

FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, JUNE 2, 2009, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

MEMBERS PRESENT: Tony Calcagni (Chair), Bill Lunt (Vice-Chair), Bernard Pender, Becca Casey (Associate)

ABSENT: David Fenderson, Stan Bennett, Jay Moody (Associate)

STAFF PRESENT: Ethan Croce (Senior Planner)

The meeting was called to order at 6:37 pm.

Becca Casey was appointed as a voting member.

1. Approval of May Meeting minutes

Bill Lunt moved to table the minutes; Becca Casey seconded. Motion carried 4-0.

Administrative Action Items

2. 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.

Bill Lunt moved to approve the administrative item; Bernie Pender seconded. Motion carried 4-0.

Public Hearings

3. MRA Public Hearing on amendments to the West Falmouth Crossing Master Planned Development District

Ethan Croce explained that the intent of this amendment is to correct an apparent oversight in the drafting of the signage provisions for the West Falmouth Crossing Master Planned Development District in 1998.

Public comment period opened; no public comment.

Bill Lunt moved to recommend approval of the amendment as written. Bernie Pender seconded. Motion carried 4-0.

Bill Lunt expressed his concern that the packets were delivered to Board members late this month. The reason given was that staff was reviewing the School site plan. He wondered why review of a project that wasn't on the agenda would be allowed to delay the packets. He said the Board needs to get their information on time in order to do their job. Tony suggested they discuss this with staff after the meeting.

Agenda Items

4. 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.

Ethan Croce presented the key issue. The applicant wants to rebrand the existing signs to reflect the new name of TD bank. All signage appears to conform to ordinance and design guidelines except that signs E01 and E05 have the verbiage of "open 7 days". Signs are required to contain minimal narrative content by the design guidelines.

Alberto Joaquin of Bohler Engineering presented the application. E01 is the monument sign that is on Route 1; the bank wants to replace that sign to move it 8' back from the setback line as it currently violates the setback. E04 is a straight reface of the existing sign. E05 is 116 sq feet; the new sign will be 88 sq feet approximately and so it will comply with zoning. The two directional signs (E13 and 14) will be removed; no new signs are proposed. He said the "open 7 days" verbiage is a customer convenience; that verbiage replaces the "24 hour ATM" verbiage that is currently on the monument sign.

Becca Casey asked why E13 and 14 are being removed.

Ethan Croce said they are currently located within the Route 1 right of way and the ordinance prohibits changes to any signs within the public right of way. If they remain as they are, they can stay, but any changes mandate that they be moved.

Becca Casey asked if there was any traffic condition that mandated that they be there.

Mr. Joaquin said that they went to the Zoning Board of Appeals to request moving them out of the right of way but keeping them within the setback, but that application was denied. If the signs were moved to comply with setbacks, they would be too far from the road to be useful.

Public comment period opened; no public comment.

Tony Calcagni thought the "open 7 days" was acceptable.

Bill Lunt thought it was unusual for a bank to be open 7 days, and with the removal of the ATM sign, he was agreeable as well.

Bill Lunt moved to approve the application. Bernie Pender seconded. Motion carried 4-0.

5. 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.

Ethan Croce presented the key issues. Pine Grove Way is a common driveway that currently serves two single-family dwelling units (Rand & Hester) as well as one accessory cottage that is located on the proposed Lot 3. Key issues include the location of the existing road bed, and the applicant should verify the proposed extent of construction for the travel way. Past conversations with the applicant have indicated a desire to construct only the portion of the private way that is necessary to access the proposed Lot 3. If the Board approves this arrangement, the final plans should specify and label an appropriate location for a turnaround for emergency vehicles. Further, the portion of the driveway leading up to and including the turnaround should be built to the Town's private way construction standards. The applicant will need to either verify that the existing roadway meets the private way construction standards or else confirm that the road will be upgraded to the appropriate construction standard. The Planning Board frequently allows for travel ways to be tapered down in width to reflect the number of lots being served on any given portion of a private way. Although the applicant appears to reference a 16-foot wide travel way for the entire portion of the private way's length, the applicant may want to narrow the travel way down to 12 feet beyond the point where the travel way passes the driveway for Lot 1. The applicant should also verify what the nature of the CMP easement is and what, if any, limitations exist on making improvements in this area.

Stephanie Rand presented her application. She clarified that they do need to upgrade the road to 16 feet wide in the section past the Hester home; she was referring to no "building" construction in her application. She would like to continue using the existing driveway to access the current accessory

cottage. Moving the driveway would disturb the trail to the Pine Grove nature sanctuary. She asked how wide the turnaround should be.

