

## FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, JULY 1, 2008, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

**MEMBERS PRESENT:** Tony Calcagni (Chair), Bill Lunt (Vice-Chair), Hugh Coxe, Stan Bennett (Associate), Jay Moody (Associate)

**ABSENT:** Bernard Pender, David Fenderson

**STAFF PRESENT:** Ethan Croce (Assistant Planner)

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

Stan Bennett and Jay Moody were designated as voting members for the meeting.

### **1. Approval of June Meeting minutes**

Bill Lunt moved to approve the June minutes, Hugh Coxe seconded. Minutes passed 5-0.

### **Administrative Items:**

**2. 469 Addison Capital, LLC** – 12 Northbrook Drive - Request for a site plan amendment for a freestanding sign. Tax Sheet 161; Map-Lot U59-010-A1; zoned BP & SP (Shoreland).

Hugh Coxe moved to approve the administrative item; Bill Lunt seconded. Motion passed 5-0.

### **Agenda Items:**

**3. (Tabled)Thomas Woodruff** – 8 Kelley Road – Request for approval of a private way to serve one lot. Tax Sheet 482; Map-Lot U01-211. Zoned RA, LR (Shoreland) and RCZO.

**4. Cloutier Construction** – Request for pre-application sketch plan review for a four lot conservation subdivision off Longwoods Road. Tax Sheet 060; Map Lot R03-054-004, -005, -006, -007. Zoned Farm and Forest and RCZO.

Ethan Croce presented the threshold issues. The applicant is asking the Planning Board to waive the Subdivision Ordinance requirement that a landscape architect be retained to assist in the design of the conservation subdivision. (Section 7.a) The Planning Board has the authority to waive this requirement if it believes “*the project does not require these services due to its small size or lack of complexity*”. Since the adoption of the conservation zoning language in December 2005, the Planning Board has reviewed four conservation subdivisions and issued two final approvals. In all four of these instances, a landscape architect was retained by the developer. The Board should give the applicant feedback on this waiver request.

The other issue is the completeness of the application; it does seem to be missing some items. Some of these items are waiver-able by the board, but absent any formal waiver request it is difficult to determine the applicant’s intentions in respect to these items:

- The plans only show topography at 10-foot intervals. Plans for conservation subdivisions are required to show topography at two-foot intervals;
- Identification of trees with a caliper in excess of 15 inches;
- There is no Class B high intensity soil survey submitted (The site inventory plan has a note indicating that the survey “is underway”);
- A viewshed analysis showing the location and extent of views into the property from public roads. One of the five goals of conservation subdivisions is to minimize the impact of the subdivision on abutting properties and from public roads;
- Geologic formations on the proposed site; and
- Calculation of the site’s net residential area to demonstrate that the site can support the four lots being proposed. Plan Note 9 on the Site Inventory Plan states that there are no known easements on the site; however, all of the deeds submitted, with the exception of the Cloutier deed, make reference to a 60-foot wide right of way/easement. The Brown deed also makes reference to a second easement. The size and nature of these easements should be clarified and deducted from the gross area of the overall site to calculate the site’s net residential density. Additionally, each individual house lot will need to contain 50% suitable build-able area.

Tony Calcagni asked the applicant to stick to just these items for now.

Tom Emery, representing the applicants, explained that since the application was submitted, a topographic study has been completed, with two foot contours. They will have that ready for the final submission. As far as the density calculations, there is one more round of wetlands flagging to go. They do have density for four lots, but they will submit the final numbers with the preliminary plan. They have photos with them tonight showing the views from the road; one can see a fair distance into the site from Route 9, and they would like some discussion with the Board. Geologic formation: it’s a fairly flat site, with wetlands; there is one outcropping but Mr. Emery doesn’t believe that it is on this site, but rather next to it. Regarding the trees, he explained that, when you go though the plan, there are very strict building envelopes, and anything not within them will be preserved, including some substantial trees.

Tony Calcagni observed that the big issue is the landscape architect.

Mr. Emery said that was correct. They’ve been working on this project for several years, before the zoning change, and he thought that once the Board goes though it they would see that a landscape architect is not needed. They’ll hire one if there is a need for a planting plan later on.

Tony Calcagni observed that the relevant provisions in the ordinance are in Section 7. This is where the requirements for a major subdivision are located. Tony Calcagni read from the provisions. In the four applications to date the board has not waived the landscape architect requirement.

Ethan Croce confirmed that statement.

Hugh Coxe said that Appendix 9 talks about the four step design process. The subdivision is supposed to be designed though that process. He didn’t see anything in this submission that indicates that this process was followed. He wondered how much that process has been used, how it fits in, and whether it comes later in the application process. Part and parcel of this four step process was the thinking that landscape architects are more suited and more appropriate to the process.

Ethan Croce answered that, with regards to the timing of a landscape architect, the ordinance is a little ambiguous; there is no guidance of when the architect is supposed to get involved. The four step design processes are technically triggered at the preliminary stage, not the sketch plan stage, but one might argue that the origins of the subdivision design begin at the sketch plan stage. Due to the fact that the applicant will walk away from tonight's meeting with an idea of how well the plan conforms to the ordinance, he thought one could argue that the landscape architect should be involved as early as possible. The applicant has had the required pre-application meeting with town staff; the Community Development Director and Codes Enforcement Officer were in attendance, as well as the engineer.

Hugh Coxe asked if the four step design process was discussed at that meeting

Ethan Croce said that the general concept was discussed, but he was not sure how well-formulated the plans at that meeting were.

Tony referred back to the ordinance, which says "The consultation process shall begin at the time of sketch plan review." He thought it was hard to get that waiver until they come in for the sketch plan review.

Stan Bennett said he would like to see a landscape architect be involved. He would not waive it.

Bill Lunt agreed with Stan Bennett.

Hugh Coxe said the Board has been pretty consistent so far. This is a sufficiently complex project that it doesn't meet the waiver standard, nor did he feel it an appropriate place for the Board to go.

Tony Calcagni agreed; he could see a subdivision where it could be waived, but this wasn't one.

This is the sort of site that meets the intent of the ordinance calling for the architect.

Stan Bennett referred to its location on a heavily traveled road.

Tony Calcagni said that was not to say that the Board couldn't give some feedback on what they've seen so far. He thought the Board has to determine if the applicants are coming back with another sketch plan, one which includes a landscape architect, or a preliminary plan. One of the things that jumped out at him was the net residential area; he felt the Board needs that before they determine whether there will even be four lots. He asked the Board for comments on the threshold issues, and whether the applicants go on to a preliminary plan, or submit another sketch plan.

Bill Lunt didn't know if the Board should look at this now or later but he would like to see justification why they wouldn't extend the water main up to this site.

Jay Moody asked how far away it is.

Bill Lunt thought it is about 1000 feet away. He explained that what bothers him the most is that there is so much wetland, and so little area to put a system in and dig a well too.

Hugh Coxe supported Tony about the net residential area; he did some calculations and it looks to him to be really close.

Mr. Emery said that it is; it's really close.

Hugh Coxe continued to say that, given that Ethan Croce mentioned some potential easements, they may be looking at three lots here, and so it is hard to look at this plan at this stage. He also thought it should be reflective of the four step process, even at this stage; they should identify the highest resource places first and then the developable areas, typically that is a part of the package even at this early stage, and then the Board can understand the thought process and justify that it is meeting

the conservation zoning ordinance. He observed that it is a little more work to put that narrative together, but that's what the Board is looking for.

Tony Calcagni asked if pre-applications were listed under Appendix 2.

Ethan Croce said they are.

Tony Calcagni said he would like to see a landscape architect, and like to see an application that meets all the requirements of Appendix 2. He asked if the applicants had any specific questions.

