

FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, JULY 7, 2009, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

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

ABSENT: None

STAFF PRESENT: Ethan Croce (Senior Planner), Robert Lynn (Recording Secretary)

The meeting was called to order at 6:32 pm.

Jay Moody was designated as a voting member for the meeting.

Tony Calcagni, at the suggestion of Bill Lunt, proposed moving Item 8 in front of Item 7. All members supported swapping these two items and thus Item 8 was moved in front of Item 7.

1. Approval of May and June Meeting minutes

Jay Moody identified a mistake in the May 5, 2009 minutes. He said that the sentence on p17, line 3 reads "...does not know why the Town wouldn't be encouraging pedestrian access to the school site, which is not becoming a social centre of the Town" should be changed to read "which is becoming a social centre of the Town."

Tony Calcagni identified a number of issues with the June 2, 2009 minutes. He said that there instances on pages 6 to 8 where multiple bolded and underlined question marks can be seen and enquired as to why this was.

Robert Lynn replied that Melissa Tryon often put repeated question marks into the draft minutes to note where she would return to the document and edit it. He stated that he would deal with these issues while revising the minutes from this meeting.

Bill Lunt moved to approve the minutes from the May 5 as revised, Jay Moody seconded. The motion passed 5-0.

Bill Lunt motioned to table the June 2 minutes, Stan Bennett seconded. The motion passed 5-0.

Administrative Action Items

2. Morong Falmouth – 187 US Route 1 – Request for site plan amendment to change the color of the roof. Tax Sheet 320; Map-Lot U07-004-B1. Zoned SB1 & Village Center Overlay District.

Tony Calcagni asked if any board, applicant or public member would like to remove the item from the Administrative Action section of the agenda; no-one wished to move the item.

Stan Bennett moved to approve the item, Bill Lunt seconded. The motion carried 5-0.

Agenda Items:

3. (Item Tabled) 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.

4. Falmouth Rod and Gun Club – 358 Gray Rd – Request for approval of an after-the-fact fill permit. Tax Sheet 190; Map-Lot R06-059-A. Zoned Farm and Forest, Route 100 Corridor Overlay & RCZO.

Ethan Croce explained that the applicant is before the Planning Board to request approval for an after-the-fact permit for 1,000 cubic yards of fill as regulated under Section 5.34 of the Zoning Ordinance. He noted that it has been 8 years since the site work was completed. He explained that the boards primary interest is insuring the site has been properly vegetated and stabilized and that the resultant drainage patterns from the fill work do not result in drainage conditions that negatively impact the abutters' properties. Erosion, sedimentation and drainage control issues are the main issues.

Stan Bennett asked why the project should be before the Planning Board.

Ethan Croce said that the Code Enforcement Department brought it to the Town's attention.

Stan Bennett asked if we knew how much more than 1,000 cubic yards of fill were moved.

Ethan Croce suggested the applicant would be better positioned to respond to this question.

Rebecca Casey referred to a photo and enquired if these showed that the Falmouth Rod and Gun Club had addressed some of the issues put forward in the letter.

Ethan Croce identified the photographs and said that they have responded to these concerns.

Mr. Jim Mullen, President of the Falmouth Rod and Gun Club, said he does not know the exact number of cubic yards of fill that were moved but said it was significantly more than 1,000 cubic yards. He noted that the fill and drainage issues have been ongoing issue for quite some time. He is aware that other issues have previously come before the Planning Board but they are not addressing them tonight; he is only trying to right the wrong that was committed 8 years ago when the fill was moved without a permit. Mr. Mullen stated that they were asked to verify the boundaries of the property, relative to the berm, and they addressed this issue with Titcomb Associates. He recently walked the property with members of the Conservation Commission who suggested that some riprap should be installed in one area where there is drainage into the woods. To the best of his knowledge they have addressed all the issues.

Tony Calcagni asked if any member of the board had questions for the applicant. None did. He opened the public section of session.

Mr. Jack Kelly, an abutter to the Club, complained that they do not interact directly with him or any other abutters but prefer to communicate through Al Farris at the Code Enforcement Department. He called the police in April 2008 because people from the Club had fired two shots towards their property. He said the Club claims that people had probably trespassed onto their property and that none of their members did it. Mr. Kelly offered to show the report to the Planning Board.

In February, members of the new administration went out to examine the fill area with a foot of snow on the ground; however, because the snow concealed the area the engineer said he would come back after it melted. He came out and saw the area again but did not verify any of the work that had been done in the past; he basically did a snapshot picture of that day - thus, the report and photos only show the condition from that day. Mr. Kelly had asked the engineer if he had been out on site during a rainstorm and the engineer said he had not had the chance to examine the site during or after the recent rain events.

Mr. Kelly claimed that the District had only been asked to offer an opinion last Spring as to whether the fill permit site was currently exhibiting signs of unstable soils and erosion that could result in sediment loss. They were not asked to evaluate and compare storm water run-off conditions pre and post-development of the site nor did they go on his property to examine the damage that has been caused.

Mr. Kelly said that in 2002, they went before the Zoning Board of Appeals; Jim, who had Al Farris's job at the time, said that severe erosion had occurred by the fill not being in place. He offered to show the board a copy of that correspondence. He noted that in 2003 people were camping there when they should not have been because there was no grass planting.

Mr. Kelly claimed the Club has not behaved responsibly; he attested that they still shoot from the skeet range onto the abutters property (this issue was brought to the Town's attention in 2002 but he felt that they have done nothing about it). He wrote a letter to the Town Council but the Town Councilor said it was up to the Town Staff to deal with; the Town Staff said they could not deal with every complaint; he feels the Town is doing nothing.

Mr. Kelly claimed the Falmouth Rod and Gun Club are also doing nothing. He received a letter from Jud Cleveland saying that people do not camp on their property. Mr. Kelly referenced an email from June 2008 from Mr. Cleveland to Al Farris that asked why they could not camp on their property. Mr. Kelly claimed that the Town's original stance was that they knew nothing about people camping at the Club but they switched to acknowledge that camping does occur on the property. When he brought it to the Club's attention they said that someone else must have put the camping photographs on their website.

Mr. Kelly said that Mr. Cleveland's attitude towards the abutters is terrible and that he does not want to address their complaints. Mr. Kelly complained about the operation and management of the club; he feels they can do what they want and are given free range by the Town who are not interested in dealing with abutter complaints. He described his before and after pictures of sediment coming onto his property.

Mr. Kelly explained that an engineer told him he needed to get a peer review from the Town rather than just the one-day examination which occurred. Additionally, the issue is complicated because there is no documentation of how the area was before. Mr. Kelly cites an engineering report from 8 years ago in the Club's application which does not have a stamp or letter in the packet to say it was supplied by an engineering firm. He feels they are not being held to the same standards as everyone else. Mr. Kelly placed a request for the item to be tabled.

Tony Calcagni thanked Mr. Kelly and reminded him that they need to deal with the approval of an after-the-fact fill permit; the other issues should be referred to Code Enforcement. He asked Ethan Croce about the adequacy of the engineering report.

Ethan Croce replied that there are two different engineers involved on the project. One is Chris Baldwin who rarely stamps his memos to the town with his engineering seal. The other is a West (Oust) Associates report dated 2002 which was not stamped by an engineer since a stamped engineering report or plan is not a submission requirement (although the Planning Board does have the authority to require that a report be stamped prior to submission). There is also no confirmation that the West Associates report is the plan that was followed given that it took place so long ago.

Tony Calcagni asked what the Cumberland County Soil and Water Conservation District actually confirmed.

Ethan Croce said they confirmed that the site was in stable condition with established vegetation on all previously disturbed areas and that no significant erosion or source of sedimentation was observed. The report noted that one area in the Southeastern corner of the berm area had been affected by storm water scour - this is the same area that the District requested riprap be installed to help stabilize the area. Additionally, there was an email from Mr. Baldwin which indicated that he believed riprap drainage was adequate and would address the District's outstanding review comment relating to drainage scour.

Tony Calcagni asked whether granting an after-the-fact fill permit would, in essence, be approving the proposal from West Associates from 2002; or would approve what is there today.

Ethan Croce said that they would be approving what there is today.

Stan Bennett asked if anyone from the Town has had a look at the property since the riprap had been added.

There was consensus that no one from the Town had visited since the riprap installation.

Mr. Kelly said he has a picture showing that the water does not flow through the riprap.

Tony Calcagni asked for clarification. He asked if the District requested the riprap to be installed and whether the photo in the applicant's submission shows it has.

Ethan Croce said this was correct.

Mr. Kelly handed the Planning Board an email from Mr. Baldwin outlining what he was hired to do. Apparently, the plans from 2002 were accepted under Ethan Croce's authority - an email from Mr. Baldwin's office saying they could not submit the plans in time and Ethan Croce said they could simply submit the plans from 2002.

Todd Kelly, 9 Sulky Way. Presented the Planning Board with 11 pages. He is the owning abutter to the South of the Falmouth Rod and Gun Club property. Page 1 is a picture dated 4/10/09 which shows the scouring of the channel up the middle of the proposed range; the unstable berm is in the left of the photograph. Page 2 shows that on 6/12/09 there is still scouring in the middle of the channel. Page 3 is the proposed 6" checked dams that are in the plan and yet to be built. They are designed to hold the water back but there are holes in them. Page 4 is what the area looks like today - the water does not enter the beginning of the riprap channel but actually runs around it. Page 5 shows the sediment from 4/10/09 - it shows cloudy water in the brook draining from the Club, Page 6 shows that the muddy water is still coming from there on 6/12/09. Page 7 shows the same thing even more recently. Page 8 shows the location of 14" scouring on 6/12/09 (after Mr. Baldwin visited and no one has visited the area since then). Page 9 is the tape measure showing the depth of the scouring on the site. He says they have not addressed it nor is there erosion control fabric beneath it. Page 10 shows what the area looked like on 7/6/09 and he claims it looks nothing like the picture that was taken in May. The geo-textile fabric is on top of the rocks in some places even though it should be under them. Page 11 shows the berm that stops 100ft from connecting to the other berm; if they were joined it would prevent water from flowing onto his property; however, the whole area is pitched at a 3° angle to the left and 2° degrees back and as such it drains onto his property. He showed pictures of clay pigeons despite their claim that they would not use the area as a range until the work was done. He also

showed some pictures of plastic wadding which should not be there because they are not meant to be using the area for a range. Page 8 is taken from above the range and it looks like someone threw some skeet off the Falmouth Rod and Gun Club and shot onto his property, the turnpike, the snowmobile trail which is only 40ft away and the Blackstrap Hill Preserve. He suggested that if they approved the project then the Club would be firing at these things.

Tony Calcagni reiterated that any violations on the site remain a code enforcement issue; they are dealing specifically with the after-the-fact fill permit.

Tom Darrity, Kimble Way briefly summarized the history of the issue. He referred to the Zoning Board of Appeals meeting from 1/22/02 where the Club requested additional use and approval for earthen berms (under Section 8.3) to construct a new outdoor shooting range. Zoning Board of Appeals gave them no approval and ordered them to stop work immediately; however, a lot of the berms had already been constructed by that point. He says the work did not cease otherwise they would not be asking for an after-the-fact fill permit. He is confused about the process since they were told 7 years ago not to construct the berms and now they are asking for retroactive approval. He wants to know what stage in the process they are at and what approval they are looking for. What amount of fill? Where did the fill go? Has the shooting range been completed?

Tony Calcagni asked if any other member of the public wanted to speak.

Jim Mullin offered to try and address some of their concerns. He noted that there is a lot of history between the Club and their abutters and he emphasized that he can only address the more recent issues that have arisen since he has only been a member for the past few years. He said they are not requesting to use that area as a shooting range since it has been made extremely clear to him by Planning Board staff that the area cannot be used in that manner. He committed that it is not currently nor will it be used as a range in the future. He said there might be an issue with drainage and he took photos on July 2 while following the path of the water round the property. Mr. Mullin said he does not have photos from 8 years ago to show where the water went previously. He noted that after many days of saturating rain there was an area in the grass where the water was collecting before entering the riprap but noted it appeared to be entering the riprap when he visited it. He said there is an area between the berm and the abutters property approximately 75ft wide into which the water drains but there is no evidence that work was done in that area based on the maturity of the trees and the lack of signs of excavation. As such he feels the path of drainage has not been altered by the work that was done. He also walked it with the Conservation Commission who told him that the Town's concerns were that it was stabilized and there was no sediment running onto adjacent properties. He felt that this request was met. The only concern was that some riprap was installed to address the scouring that occurred and this request was fulfilled. He feels he has done everything that has been asked of him and offered to walk anyone from the Town through the property. Mr. Mullin says he is trying to return the area to its former state.

Jack Kelly rebuffed Mr. Mullin's statement. He claimed that 8 years ago they used to be able to drive a half-ton 2-wheel drive pickup through it but now you cannot even drive a 4-wheel drive through it. Mr. Kelly complained that the people responsible for the original plan were not at the meeting to explain it. He cited Tom Raymond who is both a member of the club and an engineer who supported the work. He says there is a culvert 200ft down the road which they can no longer drive their truck across because of the increased flow of water; in fact, there is more water going down the hill than there was before. Mr. Kelly explicated that the area has changed since he first began living there in 1973. He again complained that the people responsible for the work were not present to defend it and guessed that the reason they were absent was because they would be unable to defend the work. He demanded a peer-review from an engineer that is willing to stamp the plan and visit the abutter properties as Mr. Baldwin has never visited his property.

Tony Calcagni said that the County Professional Engineer, Mr. Baldwin, recommended some minor work be done. He felt large rip-rap should be used in the area and that no further earth work be conducted at the location of the new range and that the natural vegetation in the area be allowed to regrow without any further disturbance. Tony Calcagni asked Mr. Kelly if he felt that the work suggested by Mr. Baldwin was done appropriately he would be satisfied.

Mr. Kelly replied that the area has degraded substantially since Mr. Baldwin visited in early April and they have photos to show this. He feels that they made the area look nice before Mr. Baldwin came to visit but since then it has degraded. Mr. Kelly does not understand why the Club will not communicate directly with the abutters. Additionally, he complained that the Town always favors the Club. He said that the only reason there was a partial survey was because he went there and talked to them about it; but only when he pressed them were they willing to do it. They were given four options by the

Town - a full survey, a partial survey, get their information from somewhere else or to do nothing - Mr. Kelly said he has a copy of the email detailing these options.

Tony Calcagni said there is a submission from Titcomb Associates, which describes the partial survey and confirmed the berm was at least 73 ft away from the boundary.

Mr. Kelly says that they did not voluntarily do a survey and when pressed to do something they chose the easiest option. He also reiterated that they were shooting on someone else's property and did not want anyone to know about it. He said Titcomb Associates did a survey of all the property to the East and North of the area (a property formerly owned by Mr. Kimball).

Tony Calcagni interrupted and asked if Mr. Kelly was suggesting that the conclusion by Titcomb Associates was incorrect. He asked Mr. Kelly if he was suggesting that the berm is in fact on McLaughlin's land.

Mr. Kelly said they shied away from the complete survey because they did not want the information to show that they were shooting across at their abutter's well house.

Tony Calcagni asked Mr. Kelly if he felt that the survey was inaccurate and that there was in fact an encroachment.

Mr. Kelly said he merely felt the full survey was not done because they did not want sensitive information about their use of the area to be revealed. He complained that their proposal was getting pushed through the Planning Board without any real consideration.

Tony Calcagni closed the public portion of the meeting and brought the project back before the Planning Board.

Jay Moody referred to the last sheet in the packet to determine who owns which property. He asked if Todd Kelly's property was under a different name.

Todd Kelly said the property is under McLaughlin which is his grandfather's name. Jack Kelly said Mancini used to own the adjacent property but does not anymore and it has since been divided up among different owners.

Jay Moody said they heard a lot of issues this evening that they have no control over; he referred to an aerial photo from 1995 which seems to suggest there has been a lot of tree clearing on the Kelly property.

Mr. Kelly said little cutting has been done since 1995 other than the two houses that they put in.

Jay Moody said that a lot of cutting had been done pre-1995.

Mr. Kelly said most of the cutting was done in the 1970's when his father used to hay it; but since then there has not been any major clearing done.

Jay Moody said he knows the area pretty well - he said it is a hilly area with shallow soils and as such water runs down the hill to the Piscataqua River. He then noted that despite the fill area, and without a new survey to determine its effects, he feels the water there is the same water that was going through the area previously. He noted that culverts wash out over time. He said they need to decide if the fill area that is there has been built according to the plan that was submitted. If it was they can approve it, if it was not they cannot.

Bill Lunt said they should not even look at the 2002 plan. He said they are requesting an after-the-fact fill permit and the work should start now. He said the rip-rap that has been inserted is poor and mentioned that whenever you change the contours of the land you change the whole drainage pattern and you can push more water through a smaller area than if you had sheet flow off the same property. He noted that they have no way of knowing what the drainage issues were and instead should look at the area based on the way it looks today. He says he will not accept the fill as it has been done and it should be addressed today by an engineer (rather than relying on a 7 year old plan).

Rebecca Casey asked what the steps moving forwards are if this plan is not approved since they have already done the work.

Ethan Croce said that because it is an enforcement issue it would continue so until the applicant remedied the situation and it is their responsibility to figure out how to do that. He said the Planning Board could give the applicant some indication of how best to improve the area but a fill permit was approved and the problem resolved it would remain a Code Enforcement issue.

Tony Calcagni noted that Mr. Baldwin, a professional engineer with the District, recommended that a larger riprap be used along the 30ft section of drainage, the stones should be angular and shaped with a depth of 56" and installed 1' thick over geo-textile. Beyond the minor works suggested for the drainage course the District recommended that no further earthwork be conducted at the location of the new range and the natural vegetation of the area be allowed to grow without further disturbance. Tony Calcagni said that Tony Hayes wrote that Mr. Baldwin did a good job of the application review and agreed with his findings. Thus, Tony Calcagni said they should determine whether the work recommended by Mr. Baldwin was carried out correctly; but he would be reluctant to require more than that.

Bill Lunt said that they should not be looking at the survey of a property layout dated 1976 (the Titcomb Associates plan). He said that typically they do not use the District to do the engineering on these projects, rather they peer review someone else's. He then stated that they have not peer reviewed it because there was no work to peer review. Thus, he feels there needs to be an engineer to examine the situation and apply for a permit; he will not grant approval until they have the proper documentation required in granting any before or after-the-fact fill permit.

Tony Calcagni asked whether Bill Lunt meant the applicant should employ an engineer to make a recommendation and submit that recommendation to the Planning Board and demonstrate that they have or will comply with it.

Bill Lunt said he did.

Stan Bennett said he agrees with Bill Lunt.

David Fenderson said the note from Tony Hayes is dated 3/17/09 and the letter from Chris Baldwin is dated the 4/27/09. He wanted someone to explain the timing of that correspondence.

Ethan Croce said that there was earlier correspondence from Mr. Baldwin; he visited the site when there was still snow pack on the ground and he recommended that he revisit the site once the snow had melted. Ethan Croce said he was unsure if there was an interim letter between the two pieces of correspondence to summarize his findings; however, this was the most recent letter from the District.

Jay Moody suggested the possibility that Mr. Baldwin went out on the 27 April with the President of the Falmouth Rod and Gun Club and did his post snow cover analysis; whereas, Tony Hayes was referring to an earlier letter.

David Fenderson then reasoned that the peer-reviewer is the same person who recommended the changes and is responsible for ensuring that the work got done.

Tony Calcagni feels he only recommended that the work be done, but has not ensured that it has been carried out.

Jay Moody suggested that Mr. Baldwin has not been back since his recommendation and that they should ensure that he revisits the site as a condition of approval.

Tony Calcagni said they have two options. They could have Mr. Baldwin revisit the site to see if he is satisfied with the existing conditions as a follow-up to his April 27 letter. Alternatively they could get the Town to recommend an engineer to walk the site with the applicant and make recommendations before a fill permit is issued and then bring those recommendations back before the Planning Board.

David Fenderson suggested they have an actual plan they have to approve and have that plan peer reviewed at the same time.

Tony Calcagni asked if he meant getting the applicant to choose an engineer and then the Planning Board select a different engineer to review that plan.

Rebecca Casey said that if they hired an engineer he would effectively conduct a survey of current conditions with possible modification; as such, a peer review might be redundant because it would not be a proposal.

David Fenderson said part of the matter concerns the historic circumstances surrounding the Club and its abutters.

Tony Calcagni said he is not concerned that Mr. Baldwin would have been biased even though the applicant paid for his work.

Bill Lunt said he is in favour of having an engineering report and then get it reviewed by the District. He also mentioned that they need to determine where the water truly does go to see if they are channeling great quantities of water into a narrow area.

Tony Calcagni asked if Bill Lunt wanted the applicant to choose an engineer to review and propose possible improvements if they are necessary; afterwards they can have Mr. Baldwin peer review current existing conditions and the proposed plan.

Bill Lunt said he does not think an engineer should go in and look at what is there and determine whether it is good or bad; rather they should see the site and design a solution to ensure the water escapes the property without causing damage.

Bill Lunt moved to deny the item, Stan Bennett seconded.

Bill Lunt suggested that before they return to the Planning Board they conduct a regular engineering study and plan for how to deal with the site as a before-the-fact application; he felt that they should deny the current application.

Tony Calcagni asked if anyone wanted to discuss the motion further.

David Fenderson asked about the ramifications of denying the application versus tabling it.

Ethan Croce said that they would need to resubmit and would return to the back of the agenda when they reapplied.

Bill Lunt moved to deny the item, Stan Bennett seconded. Motion denied 3-2 (Calcagni, Moody)

Application denied with a suggestion by Bill Lunt.

5. Town of Falmouth – River Point – Request for Shoreland zone permit to construct a bridge and observation platform. Tax Sheet 374 & 808; Map-Lot R05-043. Zoned WFCMPD (West Falmouth Crossing Master Plan Dev), FF & Route 100 Corridor Overlay.

Tony Calcagni asked the applicant to present.

Bob Shafto said the Planning Board first heard about this project about 9 months ago when the Town was applying for a recreational trails program grant to construct a trail from the Town's Riverpoint property along the Presumpscot East and West Branch of the Piscataqua River. A key element of the trail system is a pedestrian bridge to cross the West Branch. The design in the packets from Pinkham and Greer is a suspension bridge which would allow people to cross the river. The bridge will be constructed using four telephone polls and some anchors around either end; and a 1" cable to carry the planking of the bridge. Also proposed is an observation platform to watch nesting birds and wildlife on the property; this plan is also in the packets. The bridge would be constructed by the Falmouth Conservation Corp of Volunteers - 40-odd people including Mr. Gagnon, a certified professional engineer who would play a major role in supervising the construction. They feel the observation platform could be built by volunteers from Home Depot who would also provide the materials for it; although this is not final yet. Additionally, Mr. Shafto noted that they have a DEP permit.

Tony Calcagni asked if any member of the board had questions for the applicant. He then opened the item to public comment. Tony Calcagni closed the session to public comment.

Bill Lunt asked Mr. Shafto how they are planning to get the equipment to the site without destroying the environment.

Mr. Shafto said they will need drier conditions than there are currently and also noted there is not much material to bring to the site. The suspension poles are the largest things and could be taken down on ATVs; the planking for the bridge is easily transported. They have had pick-up trucks in the area already - the State has already conducted an archaeological dig. Additionally, both ends of the site are accessible by vehicle.

Bill Lunt noted that they have plans for erosion control; Mr. Shafto agreed they did.

Tony Calcagni if they had any other questions for Mr. Shafto.

Mr. Shafto said they are building to the 10-year flood levels not the 100-year flood level. If they were building to the 100-year level the entrance to the bridge would have to be 20ft high. He said that little damage can be done to the bridge by a flood as there is little material involved and because the water will spread out over the expansive area reducing its velocity substantially. As such, it is simpler to build to the 10-year flood level.

Bill Lunt said that if there is a severe flood then the actual walkway would be underwater.

Mr. Shafto said that the whole area is exposed to fluctuating water level, especially during big storms and if there was a flood the trails themselves would be covered by water.

Bill Lunt compared the bridge to a wire bridge in North Portland, which has a similar design and whether they considered the impact of debris coming down the river during a flood.

Mr. Shafto said the engineers have considered it. Also, there will be netting along the side of it so people cannot fall through it. He said the whole area does flood and the state archeologist found a barbed-wire fence 18" down in the sedimentation - perhaps the biggest danger will be sedimentation at either end of the bridge.

Tony Calcagni said he thinks the project will be a great asset for the town.

Mr. Shafto agreed, he said it is an incredible, undeveloped site in town with an impressive diversity of habitat, wildlife and scenery.

Bill Lunt moved to approve the item, David Fenderson seconded. Motion carried 5-0

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

Ethan Croce summarized the threshold issues. He said the engineer designed the roadway showing the extent of the 50ft right of way through the proposed to be developed portion of the property; the 50ft right of way has not been delineated on the existing section of Parker Way. He asked the applicant whether any of the proposed road improvements associated with road-widening that might need to be done would infringe on any of the three private properties on the existing section of private way without having any right title of interest or expressed written consent from those private property owners to do any grading or road improvements on their property.

Ethan Croce said the Oak Engineers plan, Sheet C-102 shows the area best. It shows where the boundaries of the 50ft right of way on the proposed to be developed part of the property are. Then where it meets the property line where the existing Parker Way property is located it appears as though grading will be extended into the existing part of Parker Way.

Judy Soule said the person responsible for the storm water drainage design is present and could answer it.

Tony Calcagni asked if the applicant has the right title of interest to make the improvements that have been proposed.

Ms. Soule said she is not aware of if it will be an issue or not.

Tony Calcagni thinks it is a survey issue.

Ethan Croce said he believed the engineer designed the road to be 22ft and he knows the applicant is requesting a waiver from the board.

Tony Calcagni asked where exactly the grading is.

Ethan Croce said the other side of the vertical hashed line is the location in question.

Steve Bradstreet, Oak Engineers. He noted that if you look at C-100 they do have the right of way shown for the entire length of the road, even for the existing private way. If you refer to the plan profile sheets; sheet C-101 shows an area where some of the grading may appear to be outside the right of way line and this continues onto sheet C-102.

Tony Calcagni said the lots that would be affected are not only the Josephs.

Mr. Bradstreet said that is correct but they are looking at a 22ft wide road and if the waiver is granted then that will reduce the imposition onto the properties. Also, the plans show ditches which are shown as a 3ft wide bottom trapezoidal ditch though the actual detail found on C-106 is a V-shaped ditch which is typical of Town standards and would bring the width in an additional 3ft. As such, he does not feel there is any additional encroachment; they can revise that on the grading plan.

Tony Calcagni asked for confirmation that it is a 50ft right of way and they are asking for a 22ft roadway. He questioned whether they could fit all the improvements within the 50ft.

Mr. Bradstreet said there might be a question in the area out with of Jeffrey Joseph's property but anything that is his property does not matter. He said that they can make those improvements outside of the right of way.

Tony Calcagni confirmed that other than the property owned by the applicant; they would not need to go outside of the 50ft.

Mr. Bradstreet said that was correct (assuming it fits 22ft with no waiver granted).

Tony Calcagni asked Ethan Croce to describe the key issues.

Ethan Croce said the applicant is making 2 waiver requests. One for a waiver on the 1500ft dead end road length. The Ordinance requires 1500ft dead end road lengths but the Planning Board can grant a waiver in conservation sub-divisions provided the applicant offers two paper street connections to abutting properties (which their plan does). Staff have noticed that one of the paper street connections appears to cross the proposed drainage facility at the end of the built portion of the road which may take away from the legitimacy of it as a second paper street connection. The second waiver request is for a reduction of pavement width from 22ft to 18ft for the entire length. He noted there was a range of opinions expressed by members of the Planning Board during the sketch plan review - no waiver granted (22ft), waiver granted (18ft) or a combination of the two widths. Another issue raised by staff was that the trails that are required in the open space of conservation subdivisions were located in the natural resource no-cut buffers along the stream and floodplain. Those natural resource buffers are required to be no-cut buffers. One option would be to pull the proposed trail out of the buffer area or to ask for a waiver to have that section of trail be of a lesser standard than what is otherwise required for trail widths and vertical clearance of trails in conservation areas. Also, one of the trails appears to run through one of the drainage facilities. Issue 4 concerns setback reductions requested by the applicant. The Conservation Zoning Ordinance allows reductions in setbacks provided this results in better protection of the primary and secondary conservation areas. Ethan Croce asked the applicant to provide additional detail on what natural resources will be better protected as a result of the requested reduction in setbacks and building envelopes. Issue 5 concerns open space priorities. The conservation subdivision ordinance has a priority checklist with respect to areas that should be set aside as open space; the Planning Board has the authority to grant the applicant some flexibility with regard to what areas are included in the open space. In this instance priority number 3 (which requires adding to the vegetative buffers around natural resources such as streams and floodplains) has been skipped in favor of priority number 4. The applicant has laid out some rationale to support this from the Department of Inland Fisheries and Wildlife as to why that might be appropriate. Priority number 6 concerns fire protection measures; the Town looks to the Fire Department regarding fire prevention measures - in this case there will not be fire hydrants because public water does not reach this far. Holding tanks and detention ponds are often used where public water isn't provided - staff did not see anything in the plan relating to fire protection. Regarding issue number 6 Ethan Croce would like the applicant to confirm that all of the well locations can be accommodated within the building envelopes or the individual lots themselves. Otherwise the open space and home owners documents would need to be revised to allow utilities to be located within the common open space areas. Issue number 7 asks the applicant to delineate and define the difference between the natural resource buffers, the open space buffers, the perimeter buffers and the general common open space areas shown on the subdivision plan and clearly spell out their treatment since in some cases there is ambiguous language with respect to what clearing and site disturbance could be done.

Tony Calcagni asked about the proposed amendment to the existing road and maintenance agreement without the consent of the existing lot owners. He also asked about the possibility of a pedestrian connection across the applicants lot and whether any portions of the trail system would be open to the general public. He mentioned the issue of holding the trail so it is not within 50ft of the stream. He asked about the lack of a public water supply; he wondered if the cost range they submitted was sufficient to waive that requirement. Also, he raised questions about the legal documents and the ownership plan they proposed.

Rebecca Casey asked about Lots 2 and 6 with regard to the mature vegetation and where the driveways are planned - in these instances the driveways take out more trees and perhaps there could be a better route; she also asked about the reduction in setback and where the houses face on-coming traffic.

Judy Soule, professional land surveyor with Titcomb Associates. She has been working with the Josephs for several months. She acquired more information regarding the abutters after the sketch plan review process. She showed an aerial photo of the area being developed - a heavily wooded parcel with a stream in the Northeast and surrounded by woods in most areas except a clearing in the Northwest. 18.6 acres are proposed for development. The next plan shows a larger area in which she identified the owners of the abutter properties as requested. The Parkers to the Northeast; Goddard and Stoddard to the Northwest; Dana Dresser and the Woodlands Association to the Southwest; Josephs and Golden Bend Acres to the Southeast.

Tony Calcagni asked if the plan she just handed out was the same as the one in their packet.

Ms. Soule said it is a different, supplemental plan to highlight the open spaces.

Rebecca Casey noted that the setback in Lot 2 had been corrected (as was requested after the site walk).

Ms. Soule showed a map that depicted the appearance of the overall 18.6-acre subdivision. She proposed 6 lots at 0.75 acres each. She asked for an additional 62 ft of road length to ensure the houses are in the best locations as suggested by the landscape architect. They have included 2 paper streets as required and the drainage conflict at the hammerhead of the project can be resolved. The perimeter trail will be relocated to be inside the resource protection buffer and there is no intention to have the trails open to the general public. The plan she passed out tonight shows the open space areas - there are 12.85 acres of open space (69% of the project area) and it does not include Priority 3 (as Ethan Croce pointed out) but the landscape architect Barry Hosmer can address that. The next plan shows the mature vegetation on the site (trees of 15" or larger in diameter, 4' above the ground); they were identified by the landscape architect and located by Ms. Soule. Only 7 would be affected by the road and an additional 7 might be affected by the proposed construction. She shared a plan by Sweet Associates showing nitrate plumes and well-exclusion zones; it seems possible that Lots 1,3 and 6 may not accommodate a well but they will determine this prior to the final plan. In responding to the issue regarding right title of interest to extend Parker Way; a letter in the packet from abutter Laura Gramsay consents to the extension of the road (both Josephs and Gramsay approve it which is 2/3 owners on the street). Although the applicant does not require the consent of the abutters, they do have it. Ms. Soule previously mentioned the need for a longer road and road length waivers; the 18ft road would save 6200 sq ft of disturbance of the resource zones; it would have a smaller visual impact on the rural nature of the area and it would slow traffic and be conducive to the safety of children and families living there. She is happy to relocate the position of the trails and will include trail details in the final submission. Regarding setbacks - all the lots except Lots 4 and 6 have 44 ft setbacks, and all the lots have a 25ft front setback. She asked for a 10ft side setback and a no disturbance area between the building envelopes which would give 20ft of natural buffer on all the lots. The 10ft setback would allow for more flexibility, particularly on Lots 4 and 6 to put the house in the best site as determined by the landscape architect. Regarding utilities - streetlights will be added and they will confer with the Fire Department regarding fire safety. They do not anticipate needing sprinklers in the houses but if required they will install them. They may put some wells in the open space but that would be addressed in the open space documents during the final approval. Cumberland County Soil and Water Conservation District have been contacted regarding this and they are awaiting approval from them. Transformer pads will be located and landscaped on the final plans. Regarding legal documents; she noted that some of the language in the open space sections needs to be revised (particularly where it asks for clearing to enhance the natural beauty or selectively cut trees will be revised). They are planning to leave the open space and no-disturb buffers in a natural state except where the trail crosses it or where a well might need to be put. The septic systems can all be accommodated on each lot; some of the drainage facilities will be in the open space but that is a permitted use provided it is shown on the plans. Other legal issues will be addressed appropriately with the final submission. A question about the financial capability to pursue the project was raised at the sketch plan review. David Chase wrote a letter regarding the water supply; there was an unsuccessful discussion with the Woodlands about extending their private water supply. They have 3500ft to go from the town transfer station (the end of current public water) to the start of Parker Way and Mr. Chase estimated this would cost between \$210,000 - \$425,000 (based on how much ledge is found). With only 6 lots this figure is more than could be reasonably expected from the applicant to deal with. Mr. Chase is willing to take on all the financial risk of building the road provided that no lots are sold until a bond has been posted for any lots where construction has not been completed.

Tony Calcagni asked if there were any questions for the applicant. He asked about the side setbacks and felt that the 10ft side setbacks are insufficient especially where lots are close together (Lots 1 and 2; 2 and 3; 5 and 6); with 18.6 acres they could space them further apart than 20ft.

Ms. Soule said there are areas in the subdivision that could be changed to 20ft setbacks.

Tony Calcagni asked about the basic proposal for road maintenance and the ownership of open-space. He feels the applicant is holding a bundle of rights - of the 9 lot owners that will use the road, they will appoint themselves as the road commissioner and only the owner of Lot 3 could amend the provisions of the maintenance agreement. He said there should be a mechanism to allow the other lot owners to be road commissioner.

Stan Bennett asked about the financial viability of the project. He asked if there is some method with regard to all of the infrastructure not just the road.

Ms. Soule said that Mr. Chase intends to take on the cost of all the sub-ground utilities too; these details will be clarified in the final submission.

Tony Calcagni asked about the trail within the 50 ft buffer.

Ms. Soule said they can pull that within the buffer zone - they will change it but mentioned it will make the trail steeper in places.

Tony Calcagni asked about the proposed drainage facility in the paper street connection.

Ms. Soule said that the drainage facility will be relocated.

Barry Hosmer, Barry Hosmer Landscape Architects. He said the impacts of the proposed project affects 0.05 acres of low value wetland (in black) at the wetland crossing of the road; 0.47 acres of low value wetland structure setback by grading activities (hatched pattern). He said they shifted Priority 4 (areas adjacent to other protected open space) ahead of Priority 3 because they feel they have an interconnected conservation protection plan that links all the resources together in a comprehensive fashion. He mentioned this is a positive attribute for the site and the continuing functioning of the natural systems. He noted that though they do not fully comply with Priority 3 they do preserve a vegetation buffer for over 2/3rds of the stream on the Eastern boundary of the property; and the wildlife corridors have been enlarged to the standard required by the Department of Inland Fisheries and Wildlife.

Steve Bradsby, Oak Engineers. He noted the extension of the existing private way is to provide for 6 new lots; the road design is currently 22ft but they will change it if the waiver is granted. The storm water control on the plan is provided by 3 basins. One conflicts with the paper street at the end of the hammerhead but he noted their plans do not show the 50ft right of way that would extend from the end of the hammerhead and connect to the abutting property as requested by the Town since it would pass through that storm water facility. They will move the facility 50ft and keep it in upland areas where it will not encroach on any additional wetlands. All the retention ponds are located in a similar fashion. All basins provide protection against the 2, 10, 25, 100 year floods events; and the facilities and ditches are intended to contain erosion control measures. The storm water report was submitted to the Town and the District but they have not heard back from them. Regarding watershed areas (there are 4 primary ones) they will be reducing the flow from post-development levels to below pre-development flows in all areas. He concluded that the detention pools and storm water controls were of fairly simple designs.

Tony Calcagni asked if it is currently 22ft all the way to the end of the roadway; he asked if they considered reducing the width at the area where there are only 3 lots left.

Mr. Bradsby said they had not.

Tony Calcagni mentioned that the Ordinance only requires a road that serves 3 lots to be 16ft; thus, this would be the most appropriate place to implement the waiver.

Mr. Bradsby noted that their request is to have the entire road at 18ft.

Tony Calcagni opened the session to the public.

Ellen Josephs, Parker Way said she received an email from Mr. Baldwin with his endorsement letter from the District for their storm water report.

Tony Calcagni closed the public portion of the hearing.

Tony Calcagni mentioned the right title of interest issue and said he feels the proposed maintenance agreement to be rather offensive. He thinks it is inappropriate that the owner of one of the 9 lots can decide who the road commissioner is and when the agreement can be amended. The other lot owners should be entitled to have some say in the governance of the road. He noted this extends to the ownership proposal - the open space should not be owned solely by Lot 3.

Bill Lunt, Stan Bennett and Bernard Pender all agreed with Tony Calcagni.

Tony Calcagni mentioned that the applicant agreed to pull everything into the 50ft right of way. The request to waive the 1500ft dead end limitation by 62ft given that they have 2 papered streets was supported by Bill Lunt, Tony Calcagni, Stan Bennett and Bernard Pender. Tony Calcagni mentioned the proposal to reduce the width of pavement width from 22ft to 18ft.

Bernard Pender said he would like to see it tapered to 18ft at the wetlands area.

Tony Calcagni noted they could reduce it to 16ft for the last 3 houses.

Bill Lunt agreed with Bernard Pender about having it 22ft up to the wetlands and then reducing it to 16ft after the wetlands for the last 3 lots.

David Fenderson asked if they were considering this plan in terms of 6 or 9 lots being served by one private way.

Tony Calcagni said he feels it is a private way serving 9 lots up to the point of the wetlands where it then becomes a private way serving 3 lots.

Jay Moody referred to Ethan Croce's suggestion to allow the 18ft road to continue for the entire length of the road. The plan shows a minor situation (only 6 lots) and they want to reduce speed in the area and narrowing the road will help with this. He said there is no need to have 22ft on such a minor road and he feels it is good planning to reduce road widths.

Tony Calcagni asked if Jay Moody was recommending a width of 18ft throughout; he was. Tony Calcagni noted the private way plan was originally approved for 3 lots but now they are dealing with 9 lots.

Jay Moody reiterated that requiring 22ft for any portion of the roadway is excessive.

David Fenderson agreed with him.

Stan Bennett suggested that it should be 18ft up till the wetland area and then reduced to 16ft from the wetlands onwards.

Rebecca Casey agreed with Stan Bennett and mentioned it makes sense to narrow it to 16ft before the wetland is reached.

Tony Calcagni proposed to hold a vote.

Proposal to have 22ft from Woods Road tapering to 16ft before the wetlands crossing Tony Calcagni, Bernard Pender, Bill Lunt (3-2 of voting members in favor of this plan).

Proposal to have 18ft from Woods Road tapering to 16ft for the last 3 lots (prior to the crossing of the wetlands) supported by Stan Bennett, David Fenderson, Jay Moody, Rebecca Casey.

Ethan Croce asked for clarification; even though the applicant intends to make this a private road in perpetuity people could petition the town in the future to make it a public road and the road width could affect this petitioning process.

Stan Bennett asked whether they could allow the 10ft side setback but add a restriction that ensured no houses could be spaced closer than 50ft.

Tony Calcagni suggested they keep it 20ft where one lot is abutting another and then they could reduce it to 10ft where it abuts open space.

Rebecca Casey talked about Lots 4 and 5 and suggested they could allow a 10ft setback because they are pushed for space here but enforce a 20ft setback everywhere else. She asked whether the actual house locations will be based on these plans.

Tony Calcagni proposed that if the house at Lot 5 has to be where it is shown on the plan then perhaps they could add additional side setbacks on Lot 6 to ensure there would be at least 40ft of total setback between lots.

Jay Moody preferred to keep it 20ft on any abutting lots; additionally, he noted these houses are still just conjecture.

Tony Calcagni asked about Lot 5 where the setback is far more than 10ft.

Ms. Soule said that is because the lot is within a few feet from the wetland buffer.

Jay Moody noted that it is a large building envelope and the house could be relocated or replotted on the plan.

Rebecca Casey mentioned people who are building their houses could first submit to the Planning Board for a variance.

Tony Calcagni said he had never heard of this occurring, although he noted that perhaps they could go to the Zoning Board of Appeals to secure one by proving hardship.

Bill Lunt said they would have a hard time proving hardship.

Tony Calcagni agreed that if a lot is approved then individuals would find it difficult to demonstrate hardship as a mitigating circumstance.

Bill Lunt suggested that any back-to-back lots (such as Lots 5 and 6) should require at least 20ft of setback; although any abutting open space could have 10ft.

Tony Calcagni said they should ensure that they do not waive 20ft of side setbacks wherever there are two abutting lots; but where side setbacks abut open space they could be reduced to 10ft. He asked if there was consensus on this; there was. He noted that they would be using 40ft rear setbacks but mentioned that it is less than this on Lots 4 and 6.

Rebecca Casey suggested that if it is abutting open space they should use a 10ft buffer.

Tony Calcagni noted that in no cases does rear setback abut another lot; it only abuts future open space.

Ms. Soule said the proposal for Lot 4 is adjacent to a narrow area of open space but it is 100ft from the property line so having a reduced rear setback would not be a problem and would allow more flexibility in locating the building.

Tony Calcagni said the side setback in Lot 4 is only 10ft; he asked if people were comfortable with that proposition and noted that feasibly it could be a road someday.

Bill Lunt said the road would never be 50ft wide.

Tony Calcagni said they are maintaining 25ft for a front setback as is shown.

Jay Moody said he did not feel it needed a reduction and that they should leave it at 20ft.

Rebecca Casey noted that it is a very tight lot and it seems more important to have the setback from what may become a future street than the hammerhead that is there today.

Tony Calcagni agreed but felt that one would expect the house would be built before the hammerhead goes away.

Rebecca Casey said it could be 10ft from the hammerhead compared to 10ft from the street if a street was ever constructed.

Tony Calcagni asked if she was suggesting keeping 20ft from the paper street but the 25ft setback from the hammerhead could be reduced to 10ft.

Rebecca Casey agreed noting that the hammerhead would be the least used area.

Jay Moody said that the hammerhead is very important under the ordinance for fire safety, oil trucks and turning around.

Rebecca Casey agreed but mentioned that the hammerhead will not be used everyday and thus the setback can be reduced.

Jay Moody asked if she was suggesting 10ft on the front setback; he said he would rather have 10ft on the paper street than 10ft on the front.

Ethan Croce said the Ordinance only allows the Planning Board to reduce it to a 15ft front setback.

Bill Lunt said that he does not favor any setback changes; he feels it is simpler to just build slightly smaller houses. He says people can be more creative about the orientation and placement of the houses; rather than trying to delineate the setbacks they can accept the standard setbacks, locate the houses in the lots and then worry about the setback issues when they return before the Board with the master plan.

Tony Calcagni said that apart from the one setback at Lot 4 they are in agreement.

Bill Lunt suggested they do not give any setback waivers until they come back with building designs and determine whether they really need them.

Jay Moody agreed with Bill Lunt on the setback waiver issues; and does not see the need for waivers.

Tony Calcagni mentioned that he thinks that the Conservation Subdivision amendments were designed with smaller lots in mind and permit reduced setbacks for this reason; and he feels that if they do not have any setback reduction they cannot use the lot which defeats the purpose of the Conservation Subdivision. He felt that they should ensure that some of the side setbacks are not reduced so that the houses are not too close together; but he does not think it will work without either reduced setbacks or eliminating some lots. He feels they should be able to offer a 10ft setback from the open space or forested areas.

Bill Lunt said they should try to fit the lots and then if they cannot then ask for setbacks.

Tony Calcagni asked for a vote on the setbacks issue;

Bernard Pender, Bill Lunt, Jay Moody supported no waivers on any setbacks.

Stan Bennett, Rebecca Casey, Tony Calcagni, David Fenderson supported waivers on setbacks. (3-2 voting members)

Tony Calcagni noted that the only remaining issue is the paper street. He asked if there was a feeling to ensure that the setback was not 10ft and whether it should be treated as a side setback rather than a front setback. He said that 3 voting members have agreed to give the waivers as shown except that in no case can a set back that abuts another lot be waived and where a lot abuts a paper street that side setback will remain 20ft.

David Fenderson mentioned the estimate has a lot of variance in it - from \$210,000 to \$425,000. He feels they need to refine the estimate before they can waive that.

Bill Lunt said water extensions are anything from \$75 and 95 per ft - these can change with heavy ledge or easy digging; as such these figures should be reasonable to estimate from. They are estimating with 3500ft of length and thus it is at least \$300,000. He feels they should estimate based on the number of lots that are being served - in this case 9 lots since its all part of the same roadway and subdivision (regardless of whether they have their own well). If you divide the estimate by 9 it runs about \$32,000 per house and if you remove sprinkler systems and other fire protection it might be \$25,000 per house.

Stan Bennett asked how the 3 existing properties would subsidize this; he feels it might be more expensive for the 6 new houses.

Tony Calcagni asked if the developer owns the private way and whether they have any control over the ability of the adjacent lot owners to tap into that supply.

Bill Lunt said as soon as they enter Parker Way it will be a private line.

Tony Calcagni was unsure of if the developer and owner of the line can determine if the other residents can tap into the public water.

Bill Lunt said he was uncertain about the State regulations regarding this issue but he knows they can recoup fees from it; he feels they need better justification for going to public water.

Tony Calcagni said Ethan Croce noted that the additional development of 6 more lots in a 5 year period could be included in the Planning Board's general analysis of impacts for the site; it is not out of line to think of the subdivision as a 9 lot subdivision.

Stan Bennett asked if there was a way to get a more accurate estimate for this rather than the range that they currently have.

Jay Moody said they would need a boring program every 100ft along Woods Rd for the full 3500ft of length and then they could clarify their projections of cost by determining how deep it is to ledge. He thinks it is not something that the Planning Board needs to require as it is very expensive.

Stan Bennett asked if they could instead require or not require the applicant to access public water.

Tony Calcagni said if it cost \$300,000 for the water line on Woods Road that might give them more incentive to determine how much the private connection to the Woodlands water would cost.

Rebecca Casey said that it would be useful to have an alternative costing to compare the cost of joining the water line.

Tony Calcagni asked Ethan Croce if they have to bring in water unless the Planning Board determines it is not economically feasible to do so.

Ethan Croce agreed with him.

David Fenderson said they should define all the options before they return to the Planning Board.

Tony Calcagni said there is a grey-area of economic feasibility; if you divide the figure by 9 lots then it seems reasonable but if you divide it by 6 lots then the costs are far greater.

Stan Bennett noted the alternative for the applicant would be wells and asked how many would be required under the Ordinance

Ethan Croce said one well per lot would be required.

Stan Bennett asked if all 6 lots were suitable for wells or if some of the wells would be put on common land and enquired if that would required a waiver.

Tony Calcagni said there would need to be easements on the plan for wells.

Ethan Croce said that flexibility was intended as part the Conservation Zoning to allow smaller house lots and allow flexibility to site wells or septic tanks off site although trying to meet the 100ft separation distance for well exclusion zones could be challenging for the smaller lots and thus those improvements could be sited in the open space.

Tony Calcagni said the final plan would need to show easements for the wells in the open space area. He said they could either come close to committing to the project and giving guidance to the applicant or they could say they are no committing and not persuaded of the economic feasibility of the project.

Bill Lunt said that there could be incentive to try to work with the Woodlands.

Stan Bennett asked if they are charged with requiring public water to be extended to the subdivision under the Subdivision Ordinance unless the applicant can show there is a hardship financially.

Ethan Croce cited Appendix 1 Subsection L1 - *'if in the opinion of the board service to each lot by a public water supply is not feasible the Board may allow individual wells to be used.'*

David Fenderson suggested this means they will have to require public water unless the applicant demonstrates it is economically unfeasible.

Bill Lunt agreed.

David Fenderson said the letter from David Chase could not be used as their justification for not putting in public water.

Bernard Pender noted that Mr. Chases low-end was below Bill Lunt's estimate.

Jay Moody said that the original estimate was based on the possibility that the Woodlands could be viable.

David Fenderson suggested that the threshold of economic feasibility should be based on cost per lot.

Bernard Pender asked if there was a Town standard relating to the installation of water mains.

Bill Lunt said that the District does not have the right to extend water mains for development purposes; that is why towns and cities pay or the developers of properties pay to extend them. The District only gets involved if it is for the betterment of the facilities to enlarge a pipe.

Jay Moody asked if there was water along Woodville.

Bill Lunt said it only comes as far as the sharp right corner turning. It then comes down Woodville into the back entrance of the Woodlands and through there it reaches the landfill.

Stan Bennett said they should ask the applicant to ascertain a more specific dollar amount which they can use in determining the final approval.

David Fenderson requested the difference in cost between digging wells and the appropriate fire protection compared to bringing in water.

Tony Calcagni said the Board is not persuaded yet and will require more information; he feels they are leaning towards requiring a public water connection but are open to more information. He mentioned the section on legal documents; he noted that he would not accept the proposed warranty deed regarding open space (similar to the road maintenance agreement) because it has provisions which are contrary to the idea of the open space being for the equal benefit of all the lots in the subdivisions. He wants a more typical, evenhanded ownership of the open space. Perhaps a home owners association.

Bill Lunt agreed.

Tony Calcagni mentioned that the other point pertains to the Town's rights regarding open space. He said the Town can terminate a lot's rights to use the open space if it is not properly maintained. In this case, Lot 3 has the control of the open space and he feels this arrangement is unfair and needs to be revised.

Bill Lunt and David Fenderson also agree.

Ms. Soule commented on the open space ownership arrangement; she said the ordinance does allow for the open space to be owned by a single property owner.

Tony Calcagni said the fee could be owned by a single owner but it would be preferable for the association to weigh in on the reserved rights.

Stan Bennett moved to table the item, David Fenderson seconded. Motion carried 5-0

8. Portland Country Club – 11 Foreside Dr – Request for site plan amendment for construction of a new pump house. Tax Sheet 402; Map-Lot R02-004; Zoned RC & RCZO.

Ethan Croce summarized the key issues of the project. He noted the site plan review requirements mandate that a landscape architect should be retained by the applicant for any site-plan review application except in instances where the board finds that the application does not require those services due to its small size or lack of complexity. The threshold issue is whether the Planning Board is amenable to granting such a requirement for the landscape architect.

Tony Calcagni noted that David Fenderson has excused himself from this matter.

Michael Igo, consulting engineer with Irrigation Consulting. He feels that the scope of the project is limited and small enough so that it does not require the services of a landscape architect. The project involves a 270 sq ft building in one corner of a very large lot.

Tony Calcagni asked if the proposed pump house can be seen from anywhere other than the Portland Country Club property.

Mr. Igo showed the board a 3D rendering of what the pump house might look like from Foreside Road. He said they wanted to keep it consistent with the design of the main clubhouse and noted there would be a transformer pad to receive power from Maine Central Power via Foreside Road.

Bill Lunt, Rebecca Casey, Stan Bennett and Tony Calcagni all accepted the proposed waiver.

Ethan Croce summarized the key issues; he asked the applicant to confirm that no sight lighting is proposed as part of the proposed pump house and utility pad; and to confirm that utilities will be brought underground underneath Foreside Road. He noted the plans show an additional pole being added and overhead wires added to that pole; whereas prior conversations with the applicant said they would be amenable to putting the utilities underground thus obviating the need for the utility pole. Lastly, he noted the need for buffering and screening of the transformer pad and the pump house since the site-plan review standards call for exposed machinery installations and utility buildings to be screened if they have an adverse impact aesthetically from public roadways.

Mr. Igo said the Portland Country Club would like to construct a new pump house located 270 ft from the edge of the pavement at Foreside Road. The pump house is an integral part of the replacement irrigation system for the golf course. They have already got permits from Maine Department of Environmental Protection regarding the irrigation system; thus, they now need to go through the site-plan review process with the Planning Board to obtain approval for the pump house itself. Mr. Igo noted that the intent is to keep the architecture as similar as possible to the main clubhouse; he reiterated that he has personally created a colored rendering to show the scale and size of what the proposed pump house might look like from Foreside Road. The pump house is 270 sq ft and there will be a transformer pad alongside of it; there would be no sight lighting proposed for it and as of now, they are planning to go under Foreside Road with utilities pending the final pricing from the contractor.

Rebecca Casey asked about screening.

Charles Ross, the general manager at the Portland Country Club, said it is their intention to screen the transformer pad and if necessary the building itself; he noted they have a full-time grounds superintendent and a landscape contractor who is on the irrigation committee. He mentioned that they want it to look aesthetically pleasing and to fit in the natural setting. He mentioned the image makes the pump house look nearer than it is in reality and that it is more nestled than the image suggests.

Tony Calcagni asked if they were proposing screening for the pump house.

Mr. Ross said they would be willing to implement screening if necessary.

Bill Lunt asked if the submittal for screening could allow a conditional approval or would they have to do a peer review.

Ethan Croce said that past practice is split - sometimes it is deferred Planning Staff for final sign off otherwise it goes to peer review.

Rebecca Casey said she favors the project going through the Planning Staff.

Tony Calcagni said the alternatives are to have them return for Administrative Action approval; they could be peer reviewed by the Town or they could be signed off by Planning Staff.

Stan Bennett asked what the height of the building is.

Mr. Igo said it is 12ft tall.

Tony Calcagni mentioned that the utilities should be underground and if not the applicant would have to return to the Planning Board for an amendment.

Tony Calcagni opened the session to the public; Tony Calcagni closed the public section of the hearing.

Stan Bennett said he would be happy to take the least onerous approach by having the Planning Staff review the plan but he would like to give them guidance regarding the thickness of the buffer around building; he advocated a very thick buffer either in the form of a fence or thick shrubbery.

Bill Lunt agreed with Stan Bennett but felt that a vegetative buffer of a reasonably decent size is preferable to a fence.

Jay Moody mentioned how far the pump house is from the road but acknowledged the need for serious vegetative buffering akin to Stan Bennett's and Bill Lunt's recommendations so that it will be masked within 5 years. He endorsed the idea for no sight lighting and the underground utilities.

Tony Calcagni mentioned that in granting approval they would include a condition that utilities be underground such that if the applicant discovers that it is infeasible to have the utilities underground then the applicant will return to the Planning Board. He concluded that the standard for the buffering should be plantings.

Jay Moody moved to approve the item including underground utilities, no new sight lighting and with the understanding that the building will be screened appropriately with a vegetation buffer; additionally, Planning Staff can approve it but can refer it to the Planning Board if they want. They will be required to sign off with Planning Staff before beginning construction.

Stan Bennett seconded. Motion carried 5-0.

7. Falmouth School Department - 74 Woodville Rd – Request for site plan approval for new elementary school. Tax Sheet 300; Map-Lot R05-020. Zoned Farm and Forest & RCZO.

Ethan identified the threshold issues. The proposed sidewalk construction on Woodville road does contemplate certain grading improvements will occur on private properties. The second threshold issue is that the applicant is going to be presenting plans that were not included in the Planning Board's packets for the month.

Rob Tillotson, President of Oak Point. The right title of interest is for a construction easement to do the sidewalks that were requested. If it is a concern they could use retaining walls instead but he feels it would better to use a construction easement to allow the grading along the sidewalk.

Tony Calcagni asked what the locations are and where they would need approval from the private landowner.

Jacques Gagnon, Civil Engineer with Oak Point. He noted that the construction easements would be in the vicinity of the properties on the East side of Woodville Road. It does not involve putting the sidewalk on any properties but just the side slopes.

Tony Calcagni confirmed that it was only the West side of Woodville Road close to Juniper Lane where this would be and issue.

Mr. Gagnon agreed and noted that there are two properties involved.

Mr. Tillotson asked if it is an issue because the centerline of the road is not in the centre of the right of way.

Mr. Gagnon agreed and noted that the road hugs the East side; the East is underneath the existing power lines so additional clearing is not needed to install the sidewalk and this side of the road picks up more pedestrians. He noted that they do not have the written consent of the two property owners that would be affected.

Jay Moody asked how many feet they would need for grading.

Mr. Gagnon said they would need 5ft or so into the property for grading.

Tony Calcagni asked whether to execute the plan they would need to grade no more than 5ft with the private owners consent and if they could not get the written consent from those property owners then they could do it entirely within the public right of way.

Mr. Tillotson said they could either use a retaining wall or shift the roadway more into the right of way and not touch the properties at all.

Bill Lunt said the Town asks residents when they are putting in sidewalks and will pay the owner for grading rights; he feels that if they can get the town behind them they will be better positioned to persuade residents.

Tony Calcagni said they have the ability to handle the issue even without the landowners consents; as such it is an issue that they can move past.

Bernard Pender said he favors Bill Lunt's idea.

Jay Moody said he supports Tony Calcagni because it can be built either way thus there is no real need to get hung up on the issue tonight.

Rebecca Casey agreed with Jay Moody since it could be built in the location because there are various options.

Bill Lunt asked if they should be looking at the project as a preliminary review and give feedback that way.

Tony Calcagni said he feels it is the way the discussion should go tonight. He noted there are a number of issues that peer reviewers have disagreed with the applicant over and they need to get through the issues where this misalignment exists; thus, he feels they will probably be giving information to the applicant tonight but not approving it.

Mr. Tillotson noted that at sketch-plan review they had a left-hand turn lane in front of the school and a traffic light at the intersection of Falmouth Road and Woodville Road. There were many meetings and the initial design had a left-hand turn lane into the school proper and an extension of the parent drop-off at the middle school. After a peer review by the Planning Staff they had a meeting which lead to an alternative plan that would have them go internal to the site and not have a left-hand turn lane; Planning Staff and the peer reviewer disliked the lane while the applicants traffic reporter and the Maine Department of Transportation liked it as well. The final review lead to another revision which kept the internal circulation as recommended by the Town peer reviewer and the left hand turn lane as recommend by their traffic engineer and the State transportation engineer which lead to a hybrid design. The idea is the hybrid would allow them to get rid of the second access point from Woodville Road and put an island in the middle of the road. Whereas after the fact, if the plan did not work then fixing it would become a Town expense. Mr. Tillotson said it would be ideal if they could approve both plans then they can work with them to get DOT approval. In summary, the hybrid plan combines the plan that was shown at the schematic/preliminary stage and what was shown on June 10th.

Tony Calcagni noted that he was under the impression that they would use a different plan using a single main internal entrance. He asked why they are now proposing this hybrid plan.

Mr. Tillotson said it is because at the June 30th meeting the Maine Department of Transport would not approve the plan. His feeling is that the Maine Department of Transport wants the left hand turn lane.

Tony Calcagni noted that Gorrill-Palmer proposed to eliminate that entrance. He asked how a traffic expert feels this improves these things.

Diane Moribedo, traffic expert representing Oak Point said that the original May plan had the long-left turn lane serving both entrances; this plan was approved by Maine Department of Transport. The reason is there are not a lot of left turns into the schools; she noted that at peak hour there are about 150 left turns at these locations. The left turn lane is a safety feature to reduce rear-end accidents. She mentioned that another concern they had with the Gorrill-Palmer plan was that it eliminated the second entrance to the drop-off loop - they counseled against that plan because it would make it far more inconvenient to use the drop-off loop.

Tony Calcagni said the most persuasive aspect of the Gorrill-Palmer material is that they are allowing the far right traffic to speed on through around the left-turn cars which creates safety problems.

Ms. Moribedo said there will be 15mph speed limit signs signifying a school zone. She said they also considered raising the crosswalk island in the middle of the road. She identified two crosswalks; they each cross two lanes with a median and they do not have a crosswalk crossing three lanes.

Bernard Pender asked about the parking spaces in the Superintendent's lot - he mentioned that the packets suggest they will use spaces in there to account for the other side.

Mr. Gagnon said the lot is currently used by staff at the Middle School.

Bernard Pender said there is no crosswalk anywhere near that parking lot and suggested people might park there and not walk all the way down to a crosswalk.

Mr. Gagnon said there is a shift in the parking dynamics; currently the central lot on campus is occupied by portable classrooms but will be used by staff; the Superintendent's lot is an overflow lot.

Bernard Pender asks why there is no cross walk to serve it.

Mr. Gagnon said it would have been problematic to have a longer crossing directly from the Superintendent's office and this crossing would need to traverse the parent drop-off lane. They also did not want to encourage people to use the Superintendent's lot to drop children off on the street or in that lot.

Tony Calcagni said he wanted to focus on the changes they made from the materials the Planning Board has.

Mr. Tillotson said raised tables have been implemented for both crosswalks.

Mr. Gagnon said they would use actuated signals that flash when a pedestrian crosses to increase safety. He said the crosswalk to the athletic fields would not be used during peak hours and thus there is less of an issue here.

Tony Calcagni asked about the purpose of the roadway that comes down from the left of the visitor parking area.

Mr. Tillotson said this compromise allows them to have it both ways - thus if one did not work then they could block it off later whereas if they moved forwards without the left hand turn lane the Town will have to fix it without the help of the Department of Education.

Tony Calcagni asked for confirmation that the Maine Department of Transport is onboard with this approach; Mr. Gagnon agreed.

Ms. Moribedo said the Maine Department of Transport wanted the left-hand turn lane and they left the internal connection so people would not have to go back on to Woodville Rd to move from the Middle to Primary school (to reduce congestion on the main road). It is a requirement of the Department of Education that they have the Maine Department of Transport movement permit before they move forwards on the project.

Ethan Croce asked the applicant to give a short presentation to introduce the project.

Mr. Tillotson noted the biggest change pertains to the intersection of Falmouth Road and Woodville Road. The applicant wants a light there but the residents do not; however, from a safety perspective they and the Maine Department of Transport felt they needed the light. Planning Staff and Gorrill-Palmer felt there was no need for a light which lead to another meeting; thus, they resolved the issue by agreeing that they could go ahead with the project and then if there is a need for a light add that afterwards. The applicant will try to convince the Department of Education to put money aside for the light and then if there is a need for it they can construct it after the project has been completed. The current plan does not include a light; however, if a light is warranted in the future they can put it in later.

Tony Calcagni asked if there was really a change as his packet did not show it. His understanding is that a third right turn lane would be constructed to get from Woodville Road onto Falmouth Road but there would be no light and then some review period to see if the warrant is necessitated.

Mr. Tillotson said the third lane would be within the right of way.

Tony Calcagni asked where the turn lane would be.

Mr. Tillotson said it would be a right turn lane from Woodville Road onto Falmouth Road; not a left turn lane from Falmouth Road onto Woodville Road.

Jay Moody asked if a light would necessitate a left turn lane on Falmouth Road.

Mr. Tillotson said if they had a light and a left turn lane it would increase the level of service from an F to an A or B; if they had a light without the left turn lane it would be better because they could elevate it to a B and they would not have to cut down the trees in front of a neighboring property. The applicant's recommendation is that if they need to put a light in they can put it in but not the left turn lane from Falmouth Road to Woodville Road.

Jay Moody noted that Plan B has no left turn lane Southbound from Falmouth Road whereas Plan C does.

Ms. Moribedo mentioned the Maine Department of Transport said they would accept the option without the left turn lane but with a light if necessary after the school is built.

Mr. Tillotson said the decision would be based on an actual traffic count after the school is built.

Tony Calcagni asked if there was a plan showing current conditions to set up a before/after comparison.

Bill Lunt said that if you are going to put a right hand turn lane on Woodville Road then you will be jamming that turn into the tree on the corner and there would be less of an impact by pulling the right hand turn lane from Falmouth Road onto Woodville Road so the tree would not have to be felled. He felt they could be more flexible and have less of an impact.

Mr. Gagnon said the majority of the widening is occurring on the right hand side of the right of way; and only one tree would be affected.

Mr. Tillotson said this was an idea that everyone at the previous meeting agreed to.

Rebecca Casey asked if the fir tree was removed whether it would be replaced for the owner.

Mr. Tillotson said the Planning Board could tell them to do this.

Tony Calcagni asked for a list of issues from the applicant where they feel there is not or will not be agreement between the applicants team and the peer reviewers or staff before they get to the final approval stage.

Mr. Tillotson said that many of the issues Tom Emery raised were things they would have liked to do if the State had allowed them - things that cost more but the Department of Education would not cover them. Mr. Tillotson said disagreements remain over minor things - such as brick posts on either side of the fence from the parking lot to the school; issues with lighting where they do not think they need to go to the length he is requesting. Many of the issues are deferential to the Planning Board. Galvanized fencing and light posts are grey but could be painted if desired; however, by doing this they would become a maintenance item in the future. He feels the biggest issue remains the left hand turn lane versus no left hand turn lane.

Peter Hedrich, of Gorrill-Palmer was the peer reviewer for traffic. The left-turn lane is a fundamental difference of opinion; they should not encourage speeds in school zones when they are looking for 15mph traffic. The bypass traffic may end up flowing at speeds in excess of 15mph with a turn lane. Additionally, cars turning left may block the view of the crosswalk of the cars that are in the bypass lane. The pedestrian actuated flasher and raised crosswalk would mitigate this. The applicant proposed a raised median to negate the wider crossing but there is still an extra 12ft of pavement to get across. Additionally, there is already significant congestion on Woodville Road and the inadequate length of the drop-off in the middle school adds to this. The proposed lengthening of the drop-off lane would help the situation but removing the access lane would result in a far longer drop-off zone and if that overflowed it would occur on the school campus not onto Woodville Road.

Tony Calcagni noted the main concern to ensure the cars queue up internally rather than on Woodville Road.

Mr. Hedrich said they could include the loop as a compromise to see if it works directly off Woodville Road (if it does not work they could block it off). They would prefer to go internal to the campus and eliminate that driveway. They do not want parents dropping children off at Woodville Road or the Superintendent's parking lot. There will be a fence along the length of the drop-off zone to discourage parents from dropping off at these locations; this will force them to move to the crosswalk. He noted that moving the driveway to the back and eliminating the left hand turn lane will result in more free flowing traffic on Woodville Road.

Tony Calcagni asked Mr. Hedrich to respond to the Maine Department of Transport's rejection of this idea.

Mr. Hedrich said the Maine Department of Transport would not accept it from a technical standpoint; if the Town did accept it would become a political issue between them. He said the Maine Department of Transport will typically bend to the Town's wishes in these situations unless they have a very strong safety concern.

Bill Lunt said that in other similar plans the Maine Department of Transport has been happy with the lesser number of curb cuts; thus, he is surprised they are adamant about keeping the shorter one when they could eliminate the curb cut and keep it all internal.

Mr. Hedrich said it would be better access management to eliminate the curb cut; however, the Maine Department of Transport expect that by taking the direct entrance away it will be more inconvenient for parents to enter the drop-off loop and they will instead drop their kids off on Woodville Road or the Superintendent's lot and the children will have to cross the street.

Bill Lunt said he thought the fence would prevent this.

Ms. Moribedo said the Maine Department of Transport were also concerned about the conflicting turning movements in the driveway; whereas the majority of traffic is to and from Falmouth Road the middle school parents could drop-off and not conflict with the elementary and high school volumes.

Mr. Hedrich said this was the original plan that was commented on in the June 8 letter (aside from the additional access drive).

Tony Calcagni said this extra access drive looks unnecessary.

Mr. Hedrich said it is easier to eliminate a short piece of driveway than to build an entirely new driveway later based on cost and who would be paying for it.

Mr. Tillotson said this was not included in the packet plans because they were following the internal access mode. They decided to put it back in as a compromise between the Town's Engineer and the State. Also, it allowed them to change the visitor parking and the internal intersection. He noted that high school students could pick up siblings from the middle school without going off campus; thus, the internal road would keep more traffic off the Woodville Road. He noted that if they were to build it later on then it would become a Town expense.

Mr. Hedrich felt the plan, if there has to be a left-hand lane, is the best they are going to get. He noted the start times for the High and Middle Schools are 50 minutes different from those of the Elementary School thus parents will not be dropping their children off at the same time.

Tony Calcagni felt the internal road would help this situation.

Jay Moody asked if his ideal solution would be to get rid of the middle school turn lane.

Mr. Hedrich said it would be that is his opinion. He noted that people will be able to either enter the campus or drop their kids off on Woodville Road.

David Fenderson said he feels the plan gives people options.

Tony Calcagni asked Tom Emery of Standtec Consulting to speak on the potential issues that are not aligning.

Mr. Emery said that regardless of what the State sets as a site budget, the Town has a site plan review Ordinance and that is the basis of his review. He said it was standard practice to take 10% of the overall budget for site work and 1% of the same budget for landscaping. This would result in a \$420,000 landscaping budget (being a \$42 million project) but the State has allotted \$25,000 for landscaping. He said an associated issue arises because they are involved with State agencies that deal with LEED certification and green design. Proper site and landscape improvements are critical in a project of this size because they are functional, enhance and tie the building to the ground. He said the posts on either side of the fence should be masonry rather than fence or another material as it provides a foreground element for people entering the building; he felt that many of the issues he raised have been addressed. As such, he does not think there is a major threshold issue posed by him that cannot be addressed.

Tony Calcagni asked about classroom elevations and fenestration on page 2.

Mr. Emery said they have added landscaping to the courtyards to help with the scale issue and there is no change to the building elevation; they have considered putting a banding at the mid-floor level but he is happy to defer to the architect

and the building and selection committees since there are no design standards governing this issue. With regard to the entrance he wanted a welcoming aspect to the building and felt the redesigned entrance plaza and flagpole relocation along with others amendments have addressed this. He wants the gateway to be made to his specifications, either willingly by the architect or at the Planning Board's behest.

Tony Calcagni opened the session to public comment.

Rob Dalzell, 22 Woodville Road, disagreed strongly on some of the issues and he felt the site would not have been chosen had they known about all these issues at last year's straw vote. He reintroduced the idea of a traffic officer and felt they should defer the traffic light and put in a 20-minute traffic officer instead.

Mr. Tillotson said the commitment to the traffic officer has been made and should be implemented as the project comes together.

Mr. Dalzell mentioned that the flow of traffic after Woodville Road and Falmouth Road potentially impacts a wider area. He referred to the dynamic around the Superintendent's office and noted many of the drop-offs here are high-school children or parents dropping off siblings who will not be entering the internal campus road). He noted they should make this lot an acceptable drop-off with a crossing. He also said that the middle school buses offload between the elementary and middle schools and questioned the dynamic in that area.

David Fenderson asked why it is not an option for high-school students to drive into the Superintendent's lot and drop off their siblings.

Mr. Tillotson said it will not be an option in the future because it is no longer a thoroughfare and the fence prevents people from crossing the road unless they are at the crosswalk.

Lori Daniels, 256 Falmouth Road, was concerned with the play area and mentioned the format of the playground; she said the playground pods need to be plowable. She agreed that the school will last for many years and should look the best it can but worries they might regret sandwiching the school between the other buildings. Instead they could slide the athletic fields a bit and push the building itself back a little. She would like to see them better utilize what they already have - the existing fields and Superintendent's parking lot; additionally she voiced support for the traffic officer.

Art Davis, 253 Falmouth Road, noted he is concerned about the dynamic of the drop-off loop as it could lead to a back-up onto Woodville Road; he also mentioned his concern with the safety of the Superintendent's lot. If there is no thoroughfare people will not enter the lot but will elect to stop on the road itself. He was content with the concern they have given to the old growth trees. He feels that the main problem remains traffic and noted that many of the problems could have been alleviated if other sites had been considered. He also feels the traffic safety officer is essential.

Barbara Hunt, 249 Falmouth Road, identified three issues - she did not know anything about the project and did not receive any notice about the meetings. She is concerned about the tree and barn on her mother's property and the traffic light which may make it hard to enter the driveway. She likes the traffic officer idea and suggested crossing guards for the children.

Kristine Dalzell, 22 Woodville Road, walks Woodville Road 3 days a week and feels that encouraging the use of the Superintendent's lot would be practical rather than having people idle in the drop-off loop; additionally, by encouraging people to move into the car park then they would be less inclined to wait on the road.

Bonnie Emeritts, 7 Woodville Road, expressed concern with the sidewalks, she mentioned a large drop-off between Juniper Road and the tennis courts and asked if the grade will be leveled. Also, crossing guards would be good as they could combine crossers and have them all go at the same time; using the Superintendent's office as a drop-off would be good too.

Beverly Debevoise, 236 Falmouth Road, agreed with the idea of having a traffic officer at the intersection and wanted to encourage parents to use the buses rather than dropping off their children.

Lianne Bard, 253 Falmouth Road, found out on June 30th there was a meeting with the school board regarding the traffic intersection but was told by many people that these meetings were not public. She mentioned the intersection does not meet any of the eight warrants that the State requires for a light; she said they took an alternative route by asking for a traffic movement permit (however they were supposed to notify abutter properties in the vicinity by certified mail but none of the abutters were). She feels the location is poor since there is only one-road access and there are safety concerns

in case of an evacuation or emergency. She noted they applied for the traffic movement permits; and she tried to talk to surveyors but was rebuffed again (she stated that they received their permit in July 2008). She feels there has been an omission of information or lack of forthright with the public. She has attended meetings for over a year but their comments in the elementary school minutes have been omitted from the entire 2008 record. She created a petition for a traffic officer and it has 32 names of individuals who are concerned about cost (\$250,000 versus \$8,000) and that people might be encouraged to use excessive speed to make it through the light. She is concerned about the lack of a tree protection plan and noted her kitchen is 32ft from the current sidewalk and wondered whether putting in a pavement is a coding, planning or Zoning Board issue. She agreed with Jay Moody's suggestion of a narrower road to reduce speed. She asked how they will monitor the success of the traffic officer and how long the trial will last. She also mentioned the level of service for the area - she discovered it is only an F-rating for 20 minutes a day not 24 hours a day. This rating would imply safety issues and she discovered that safety issues are not the same as level of service - she notes there have been 23 accidents in the past 7 years where an officer has appeared. Lastly, she mentioned the traffic flow reports and asked if they could use software to show a timeline of traffic flow in the area.

Beth Franklin, Facilities Committee, commented on the original proposed turning lane into the Middle School which was brought up before the Facilities Committee. She mentioned there was support to extend the turning lane down Woodville Road but feels there is insufficient space to accommodate two lanes.

Tony Calcagni closed the public section. He asked to give feedback on the left-turn lane and the new hybrid entrance and hoped to reduce the seven page list from staff before the next meeting.

Bill Lunt asked them to look at the drop-off zone as designed by Gorrill-Palmer and suggested could tell the Maine Department of Transportation that they do not want that additional curb cut.

Tony Calcagni identified two discrete issues - getting rid of the extra entrance (curb cut) and the left-turn lane.

Bill Lunt said he was unsure whether Gorrill-Palmer had weighed on the treatment of the left-turn lane if you do not have the extra curb cut; he thinks the turning lane is a bad idea.

Tony Calcagni thought Gorrill-Palmer wanted neither the curb cut nor the left-turn lane.

Bill Lunt said he supports this.

Rebecca Casey was concerned with the longer loop; she feels people will try to avoid it. She likes that you can move through the campus while the left-turn lane takes some of the stress away. Also, the small loop will also alleviate some of the issues with people avoiding the drop-off.

Jay Moody felt they need a special meeting to deal with the project. He likes the left-hand turn but not the additional/secondary curb cut.

Stan Bennett agreed with Jay Moody's suggestion.

Bernard Pender mentioned that he supports no curb cut and there should be a better situation for pedestrians if there is a left-turn lane. He feels it is dangerous to have the view of pedestrians blocked by the left turn lane.

David Fenderson feels traffic traveling East on Woodville Road turning left into the campus will not happen as people will not want to cut across the oncoming traffic. He feels people traveling West will use the access road; if people continue to use the Superintendent's office for drop-offs then they should find a safe way to do it.

Tony Calcagni likes the hybrid plan and he feels the extra curb cut helps people to drop kids off. He feels the Superintendent's issue is not exacerbated by the elementary school. They have tried to improve the situation by installing a fence to discourage people from crossing the road.

David Fenderson felt people will continue to use the Superintendent's office, as such they have taken a bad issue and perhaps made it worse.

Ethan Croce said it might make sense to have the traffic engineers comment on closing off the Woodville curb cut but keep the left turn lane.

Ms. Moribedo said the Maine Department of Transport favors the left-turn lane and if you were to eliminate the curb cut you would want to ensure you get the left turning traffic out of the way of the through traffic.

Tony Calcagni asked if the left turn lane becomes more important if they remove the curb cut.

Ms. Moribedo said that instead of having 150 turns at each location (currently) you would have 300 left turns at that one driveway (without the elementary school traffic). The left turn lane gives cars a safe place to wait before they turn.

Mr. Hedrich reiterated that he does not favor the left-turn lane because it encourages faster speeds in the bypass lane and reduces sightlines.

Bill Lunt asked if the left turn lane would be better with one curb cut instead of two because it would stop people trying to pull out around the left turn lane.

Mr. Hedrich felt there would be little difference because drivers will be familiar with the operation there and are unlikely to enter the left turn lane too soon.

Bill Lunt feels the left turn lane will increase the speed of traffic in the East direction.

Tony Calcagni asked if you keep the left turn lane, and remove the curb cut, has enough been done for the pedestrian safety.

Mr. Hedrich said it has - there is a raised crosswalk with pedestrian actuated flashing lights.

Jay Moody said there is also the central protected median.

Stan Bennett reminded the Planning Board about crossing guides.

Mr. Hedrich said eliminating the curb cut would lead to smoother flow on Woodville Road.

David Fenderson said people moving West would be the only ones to use it, not those moving East.

Mr. Hedrich felt people would use the driveway from both directions; and the reduced curb cut would lead to freer flow.

Tony Calcagni asked why there would be a freer flow without the curb cut.

Mr. Hedrich explained there would be more opportunities for entering and changing lanes with two curb cuts.

David Fenderson said they could have two lanes entering the campus.

Mr. Hedrich said it would not work without a signal.

Stan Bennett said they should follow Jay Moody's comments; they should keep the extra lane and eliminate the curb cut/second turn.

Rebecca Casey and Bernard Pender agreed.

Tony Calcagni and David Fenderson liked the hybrid option

Three voting members favored getting rid of the curb cut; 2 in favor of keeping it.

Mr. Tillotson asked what would happen if the Maine Department of Transport required the curb cut.

Tony Calcagni said that if they presented it to the Maine Department of Transport and they did not relent then the Planning Board would probably relent.

Jay Moody reminded him that Mr. Hedrich said the Maine Department of Transport would compromise.

Tony Calcagni said the applicant could move on the issue by convening with the Maine Department of Transport.

Mr. Tillotson said he did not think there is much in the seven-page document where disagreement remains.

Tony Calcagni said the idea is to get a plan that shows no curb cut, a page and a half of comments from Planning Staff and Mr. Emery's final sign off including his thoughts on the gateway.

Mr. Emery said that he did not mention the possibility of restriping of the superintendent's car park as parking for sports fields.

Tony Calcagni said he had lumped this issue in with the 7 pages from staff.

Bill Lunt said that if they are returning they should determine what the sidewalk is going to look like and he would like that to be included in the next submission.

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Bill Lunt moved to table the item, David Fenderson seconded. Motion carried 4-1 (Moody).

9. (Item Tabled) Charles DeSieves – 185 Woodville Rd – Request for approval of an after-the-fact fill permit. Tax Sheet 140; Map-Lot R03-031. Zoned Farm & RCZO.

Meeting adjourned 11.44pm.

Respectfully submitted,

Robert Lynn

Recording Secretary