Ethan Croce said it should be 40 feet wide.

Ms. Rand said they can achieve the turnaround necessary at the cul-de-sac on her mother's property. She said that CMP said they can't take the road over to the poles, but if they need to they could widen the street on the other side of the road from the poles.

Bill Lunt asked about the septic tank at the accessory cottage.

Ms. Rand said it is a septic holding tank; they have public sewer.

Bill Lunt asked if the line is up the road; Ms. Rand said it goes along the drive.

Bill Lunt asked if the Town has a sewer easement; Ms. Rand didn't know.

Tony Calcagni asked about the proposed hammerhead on an easement on the Hester lot. He asked Ethan Croce about right title and interest.

Ethan Croce said there was a letter from both the Hesters and the Niles agreeing to the road easement of the property.

Tony Calcagni asked if the Hesters and Niles are okay with the hammerhead easement as show.

Ms. Rand said yes. She was hoping they wouldn't have to build it out all the way to the end. She doesn't want to bring the road that close to the nature park and the septic tank.

Tony Calcagni asked if the hammerhead was more than was necessary.

Ethan Croce thought they wouldn't need to have the whole hammerhead built out. They needed to achieve the minimum 75% buildable area on Lots 1 and 2, which he felt necessitated this design.

Tony Calcagni thought the designation for Lot 4 could be removed from the plan. He wondered about the configuration of Lot 1 along the Sowles Partnership lot in the back.

Ms. Rand said she needed that strip to achieve 75% buildable area.

Tony Calcagni thought Lot 3 would need an easement over the entire right of way in order to reach Foreside Road; that should be added to the plan.

Becca Casey observed that the private way is clear on the plan, but it isn't clear what the actual path of the road will be and what will be built.

Ms. Rand indicated on the plan where the existing drive is, and where the gravel turn-around is currently.

Tony Calcagni asked if there would be a setback problem

Ethan Croce said there could be if the right of way was being shifted; the applicant is suggesting using the existing roadbed and the existing turnaround, which lie outside the private way.

Ms. Rand confirmed that.

Tony Calcagni asked if the private way would be upgraded; Ms Rand said it will.

Tony Calcagni asked if it would 16 feet the whole way.

Ms Rand said it is 16 feet up to the Hester's, after that it goes down to 12 feet. It will need to be 16 feet until it reaches the gravel drive and then it would be reduced to 12 feet and would meet the requirement of a single lot private way.

Becca Casey asked about the cul-de-sac and if the 16 feet would reach the gravel drive or the first entrance of the cul-de-sac.

Ms Rand said that they want to do the least amount of construction necessary. It would depend on the Board if they wanted the private way to reach the gravel drive.

Bill Lunt asked where the Hester lot gets its frontage.

Ms Rand said it doesn't have any. She explained the history of the lot, which included a variance to allow for a 50 wide strip to provide frontage for Lot 1.

Ethan Croce confirmed those statements. The Hesters' lot doesn't have any conforming frontage and staff have not confirmed how or when that Hester lot was created, but one theory is that it was created before zoning, which would leave it as a grandfathered, nonconforming lot. He is unsure as to its history or its current status.

Bill Lunt had a problem with the proposal to use the current gravel drive to access Lot 3. It works now because it is family. If they are creating frontage with the private way, they should have the drive off the private way. He was okay with the turnaround being built on Lot 3. The drive needs to be in the private way; he was okay with the Private Way being reduced to 12 feet past Lot 1.

Public comment period opened; no public comment.

Bill Lunt didn't have a problem with the septic holding tank, but the town needs a sewer easement. He was comfortable with the easement being along where the actual line is.

Ethan Croce pointed out that Lot 1 is currently maxed out at 75% buildable area; if they take an easement out it would cause a problem. He thought there may be other options rather than a 50 foot easement, as long as they are acceptable to the Wastewater Department.

Tony Calcagni was willing for the private way to taper to 12 feet after Lot 1; he would like the proposed location of the turnaround and where the road tapers down both shown on the plan. He also wanted clarification from the Hesters that they are agreeable with the most current plan, with said plan identified, rather than a blanket approval.

Bill Lunt wanted something in writing that any turnaround that is not within the right of way be placed on the plan.

Ethan Croce said that should also be included in the road maintenance agreement.

Ms. Rand said the Hesters have a retaining wall around their swimming pool and she was concerned with affecting that.

Bill Lunt said the travel way could be closer to Lot 1. He was agreeable to the turnaround being in the area designated on the plans as the gravel driveway for the accessory cottage.

Ms. Rand asked if the road maintenance agreement would identify the location of the turnaround.

Bill Lunt said it needs to be on the plan.

Bernie Pender asked if there was an issue with the road maintenance agreement.

Ethan Croce wasn't sure if one currently exists, but one will be required.

Tony Calcagni observed that Lots 2 and 3 are confused on the draft road maintenance agreement included in the packet. That should be corrected.

Bill Lunt suggested that the applicant check with the water district that they are aware that they are setting a separate lot with separate ownership.

Bill Lunt moved to table the application; Bernie Pender seconded. Motion carried 4-0.

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

Ethan Croce said the only issue is whether the Board is agreeable to the road width tapering down from 16 feet to 12 feet in width just past the point where Parcel B-1's driveway comes off the private way near the area labeled "end of pavement" on the street plan. Staff recommends a condition of approval that the applicant submit a sewer design and hook up for review and approval by the Wastewater Department prior to release of the recording mylar.

David Titcomb of Titcomb Associates presented the application. The applicants submitted an application a few months ago, but after consulting with the Town Attorney they discovered they were not eligible for a lot division without necessitating a formal subdivision application until after 5 years had passed from the last lot division. That timeframe has now passed. They are proposing to create a lot in back in order for the Lockes to live close to their parents. The road will taper to 12 feet and then widen again to 16 feet. There is a gully that will require fill, requiring a permit by rule, and guardrails for safety. Once past the gully the road will taper back down to 12 feet. Both lots are greater than 50% suitable buildable area.

Becca Casey asked why they were crossing the gully at what appears to be the wider path.

Mr. Titcomb said the way the grading works at the narrower point it would spill over onto another property. They did this to keep all the grading on the property.

Public comment period; no public comment.

Bill Lunt asked if the utilities to Lot B-2 are underground; Mr. Titcomb said they are.

Ethan Croce passed around proposed conditions of approval and read them into the record.

Becca Casey moved to approve the application; Bill Lunt seconded. Motion carried 4-0.

7. Strenhoex Assoc. – 202 US Route 1 – Request for sketch plan review of a new drive-thru bank building and an addition to an existing commercial building. Tax Sheet 320; Map-Lot U52-004. Zoned SB-1 and VCO.

Ethan Croce clarified that the 20,000 sq feet limitation referenced in the agenda notes as a threshold issue only applies to the office space, and not to any common space, hallways, retail space, etc. Section 9.7.d of the Ordinance mandates that utilities be placed underground in the SB1 District unless the cost of doing so exceeds 20% of the project cost – the applicant should either provide documentation that the 20% is exceeded, or move the utilities underground. The plan is showing a sidewalk running along the frontage of Clearwater. It would make sense to tie that sidewalk to the sidewalks in Tidewater, to provide a connection to Route 1. The Public Works Director would like an easement over the sidewalk to allow public access. The applicant is requesting a reduction of the setback; the Planning Board has the authority to grant up to a 50% reduction in setback if it meets the Village Center design guidelines. A peer review will be required of the project for architecture as well as general site design issues. The guidelines contemplate internal connecting driveways to connect commercial sites. There is a connection shown on the plans; the applicant should confirm the viability of that connection. Any driveway within 10 feet of the side property line technically needs a waiver from the Planning Board if it is not providing access to two sites. The applicant should show whether the driveway could be pulled back a bit, and whether the 20 feet of width is necessary for one-way circulation. The applicant should also consider beefing up landscaping along

Route 1, extending the trees up along Clearwater, and breaking up large expanses of parking with shade trees or bump outs.

Kevin McQuinn, the property owner, explained that he was approached by Tidewater looking for a contribution to improvements on Clearwater Drive. His parking lot needs to be refurbished anyway. He doesn't want to overdevelop his site, but a small bank branch out front will help to break up the appearance of such a large building on Route 1.

Chris DiMatteo of Sebago Technics said the site is slightly more than 3.5 acres and is fairly flat. They are looking to upgrade the pavement and drainage. Water and sewer come to the site from Clearwater Drive but electric and cable come from Route 1. They meet all the parking requirements (based on the existing building being broken down in terms of square footage by use) and are happy to provide a calculation outlining what that breakdown is to show how they plan to meet that 20,000 square foot cap as stated in the ordinance. They want to reduce the 80 foot setback in half. This is intended to bring the bank closer to Route 1 in order to have the building as far away from the existing building as possible; this will improve parking and circulation on the site. There is an entrance off Route 1, and the parking for the bank would be just to the right of that with access to the drive-thru also possible from that entrance. There would be stop bars at the crosswalk and the entrances to the bank. They kept the traffic lanes as narrow as possible to prevent speeding within the site. They have provided gathering places in the Northeast corner of the project and the sidewalk would be on the parcel property because there is a ditch along Clearwater and it would be difficult to design it outside the property and within the public right of way.

Tony Calcagni asked about the 20,000 limit on used office space.

Mr. DiMatteo said the whole building is 20,200 sq feet: he estimated 10,000-11,000 on the second floor with the remaining on the first. With the additional 1,000 sq feet and the bank he thinks they will still be under.

Mr. McQuinn said that the first floor is about 10,000 sq feet; they are adding 1,000 sq feet to the building and 1,500 sq feet in the bank. He thinks they will net out at 16,000 sq feet total for the site.

Tony Calcagni asked about underground utilities.

Mr. DiMatteo said they are planning to cross under Clearwater with the utilities as opposed to maintaining a connection across Route 1. Currently the power crosses Route 1; there is a CMP pole on the property. The power goes to that pole and goes underground from there.

Tony Calcagni asked about the setback waiver. They are asking for the most allowed.

Mr. DiMatteo said the bank is not a large building; a small building will gain a lot from being as close to the road as possible. This will also allow a little berm and seeding area.

Bill Lunt thought this would be similar to the setbacks for the Mr. Bagel and Wendy's buildings.

Ethan Croce thought this would be pretty comparable to Mr. Bagel.

Bill Lunt thought it would be good to have them close to aligned; Mr. DiMatteo said he will include that alignment on their next submission.

Tony Calcagni asked about the need for the full 20 feet of the one way road behind the existing building.

Mr. DiMatteo thought they might only need 18 feet. The original goal of that access drive was for fire access.

Tony Calcagni thought they were within 10 feet of the property line.

Mr. DiMatteo agreed, and noted that the fact there is an existing paved drive through there would help the Board to grant such a waiver.

Tony Calcagni was interested in narrowing that as much as possible, but thought they could leave it where it is.

Bill Lunt thought narrowing it would prevent people from parking back there. He was also agreeable to that waiver.

Tony Calcagni asked about extending the sidewalk up Clearwater.

Mr. DiMatteo said they would show it as far as the Board was interested. He wondered if there were public funds available to help property owners to provide public amenities such as that.

Tony Calcagni asked where the connection to the existing public way is.

Ethan Croce said the sidewalk from Tidewater Village and the crosswalk across Hatrick Drive take you to the green area; if the sidewalk was brought around, the crosswalk could make a direct connection across the street. They should ensure the sight distances in the areas are adequate to ensure safe crossing. The intent is to bring the crosswalk out to Clearwater Drive to connect to the Tidewater sidewalk network, it then cuts across Hatrick Drive to the green area on the opposite side of the Falmouth Shopping Centre driveway. Additionally, the crosswalk across Hatrick Drive could be linked to the crosswalk across Clearwater Dr.

Mr. DiMatteo said they will extend the detail on the plans to show the area around Hat Trick drive.

Bill Lunt asked if the drainage depression is on this property or on the Town's right of way.

Mr. McQuinn said that belongs to the Town and that's why the whole sidewalk is on the Foreside Place property. They would have to move the drainage underground to place the sidewalk there. He asked how far Ethan Croce was asking for the sidewalk to be extended.

Ethan Croce said to the property line.

Mr. DiMatteo said he has been working with Public Works and has a better idea of what will be required.

Bill Lunt asked if they have a timeframe for when they need the site work done.

Mr. McQuinn said that the bank is not sure what they want to do. They want to turn in a final plan application by next week to come for approval next month. The bank wants to finalize construction this season.

Public comment period; no public comment.

Becca Casey was okay with the reduced setback; the scale and placement of the building is consistent with the village guidelines and works well with the site. Her concern was with traffic, and she was happy with the comments about the stop bar. She thought the loop will work well.

Bill Lunt would like to see landscaping between the parking areas, to break up the large expanse of asphalt. The setbacks don't bother him as they will line up with other buildings on the street. The front of the site will look much better.

Tony Calcagni would like to see the connectivity with the sidewalks and the access drive narrowed.

Bill Lunt asked for elevations on the bank building.

Mr. DiMatteo asked if the Board has any expectations on how the focal/gathering places are constructed. He described the plan for the gathering place in front of the bank, and wondered if they are looking for more; public art for example.

Tony Calcagni likes how it is laid out; Becca Casey asked for the raised planting area to be tall enough for people to sit on.

Bill Lunt would like the plantings to be easy to maintain so that the area continues to look good.

Meeting adjourned 8:24 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary