

**FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, FEBRUARY 4, 2014, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

MEMBERS PRESENT: Jay Chace (Chair), Bernard Pender (Vice Chair), Rudy Israel, William Benzing, Thomas McKeon (alternate)

MEMBERS ABSENT: Christopher Hickey

STAFF PRESENT: Ethan Croce, Senior Planner

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

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

1. Approval of minutes from the December 3, 2013 and January 7, 2014 Planning Board meetings.

Bill Benzing moved to approve the December minutes; Bernie Pender seconded. Motion carried 4-0 (McKeon abstained).

Bill Benzing moved to approve the January minutes; Rudy Israel seconded. Motion carried 4-0 (Pender abstained).

Agenda Items

2. OceanView Retirement Community Limited Partnership and Oceanview at Lunt and Plummer Schools, LLC – Blueberry Lane and Lunt Road. – Request for various site plan amendments to the Oceanview Schools Redevelopment Project. Tax Sheet 310; Map-lot U27-003. Zoned RB, RCOD, ESRD and RCZO.

Ethan Croce said applicable ordinances for this application are sections 3.16, 3.20, and section 9 of the ZSPRO as well as Appendix 1 of the subdivision ordinance.

Chris Wasileski of Oceanview gave a presentation on the Blueberry Commons project. The fire lane has been reduced from a 7% grade to a 3% grade. The end of the fire lane is connected to a delivery road with a wide turn-around. It wraps around the building slightly. The building connectors are slab on grade foundations with insulated slabs, steel superstructure with structural panels and prefabricated trusses. The propane tanks are buried along the roadway of Marion Way with landscaping over them. He showed an example of dumpster screening installed along Blueberry Lane. The Legacy Memory Care site is behind the Lunt school; they changed the block retaining wall to a riprap slope. They added four propane tanks adjacent to the Lunt school to serve the new propane boiler at Lunt; this boiler will serve both Lunt and Legacy. The village green was hayed and seeded late this fall but it didn't catch; they will fertilize and re-seed it.

Rick Licht of Licht Environmental Design explained that they have a number of small changes they are requesting. He doesn't believe that they need an amendment from DEP. They are proposing a different configuration for the connectors between the buildings on Blueberry Commons and the Main Lodge. They changed the sidewalk at the entrance, moving it out by 7 feet. Along Marion Way, they had proposed a landscaped berm to buffer existing cottages from Blueberry Commons. They discovered they didn't have room for the berm behind the parking due to the existing row of white pines. They have now placed the four propane tanks across from the entrance and underground, with infill landscaping above them, below the pines, and along the road. They have decided to pave the parking spaces across from the entrance to make it easier to maintain them, and reduced the number of spaces to 14 to allow for more

buffering and landscaping. The original fire lane was going to connect to another fire lane in a different location; they moved it in order to give residents more privacy. That lane also serves as a walking path.

Mr. Wasileski said he spoke with the Fire Chief and he approved of the proposed change to the fire lane.

Mr. Licht said they had proposed an enclosed service area for the generator and air handlers for the Legacy Memory Care building; after discussions with their engineers they moved it to the blank wall at the edge of the kitchen. This change also moves it out of the viewshed of some residents. Code requires them to have a separate propane tank to service the generators so they added that to the service area. It will be below the level of the road, and screened with landscaping. The Lunt school boiler died and they replaced it with a propane boiler; this required them to install two more propane tanks than they had planned. Having all four tanks in one tank farm makes more sense but they look at this situation as temporary; they will convert to natural gas when it comes through in 2015 or 2016 and so are laying dry piping for natural gas as part of the project. The wall along the back of the Legacy Memory Care is a retaining wall; they had originally planned a block wall, but are now proposing a riprap slope. They have made some minor footprint changes to the memory care unit.

Mr. Wasileski said their operational staff wanted to add square footage to 8 units along the back of the memory care unit.

Mr. Licht said they changed the outdoor daycare area from a patio to a garden area. It is screened in and enclosed, and separate from the memory care unit. They haven't changed the size of the memory garden, but in the final design they reduced the impervious area by 2600 sf.

Jay Chace pointed out that many of the changes they are asking for have already been done. He asked if they have talked with DEP to see if they have any concerns.

Mr. Licht said they are under the assumption that they are fine. They have had conversations in the past about this being a master plan community. A law was passed last year that allows *di minimus* changes with less than 15,000 sf of impact. DEP is primarily concerned with impervious surface. They will keep track of the changes, but since they are reducing impervious they are now under what was permitted by DEP. The permit from DEP has a third party inspector who has been out every couple weeks or so. They will submit a plan of record to DEP after the project is over.

Jay Chace wondered if DEP was concerned with the change to the locations of the pipes. Mr. Licht said they are more concerned with what is coming out of the pipe, erosion controls and site stabilization.

Bernie Pender asked about the 15,000 sf trigger. Mr. Licht clarified that the law allows them to go up to 15,000 sf of changes before they have to go to DEP for a formal amendment.

Bernie Pender asked where they are with their changes now. Mr. Licht said they have a net reduction of approximately 2,000 sf from what they were permitted.

Jay Chace asked how the town handles changes in locations of pipes. Ethan Croce said he noticed the changes in piping, catch basins, and drainage around the memory care unit. Typically the Town Engineer would review those and, if he felt those were *di minimus* in nature, he could allow them. If he felt they needed to be reviewed, he could bring Chris Baldwin of CCSWCD in to review them. It depends on the magnitude of the changes.

The Board was comfortable with the changes to the connectors between the buildings.

Jay Chace asked about turning radius around the entry to building 14 since they are changing the island. He asked if the Fire Chief had reviewed it. Mr. Wasileski said the island is slightly raised concrete; one can drive right over it. It is intended as a pad for delivery trucks to park on.

Ethan Croce spoke with Chief Rice today; he was fine with the proposed change.

Mr. Licht said they would add the landscaping detail around the parking on Marion Way to their plans. Jay Chace was comfortable with that detail being submitted and reviewed by staff.

Jay Chace asked about a fence around the underground propane tanks along Marion Way. Chris Wasileski said it would be a matte black fence; it is required by code to hold a vaporizer for the tanks. This was mandated by their propane company. There would be landscaping around it to screen it.

Bernie Pender asked what would happen to the landscaping and fencing when the propane is discontinued in favor of natural gas. Chris Wasileski said the tanks would be removed and sold; they would backfill the area and plant trees there. They will use the piping for the natural gas.

Bernie Pender asked if they would pave that area; Mr. Wasileski didn't think they would. They would leave it landscaped. Mr. Licht said that area is landscaped to buffer the headlights for the neighbors, not just to hide the tanks.

Jay Chace liked the long-term plan to remove the tanks and re-landscape the area; he suggested that staff review those future plans.

Mr. Licht said the enclosed utility service area near the memory care building was moved toward the kitchen area and away from a living unit. It would be screened with a wooden enclosure and landscaping. The propane tank will be located in that area, near the transformer and lower than the road; it will be protected by bollards and landscaped.

Ethan Croce said the original buffering program for the service area will still be used in the new location.

Jay Chace asked if the propane tank to the generators would be removed when natural gas came in; if it was meant to be permanent, he would like to see more screening around it. Mr. Licht said they could serve the generator with natural gas. The transformer will be behind a tall stone wall and landscaping along the roadway. The tank would be below the wall. There are street trees at the road level.

Jay Chace asked if the propane tanks along Lunt Road are going to be removed when natural gas comes in; Mr. Licht said that was correct.

Tom McKeon asked if they are requiring that as a condition of approval.

Jay Chace said the ordinance asks for these to be behind buildings; these are right along the street and along the park area. He was glad to hear that they would be removed when natural gas comes along. He wanted this item to be revisited if natural gas doesn't come through.

Mr. Licht suggested additional landscaping if natural gas didn't come through. There really is no other place to locate these due to code requirements. This area is mostly woods and the fencing is quite attractive. Mr. Wasileski said there is great interest in the Oceanview community, both residents and staff, in natural gas coming in.

Jay Chace asked if the adult day care garden was reduced in size along with the memory garden.

Mr. Wasileski said the biggest reason for changes in these areas was on advice from their consultants and staff; they had a review by an Alzheimer's and dementia care expert. They reduced the garden in size, changed the layout of the walkway, and added more sitting areas. Randy Grey of Southern Maine Area Agency on Aging also reviewed the proposed changes.

Jay Chace asked about the decorative fence and what it would look like. Mr. Licht said they have an example they can submit. It is aluminum, 6 feet tall, and is very rugged. It is an ornamental fence not a blockade fence; it is black coated to fade into the background, and can have vines growing up it.

Jay Chace was comfortable with staff reviewing the fence detail.

Mr. Licht said the footprint changes to the memory care unit were also a result of recommendations from their memory loss expert. This change accommodates changes to the internal square footage.

Bernie Pender asked if these changes have already been made.

Mr. Wasileski said yes, it is currently under construction. It was done to accommodate some larger units, as recommended by their expert. Also those units have some viewshed, so increasing the square footage increases their marketability.

Mr. Licht said it is a 594 sf increase in the footprint of a 21,000 sf building.

Rudy Israel asked about the net reduction in impervious surface.

Mr. Licht said the net reduction at the memory care building was a reduction from 4100 sf to 1450 - a reduction of about 2500 sf - due to the fact that the memory garden was assumed to be completely impervious. The final design is now much more landscaped. The reduction at Blueberry Commons was due to the change in the connectors. They have a net reduction from the approved plans and will summarize those totals and submit them.

Jay Chace asked if changing the proposed retaining wall behind the memory care unit to a riprap slope required the removal of more trees.

Mr. Licht didn't think so; they pulled the footprint of the memory care garden in. The original plans showed the wall in a graphic representation in which it was the same width as the slope, so there is no additional cutting into the woods.

Bernie Pender asked if the slope creates a change in the water flow from the proposed wall.

Mr. Licht didn't think so. Everything flows toward village green. They currently have a temporary buffer with a stone check dam to collect the water and direct it toward the field and ultimately toward the pond.

Jay Chace would have liked to see this brought to the Board prior to it being installed. He asked them, as they move forward, that there be more interaction with town staff, especially with the pond.

Mr. Licht agreed; they are now looking at more detailing with the pond and there will be discussions around that with town staff.

Jay Chace wondered if the changes to the pipe locations should be submitted to either the Town Engineer or a peer reviewer. Ethan Croce said, since they weren't called out specifically on the plan, they should be submitted to the Town Engineer, and it would be his discretion whether further review is needed.

Mr. Licht said they will be submitting an application for changes to the cottage phases soon. They feel those will need to go to DEP since they will require some roadway changes. They will include the pipe changes with that submission.

Bernie Pender asked if those changes have already been made. Mr. Wasileski said no.

Tom McKeon asked for confirmation that the changes to the cottage phase will require an amendment from the DEP, and these other changes would be rolled in along with that. Mr. Licht said that was correct.

Jay Chace wondered if that would require them to come back to the Planning Board, or just to DEP. Mr. Licht said they are planning to submit a package for the changes to the cottages for the Board's March meeting. They didn't feel the changes they have made to the stormwater rose to the level of requiring Planning Board approval but they can put those on a plan of record if the Board wants them to.

Matt Teare of Oceanview said the construction drawings follow the approved plans; issues came up during construction that required minor changes, such as Dead River's requirements on the propane tanks. They can't always stop construction long enough to wait for Planning Board approval. Their next application will be for more substantive changes to the cottage phase of the project.

Rudy Israel asked who the engineer of record is for the project. Mr. Teare said Mr. Licht and Chris Belanger are the engineers of record and they have a landscape architect as well.

Mr. Licht wondered if they can reference the changes that have been made to the two drawings instead of resubmitting the entire 28 plan set.

Tom McKeon felt the goal was to have a final set of plans that someone could reference in the future to see what exactly was approved. Ethan Croce agreed; it would be confusing to try to reference multiple plan sheets of amendments.

Mr. Licht asked if they could meet with staff to find a way to make it easier, perhaps by submitting final as-builts. The Board was agreeable with staff and the applicant finding a solution.

Ethan Croce read the proposed conditions into the record: landscaping detail and fencing along Marion Way to be reviewed by staff, landscaping by the revised mechanicals and propane tank along the Lunt Memory Care, all aboveground propane tanks shall be removed within 4-5 years or else further site plan review for buffering and landscaping for those would be required, and a review of the fencing details at the adult day care and memory care gardens.

Jay Chace said the propane tanks along Lunt Road should be reviewed for both their location as well as buffering.

Mr. Teare said they had 35 aboveground tanks in 15 locations in 2006; they then went to one large, underground tank for Falmouth House. Before natural gas came into the picture, they were talking about another large underground tank to serve this complex. If natural gas doesn't come through for some reason, they would be coming back to the Board to install an underground tank to serve this portion of the property.

The applicants were satisfied with the proposed conditions.

Public comment period opened; no public comment.

Bill Benzing moved to approve the application with the conditions as read by staff; Bernie Pender seconded.

Motion carried 5-0.

Other Business

Ethan Croce said the Route 100 ad-hoc committee has an opening for a Planning Board member; he asked that any member that has interest in serving on that committee be in touch with him before the end of this week.

The meeting adjourned at 8:04 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary