

FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, JANUARY 6, 2009, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

MEMBERS PRESENT: Tony Calcagni (Chair), Bill Lunt (Vice-Chair), Bernard Pender, David Fenderson, Stan Bennett, Jay Moody (Associate)

ABSENT: none

STAFF PRESENT: Ethan Croce (Senior Planner)

The meeting was called to order at 6:30 pm.

1. Approval of December Meeting minutes

Bill Lunt moved to approve the minutes, David Fenderson seconded. Motion passed 5-0.

2. Presentation by Phil Kaplan relative to the progress of the Ad Hoc Community Facilities Committee.

Phil Kaplan, representing the Ad Hoc Community Facilities Committee, explained that the committee is holding an event on March 12, at 6:30 pm to gather feedback from the community on this project. He discussed some of the work the committee has done so far.

After his presentation, there was a Q and A with the Board.

Agenda Items:

3. (Tabled) John Locke – 24 Winn Road – Request for a private way amendment to serve one additional lot. Tax Sheet 290; Map-Lot U41-013-C. Zoned RB, VMU and RCZO.

4. Maine State Ballet – 348 U.S. Route One – Request for pre-application sketch plan review for improvements to the existing ballet arts facility. Tax Sheet 163; Map-Lot U53-003, U53-003-001, & U53-002-A. Zoned BP and SP (Shoreland).

Ethan Croce presented the key issues. This project received a site plan approval from the Planning Board in August 2004 and a re-approval in July 2005, but since the improvements were not commenced within one year of the project approval, that site plan approval has expired. The applicant's current request is similar in many ways to the approval granted by the Board in 2004/2005, with the addition of the new parking and circulation pattern. The current plan now shows the addition of a one-way driveway wrapping around the south side of the building and also shows the addition of a surface parking lot on the southerly abutting parcel, which has been purchased by Maine State Ballet. With the addition of the new parking lot on the southerly parcel, the applicant is now proposing to change the site circulation by switching from the existing single, two-way curb cut on the site to two, one-way curb cuts. The Ordinance requires the consolidation and removal of curb cuts along U.S. Route One to improve access management and mobility along this stretch of roadway.

Section 9.10.c of the Ordinance allows for parking to be located within the front setback along Route One only if it is located 20 feet or further from the public right-of-way. The applicant's sketch plan shows most of the parking spaces located along the Route One frontage within 20 feet of the property line, some as close as 10 feet to the property line. It appears as if there is sufficient space available to pull those parking spaces out of the required setback.

Section 9.7.d of the Ordinance requires all new and existing utility lines for site plans in the BP District to be placed underground from the building to the main utility line unless the cost of doing so would exceed 20% of the total project construction cost. Given that this specific ordinance provision has been in effect since 1999, and given that the Planning Board does not have the authority to waive this ordinance requirement, it appears as if underground utilities will need to be required for this project unless the above-mentioned 20% cost threshold is exceeded.

Bill Lunt asked about the parking in the setback; he wondered if the Board has the authority to waive that requirement, and let the applicants continue as they are.

Ethan Croce said they do, but it would have to be a formal waiver request.

Tony Calcagni asked if there is any separation distance issue, or is it just the issue of keeping curb cuts to a minimum.

Ethan Croce said there is no separation distance issue.

Mike Hays of Grant Hays Associates, representing the applicant, presented the proposal. The Ballet has been able to acquire the abutting parcel, which they feel is necessary to manage the parking needs and traffic of the site. This new plan indicates some changes to the front of the building to accommodate pedestrian sidewalks to get pedestrians to the building as well as to and from the new parking area. It expands parking along the back of the building, with a single, one-way loop road to go all the way around the building. The building design that was previously approved, which fit the design guidelines, has not been altered. The addition of the new parking area will help to accommodate the busy times the building has. They are required to have 44 spaces on the main parcel; they have 45. He discussed the design for traffic flow on the site. There is 500 feet between the proposed new curb cut and the current one. They are trying to maintain as much of the existing natural vegetation as they can, especially in the Route One setback and on the steep downslope. The landscape plan is mostly intact from the previously approved plan, with the addition of landscaping in accordance with ordinance requirements on the new parcel. He explained that they would like to keep the 35 foot wide aisle as it is, and place appropriate landscaping in front of the spaces, in order to preserve the traffic pattern. Regarding the underground utility issue, the electricity runs up the east side of Route One and is above ground across Route One. There is a transformer on the pole on the west side, in front of the building, and their secondary line would go underground from that point.

