

## FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, MARCH 2, 2010, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

**MEMBERS PRESENT:** Bill Lunt (Chair), David Fenderson (Vice-Chair), Bernard Pender, Stan Bennett, Becca Casey, William Brogan (alternate)

**MEMBERS ABSENT:** none

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

The meeting was called to order at 6:31 pm.

### 1. Approval of February Meeting minutes

Stan Bennett moved to approve the minutes; David Fenderson seconded.

Becca Casey made several amendments. Minutes passed as amended 4-0 (Fenderson abstained).

### Administrative Action Items

#### 2. TideSmart Realty, LLC – 380 US Route 1 - Request for an amendment to an existing fill permit. Tax Sheet 83; Map-Lot U62-003-001; zoned BP.

Bernie Pender asked for clarification on the address of the property. Ethan Croce said that 380 US Route 1 is the correct address. Bernie Pender asked about Ethan Croce's concerns regarding the approval; Ethan Croce clarified that his concerns were whether the conditions of the prior approval would be met and the applicant confirmed that they would.

#### 3. 469 Doten, LLC – Lot TV4-Tidewater Village, Clearwater Drive - Request for site plan re-approval for an 8,000 square foot commercial building. Tax Sheet 320; Map-Lot U52-006-001; zoned TMPDD.

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

### Agenda Items

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

Bill Lunt stated that this may be an incomplete proposal. He was not ready to vote on it tonight.

Ethan Croce summarized the key issues:

- The application shows the drive-thru canopy within 15 feet of the side setback. This would require a setback reduction but not a formal waiver.
- Croce didn't know if the applicant is planning on shifting the building due to the ZBA's decision that the site doesn't have a front setback but a side setback on all four sides.
- The applicant is requesting that the Board allow them to defer building sidewalks to MMC and Route 1 – they don't want to build sidewalks to nowhere. The question is whether the

Board wants them to build the sidewalks now or post a performance guarantee and defer construction until a date undetermined. Also, there are several proposals as to design of the sidewalks – building along the top of the hill toward MMC, wandering along the current southerly entrance to Route 1 or parallel to the new shared driveway with the Tavern.

- Staff recommends that they raise the islands that are proposed to be flush. Raising the islands discourages shortcutting and provides opportunities for landscaping.
- The peer reviewer asked the applicant about having a two-way left turn lane instead of a one-way lane.
- The utilities in the rear of the building are required by ordinance to be screened.
- The applicant has requested two waivers. Waiver 1: there is a minimum 10 foot screening buffer required on the rear and side property lines – the applicant is requesting that to be waived down by half. The peer reviewer suggested more evergreens along the drive-thru side to provide more year round buffering in that area if this waiver is granted. Waiver 2 regards section 9.25: the applicants' current landscape plan does not meet the required landscaping composition. Tom Emery made several suggestions for changes to the landscape plan if this waiver is granted.
- The peer reviewer suggested adding tree wells along the angled parking at the building entrance.
- If the Board is considering a conditional approval tonight, staff recommends the applicant come back next month for an amendment for the signage plan.
- Staff asked if the photometric plan includes all the lighting on the site, including the lights under the canopy. Tom Emery has suggested additional lighting at the entrance to the property.
- Tom Emery has signed off on the project architecture under the Route 1 Design Guidelines. He has suggested a pergola along the front and wrapping around the building. Initially the suggested pergola would have violated setbacks, but that is no longer an issue since the ZBA decision.
- The issues raised by the Fire Department should be addressed before a building permit is issued.

Lee Allen from Northeast Civil Solutions said there have been some changes in response to the staff comments, but what is being presented tonight is not very different from what is in the packets. The ZBA determined that the building has setbacks of 25 feet on all sides, and the Board has the right to reduce those setbacks by 50%, to 12.5 feet. The drive thru canopy is 17 feet from the property line and is typical of other banks. The pergola extends 8 feet from the building wall. In this new plan, the building has been moved forward 5 feet to accommodate screening for the utilities in the back. There are two places where flush granite curbing is proposed to delineate crosswalks. Each has been tipped down with handicap accessible ramps. The curbing on the perimeter has been tipped down to accommodate future construction of sidewalks. His client believes that any construction of the proposed sidewalks is a liability. One sidewalk will connect to private property and there is no pedestrian friendly place to cross Route 1. The applicants are more than willing to have an escrow account to build those when a sidewalk connection is constructed. Allen said that Ton Errico's comment regarding an opposing left turn lane doesn't make sense. The entrance across Route 1 that

Mr. Errico mentions is an exit only from the gas station. In response to the suggestion of landscaping in the driveway island he explained that is a four foot wide concrete island with sloped curb on either side. He felt the entrance is so narrow that if emergency vehicles or large delivery trucks needed to come in they would roll over that island. The peer review mentioned raised curbing around the Foreside Tavern sign; that is on the Tavern's property. The Tavern's owners expressed interest in striping around the sign, but not in curbing. Allen said a signage plan is in the works, but is not ready yet. A bike rack has been added and is in the front of the building. The walkways around the building are textured concrete. He said they are actually requesting three waivers – the third is for the driveway width. The driveway is 40 feet in width; the ordinance calls for 25-35 feet.

Ethan Croce explained that staff believes that the driveway width standard only contemplated two lanes. He said that the Board could either make a finding that since there are three aisles being proposed it doesn't make sense to apply the same standard to this application as a one way in, one way out driveway, or they could grant a formal waiver.

Mr. Allen said they are also requesting a waiver on the 10 feet of buffering on the sides and rear. In the past this property was paved all the way to the line. They have their travel ways as narrow as they can get them, which gives them a 7 foot landscaped area on the back, and 6 feet on the sides.

Stan Bennett asked about screening the utilities.

Ms. Rachel Sunnell from Gawron Turgeon said there are now proposing evergreen shrubs in a five foot planter around the utilities in the back. The building is set way back from the property and while it is in the BP zone, they feel that it is more connected with the SB-1 district. They wanted to tie it in with the Route 1 commercial district further to the south. Because it is a tight site, they can't meet the landscape buffer requirements with regards to width. The requirement is 10 feet side and rear; they have 6 feet. Regarding the plant material, they meet the SB-1 requirements if you include some of the plantings in the DOT setback. The shrubs are about triple what are required in SB-1 district. The headlights were a concern, so they have included evergreen and azaleas along the rear and sides. They can resubmit the photometric plan to include the canopy, but it would only be a 1.5 footcandle increase. Most of the lighting is low-wattage. It would not increase along any of the property lines. She showed some 3-D sketches of the proposed bank elevations and landscaping. Tom Emery had requested that they tie in the trees to the woodland theme that is around MMC so they are proposing Pin oak trees that tie in to the whole greenbelt area. Regarding the tree wells along the angled parking, she explained that it is a very small maneuvering area there as it is. The cars will be hitting them and there will not be a lot of space for the roots to aerate. She felt it was an unrealistic proposition for the trees to survive there long-term.

Bill Lunt said if they are going to allow the green space to be narrowed to 6 feet, he would ask that they dig down deep enough to provide decent material under them. 10 feet is narrow for trees, 6 feet will be too narrow without sufficient loam under them, and they will sicken over time. He asked for the whole 6 foot wide area to be two feet deep with sufficient material.

Ms. Sunnell agreed.

There was some confusion as to the third waiver. Ethan Croce explained that the 10 foot wide buffer strip requires a waiver, which the Board has the authority to grant.

Bill Lunt asked if the trees shown on the plan going up the Bucknam Road side are there now.

Ms. Sunnell said they are – there are pines and oaks on the site, mostly large white pine. There are some spruces that are around 12-15 feet tall. The trees around the back are maybe 60 feet tall. Across the street at Shaws they have two or three Pin oaks; at the gas station there are 3-4 small ornamental trees. She indicated on the plan what the new plantings are. They have added understory and evergreens to meet the SB-1 requirements.

Stan Bennett asked how the treatment of the front buffer area differs from the Route 1/Village overlay and the peer reviewer's suggestion.

Ms. Sunnell didn't know how it differs from the Village overlay. She explained that the plantings are now in drifts, similar to what you see along Route 1. They are set back that far due to the drainage ditch along the road. The plantings are at the same level as the road so drivers can see them better.