Mr. Emery asked about the waiver request for locating the large trees. He explained that there are lots of large trees, but most of them are going to be saved since they are within the buffers. Some are in the building envelopes - it is a very tight space, there isn't a lot of flexibility to move things around - but he doesn't see them redesigning this to save one tree.

Stan Bennett asked if that isn't in fact why the Board asks for this.

Mr. Emery asked if they are going to ask him to save one 100 year old tree that is going to die in 10 years anyway. He is trying to make a subdivision that will last a long time.

Tony Calcagni asked for clarification on the waiver - it is to not flag trees of a certain size.

Mr. Emery said that was correct. He would like to schedule a site walk fairly soon, if the Board wants one. He said he can walk the Board through the drawings.

Stan Bennett said that, regarding the trees, if there is a site walk, and if there is an expense to flag all the trees above a certain size, he would like to have that.

Tony Calcagni thought the Board could rely on the site walk rather than a tree inventory.

Mr. Emery said that in the photos one can virtually count the trees.

Hugh Coxe said that it is possible, when they get to the design stage where they know there will be tree clearing, that they could do an inventory then.

Tony Calcagni said he would like a site walk when they know where the road/building envelopes will be. Once those areas are flagged it will be easier to identify the trees that will be cleared.

Mr. Emery said that in the area of the roadway, the majority of the clearing has been done, prior to Mr. Cloutier receiving the stop work order.

Bill Lunt said he might feel differently with the inventory if the Board had the work of the landscape architect first, identifying the unique areas, then it would be self-explanatory on the trees.

Tony Calcagni asked Bill Lunt where he was on the waiver.

Bill Lunt said he was looking for more information. He felt that, if the process had unfolded as it is supposed to, with the landscape architect, that the Board could have answered these questions without any problem.

Hugh Coxe said he was not prepared to unilaterally waive the tree inventory tonight, but he thought the Board could maybe not require a complete inventory.

Tony Calcagni said he was assuming there would be a site walk, with no more than four envelopes, with those flagged for the Board. He wasn't sure they could make a decision on it tonight.

Mr. Emery said the plan is to put together a plan conforming to the ordinance, no other waivers are being requested.

Tony Calcagni asked if it was useful to proceed.

Mr. Emery said that the Board has everything in front of them. They are moving one envelope back a little, but he thought they could walk through that at the next meeting.

Public comment period opened:

Rockwell Davis, of 154 Longwoods Rd., a resident for over 8 years in a home built by Patrick Tinsman and Mike Cloutier, spoke regarding the wetlands – he said there is an actual creek that borders his property and the Tinsman property.

Tony Calcagni asked where Mr. Davis' house is.

Hugh Coxe observed that it is lot 8 on the property location plan.

Mr. Davis said that there is a site inventory plan with notes that show some areas of drainage; on the back lot the drainage actually goes to the southeast. There is a flaw in the original analysis of the drainage. There is a very unique drainage system around his house - it drains on one side of his house and the other. His house is totally surrounded by wetlands; there is a culvert under the driveway, which feeds into real wetlands with cattails, and it seeps across the wide area to the creek, which is supposedly fed by the pond. There is high land on both sides of the creek; it is a drainage way. He wondered what happens to a creek when it ends. It's all wet, it's a drain field, and it's all impacted. He had no objection to Mr. Cloutier building a house, its all high there, but his concern was with getting to the house site. He thought they might want to consider other access. The point where they've cleared the land is the lowest point on Longwoods Rd. On a wet day, it's all swamp there. Every time a driveway has been put in, there's been a change in the drainage. He thought the Board would see these issues when they walk the site.

Public comment period closed.

Bill Lunt moved to table the application; Stan Bennett seconded. Motion passed 5-0.

**5. (Item Withdrawn) Bailey Sign** – 366 US Route 1 – Request for approval of a freestanding sign. Tax Sheet 161; Map-Lot U54-002. Zoned BP.

Meeting adjourned 7:13 pm.

Respectfully submitted,  
Melissa Tryon  
Recording Secretary