

FALMOUTH PLANNING BOARD DRAFT MEETING MINUTES

TUESDAY, MAY 5, 2009, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

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

ABSENT: None

STAFF PRESENT: Ethan Croce (Senior Planner); Melissa Tryon (Administrative Assistant)

The meeting was called to order at 6:34 pm.

1. Approval of April Meeting minutes

Stan Bennett moved to approve the minutes; Bill Lunt seconded. Motion passed 5-0.

Administrative Action Items

2. Nouria Energy – 251 US Route 1 – Request for site plan amendment to change existing signage for Falmouth Car Wash. Tax Sheet 240; Map-lot U12-002-ON. Zoned SB-1 & VCO.

3. Couleur Collection – 240 US Route 1 – Request for site plan amendment to change existing sign for Couleur Collection. Tax Sheet 240; Map-lot U24-005. Zoned SB-1 & VCO.

4. Cathy Pearl - 240 US Route 1 – Request for site plan amendment for a new wall sign for Spoil Me. Tax Sheet 240; Map-lot U24-005. Zoned SB-1 & VCO.

David Fenderson moved to approve the administrative items; Stan Bennett seconded. Motion carried 5-0.

Public Hearings

5. MRA Public Hearing on Shoreland Zone amendments

Theo Holtwijk, Director of Long Range Planning for the Town, presented the amendments. He explained that these amendments were mandated by the State in 2006 and the deadline for them to be passed is July 1, 2009. They are required to meet the minimum standards that the State has put forward, but are allowed to go beyond them. LPAC was charged to draft these amendments, which are mostly process type amendments. He highlighted the proposed changes on the Shoreland Zoning Map, which primarily include taking two portions off of the Shoreland Zoning Map. There are no new properties being added to Shoreland Zoning as a result of this map change. Language being changed deals with coastland bluffs, and includes changes to a Coastal Bluff Hazards map. This may affect 50 properties. The committee did not consider streams in this ordinance, only the shoreland zoning streams, but other streams are protected by other portions of the ordinance. The State has given towns the option to remove timber harvesting from the ordinance, in which case the State timber harvesting rules would take affect. If the town chooses to keep their own timber harvesting ordinance, the State will no longer help pursue violations of timber harvesting. The Falmouth Code Enforcement Officer has recommended deleting this section to preserve the help of the State in enforcement actions, as the language of the Falmouth ordinance is markedly similar to the State regulations anyway.

Bill Lunt asked about differences between the proposed shoreland zoning map and the current map.

Ethan Croce said the difference in color was simply a formatting choice – no changes in those zones are proposed.

Theo Holtwijk said that there are fewer colors on the proposed maps because the state did not require the Town to delineate the different subsections of each district; eliminating those subsections improves the legibility of the map.

Jay Moody asked where the coastal bluffs map data came from.

Theo Holtwijk said that it came from the Maine Geological Survey coastal bluff map. Section 7.25 e of the proposed ordinance outlines the source.

Jay Moody said that the coastal bluff map is highly generalized, and will take field investigation by either Town staff or professional geologists.

Theo Holtwijk said that staff are aware of that issue, and that is how the CEO plans to use it.

Jay Moody observed that new construction would be prohibited if within 100 feet of a bluff, he wondered if that applies to an addition.

Theo Holtwijk said yes, new construction applies to anything outside the footprint. Homeowners are encouraged to talk to the CEO. They can do an addition, but cannot come any closer to the bluff.

Bill Lunt asked how that compares to state requirements.

Theo Holtwijk said that is a state requirement; the town is not being more stringent than the state – this is a must have according to the state.

Public hearing opened: no public comment.

Bill Lunt moved to table the action, due to a lack of time for the Board to consider it. The motion was not seconded.

Jay Moody restated his observation about the coastal bluffs map being a regional map; there is a need for further field verification for each individual site.

Stan Bennett moved that the Planning Board recommend approval of the amendments. David Fenderson seconded. Motion carried 3-2 (Lunt, Pender).

6. MRA Public Hearing on Temporary Sign amendments

Ethan Croce presented the amendment. In the past temporary signs have been limited to 30 days and the proposed amendment would double that to 60 days. Also, the proposed amendment would allow for two temporary signs instead of the one currently allowed – allowing for both a free-standing and a wall sign. Finally, this amendment would also allow for an “a-frame” sign.

Public hearing opened: no public comment.

Bill Lunt moved that the Planning Board recommend approval of the amendment; David Fenderson seconded. Motion carried 5-0.

Agenda Items

7. (Item Tabled) Ridgewood Associates, LLC – Falmouth Rd. – Request for approval of amendments to the 75-unit Ridgewood Estates Subdivision. Tax Sheet 310; Map-Lot R04-026; zoned OSRD.

8. (Item Tabled) Bohler Engineering – 70 Gray Rd. – Request for site plan amendment to reface/replace existing signage for TD Bank. Tax Sheet 373; Map-lot U44-015-A. Zoned WFCMPD & Rt.100 CO.

9. (Item Tabled) Bohler Engineering – 200 US Route 1 - Request for site plan amendment to reface/replace existing signage for TD Bank. Tax Sheet 320; Map-lot U52-001-A. Zoned SB-1 & VCO.

10. Morong Falmouth – 187 US Route 1 – Request for a site plan amendment relative to an architectural revision and Porsche signage during construction. Tax Sheet 320; Map-Lot U07-004-B1. Zoned SB-1 & VCO.

Ethan Croce summarized the item and presented the key issue. The purpose of the amendment now being requested is to allow an architectural revision to the Porsche façade/entrance portion of the building for the sole purpose of accommodating a “semi-permanent” Porsche sign while the portion of the building housing the existing Porsche sign is under reconstruction. Since the Town only allows “temporary signs” to be erected for a maximum period of 30 days, and since the Porsche sign being proposed will be erected for a period of longer than 30 days, the Town is required to treat this as a permanent improvement, hence the need for a site plan amendment. The applicant was initially proposing to construct a temporary one-sided parapet to locate the Porsche sign on, however, Tom Emery, the Town’s peer reviewer, did not approve of that design and asked the applicant to consider one of three different “temporary” options for proceeding. The applicant has indicated that they would like to proceed under Option # 2 as outlined in Mr. Emery’s peer review. The applicant would proceed to construct the formerly approved sign within the project’s two-year build-out period.

David Richards, of Gawron Turgeon architects, presented the application. The construction is currently occurring in the Audi area – demolition in this area requires removal of the Porsche sign. They want to move the Porsche sign to show customers where to access the Porsche dealership while the construction is going on. Their intention is to build out the project as approved in November. If however, it could not be built out within that two-year period due to economic conditions, they would return to the Board for a formal amendment.

Tony Calcagni asked when that two year timeframe would take effect.

Ethan Croce said the two year period began with the original approval in August of 2008. The approval in November 2008 was an amendment.

Mr. Richards confirmed his awareness of when the two year period was effective.

Bernie Pender asked what the height of the sign was. Mr. Richards said it is 22’ 4” from the ground.

David Fenderson asked if the height and the font were the same as approved. Mr. Richards said they are.

Public comment period opened; no public comment.

Bill Lunt moved to approve the application using option #2 as recommended by the peer reviewer. David Fenderson seconded. Motion carried 5-0.

11. (Item Withdrawn) Paul Strout, Robert Gaudreau and Leslie & Maywood Wallace – Meader Brook Way – Request for sketch plan review for a two-lot conservation subdivision. Tax Sheet 440; Map-Lot R07-098, -098-E, -098-D. Zoned Farm and Forest & RCZO.

12. Rick Self – 65 Gray Road – Request for a site plan amendment to re-face existing signage for Circle K. Tax Sheet 373; Map-Lot R05-044-006. Zoned WFCMPD & Rt.100 CO.

Ethan Croce explained that the applicant is requesting a site plan amendment to re-face the existing freestanding monument sign and wall sign on the front gable end of the convenience store and to change the color of the building from yellow to taupe. The threshold issue is whether the Planning Board is willing to grant approval tonight, as the sign does not comply with the Route 100 corridor signage requirements, even though the currently existing sign was approved under these same ordinances. Staff have introduced a zoning amendment to deal with this issue.

Stan Bennett recused himself from hearing this item, due to his business dealings with Circle K. Jay Moody was designated as a voting member in his place.

David Fenderson asked if there were any other issues other than the size of the sign.

Ethan Croce said there was a request for clarification on whether the signs will be internally illuminated. The applicant has indicated that they will be, as they are currently. The peer reviewer has asked that the gas pump canopies be changed to match the new color of the building.

Bill Lunt was concerned that, if the Council decided not to pass the proposed amendments, what the Board approved tonight would be invalid.

Tony Calcagni observed that it would be no more in violation than what is there today.

David Fenderson wondered if their approval would create a grandfathering situation.

Bill Lunt didn't want to muddy the waters; he didn't have a problem with the changes as proposed, but he thought they could make passage of the ordinance amendment a condition of approval.

Tony Calcagni observed that the Board has refused to consider items in the past, where a situation was before the Council; however in this instance the nonconformance already exists and would not get any worse as a result of an approval here.

Jay Moody was on the board in 1999 when this project was originally approved, and he felt the consideration was focused on the West Falmouth Crossing design guidelines and not the Route 100 design guidelines. He suggested that the Board proceed.

Tony Calcagni thought it may serve the applicant to wait until the proposed amendment is passed by the Council in order to prevent making changes that they might be required to remove if the amendment doesn't pass.

The Board decided to proceed.

Ethan Croce said the applicant should clarify whether the signs are going to be internally illuminated; there is some white background behind the Circle K logo. The town peer reviewer, Bob Howe, has agreed that the taupe is generally consistent with the design guidelines, but has asked that the pump canopies be changed to match the building.

Rick Self, agent for Circle K, explained that they have no authority to change the pump canopies as those remain the property owners' and are not the convenience store's property. The white on the building will remain; all they want to do is change the yellow to taupe. The existing building sign is 4'x14' or 56 sq ft; they are planning to reduce that to 4'x4', or 16 sq ft. They can paint the gable either white or taupe, according to the preference of the Board. The free standing sign was approved, and the existing sq footage is okay according to the guidelines. It is the decorations that violate the guidelines as he understands it, but they would rather not have to strip those off and leave a barren sign. They would like to maintain it. Only the top portion of the sign is internally illuminated currently. He passed around a rendering of the design they would like approved as well as an example of what they would typically do with a sign of this nature.

David Fenderson asked if the Blue Canoe sign is internally illuminated. Mr. Self said it is.

Becca Casey thought the proposed sign with the K logo inserted into the blue background looks patchworked.

Mr. Self thought a red background was not conforming with the intent of the ordinance. He felt the blue background is more consistent with the other panels of the sign.

Tony Calcagni asked about the opaque background; a white background should not be internally illuminated.

Ethan Croce read from the design guidelines, which ask for translucent letters on a dark or opaque background.

Mr. Self said the proposed wall sign was reduced in size because it was internally illuminated. If they require the sign to be externally illuminated they would request a larger sign. The current wall sign is internally illuminated.

Tony Calcagni asked if the applicant was okay with the peer reviewer's suggestion that the gable end be taupe.

Mr. Self was okay with that.

Tony Calcagni asked about the current color of the gas canopies.

Mr. Self said they are red, white and blue – Irving colors.

Tony Calcagni asked about the recommendation of the peer reviewer about the canopies.

Ethan Croce confirmed that was an error – the peer reviewer was referring to the gable end and not the gas canopies.

Bill Lunt asked if the red of the Circle K is the same red as the Irving red.

Mr. Self said it is very close; he can't tell the difference between the two on the site.

Public comment period opened: no public comment.

Bill Lunt felt that the red should be the same color as the Irving red. The applicant should do everything possible to make that happen.

Jay Moody agreed with Bill Lunt. He has some experience with other Circle K sites, and he felt that the Circle K red is a different red. He also observed that they are dealing with five colors in this sign – red, white, blue, green and yellow.

Ethan Croce said these guidelines suggest that no more than two or three contrasting colors be used. He was unclear whether the Subway panel of the sign was required to come back before the Board for approval. There is no record of it coming back for approval.

Tony Calcagni asked how many colors are there now, and how many would be there as a result of approval.

Ethan Croce said there are four there now, counting the green background behind the clean diesel panel, and there would be the same amount on the proposed sign, if they are keeping the green behind the clean diesel panel.

Tony Calcagni asked about the background color of the Subway sign.

Ethan Croce said it is hard to tell in the photos, but the background looks opaque – perhaps black.

The Board discussed the colors of the sign. David Fenderson said the Subway sign has a green background, with white and yellow lettering. It is a very dark green. Jay Moody felt it was hard to tell.

Mr. Self said the Blue Canoe was a different blue, so they are removing a color. He was agreeable to the red of the Circle K matching the Irving red.

David Fenderson asked if the wall sign would be the same red.

Mr. Self said there were no other colors on the building, so there was nothing to conflict with.

Bill Lunt asked under what design guidelines they were approved.

Ethan Croce said it was approved under the Exit 10 guidelines. The size does not meet the Route 100 guidelines.

Mr. Self said it does not meet the size due to the monumentation. If the Board wanted them to remove it they would.

Bernie Pender asked about the changes to the sign since the original approval.

Ethan Croce said there was a site plan amendment to approve the Blue Canoe sign in 2005, but he could not find evidence of Planning Board approval for the Subway sign.

Jay Moody thought this was approved under the Exit 10 guidelines, and the Route 100 guidelines were not in effect at that time. He felt that this was not an illegal sign due to that.

Ethan Croce corrected Jay Moody – the Route 100 guidelines have been in effect since the late 1980's and the West Falmouth Crossing rezoning happened after that in 1998.

Bill Lunt felt the intent was to supersede the Route 100 guidelines with the West Falmouth Crossing rezoning.

Ethan Croce felt that was a logical assumption.

David Fenderson thought the real question was the Subway sign.

Tony Calcagni agreed, and also wondered about the green background behind the clean diesel. He suggested a condition that the red of the Circle K sign match the red of the Irving signage and that the taupe be used for the gable end instead of white.

Bernie Pender asked if the Subway sign on the building is internally illuminated.

David Fenderson thought it wasn't.

Ethan Croce said that sign would have required Planning Board approval if it doesn't have it already.

Ethan Croce recommended a condition that the Circle K wall sign also match the color of the Circle K panel sign.

Mr. Self agreed to that condition.

Bill Lunt asked if the other panels on the sign are going to be changed.

Mr. Self said the gas panels are going to be side-by-side. The Subway panel will not change.

Bill Lunt suggested that if the panel that is currently there has the green background on the clean diesel then it can stay that way. If it is not there currently, they should not have it.

Jay Moody wondered if they should not allow the green, to reduce the number of colors of the sign.

Bernie Pender asked if Jay Moody would allow the green to remain behind the Subway sign.

Tony Calcagni thought they needed to require someone to come in for a retroactive approval for the Subway sign.

Bill Lunt felt that the limitation on the colors was in instances of one business. He doesn't see a problem with the colors as they are, as long as there are not different shades of the same color. He felt the Subway green should match the green background on the clean diesel panel.

Ethan Croce said the Board could make it clear that they are not approving the Subway sign tonight.

Mr. Self was agreeable to removing the green on the clean diesel.

Bill Lunt moved to approve the application, with the stipulation that the two reds should be the same color red including the wall sign, and the color green is only around the diesel numbers. If the Subway sign is deemed legal, the green of the diesel sign and the green of the Subway sign should match. There was no second.

Tony Calcagni wondered if they should mandate that the two greens match.

Bill Lunt felt the Subway sign shouldn't be there.

Ethan Croce said that it had apparently not received Planning Board approval but may have received a sign permit from the Code Office.

Tony Calcagni moved that the application be approved with the following conditions: the building should be all taupe, the Circle K red on both the free standing sign and the wall sign should match the Irving red, and the diesel sign should either be the same green as the Subway sign or the same blue as the Irving blue. Bill Lunt seconded.

Motion carried 4-1 (Moody).

13. Ellen Josephs – Parker Way – Request for sketch plan review for a six-lot conservation subdivision. Tax Sheet 220; Map-Lot R03-036. Zoned Farm and Forest, RCZO, & SP (Shoreland).

Ethan Croce presented the threshold issue. Private way applications are required to obtain the sign off of the owners of all lots serviced by the private way prior to the creation of any additional lots using the roadway. The recorded Parker Way road maintenance agreement may have contemplated future development of this back land now being proposed for development. Section 6.4 appears to give the Josephs, as the current property owners of both Lot 3 and the private way itself, the unilateral right to amend the private way road maintenance agreement at any time. Staff have asked

the applicant to provide a legal opinion relative to the applicant's rights to use Parker Way for access to the proposed subdivision lots.

Judy Soule of Titcomb associates explained that the issue is in the hands of their attorney, and they do not have a ruling on it yet. She agreed with Ethan Croce's reading of the road maintenance agreement. She explained that the document says that the owners of Lot 3 would have sole jurisdiction on the private way and they have retained fee ownership of the private way.

Ethan Croce says that section 6.4 allows a majority of the owners of Lot 3 to amend the agreement at any time.

Tony Calcagni asked if the applicant is the owner of Lot 3.

Ms. Soule clarified that the applicant is one of the owners of Lot 3; she confirmed that the other owner was in agreement with the application.

Stan Bennett thought the legal opinion would be required to be a part of the formal application.

Ethan Croce explained that this is a pre-application sketch plan review, and the applicant is looking for feedback on a few waiver requests: firstly, a waiver on the 1500 road length limit, which is under the Planning Board's authority; and secondly, a waiver allowing the reduction of the pavement width from 22 feet to 18 feet (the Planning Board has the authority to determine the street standards). Key issues include that the applicant must verify and provide documentation that the existing section of Parker Way and associated drainage improvements have been built in accordance with the Town's road standards. The Subdivision Ordinance gives the Planning Board the authority to approve the use of individual wells in a subdivision in lieu of a public water supply if "*in the opinion of the Board, service to each lot by a public water supply is not feasible...*". The closest water main to the project site is located approximately ½ mile down Woods Road. While there is a water main located in Woodlands Drive, just south of the project site, the only access to that water line would be across private property. The Planning Board often requires an applicant to provide an estimate of the cost involved in bringing public water to the site. While the Planning Board ultimately has the authority and flexibility to approve the final configuration of open space in a conservation subdivision, if the applicant is going to deviate from the Common Open Space priority list described in Section 3.13 of the Zoning Ordinance, there should be some explanation given as to why the priorities are being shifted. The priority list in the ordinance suggests that additional buffering along the stream corridor (Priority # 3) would have a higher priority than Priority # 4. Staff have suggested that the trail corridor be extended either over the paper street or over to the existing trails located along the utility corridor just south of the project site. This may involve a lot line adjustment. Finally, the only item missing from the submission appears to be documentation of trees on-site with a caliper in excess of 15 inches. Conversations with the applicant's consultant have revealed that this analysis is underway and will be completed prior to any submission for preliminary approval.

Ms. Soule passed along a corrected aerial photo of the site; the site is 18.56 acres.

Barry Hosmer, landscape architect, presented the work he did on the four-step design process. He identified the topographical nature of the site, the high value and low value wetlands, and the lack of both vernal pools and historical items of significance. The wooded nature of the site does not allow for views either into or out of the site to the road. He presented a map showing both primary and secondary conservation areas in varying colors. They skipped priority #3 because of their increased focus on priority #2 and the unfragmented habitat blocks. He presented a drawing showing the primary building areas and another showing potential building sites and the location of the proposed road. The road is designed to cross the wetland at the narrowest point, and parallels the wetland

along the buffer. All the building sites are contained on either the well-drained soils, or where they can get acceptable on-site septic.

Ms. Soule said they are proposing 6 lots, about $\frac{3}{4}$ acre each, serviced by private well and individual septic systems. They asked a private contractor about bringing public water to the site— his estimate came to \$150 per foot and they estimated 3000-3500 feet to get to the end of Parker Way, bringing the total amount needed to \$450,000 and up. They have a letter from a well driller who is reasonably certain that they can get sufficient water on these sites. The septic design team will confirm that. They are in the process of drilling test pits and completing a nitrate plume study to be submitted with the preliminary plan. They are planning on underground utilities, and a perimeter trail.

Bill Lunt asked how they are dealing with the wetlands and the trail.

Ms. Soule said they have tried to cross the wetlands at their narrowest point, and they may have to install a bridge, but they have not addressed that yet. A hydrogeologic study conducted by Stantec shows that the flood plain is significantly smaller than what is shown by the FEMA maps, and they have submitted a letter asking for a map revision or amendment. Parker Way is now a private road, and the intention is that it will remain so. A road maintenance agreement for all nine lots, as well as a sewer easement along the entire length would both be required. They calculated 552,000 sq feet would be required for open space, and they have planned for 560,000 sq feet. They are asking for a waiver to extend the road by 62 feet past the limit, to allow for lot 6 to take advantage of the best building site, to allow the proposed paper street to cross the flat area, and for the frontage of lot 6 to meet the 125 foot requirement. They are also asking for a waiver to reduce the width of the pavement from 22 to 18 feet to reduce the amount of surficial drainoff of stormwater, reduce the speed of cars passing along the road, create a lower impact on the environment and the wetland and lower the need for asphalt.

Tony Calcagni asked if the current road is 18 feet wide.

Ms. Soule said it is. Another waiver they are requesting that she didn't submit: they would like to identify the 15 caliper trees only within the building envelopes and the road corridor, as the remaining land on the site would all be open space.

Tony Calcagni asked if the intent is to amend the current road maintenance agreement to include all nine lots; Ms. Soule said yes.

Tony Calcagni asked about the second paper street recommended by Ethan Croce.

Ms. Soule said they could show it, but it would cut through the buffers.

Tony Calcagni asked about the trail connection to the utility corridor.

Ms. Soule said that they would consider it, if required. The applicant is the owner of the abutting parcel where the trail is contemplated.

Tony Calcagni asked if the open space will be owned by a homeowners association.

Ms. Soule said the owner is thinking of retaining ownership of it. She wasn't quite sure what the options are on this.

Tony Calcagni asked if the intent was for the use of open space to be allowed to all lot owners.

Ms. Soule said yes. That would be included in the language.

Public comment period opened.

Dana Dresser, of 12 Whispers Way, is an abutter on the south side and an investor in a newly constructed building on Parker Way. He is in favor of developments done properly, and his concern is that the original three lot subdivision was not done that way. Two of the buildings were built without power, as there was no CMP line up the road. Once they were put in, the transformers were not properly backfilled. Both these homes are large, expensive homes, and there are many issues with the development that are not in keeping with the value of these homes. He strongly recommended buffering between the property and the Woodlands golf club. The current Lot 3 is used for storage of heavy equipment, which does not contribute to the value of the existing homes. The existing zoning is Farm and Forest. They are proposing $\frac{3}{4}$ acre lots in the new development, which he didn't think was in keeping with the existing development. He has been before the Board before and has never seen a waiver of the dead end road length. There is a significant deer yard on the property which would be lost. He owns the majority of the pole line, and is not happy with potential foot traffic along the pole line on the trail, which is currently used by snowmobilers and ATV riders.

Diane Dresser, of 12 Whispers Way, has a lot that was approved and would like buffering between her lot and the development. She asked if there would be trees in the open space, and Ms. Soule indicated that there would be.

Public comment period closed.

Ms. Soule said the entire perimeter of the property would be either a 50 foot or 75 foot no disturb buffer, allowing only the maintenance of the trail. Regarding the deer yard, they have statements from Maine Department of Inland Fisheries and Wildlife saying that there are no deer yards on the property. This project will be financed a different way than the previous development, and she didn't feel that the concerns about the value of the previous lots would be an issue, as this development would be buffered.

Tony Calcagni asked if all the proposed open space will be no cut; Ms. Soule said it would be.

Tony Calcagni asked if the entire road would meet the standards of a subdivision road. Ms. Soule said they would confirm that.

Stan Bennett asked if the developer of this property was the same as the developer of the previous subdivision. Ms. Soule said in name, but there will be additional backers.

Tony Calcagni wanted to hold a site walk when the property had been flagged; Ms. Soule said the flagging had already been done – specifically the centerline of the road at 50-foot intervals as well as the front lot corners have been staked. The rear lot corners have not.

Mr. Dresser presented the board with some photos.

Jay Moody requested a wider regional site plan showing Whispers Way. They should be showing a property line along the stream outlining the difference between the Josephs property and the Parker property. He wanted to delay a site walk until the right, title and interest issue was settled.

Stan Bennett did not have a problem with the length of the road, seeing as it was less than 5% of the total length. He did have a problem reducing the width of the road. He asked what authority the Board has to ask for the financial wherewithal of the developers.

Ethan Croce said they do have the authority to ask for any documentation proving financial and technical capacity, typically at the preliminary stage. A performance guarantee is a standard condition of final approval.

Tony Calcagni observed that they have been very strict in the past regarding the length of dead end streets, but since then they have changed this in recognition of the conservation zoning amendments that were passed in regards to conservation subdivisions, such as this one.

The Board indicated general approval of the extension of the road length.

David Fenderson wanted to see validation on the cost of bringing public water to the site, considering the number of lots in the project.

Bill Lunt would also like to see some verification; the \$150/foot seemed high to him. The line is down Woods Road near the transfer station.

Tony Calcagni addressed the issue of the road width. They could reduce the width after the first three lots. Bernie Pender would like to see 22 feet for the whole width. Jay Moody and David Fenderson were okay with 18 feet. Bill Lunt wanted it to be 22 feet past the first three lots, and then was agreeable to dropping it down once you enter the conservation zone. Tony Calcagni did not feel the whole length should be 22 feet; he thought it could either be 18 feet the whole length or reduced at some point.

Tony Calcagni addressed the request on the identification of the 15" caliper trees; it made sense to him to only identify those trees in the building envelopes and roadway.

Ethan Croce said it would depend on what use the applicant wants to put in the open space. If there is any development planned in the open space, it would make sense to require the identification of trees.

Jay Moody observed that there was no way to know if there had been any cutting, without an inventory.

Becca Casey agreed with Jay Moody; there is no current commitment on the open space. Due to the ambiguity of the open space land, whether it would be an easement or privately held, the inventory might be a good thing to have.

Tony Calcagni would be looking for any proposed amendments on the road maintenance agreement. He thought there should be a formal plan on the ownership and maintenance on the open space.

Bill Lunt thought they have placed conditions on previous approvals that they have a well drilled prior to selling a lot. Ethan said that they will have to have a hydrogeologist's survey along with the preliminary plan.

Tony Calcagni said the trail connection is required by the conservation ordinance. He thought Ethan Croce's suggestion about trying to connect to an existing trail was a good one.

Tony Calcagni agreed with Jay Moody regarding the site walk; he would like to have the walk prior to the preliminary application. He thought if Ethan Croce heard about the right, title and interest issue prior to the preliminary application the site walk could be scheduled.

14. Falmouth Schools – 74 Woodville Rd – Request for sketch plan review for a new elementary school and associated road widening and traffic signal. Tax Sheet 300; Map-Lot R05-020. Zoned Farm and Forest & RCZO.

Jacques Gagnon, engineer with Oak Point Associates, presented the application. The school would serve grades Pre-K through 5 and will have 917 students and 160 staff. The Fifth grade, currently housed in the middle school, would be moved to the new elementary school. This will allow the

portable classrooms to be removed from middle school site. The new school will displace the stadium field and soccer field.

Norm Lemire, a member of the architectural team, described the design of the building. It is a two-story building with a footprint of 85,000 square feet. The main entrance is in the center section. The more public zones of the building are toward the front of the building. The Kindergarten, 1st and 2nd grades are in the wings. On the second floor 3rd, 4th and 5th grades have a wing. 300 students can be served at one time in the cafeteria. There are two serving lines.

David Fenderson was concerned as a parent. He thought for a 4-year old the front area with the school buses would be overwhelming,

Mr. Lemire said the pre-K program is on the front wing near a secondary entrance as a potential access point.

Bernie Pender thought they have an opportunity to make this a focal point of the community and a welcoming and warming place. He doesn't see that vision here at this point in time. He doesn't see this as the future of Falmouth like Route One where there is a vision for the commercial area.

Mr. Lemire said there is a play architecturally to what's going on next door at the high school. They are softening the height of the building with lower, one-story portions on the front. There is lots of glass in the cafeteria with sunscreens to help break it up.

Bernie Pender recollected that the high school was fashioned after a prison and he wasn't sure it is a good thing to say this design is fashioned after that. He asked if the buses after drop-off would be restricted to right-turn only.

Mr. Lemire said it needs to fit into the context of the campus. He would let Mr. Gagnon answer questions on traffic.

Bill Lunt asked if there is an elevator.

Mr. Lemire said there is one, close to the main entrance near the center wing corridor.

Mr. Gagnon spoke regarding how this fits into the community vision. It will be built with many sustainable features. There will be a biomass wood chip boiler to heat two of the schools to save taxpayer dollars. There is a "green roof" and they are using geothermal features. He believed it is moving in the direction things should go. He described the overall site plan. The High School parking lot will remain largely intact. He discussed the traffic circulation for the elementary school, saying that the bus will enter the existing northerly drive and cue up into a drop-off lane. From there it will take a left and then a right to exit the site at the main high school road. Parent drop-offs will enter through the main entrance to the High School. There will be a parking lot as well for parents who want to park and then walk their kids to the entrance. The staff and visitor parking area will be located behind the school. For the middle school, the bus will enter in the same manner as currently. They are creating a new formal drop-off with a sidewalk and green space for the entrance. Buses will enter through the same main drive.

Bill Lunt asked if that is one-way enter only.

Mr. Gagnon said yes. They are hearing concerns that they are taking away too many exits and are considering making the most northerly access road two-way to alleviate congestion at the main school entrance on the main road during big events. It had been designed to be restricted to incoming buses and deliveries and not the general public. This suggestion could relieve some traffic issues but there are policies and standards that the DOT needs to abide by as well. The current

middle school drop off area is being enlarged to allow considerably more queuing. They are adding a left hand turn lane to allow through traffic to bypass queued vehicles waiting to access the middle school. That turn lane would continue to the main entrance to the high school as well to allow through traffic to bypass any back-ups there. Visitor parking for the middle school is up at the front of the site and staff will utilize the side lots.

For pedestrian circulation, they are connecting all three schools with on-site walkways and also connecting to the fields and the playground.

They are not showing any off-site pedestrian improvements. Per staff's suggestion, they have agreed to add a sidewalk to connect to the Town's Safe Routes to School project. Regarding pedestrian links to the south of the school, there have been many discussions regarding this and they have been given mixed signals from staff. This staff review memo was the first real indication as to how far to go with pedestrian improvements. They had considered off-site improvements a year ago and had met with the Planning Board and staff to get an indication of that prior to the referendum but no one really wanted to commit. They carried only \$175,000 for off-site improvements and they can extend some sidewalks up to either Streamwood Lane or Juniper Lane. The cost was estimated awhile ago to accommodate some off-site improvements. They are considering the north side of Woodville Road for a sidewalk, the same side as the school. There are power lines are on the other side of the road. They have not done any in depth engineering but believes that at one point they had considered carrying a sidewalk up to Juniper Lane. There may be other things that the Planning Board may be looking at for improvements as well, such as street trees. This is a balancing act because they are dealing with a fixed amount of money. If the design the Board wants needs to go above and beyond the Ordinance, they may have to sacrifice and pull things away from other areas of the site to accommodate additional amenities.

Bill Lunt asked for confirmation that there will be a sidewalk running along the entire frontage of the school property.

Mr. Gagnon reiterated that this is the first real commitment he has heard from anybody on the Town level regarding this. At one point they were in favor of a wider shoulder rather than sidewalks because Public Works doesn't plow sidewalks in this area. Maybe they are willing to do that now. There are issues with plowing sidewalks and maintenance responsibilities that need to be worked out. The School is willing to plow the sidewalks on their property and maybe their frontage but maybe not beyond that. That is why he's hesitant in committing to sidewalks without having a discussion with the Public Works and whoever else is involved.

Bill Lunt asked again if there will be a sidewalk along the school frontage on Woodville Road.

Mr. Gagnon said yes, they could definitely commit to that, but they cannot commit to sidewalks beyond that.

Stan Bennett asked about the total number of net new parking spaces proposed on the school side of Woodville Road.

Mr. Gagnon said they have done an analysis. There are 666 spaces on the existing site. 560 are required by the ordinance. The new plan shows 865 spaces, which is the exact minimum required. There are 232 new spaces created by the elementary school and they are gaining 43 spaces in the small existing lot that will be freed up by the removal of the portables.

Bill Lunt asked if the existing area of bus parking spaces will remain school bus parking. Mr. Gagnon said yes.

Bill Lunt asked if they have addressed the issue of getting power across Woodville Road and underground.

Mr. Gagnon said there is currently a guy wire pole that runs across the road which would be utilized as the take off point for underground utilities.

Bill Lunt asked if they are proposing to maintain all of the overhead lines crossing from the other side of Woodville Road.

Mr. Gagnon said yes.

Stan Bennett inquired as to how many millions of dollars are being spent on this project and recollected a Portland school project where a beautiful new school was designed on the East End but a host of unattractive overhead power lines were allowed to remain and detract from the appearance.

Mr. Gagnon said they had considered the issue of underground utilities. As far as he knows it is not expressly required in this zoning district. You have to make choices as to where you want to spend your money. This could have been a \$50 million school project if they wanted to address all of these issues.

Mr. Gagnon said the playground area has been separated into several segments to separate the school population. A stone dust surface is being provided for the rear emergency access area. A grove of trees near the playground will be provided to add shade. Landscape budgets on State-funded school construction projects are kept to a low amount limited to a certain percentage of construction cost and this plan is in keeping with what the State funds. He believes they have met the Ordinance requirements though. They have not yet added additional screening for service areas.

Mr. Gagnon said the Fire Department wants ladder truck access to the back of the building and they have provided stone dust travel routes back to the playgrounds for access to the two wings of the school.

Jay Moody was curious as to why fire access is not being provided to the middle wing. Mr. Gagnon said this is what the Fire Department requested.

Bernie Pender asked where kids will go during fire drills.

Mr. Gagnon said he couldn't answer that now. There are opportunities to egress to the rear of the site. That's a specific plan the school puts together. He believes there is plenty of space to do so.

Bill Lunt asked about the outbuildings. Mr. Gagnon said there are three – a storage building will be located near the stream, a concession stand will be near it, and another storage building will be located near the stadium field.

Bill Lunt recollected that the one time the applicant came before the Planning Board last year to satisfy the State's needs the question came up about the analysis of traffic impacts. He asked if the Woods Road and Woodville Road intersection was included in the traffic study.

Mr. Gagnon said he couldn't recall. That information will be included in the traffic study. When they met with staff, they added the intersection of Woods and Longwoods to the study area and found that there is an existing issue there currently. It is a Level of Service (LOS) D now he thinks and it will become an F very soon even without the new school and surely will become an F with the new school. The traffic study was just done recently and they haven't had a chance to run it by Town staff at this point.

Bill Lunt asked about the intersection of Falmouth Road and Allen Avenue.

Mr. Gagnon said that the analysis suggested modifications to the intersection at Leighton/Falmouth and Woodville/Falmouth. They met with the railroad and there were many unfunded demands the railroad was making. Public Works, Police and the DOT agreed it would be better to wait for the railroad's plans to gel before spending money at that intersection and so the current idea on the table is to put those funds into escrow for that intersection. They have the existing conditions and concept plans for road improvements done in draft form. The intent is to have another meeting with Town staff, Public Works, Planning and the neighbors about those off-site roadway improvements.

Bill Lunt said that, for the next meeting, he wants to see those traffic studies. In the preliminary discussions he made a request for them to check the Woods/Woodville Road intersection.

Tony Calcagni asked about reducing the width of the travel lanes from 11.5 to 10.5 feet.

Mr. Gagnon said they will need to run that by the DOT and their traffic engineer, but that this seems reasonable as a traffic calming device.

Tony Calcagni also asked about providing neck downs and curb extensions to accommodate pedestrians.

Mr. Gagnon said the road needs to be wide at those crosswalk locations to accommodate the proposed transition to turning lanes for vehicles. He thought perhaps speed tables would be another way to look at traffic calming. They will have their traffic engineer look at that.

A public comment period opened:

Rob Dalzell of 22 Woodville Road said that, when he went through the process with the school site selection and referendum his concerns were about traffic. The details are messy as everyone is seeing now. A traffic light as a solution is a bad idea on a number of fronts. It would change the rural character of this part of town. The traffic issue is only a 15 minute problem per day in the morning now. It is not a problem when school lets out. It is only an issue for a very short window of time. The idea of adding turning lanes to the roads makes sense unless you live in the area. He's never asked Chief Tolan directly, but to him a traffic officer at the intersection would solve this problem without needing a 24-hour light. His other area of concern is that he doesn't think it is well thought out that the drop-off for students should cross the drop-off for school buses and conflict with crossing students there. Also, there are times he wishes there were sidewalks along Woodville Road, but he is concerned about needing to take down mature trees on either side of the road. He thinks that there is a lot of work that needs to be flushed out with respect to traffic circulation.

Art David of 253 Falmouth Road concurred that the traffic issue is only a 15 minute problem for only 180 days of the year. He does not think this short duration of time in the morning warrants constructing a traffic light. They have mature oak trees along that section of road and by their house that could be in jeopardy with the addition of a traffic light and turning lanes. Regarding the turning lane, their kitchen is currently about 32 feet from the edge of the roadway. If you add another 10.5 feet for a lane and 4 feet for a shoulder they would be negatively impacted all for the sake of addressing an issue that only occurs on half of the days of the year for only 15 minutes. He would appreciate the Planning Board considering preserving the roadway character and rural aspect of the Town. A traffic light defeats those goals. Last year, he went to the school site selection meetings and when traffic got brought up the School people were saying it is a Town issue and the Town people were saying it is a School issue.

Dave McConnell of 5 Whitney Farm Way lives across the street from the intersection. He agrees that traffic is only a 15 minute problem per day. The condition could be exacerbated and so the issue

of signaling needs to be looked at taking that into account scheduling of the new school. He would like to speak in favor of sidewalks along Woodville Road in particular. Mr. McConnell referred to issues raised in staff's agenda notes and consistent with Jay Moody's recommendations and the 2003 Bike/Pedestrian Master Plan he believes it makes sense to have sidewalks in critical locations of the community, such as where the major school complex is. The school is a focal point for the whole community and it will be everybody in the community who will use those sidewalks, not just students so he would support extending sidewalks as far as they can.

Art David wanted to clarify his earlier statements and reiterate that he is not opposed to sidewalks but is simply concerned about any potential of losing the mature trees along the roadway.

Leanne Baird of 253 Falmouth Road has been attending the School's meetings and the details are now what they are coming up against. She is disappointed that more details have still not surfaced in regard to the proposed road improvements. School days only account for 180 days of the year. They are still talking about a traffic issue that only lasts ½ hour a day, or about 1% of the time. That is a short amount of time that would benefit from a traffic light. Having a traffic light blinking and glowing 24 hours a day, 7 days a week is very intrusive. She has 3 or 4 oak trees that provide a passive air conditioning quality and she does not want the road widening to affect those trees. She feels strongly about this and she appreciated the value of the Planning Board preserving the character of the roadways and designing the roadways to accommodate small children getting to school. She encouraged the Planning Board to revisit the school site situation and reconsider renovating the existing schools at \$15 million as opposed to \$40-50 million for a new school.

Bonnie Emmertz of 7 Woodville Road said she is opposed to having a traffic signal. The root of the problem is the lack of people riding the buses. It would be good to offer an incentive to use the buses instead of accommodating drop off traffic. She deals with the intersection as it is. In the interest of talking about green design, she thinks kids don't like to ride the bus but thinks they should encourage it.

Public comment period closed.

Stan Bennett agreed with Ms. Baird and wished the entire project would be looked at again. He thought it was imprudent to have such a large school project with such a small amount of contingency funds of \$175,000. He asked that the applicant to consider finding out what the expense would be of carrying the utilities under Woodville Road. Stan requested that the sidewalk be placed on the other side of the road from the schools. That way, there would be better control of the pedestrians crossing Woodville Road at the crosswalk in front of the school and there would also be better pedestrian access to all of the homes in the subdivisions south of the school site. Stan encouraged the Planning Board and applicant to look at other alternatives to the traffic light and to take consideration of the abutter comments.

Bernie Pender asked about the parent drop-off area necessitating a crossing of the bus lane. He wondered what the distance is from the drop-off to the entrance and pointed out that not everyone will get a prime spot for drop-off.

Mr. Gagnon thought it was about 60 to 100 feet.

Tony Calcagni said in each instance where there's a suggestion or recommendation from staff and Jay Reynolds regarding pedestrian improvements and landscaping, he wrote a yes next to the note. He thought they are all good recommendations, including: narrowing travel lanes to 10.5 feet width as traffic calming; doing anything possible to improve pedestrian safety on crosswalks such as

adding neckdowns or bump-outs to help make the crossings more visible and safe. He agreed that they should be including sidewalks to Juniper Lane and does not know why the Town wouldn't be encouraging pedestrian access to the school site, which is now becoming a social center of the Town. Sidewalks to Juniper Lane seem like a reasonable compromise to him. He would want more robust landscaping including street trees along Woodville Road and the addition of landscaped bump-outs to break up the parking lots. If this were a private applicant there is no question these things would be required and he is not sure the Planning Board should be less vigilant with a public project. Tony asked the Board for feedback on possible peer reviews. He personally is in favor of having a landscape architect peer review the site.

Bill Lunt asked about a waiver on the 5 existing parking spaces across the street. They will apparently need a waiver for that.

Mr. Gagnon said that Ethan Croce pointed out the parking within the setback. It is an existing parking lot. They are cutting the parking back slightly and making a small green space between the road and the parking lot. If a waiver is required they will request one. They could designate more compact spaces if needed to make up for any lost spaces.

Jay Moody isn't sure the new design was presented to the Board when they approved the plan for the playing fields across the street. Mr. Gagnon said they did acknowledge the loss conceptually at that time.

Bill Lunt felt that if this was anywhere else other than the school the Board would not allow those parking spaces.

Jay Moody said that just because the School Board has selected this site it isn't imperative that the Planning Board make this presented design work if it doesn't work. He felt this was a weak plan regarding sidewalks. He also pointed out that what was presented by the applicant tonight was not what was in the Board's packets. He feels that a sidewalk to Juniper Lane is a minimum requirement and does not understand how the engineers for this project could have come here tonight and not shown any sidewalks on the plans. For an additional 917 kids he thinks sidewalks are very important, and the applicant should not give mention of budget considerations. The Planning Board has never considered budgetary concerns as a justification for not requiring improvements. The applicant cannot come to the Planning Board and say they can't afford improvements. A private developer cannot get away with that. The sidewalks in Town will get plowed one way or another, so that is no excuse for not adding sidewalks. He was glad to hear the applicant commit tonight to sidewalks on the school property, but he did not hear much talk about the possibility of adding speed tables to Woodville Road. He thinks speed tables should be all along Woodville Road similar to Pleasant Hill Road or Stevens Avenue in Portland since they work well for traffic calming. He doesn't think there appears to be enough playground space for 917 kids. He would like to see a comparison of the playground square footage at the Plummer-Motz/Lunt site versus the proposed area here. He does not see a way around the traffic light. He supports having a peer review done to identify possible alternatives to the light but does not see a way around it. He would be sorry to see mature trees taken down as well but thinks they can ask for new 15-foot trees that will eventually grow. He agrees with Bernie Pender in that the drop-off area in front of the school appears dangerous and constrained. There is not enough drop-off lane. He thinks the agenda notes suggestion of allowing unrestricted vehicular traffic in and out on the northerly driveway is a good idea to avoid having to travel down to the main school entrance.

Rebecca Casey felt strongly that the traffic issues need more study. The one thing that is completely missing is that no sidewalks are shown on the plan. Clearly that is a major concern. She feels like

there is a lot of traffic within this campus and it should be a people-friendly place, with inviting spaces. One thing missing from the presentation is a layer of thought relative to the scale of needs of the different school populations and age groups. Regarding the sidewalks from the vehicular drop-offs to the building entrances, there is a scale of the user that is missing. She would agree with Tony Calcagni about a landscape architect peer review. She asked if there is any requirement for an architectural peer review here.

Ethan Croce said it is not expressly required in this district, as the district is not subject to any specific design guidelines, but the Board can technically ask for any peer review it deems appropriate.

Jay Moody thought a peer review for circulation may be needed and potentially done by someone other than Tom Emery. It should preferably be someone with experience in school design.

Bernie Pender would like to see a peer review of all aspects of the project.

Bill Lunt thought that if the Town's own paid staff can't tell us if we have safety issues then we better fire the whole bunch and start over again. He believes the building's architecture is out of the Board's purview since there are no specific standards. The road design, traffic issues, and landscape issues are extremely important and he has not heard much about drainage issues yet. There is nothing precluding the applicant from designing a sidewalk that meanders around trees to preserve them if the neighborhood agrees. He thinks all of the Woodville road frontage that the school is using is part of this site plan approval and landscaping is part of what is required so shame on the applicant if they did not include money in the budget for those issues.

Tony Calcagni confirmed he would like a landscaping peer review. He would like to actually see the traffic study before committing to a peer review of that project component. As far as architecture is concerned, he isn't sure what standards they would be holding the applicant to so he is looking for a limited review approach on that.

Mr. Gagnon said they would rather initiate a peer review now than wait for the next meeting to determine that as he does not want that to hold up the process. They welcome peer review to confirm they are doing the right thing.

Tony Calcagni would be interested in extra peer review advice on pedestrian circulation and landscaping.

Bill Lunt does not think the Board has much discretion on architecture in this instance. Tony Calcagni agreed.

Bill Lunt believes that the applicant will be coming before the Board two more times. He thinks the Board has made it clear that a landscaping peer review is needed. He too needs to actually see the traffic study before determining whether a peer review should be required for that. Traffic is the big issue here. He agrees with the neighborhood comments but is also concerned about the impacts of adding a new school to the campus.

Jay Moody observed that the high school is less than 700 students, a lot of whom drive and park so the new traffic problem may be double what it is now. He thinks the little parking lot for 20 cars in front of the elementary school is a joke. Parents are not going to turn over those few spots quickly enough for the lot to have much of a measurable impact.

Bill Lunt asked if the current plans for internal traffic flow have been vetted by the Fire Department or if they are a reflection of the Fire Department's last input. Mr. Gagnon was not sure but believed it was the latter.

Mr. Gagnon said regarding sidewalks they need to work with Public Works to have them review what is being proposed and make sure that is within their purview. This is the first time they have heard any definitive request that sidewalks be extended to Juniper Lane. He stated that earlier. They purposely did not put sidewalks on the plan because they had no direction until this point. They met with staff for a pre-application meeting to discuss this very issue and there was not consensus. He apologizes that they did not have more information. They have met with staff and have gotten mixed signals. There was a recent change in the Director of Public Works. The old director only wanted a wider shoulder and did not want sidewalks here.

David Fenderson thinks the plan is putting a whole lot of people in one place and the available footprint is tough to work with. He asked about how they are managing the wastewater leaving the campus.

Mr. Gagnon stated they have a letter for ability to serve on both wastewater and public water.

Bill Lunt asked how many dumpsters there will be. Mr. Gagnon said he is not sure.

David Fenderson asked about the carbon footprint issue here. He thought whether the Board agreed with the site in general is not an issue. Working toward recycling and renewable resources is important.

Ethan Croce asked the Board to clarify their request for peer reviews.

Jay Moody said two plans have limited landscaping due to both projects being state funded. He didn't see landscaping within the site as a big deal.

Becca Casey thought peer review of pedestrian circulation and overall site design issues.

Tony Calcagni agreed and said he would like an overall landscape architect peer review.

Bill Lunt asked the applicant to work closely with Public Works on narrowing roads where crosswalks are located for pedestrian crossings. Also the applicant should take a hard look at the traffic issues mentioned and options for a traffic light at the intersection. Bill would also like the Woods and Woodville Road intersection studied.

Jay Moody reiterated the importance of selecting a peer reviewer who has reviewed other projects of this size and scale in Maine.

15. Rebecca and Stephanie Rand – 3 Pine Grove Way – Request for approval of a private way to serve three lots. Tax Sheet 300; Map-Lot U07-004-D. Zoned RA & RCZO.

The applicant requested to be tabled at 9:30 pm.

Meeting adjourned 11:15 pm.

Respectfully submitted,
Melissa Tryon
Recording Secretary