Tom Emery asked that there be a large grove of overstory trees. They didn't feel that the visual connection with the building would be there if there were a grove of trees in front.

Stan Bennett asked about additional lighting at the project entrance.

Ms. Sunnell said they are not proposing any additional lighting. She showed on the plans where there were very tall cobra fixtures at the intersection. They feel that this is adequate.

Mr. Chris Bakkila of Platz Associates presented the architecture. He said that instead of the pergola they moved the building up and made a more substantial colonnade porch in front. To wrap that around the entrance side as the peer reviewer suggested would be too tight.

Bill Lunt asked how far that comes out at the front. Mr. Bakkila said 8 feet.

Bill Lunt asked about benches under it. Mr. Bakkila said there could be; there is no exterior furniture plan but it is wide enough.

Bill Lunt said they are asking the Board to treat this like a property in SB-1 and outdoor gathering spaces are required in that district.

Mr. Bakkila said the site defined almost all the architecture.

Bill Lunt felt there was a fair amount of land area between the building and the driveway. He asked about what they could do with it.

Mr. Allen explained where the property line and the easement area are. They have met with the DOT and talked about cleaning up the right of way area. They will meet again after they get Planning Board approval to get the DOT's approval.

Bill Lunt asked if there was room for a walkway in the area between the trees parallel to Bucknam Road and the road.

Mr. Allen showed where the ditch is. There is a fence there that cuts off the detention pond, but there may be room for a meandering path.

Becca Casey thought a path would fit along the ridge, but not a paved sidewalk.

Mr. Allen said the bank is not against building a sidewalk, but they don't want to build something to nowhere; it is a liability issue. They are willing to put money in escrow.

Bill Lunt said they have to know what they are going to build before they put money in escrow. It may not be to nowhere if they can bring it around. He asked Ethan Croce about an escrow fund – how much and who is going to do it.

Ethan Croce said there are two issues – when to build it, and where the Board would like to see it. He would suggest a performance guarantee and not an escrow. A different treatment would be appropriate depending on where the walkway is planned. He suggested the Board give the applicant some feedback as to where they would like to see the sidewalk.

Becca Casey asked about a letter of design intent from the landscape architect to provide documentation on where it is going to be if it is going to be built later.

Ethan Croce thought everyone would feel better with at least a conceptual design.

Mr. Allen said there are three different paths they can take here: 1. parallel to the driveway; 2. meandering within the current southerly entrance; 3. along Bucknam road to MMC. He wondered which of the three options they should be looking at.

Becca Casey said the third option would not be a sidewalk to nowhere – it would connect to the current sidewalk at MMC and across to the fire department.

Mr. Allen said it is DOT property and would be challenging.

Bill Lunt agreed with Becca Casey – MMC doesn't want a connection straight through the back but if they are going to put sidewalk along Route 1 he didn't think they would come into that intersection like that. He would like the third option.

Stan Bennett would like the third option built, as well as enough money in escrow to construct option 1 connecting to a Route 1 sidewalk in the future.

Becca Casey thought MMC might be more amenable to a sidewalk connection at the street.

Bill Lunt observed that they are changing this project from what it is zoned for. If they want to be treated like property south of Bucknam, they have to treat it like one of those properties and connection is part of it.

Mr. Allen asked if they wanted it paved the whole way, or stonedust. This is much bigger than what they originally intended.

Bill Lunt wasn't worried about it being paved – maybe along the top of the hill to prevent it from eroding. It would be good to have it priced both ways. He asked if it has to be paved per ordinance. Ethan Croce said no. The Town's long range goal for this area is for a sidewalk parallel to Route 1 across the Bucknam Road intersection. Also proposed is a formal sidewalk from where the MMC sidewalk currently ends to the four corners and a reconfiguring of that entire intersection. He didn't think it was necessary to have a formal walkway along the top of the hill; it might be duplicative of the formal sidewalk that is planned for that area.

Bill Lunt said it needs something stable on top of the hill.

David Fenderson said someone will need to maintain it, plow it.

Bill Lunt said the Town plows sidewalks. A formal sidewalk along Bucknam Road with an esplanade would require a lot of fill. This way there would be a pedestrian connection to the property; he didn't think that was asking too much. It would be asking too much to have a formal walkway that stays there.