Bill Lunt observed that the former use of the building was industrial, so the electrical service was suitable to that use, and is more than what the current use requires. He asked if the pole with the transformer belonged to them or CMP.

Mr. Hays said that it is CMP's pole. They own the pole on their property, which they would remove and replace with underground utility. He explained that they are currently working on a stormwater management plan, DEP permitting process, a signage and lighting plan, etc.

Stan Bennett asked how many spaces are within the Route One setback.

Mr. Hays said all the spaces along the front.

Stan Bennett wondered if they would still be in compliance with the parking requirements if those spaces were moved back.

Mr. Hays said if they reduced the width of the aisle and moved the spaces back 10 feet they would be in compliance, but that would leave them with a one-way aisle in that area, and they don't want to do that. If they had to do away with those spaces entirely, they would not meet the required number

of spaces. He explained that the Ballet owns the building and the new lot, but the land under the building is leased, so the two lots cannot be joined unless the Ballet were to purchase the building lot as well. They plan on a capital campaign to raise the funds for this project, with the hope that they would raise enough money to build the proposed parking and purchase the building lot.

Jay Moody observed that the parking is much higher than Route One; he had no problem with allowing the parking in the setback.

David Fenderson wondered about narrowing down the proposed entrance, to prevent people from using it as a two-way entrance.

Mr. Hays thought they could do that.

Bernard Pender asked about the existing double parking spaces out front.

Mr. Hays said they do not count those spaces as two spaces, just one, but they do use them.

Bernard Pender asked about the distance between the building and the spur.

Mr. Hays thought it was at least a couple hundred feet.

Bill Lunt asked if the new proposed exit was exactly across the street from the existing curb cut.

Mr. Hays said it was slightly offset at this point; he will ask his civil engineer if they can align them and still meet the grading they need.

Ethan Croce said the goal is to get them aligned as closely as possible. It would be ideal to have them exactly aligned.

Public comment period opened; no public comment.

Stan Bennett said that, when the applicant returns, he would like to see the utilities underground all the way across the street, if it does not exceed the 20% limit.

Tony Calcagni wanted to see a narrowing of the existing two-way entrance, the southern cut to be aligned with the cut across Route One, and he would like the front spaces to be in compliance with the 20 foot requirements. He was satisfied with the plan for the underground utilities as presented by the applicant. He asked if they will have a new landscaping plan, and whether they will have that peer reviewed.

David Fenderson felt the applicant had met the requirements for the underground utilities with the proposal.

Ethan Croce said that he would work with the zoning officer to determine where the main electric lines are before the applicant returns to the Board

Bill Lunt felt the ultimate plan was to get the primaries underground.

David Fenderson was in favor of the curb cuts, the alignment of the southerly curb cuts, and was in favor of moving the spaces back from Route One.

Bill Lunt felt that, with the additional parking being added to the lower lot, he was not in favor of the spaces within the 20 feet.

5. Tidewater Conservation Foundation – 200 Presumpscot Point Road - Request for pre-application sketch plan review for a Regional Learning Resource Center at Tidewater Farm. Tax Sheet 320; Map-Lot R04-028. Zoned TMPDD & LR (Shoreland).

Bill Lunt and Stan Bennett recused themselves from the discussion, due to their membership on the Tidewater Board.

Jay Moody was designated as a voting member for this item.

Ethan Croce presented the key issues. The use of this portion of the Tidewater District is governed by: the development parameters of the Tidewater Master Development Plan; a conservation easement; a management plan; the Zoning & Site Plan Review Ordinance; and the Tidewater Village Design Guidelines. It is expected some of these documents will be revised to allow for the siting of the proposed Learning Center, which is currently not a permitted use on this portion of the site. This site is also governed by a Memorandum of Understanding (MOU) which requires Design Guidelines to be drafted both for the new Learning Center and for the existing historic structures on the property. This MOU gives the Town Council the authority to review, approve, or modify any design aspect of the site plan for this project.

Some key areas the Board should consider include the overhead utilities and parking:

1. There is currently overhead telephone/electric service from Lunt Road that services this area of the property. The Zoning and Site Plan Review Ordinance gives the Planning Board the authority to require that utilities be placed underground. The applicant is requesting to allow the existing overhead utilities to remain above ground until such time as the 75-room inn is constructed. If the Board determines that underground utilities are appropriate for this site, and if the Board does not require the utilities to be placed underground as part of the Learning Center project, the question remains of what the long-term plan is for ensuring that utilities for the whole site will be placed underground in the future if the inn is never constructed.
2. The applicant has calculated the required parking using a ratio of one parking space per 200 square feet of leasable area. They also have described a proposed shared parking arrangement based upon the actual anticipated parking demand for the uses on the property, with 38 spaces planned for "Phase I" and 20 spaces for "Phase II" – 75 separate spaces are planned for the inn. Shared parking is encouraged in the Tidewater District to reduce environmental and aesthetic impacts to the conservation property, and the applicant's analysis indicates that there is expected to be enough capacity with their proposed parking arrangement to serve the anticipated use, however one other issue to clarify is what the developer's intent is with respect to using the fields for overflow parking. The applicant should also address any buffering or screening planned between the new parking and the residential area.

Due to concerns expressed by the Fire Department staff at a recent pre-application meeting, the 12-foot wide travelway initially proposed for Presumpscot Point road has been modified to an 18-foot travelway, with two turnouts located approximately 160 to 170 feet apart.

David Bateman, of Bateman Partners, represented the applicants. The regional learning center is a critical piece of the success of the Tidewater district. They structured this looking for the least amount of waivers.

Joe Laverriere, of Deluca Hoffman, presented the plans. He described the location of the Finks Farm and Barn, and the location of the proposed Regional Learning Center. There is an error on the plan submitted: it currently shows 36 spaces, but they intend for there to be 38 spaces. They are trying to meet the ordinance requirement of one space per 200 sq feet, which is more than will be needed on a day-to-day basis, but periodic classroom activities, etc. will necessitate more parking. Shared parking will come in when Phase II and the inn are installed later. The building has a

footprint of 3700 sq feet and is a multistory building. The basement level is daylight on the back side; with classrooms, restrooms and storage. There is office space and conference space on the first floor, and the upper level will contain more offices and conference space. The total floor area is 7520 sq feet. He discussed the conceptual location of the proposed inn, and the plan for the 75 parking spaces for the inn to be within/below the inn. Other concepts include using the barn as an animal husbandry school/laboratory and the old farmhouse as a restaurant, perhaps in conjunction with a culinary arts school, but those are not part of the current Phase. The whole goal is to maintain the character of the property and minimize impact on the open space area. He defended the plan for shared parking, explaining that there will only be 8-10 people working at the learning center on a day-to-day basis, with five or so visitors. With regards to the inn parking, typically the capacity of the inn would be less than the available parking; most hotels during peak times operate at 75% occupancy. They feel that they can accommodate all the conceptual uses planned with the 110 spaces proposed, even though the ordinance would require 133 spaces for those uses in that area.

David Fenderson asked for clarification – in looking at Phase 1, the Board does not have to consider the conceptual future uses in the parking equation.

Mr. Laverriere said no; in Phase 1 they will meet the ordinance requirements. He went on to address the utilities, which will be a part of the site plan application. The plan for Phase 1 is to keep the overhead utility poles as they are, and come underground from the pole to the building. Moving the utilities underground is seen as an issue that will be addressed as part of Phase II, the inn. Water and sewer will be town service. They will have to amend their DEP permits. Regarding the change of the Limited Residential District (Shoreland) to Limited Commercial District (Shoreland) – they are of the belief that since these identified uses were specifically approved by the Council, that approval would supersede the underlying district.

Bernie Pender asked for a brief overview of what will take place at the learning center – he wondered if there will be retail there.

Mr. Laverriere said there will be no retail.

Mr. Bateman explained that this will be the home of the Cumberland County Cooperative Extension. Their work is mainly out in the field, and they have several offices based out of the University. They do outreach programs in the communities, hold seminars, and will operate primarily agricultural programs out of this building. This will be an educational facility. The basement will be a multi-purpose area, where groups such as 4-H can hold meetings/activities. The goal of the master plan was agriculture, culture and the arts, which will be supported by this learning center.

Public comment period opened:

Bill Lunt, president of the Tidewater Conservation Foundation, spoke about the underground utility issue. At the time the Master Plan was developed, it was discussed about keeping the character of the property by keeping the overhead utilities all the way out to the old farm. Regarding overflow parking on the fields, he explained that cultural uses of the property, like a star-gazing party, would need more parking. This would be like when you went to a county fair and parked on the fields. These are old fields, they are higher than the surrounding land, and the drainage is great. The goal is to keep this as close to an old farm as possible.

Public comment period closed.

Bernie Pender would like to see the power go underground all the way from Lunt Road at Phase 1. He didn't see how the overhead lines contributed to the character of the property.

David Fenderson asked about the Phases – Phase 1 is the learning center, but he wondered what Phase II is – just the inn, just the restaurant/barn, or both.

Mr. Bateman said that wasn't completely decided yet. It somewhat depends on the parties involved, whether there are organizations that can take on the projects. The farmhouse and barn are more likely to come along sooner than the inn at this time. The inn is the last piece that will be developed.

David Fenderson asked about the development of the inn – would that piece be subdivided out to a developer.

Mr. Bateman explained that the lot is already subdivided out, with the use outlined in the master plan, and he will be the developer. Falmouth historically had some very large-scale inns; the design they are looking at for the inn recalls the design of those inns.

David Fenderson asked about the utilities – the plan was for the lines to be overhead up to the inn.

Mr. Bateman said the TCF's goal was to keep the rural character, in the case the inn was never built. The idea was to place the burden of paying for the utilities to go underground on the piece that can more easily afford it, namely the developer of the inn.

Mr. Lunt clarified that the power that comes in from Lunt Road serves the homes that are being built in Tidewater. There has never been any intent to come in underground all the way from Lunt Road. The Master plan provides for overhead lines from Lunt Road to Farm Gate Road.

Mr. Bateman explained that the plan is that, at the time of the inn, the power would go underground from Farm Gate Road.

Jay Moody thought they would be hard pressed to keep their deliberations to Planning Board issues when this comes before them, as there are many issues here. He wondered about the impact of the new building on the residential area. He thought there would be issues around buffering, keeping headlights from shining into the homes.

Mr. Lunt explained that the ground is not flat in that area.

David Fenderson asked about access to the learning center.

Mr. Lunt said all access would be from Clearwater; there is no other access.

Jay Moody asked about access being built out to Lunt Rd.

Mr. Lunt said that would be up to the developer who owns the development through which Farm Gate Road runs.

Mr. Bateman explained that, as a part of the master plan, they were required to building out Farm Gate Road so that it could connect to Lunt Road; the burden is now on the developers of the Catalano property to complete that process.

Tony thanked the applicants for providing the long-term concepts, but he warned them that they cannot bank on comments made tonight for phases that are only concepts.

6. Consideration of amendments to the Planning Board Rules of Procedure.

The Board discussed the proposed amendments sent to them from the Council and what their role as the municipal reviewing authority should be. After much deliberation, the Board was not in favor of the amendments as proposed by the Town Council. They discussed alternate language.

Ethan explained that LPAC's authority to hold these hearings was extended in recognition that the proposed amendments had to return to the Planning Board for approval.

Jay Moody moved to table the item; David Fenderson seconded. Motion passed 3-2 (Pender, Lunt opposed).

7. Discussion relative to developing a work plan/goals for 2009.

Typically, Planning staff prepares a brief report that summarizes the development activity that the Board processed during the preceding year. This year the Council is asking boards and committees to specify any proposed goals and associated budget requests, if any, that members would like to set for the upcoming year. The Board did not have any proposed goals or budget requests that they wanted to report.

Meeting adjourned 9:24 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary