

**FALMOUTH PLANNING BOARD MEETING MINUTES**  
**TUESDAY, NOVEMBER 3, 2009, 6:30 P.M.**  
**FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** David Fenderson, Jay Moody (Associate)

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

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

Becca Casey was appointed as a voting member for tonight's meeting.

**1. Approval of minutes from the October 6, 2009 Planning Board meeting.**

Voting on the minutes was deferred until the December 1, 2009 Planning Board meeting.

2. **(Item Tabled) Hundred Acre Woods, LLC** - 570-578 Blackstrap Road – Request for preliminary subdivision approval for an eighteen lot conservation subdivision. Tax Sheet 90; Map-Lot R08-059-002; Zoned Farm and Forest & RCZO.

This item was tabled at the applicant's request.

3. **(Item Tabled) Rebecca Rand** - 3 Pine Grove Way – Request for private way approval to create one new lot. Tax Sheet 300; Map-Lot U07-004-D. Zoned RA & RCZO.

This item was previously tabled by the Planning Board.

4. **Norway Savings Bank** – 266 US Route 1 – Request for pre-application sketch plan review for proposed bank branch. Tax Sheet 240; Map-Lot U58-010-A1. Zoned Business Professional and Village Center Overlay.

Ethan Croce summarized the project's key issues identified by staff. The applicant will need to submit written documentation demonstrating what rights they have in the two separate rights of way located between the applicant's property and the Route One right of way and will need to verify they are entitled to use the land in the manner being proposed. Similarly, rights will need to be granted from the Foreside Tavern owners and MDOT if any improvements are being proposed on property owned by either of those two entities.

This site is nonconforming in several respects, including lot width, lot size, structural setbacks, and impervious surface ratio. Setbacks will be a key issue moving forward due to the small size of the site and due to the fact that once the nonconforming gas station structures are torn down, there will no longer be any grandfathered rights to use the old structures' nonconforming footprints. The Planning Board may reduce setbacks in the Village Center Overlay District by up to 50% if the applicant can demonstrate that the setback reduction results in a proposal that

better meets the intent and goals of the Village Center Design Guidelines. It is noted that the applicant's current concept plan shows the bank located only 30 feet from the front lot line and the most the Planning Board could reduce the front setback would be down to 40 feet. This project will be subject to peer review under both the Village Center and Route One Design Guidelines.

Both vehicular and pedestrian circulation improvements will be important as this project moves forward. Staff have suggested exploring the possibility of developing a shared parking program with the owners of the abutting Foreside Tavern restaurant since the maximum times of use of the two facilities will likely never overlap. This could help reduce impervious surface and provide the bank with additional flexibility in developing their site by freeing up land that wouldn't otherwise need to be dedicated to parking. Staff also suggested exploring the possibility of relocating the parking spaces so they are located directly against the building to better separate pedestrians from through traffic going to the drive thru aisles.

Regarding pedestrian circulation, the Design Guidelines speak to creating pedestrian linkages between commercial properties and out to Route One where a sidewalk is envisioned running up and down both sides of Route One. There appear to be opportunities to create more formal and safer linkages to both Maine Medical Center and Foreside Tavern. The Guidelines would also suggest making a linkage out to a future Route One sidewalk.

Sites coming in for site plan review along this section of Route One are required to remove all overhead utilities and place them underground unless the cost of doing so exceeds 20% of the total project cost. That requirement will apply to this site as it is currently served by overhead service. Finally, the applicant will be required to retain the services of a landscape architect to help coordinate the project design and to help implement the buffering requirements in the BP District.

Lee Allen, Engineer from Northeast Civil Solutions, presented the project for the applicant and mentioned that there were two representatives from Norway Savings Bank here tonight as well, Pat Weigel and Brian Shibles. This is a landlocked parcel with access obtained through easements in front of the property. They are before the Board tonight looking for any feedback regarding direction to take prior to applying for full site plan review. The site is about 85% impervious currently and their current conceptual design shows a reduction down to about 80% impervious. They are proposing to close off the southerly driveway entrance into the site to improve access management.

Stan Bennett asked if the southerly entrance will be re-vegetated.

Lee Allen said yes it would.

Bill Lunt asked if the existing retention area will continue to be used.

Lee Allen said there will be a reduction in stormwater runoff from the site with the new proposal. They will continue to use the collection system along the north side of the northerly access driveway. They have discussed with DOT cleaning up the right of way and landscaping parts of

it to beautify that area - It will be irrigated and mostly grassed with landscaping as required. DOT is on board with that concept.

The stickiest issue for this project is the issue of setbacks. The current proposal shows a front setback of only 30 feet, which they understand is less of a setback than what the Planning Board can allow. Their intent right now is to apply to the ZBA to request a variance down to a 30 foot front setback. In the easement area, they are negotiating with Maine Medical Center to keep the current Mobil sign in the same general location. The new sign will be shorter and meet the ordinance requirements. Because the sign is off-site and thus nonconforming, BZA approval will be required to change the sign. They are going to do their best to conform to the Design Guidelines as much as possible.

Regarding ways to improve vehicular circulation on the site, they are looking at ways to eliminate the two-way movement in front of the building. He spoke with Ethan earlier in the day about the possibility of using compact parking spaces to allow for more flexibility with the site design. The current site plan shows parking located around the periphery of the building. This is a fairly standard design with Norway Savings and there are examples of this in Scarborough and Yarmouth where there have been no pedestrian safety issues. Staff had mentioned exploring the possibility of working on a shared parking agreement with the abutter. It is the bank's preference to accommodate all of its parking on its own site.

Regarding pedestrian circulation, the bank agrees that a connection to Maine Medical makes some sense and they will work with them on that issue. Also, a connection to the Foreside Tavern makes sense. They are more reluctant to create a pedestrian connection out to Route One. That connection would not be as easy since it is a steep slope down to Route One and would require some ditch re-working.

Tony Calcagni pointed out that there is an existing driveway there now, so presumably they could create a pedestrian walkway without much trouble there now.

Lee Allen said that was true but that a sidewalk parallel to Route One is more problematic. They agree with removing the site's overhead utilities and they are currently working with a landscape architect.

Bill Lunt asked if the applicant has spoken with MMC yet.

Lee Allen said yes.

Bill Lunt said he is very familiar with the front of this lot and agrees that there may be issues with a sidewalk here. Bill suggested concentrating on getting people on to the Maine Medical Center sidewalk behind the property.

Becca Casey echoed Bill Lunt's comment and wondered if they have narrowed down where a connection to MMC could be made.

Lee Allen thinks there is an appropriate location off of the back corner of the lot.

Tony Calcagni said he assumes the applicant has the right to do what they are proposing in the easement areas without the property owner's consent.

Lee Allen said yes and that the easement gives them the right to cross and access the property.

Brian Shibles said they have had discussions with MMC and they are not interested in selling the easement area.

Tony Calcagni said the Planning Board cannot grant any approvals on this project in its current configuration until the applicant obtains a setback waiver from the BZA.

Lee Allen said in 1993, BZA approved the gas station canopy in its current location.

Bill Lunt asked if any of the Norway Savings Banks have located the parking spaces diagonal against the building.

Lee Allen said yes, but here if you place them against the building you lose three parking spots. They will look at keeping the parking against the building.

Stan Bennett asked what is the minimum required for parking.

Lee Allen thinks it is 26 spaces.

Stan Bennett asked if they have approached the Foreside Tavern regarding sharing parking spaces and wondered if that might allow them to bring the site into greater conformity with respect to the impervious surface ratio.

Lee Allen guessed that losing/sharing 10 parking spaces might bring their percentage of impervious down to about 75%.

Tony Calcagni asked the applicant if they were OK with having a traffic peer review, putting all utilities underground, and retaining a landscape architect to help coordinate the project design.

Lee Allen said they will comply with those issues.

Becca Casey thinks getting a traffic engineer on board will be important due to the convoluted nature of the site circulation. She agrees with staff's suggestion that placing the parking spaces next to the building is preferable.

Lee Allen said their traffic engineer talked about some possible traffic calming measures and agreed that it is a wide open expanse of pavement right now and they think they can make it better.

Ethan Croce inquired as to the specific location of the Route One right of way on the Foreside Tavern property and wondered if the right of way continued across on the same trajectory parallel to Route One like in front of the Mobil site.

Lee Allen said he is not sure but he believes it does.

Becca Casey said this issue will likely require peer review. She observed that two of the building elevations are less embellished and pointed out that the drive thru side of the building is highly visible as well. The architects should look at that issue to make sure that the other elevations are treated equally.

Stan Bennett said he would like to see the applicant be as creative as possible in meeting the current setback requirements as much as possible.

Tony Calcagni believes this is one instance where it might be appropriate for the Board to grant the Village Center Overlay setback reduction since there is an unusually large land area between the front lot line and the Route One travelway. To the passerby, this area in the right of way looks like the front of the lot.

Lee Allen said right now the building is set back 80 feet from the right of way line and that the current building is approximately five feet behind the Foreside Tavern.

Tony Calcagni said there is a large amount of pavement and parking spaces on the abutting Foreside Tavern parcel that strikes him as overkill. He expressed doubt that there would be a time of the day when both the bank and the restaurant spaces would be at full capacity at the same time and likes staff's suggestion to have the applicant explore the possibility of sharing parking to beautify the area with less pavement and more landscaping.

Bill Lunt asked the applicant if they have had any discussion with DOT on amending/reducing the depth of the right of way in front of their property. Bill believes DOT has done that with other property owners along Route One.

Lee Allen thinks that DOT likes the existing width of the right of way in this location given the proximity to the Bucknam Road intersection, the I-295 ramps, and the Turnpike Spur ramps. One question would be who would obtain the fee to any right of way area released by DOT. If the fee went to Maine Medical Center that would be of no benefit to the applicant.

Bill Lunt said that anything the applicant can do to reduce the pavement on the site would be beneficial. He hopes that the BZA will be able to help them on the setback issue. Bill asked where the new building is being proposed in relation to the existing gas station building.

Lee Allen showed the proposed bank building being located closer to the front lot line than the existing gas station.

Bill Lunt asked if the square footage of the proposed bank is negotiable.

Lee Allen said perhaps.

Bill Lunt asked if they are planning on improving the area in the DOT right of way heading toward Bucknam Road.

Lee Allen said yes, and that they have spoken with DOT about that.

Bill Lunt thinks it will be helpful to see the location of the right of way in front of the Foreside Tavern. Bill also agrees with Becca that all four sides of the building's architecture should be high quality, not just the most visible sides of the building. Bill re-iterated his suggestion to pull pedestrian traffic to the rear of the site.

Meeting adjourned at 7:15 PM