Ethan Croce said whatever they require will be reviewed by Public Works; the Parks and Public Works Department hasn't had anything to review yet.

Bill Lunt didn't feel it was necessary for the applicant to put in drainage and a covered esplanade. He would like a reasonable pedestrian connection.

Stan Bennett asked if Bill Lunt is asking for the applicants to propose and complete the pathway, or put money into escrow to complete it at a future date.

Bill Lunt was asking for them to actually construct it.

David Fenderson said it wouldn't make sense for them to build it if PPW won't maintain it.

Bill Lunt didn't think PPW would adopt anything that wasn't a formal sidewalk.

David Fenderson would prefer for money to be put into escrow to construct the sidewalk from their location to Route 1 and not extend it to the other side of the property. He also thought they need to be thinking about bicycles. He was willing to vote for a conditional approval for tonight.

Becca Casey was also willing to move on it tonight.

Public comment period opened; no public comment.

Stan Bennett asked if the Board agreed with the applicants on the outdoor public gathering space. He didn't think an 8 foot wide/42 foot long space fit the bill.

Bernie Pender agreed with Stan Bennett; he would like to see a more well-defined, welcoming outdoor space.

Mr. Bakkila didn't feel that making the colonnade bigger was the answer. He felt they could easily put some benches and paths in the area out front.

Bill Lunt asked if staff could oversee that as a condition.

Ethan Croce thought they could list it as a separate condition. He said that, if they are considering a conditional approval, the Board should also discuss with the applicant which outstanding comments of the peer reviewer and staff that the applicant doesn't agree with.

Bill Lunt stated that if the applicant is granted a conditional approval they will have to deal with staff and staff issues, and if staff isn't comfortable they will come back before the Board.

Mr. Allen asked about the trees in the striped area in front of the building.

Bill Lunt said he agreed with the applicants – it is a poor idea to put those there. There was a consensus among all the Board members on that issue.

Mr. Allen asked about Mr. Errico's recommendation on the opposing left turn lanes.

The Board agreed with the applicants on this issue.

Mr. Allen asked about the four foot concrete island; the suggestion was to widen it for planting. It was designed this way to accommodate large, emergency vehicles.

Ethan Croce said, given the large turning radius into the site and the width of the right of way, he was surprised to hear that there was a problem for emergency vehicles to get into the site. He thought it looked like the turn along the drive thru looks much tighter for an emergency vehicle, which is something the fire chief had asked for a response on.

Mr. Allen said it is more than emergency vehicles – the tavern takes deliveries from large tractor trailers and that was more the issue. The larger ladder trucks would also be an issue.

Bill Lunt wondered what happens to the people who are waiting to turn left on Route 1 if you have a divider that allows people to turn and ride right over it.

Mr. Allen thought they would be riding up over that island, not cutting into the other lane.

Bill Lunt asked if they are limited on the amount of DOT property they can use to come in.

Mr. Allen said they were trying to get as close to the 25-35 driveway width as they could. They could widen it, but would then be asking for more on that waiver.

Bill Lunt said it would be nice if they had something leading up to the building, if they had the land to do it. The design now is three lanes of pavement with a paved island.

Mr. Bakkila suggested a more rounded, paved part in the front third of the island, with a wider island in the back two thirds with plantings in it.

Becca Casey said it would need to stop by the first lane coming out of the tavern.

There was consensus on the Board to this compromise.

Mr. Allen asked about the raised island around the Foreside Tavern sign. It is not on their property.

The Board agreed with the applicant; they should not be required to do that.

Ethan Croce asked about the teardrop shaped island.

Mr. Allen said it was flush and was necessary to get vehicles in and out.

Bill Brogan asked about the traffic coming out of the lower Tavern drive aisle. He asked if you can take a left turn out of the Tavern.

Mr. Allen said it was flush concrete there. He indicated where the driveway island ends.

Bill Brogan said there is a very sharp turn to take a right into the Tavern. If you circulate into the bank, you can't get from the Bank site to the tavern site.

Mr. Allen indicated how a car could go to the Tavern. The islands in that area are flush.

Bill Brogan thought a motorist might not feel they can drive over it. Bill Lunt agreed.

Mr. Allen said they could do a stripe, with a break in the striping to show that people can go across.

Bill Lunt said if drivers are leaving to go north on Route 1 they aren't going to expect traffic coming out of the restaurant.

Mr. Allen talked at length with Tom Errico about that. This is the best idea they came up with.

Bill Lunt doesn't have a problem with the island to separate in and out traffic, but when you are coming out of that lower parking lot, he wondered if it made more sense to have an opening so that there is a direction for people to get out, and people coming out of the bank have something to see.

Mr. Allen will take care of that.

Mr. Bakkila asked about wrapping the colonnade around; he thinks it is too tight. The Board agreed.

Ms. Sunnell asked about the grove of trees in the front and putting shrubs in the ditch.

Becca Casey said felt there is a lot there already, and they are adding more landscaping to make it look less scruffy.

The Board agreed to not require the grove of trees and with the proposed placement of the shrubs.

Bill Lunt raised David Fenderson's suggestion for an escrow for a sidewalk down to Route 1.

Stan Bennett asked about the pathway up Bucknam Road.

David Fenderson didn't think it would be kept usable, with the snow and everything.

Bill Lunt polled the Board on the escrow for a sidewalk from the building straight to Route 1.

David Fenderson said that was option 1, which he thought conforms to the future plans of the Town.

Ethan Croce said either option 1 or 2 would pick up the future Route 1 sidewalk.

Bernie Pender asked how they would construct it.

Mr. Allen said flush granite with striping for the crosswalk.

Stan Bennett agreed with David Fenderson's proposal, in light of the future plans of the Town.

Bill Lunt said the sidewalks on Route 1 have been along a lot's frontage. This lot doesn't have frontage, but we are treating it like it does. He suggested an escrow in the amount needed to have the connection down to Route 1 and also parallel to Route 1 along that whole side.

Mr. Allen agreed that was fair. He asked about the escrow amount – that would be today's dollars.

Ethan Croce said they would rather do a performance guarantee to allow for the amount to be adjusted for inflation.

Bill Lunt felt that there should be a limited timeframe. He asked about performance guarantees.

Ethan Croce said that for subdivision they revisit them annually and there is no time limit, as it is up to the developer when they finish their project. If they are tying it to when the Town brings the sidewalk from Bucknam Road the applicants are at the mercy of an outside party.

Bill Lunt said there is an unknown here and it could be very costly if it goes on for a long time. He suggested that they escrow enough money to construct the 125 feet of sidewalk parallel to Route 1 in today's dollars; the sidewalk from the property to Route 1 should be at the applicant's cost no matter when it happens.

David Fenderson asked about their reluctance in building the sidewalk to Route 1.

Mr. Allen said the applicants don't want to build it due to liability concerns.

David Fenderson said there was nothing stopping people from walking to Route 1 now.

Becca Casey would like to see something put in that can be used now. If that isn't possible, then she agreed with Bill Lunt's proposal.

Bill Lunt didn't see why it would be their liability. If people get off the sidewalk and get hit it wouldn't be on their property

Mr. Shibles from Norway Savings Bank explained the current site conditions. There really isn't anyplace for a pedestrian coming down that driveway to go from there. When a sidewalk comes down Bucknam the sidewalk will make sense. He was concerned with inviting a pedestrian down that way. A bicycle has to obey traffic laws. You don't want people crossing Route 1 there.

Bernie Pender said you can walk down there anyway. He thought that, without a sidewalk, they were inviting more trouble, with people walking in the driveway. He would like to see the sidewalk go in, at least that one stretch.

Bill Brogan didn't want to see the sidewalk put in right now. When it is installed a pedestrian might think there was a place to go; they wouldn't know it terminated.

Stan Bennett said if the applicant agrees to escrow enough money to build both the sidewalk to and the sidewalk along Route 1 he would agree to not mandate that they build it now. David Fenderson agreed.

Becca Casey said only way to get to the bank is in a car; there will be no pedestrians there. The only way to get pedestrians there is to build the sidewalk from Bucknam. She was concerned that if the

area is going to be redesigned, they don't know where the sidewalk is going to go when it is built. If the sidewalk isn't going to Bucknam Road, don't build it now.

Mr. Shibles said they want to work with the Town and make it fit at the time pedestrian access comes to that area, and they will do it in good faith.

Bill Lunt said the consensus of the Board is to allow the applicants to build the sidewalk to Route 1 at a later date. The applicants will put in an agreement for enough money to build the sidewalk to Route 1 whenever it is built no matter what it costs. He didn't think it was fair to make them hold a performance guarantee for the sidewalk parallel to Route 1 for 15 years. They should have a set amount in today's dollars for that piece. The Board members all agreed.

Mr. Shibles asked if that included provisions for lighting.

Bill Lunt said it did.

Ethan Croce asked if the Board had decided on design option 1 or 2. He said they would typically like to see an esplanade.

Mr. Allen said there are ditches there, and if they put in an esplanade, it would hang out over them.

David Fenderson thought for pedestrian safety option 1 is the way to go, with no esplanade.

Bill Lunt said that goes against the goal of the guidelines to avoid big stretches of pavement.

Becca Casey was leaning more toward option 2 – that would pull the pedestrians through the proposed public space, if people are walking over from the tavern.

Bill Lunt liked option 2 as well.

David Fenderson thought option 2 would save them money on the sidewalk along Route 1.

Stan Bennett agreed with option 2.

Bill Lunt clarified that the applicants would still be responsible for a sidewalk along the street frontage, starting at the driveway and continuing along the length of the landscaping they are installing along Route 1.

Mr. Allen and Mr. Shibles looked at the plan. Mr. Allen thought that was about 200 feet.

Ethan Croce asked about the build out now vs. later regarding the sidewalk connection to MMC.

Becca Casey felt they should defer that. Bill Lunt also felt it should be deferred.

Ethan Croce said that total would be roped into the performance guarantee as well.

Bill Lunt thought if they leave it open it could be moved to fit with what MMC might want.

Mr. Allen would like to know where it will be so the flush granite and tip downs are already in place.

Ethan Croce asked if the Board wants more lighting at the driveway intersection.

Bill Lunt didn't think it was necessary. Becca Casey agreed. She didn't feel it was especially dark there; there is a lot of light from across the street.

Mr. Allen said there is a DOT light at the intersection right there.

Ethan Croce said the town is undertaking a comprehensive review of all the Town's street lights and he thought there might be a proposal to eliminate a lot of the street light infrastructure. The Board might make their approval contingent on that DOT light not being eliminated.

Bill Lunt thought most of the properties along Route 1 are reliant on the street lighting.

Ethan Croce said they would be handpicking lights to be eliminated.

Stan Bennett and Bernie Pender were in agreement on no lighting.

The Board discussed the driveway. Becca Casey thought they were asking for the driveway to be widened to accommodate plantings in the island. The Board found that a waiver was not required.

Becca Casey moved that they waive the rear and side yard buffers from to 6 feet on the sides and 7 feet at the rear. Stan Bennett seconded. Motion carried 5-0.

Stan Bennett moved that the BP standards in front be waived in accordance with the landscape plan as submitted. Bernie Pender seconded. Motion carried 5-0.



Ethan Croce passed around the proposed conditions of approval.

Becca Casey asked about the signage. Bill Lunt said the signage is not part of the approval tonight.

Stan Bennett moved to approve the application subject to the conditions presented by staff; Bernie Pender seconded.

Becca Casey amended the conditions to include the widening of the driveway, the addition of an outdoor public space with pavers and outdoor furniture and the resolution of the sidewalk issue.

Ethan Croce asked about the front setback of the building.

Mr. Allen said they are now at 20 feet from the property line in the front.

Ethan Croce amended condition 5 to remove “and a pergola”.

Stan Bennett amended his motion to include the three additional conditions and the correction.

Bernie Pender seconded. Amendment passed 5-0.

Original motion passed 5-0.

#### **Other issues**

#### **5. Discussion about the Planning Board’s Liaison to the Long-range Planning Advisory Committee.**

Stan Bennett left the meeting.

Becca Casey was interested in serving as the liaison.

#### **6. Discussion about the April Board meeting**

The Board will meet on April 13.

Meeting adjourned 8:44 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary