shown on the plan, and the Board would consider the impacts of that lot but not the design elements. Ethan Croce agreed. If that 8-acre lot was a residential lot it would trigger the 4 step design process.

Public comment period opened.

Brian Russell of Schuster Road encouraged the Board to consider the environment and rural character of the area and the road.

Public comment period closed.

Jay Chace felt the treatment of the 8-acre parcel might have impact on the rural character of the area. He thought the idea of a country estate lot was a good one. Mr. Greer said it will need flexibility from the Board on the setbacks for an estate lot. It is long and narrow.

Jay Chace asked if the Board has flexibility on setbacks for country estate lots. Ethan Croce said he would have to research that.

Tom McKeon asked how the open space would be used and who would control it. Mr. Greer said the farm would control it and use it for either hay field or pasture. It is currently used for pasture.

Tom McKeon asked if that arrangement would run with the farm. Mr. Greer said it would.

Tom McKeon asked what the ordinance intent was for allowing smaller lot sizes for conservation zoning.

Ethan Croce said the goal was to minimize the development's impact on the landscape. Smaller lots would have smaller lawns, and the smaller road frontage requirement allows for shorter roadways.

Tom McKeon felt that smaller lots might be desirable for this project, to accomplish those goals. Jay Chace pointed out that this roadway is longer than the 1500 feet limit. He encouraged them to look at tighter lots. Mr. Greer said the lots facing Schuster Road would remain the same, but they could tighten up the lots along the back. Part of the market is rural character, which is hard to sell with a 20,000 sq. foot lot. People are looking for space.

Chris Hickey argued that open space compensates lot owners for having smaller lots. Beyond protecting the viewshed, he didn't see any benefit of this open space to the lot owners; they wouldn't be able to use it. He felt taking the control of the open space away from the lot owners did not conform to the intent of the ordinance.

Mr. Greer said the benefit goes to the public by maintaining the viewshed. He didn't think the homeowners would maintain it as an open field. The farm easement will contain provisions that require it to be maintained as open field.

Chris Hickey wondered if there was a more cooperative way to use the open space in this instance.

Bill Benzing said the only reason this field is included is for the open space calculation. If the applicant didn't need it for the net residential calculation, he could just keep it with the rest of his property. He wondered why it is part of the subdivision if Mr. Smith is going to keep it.

Jay Chace felt that this gets back to the priorities and wondered if they are considering the rural character and the viewshed above other priorities.

Chris Hickey was interested to see the language for the easement; Mr. Greer said they would work on it.

Tom McKeon asked why the wetland buffers included in lots 11, 12 and 13 are not in the open space. Mr. Greer said that was to fit the geometry of the lots. Those wetlands are mowed fields now; they considered them to be not of great importance.

Jay Chace thought the IFW felt those wetlands were important since several endangered species were located in the area. Mr. Greer thought the cottontail rabbits and box turtles identified by IFW are in the area, but not actually on this property.

Jay Chace thought all the wetlands were indicated as high-value. Mr. Greer said the wetlands adjacent to and fed by the stream are high-value; these are not fed by the stream, as the soil scientist originally thought.

Ethan Croce said, according to the IFW report, box turtles were documented in the vicinity, and the cottontail rabbit was documented within the northern edge of the project area, but he wasn't sure where that "northern edge" was. He said there is no waiver requested on the identification of trees greater than 15' caliper for this application; there are a couple trees identified in the site analysis and the assumption is

that those are the only ones. In response to a previous question, he didn't think the Board had flexibility on setbacks for a country estate lot.

The consensus of the Board was that a site walk was not necessary.

Chris Hickey asked for photos of the site to be included with the next submission.

Other Business

The Board discussed holding a workshop with staff to discuss the ordinances and comprehensive plan.

The meeting adjourned at 10:51 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary