

FALMOUTH PLANNING BOARD MEETING MINUTES

TUESDAY, AUGUST 3, 2010, 6:30 P.M.

FALMOUTH TOWN HALL, COUNCIL CHAMBERS

MEMBERS PRESENT: Bill Lunt (Chair), Bernard Pender, Becca Casey, William Brogan (alternate)

MEMBERS ABSENT: Stan Bennett, Heddy Snyder (alternate)

STAFF PRESENT: Ethan Croce (Senior Planner)

The meeting was called to order at 6:30 pm.

David Fenderson (Vice-Chair) arrived late.

Bill Lunt disclosed that he and Bernie Pender conducted a site walk of the 100 Acre Woods property on Friday, July 30, due to the fact that they missed the previous site walk.

Bill Brogan was appointed as a voting member.

1. Approval of July Meeting minutes

Bill Brogan moved to approve the minutes; Bernie Pender seconded. Becca Casey made one amendment. Motion carried 4-0.

Agenda Items

2. 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.

Ethan Croce summarized the seven waiver requests: 1. allowance of a road slope of 9% with 500 foot sections of 10% grade; 2. allowance for a dead end road length of 2,643 feet; 3. allowance for only one paper street connection; 4. allowance of an increase in peak storm water discharge at one control point; 5. an allowed reduction of the pavement width to 20 feet; 6. an allowed reduction of the road shoulder width to 2 feet, and 7. an allowance of 17 homes on the dead end street. At Bill Lunt's request, Ethan Croce clarified that the ordinance allows the Board to grant these waivers. He summarized the key issues. First, there has been no formal stewardship plan submitted for the common open space. A representative of the Falmouth Land Trust (FLT) said at the June meeting that those spaces would be no cut with trails. This could potentially be dealt with at final approval, but he pointed out that any and all uses of open space must be approved by the Planning Board. Second, the applicant is asking for up to 20 feet of flexibility in the location of the trail and drainage swale. Third, some of the building envelopes still include slopes of >25%. Fourth, there are some questions in respect to the screening of the detention pond. Fifth, the applicant is proposing a granite color for the retaining wall. Sixth, the applicant indicated a willingness to install an open bottom culvert across the roadway but those changes are not shown on the plan. Seventh, staff was looking for confirmation that they were going add the location of the trail which bisects lots 9 and 10 to the common open space. Eighth, Jay Reynolds, Director of Parks and Public Works, asked for additional gravel depth to be provided under the sidewalk that parallels the roadway. The remaining peer review issues will be addressed by the peer reviewer, Terry DeWan.

Bill Lunt asked the applicants to respond to the key issues and the most recent comments by the peer reviewer.

Jim Thibodeau of Associated Design Partners responded to Ethan Croce's comments. The applicants are not seeking any special uses for the open space; they are letting the Falmouth Land Trust take it under the terms discussed. They hope that can be addressed at the final approval stage. They feel that the soils are very non-erodible, very suitable for construction, well angled, graded and free draining, so that construction of home sites on slopes of 20% are not a problem. They have only a few sites with this condition, and those have been designed for grading, layout and landscaping by their landscape architect to ensure homes can be put on them. They are using those sites as a compromise with the neighbors, to avoid building along the rural corridor. They feel the sites they have shown are suitable, buildable and meet the intent of the ordinance. The peer reviewer asked for additional planting to screen the detention pond; they agree with his comments and have met with him about this. They have agreed to the open bottom culvert, but haven't done the final design of the footings yet, as those types of culverts require special attention. They have included the trail in the open space as requested. They agreed to the additional gravel as requested by Mr. Reynolds; it is not shown on the plans submitted because that happened after the Board's submission deadline.

Becca Casey asked about the request for the 20 foot flexibility in the trail location. At the site walk they discussed this, as well as restricting the actual width of clearing.

Mr. Thibodeau said the intent is to have a 20 foot wide area in which they can place a trail, in order to avoid cutting down a tree or moving a large rock for example. This area allows them to build a trail that will be there a long time, and not be subject to erosion. They are not going to be building trails with bulldozers. He has spoken with the Falmouth Trails Advisory Committee (FTAC) and the New England Mountain Bike Association (NEMBA); they are interested in helping build those trails, which will connect to two important pieces of Town open space. This is a very important building block to trail connectivity throughout that whole region.

Mr. Thibodeau spoke about discussions he has had with the abutters. The recent large rain event resulted in some runoff and erosion, with sediment on Blackstrap Road. They relocated the detention basin some time ago, so that it will not be seen from the rural corridor and so that, if something should happen, the road will be on the other side. The existing tote road will be revegetated and planted to prevent parking, and they will reroute the trails to come out into the snowmobile trail. The walking trail will be signed for "No ATV's". They have agreed to a 140 foot no disturb buffer along the southern side of Lot 1, and an additional 20 foot no disturb buffer along the back of the lot, on top of the 100 foot no cut setback on the front of the property, all to preserve the rural corridor. They moved all the lots to the top of the hill to preserve the rural corridor; this increased the number of lots on top of the hill. They will place a restriction on the tote road so that it will not be used as a construction entrance. The abutters were concerned about being able to see the retaining wall in the winter, and so they have now agreed to additional hemlock plantings along the wall.

Mr. Thibodeau spoke to the peer reviewer's comments regarding housekeeping issues. They went through the four step design process 2-3 years ago. He said that they have additional information on the plans that has been added for this latest submission in order to orient the Board. If the Board wants them to redo the plans to show the 4 step design process as requested by the peer reviewer, they can do that.

Terry DeWan, peer reviewer, explained that he didn't want the process this project has gone through to set a precedent for the Board. This is an unusual project. He tried to base his comments on the steps a normal project would have gone through.

Bill Lunt said this project began as a conventional subdivision, and then was redesigned as a conservation subdivision. They have given this developer some leeway in light of this.

Mr. DeWan said they have been very responsive to all the suggestions made along the way.

David Fenderson arrived at the meeting.

Fred Panico, the landscape architect for the project, said it is very unusual to have this many lots with panoramic views. There are over 60 majestic trees, stone walls and other natural features in the site. They located every house and then designed lots around them. There will be undisturbed area, not just in the subdivision, but on each lot.

Mr. Thibodeau spoke about the alignment of the streets and driveways – early on they had a three neighborhood concept; they think they've kept that and it will show when the subdivision is constructed. He addressed comments from Mr. DeWan regarding the design of the trails, specifically why the trail between lots 9 and 10 and lots 15 and 16 do not align. The trails do not cross the road directly across from one another, but they are in close proximity. The location of the houses and driveways takes precedence. They tried to keep the trailhead aligned with the tailings pile. They are only slightly offset, and in fact that might encourage neighborhood involvement.

Bill Lunt asked if they anticipate a marker to show people where the trail goes, or if it will be clear as day where the trail goes.

Mr. Thibodeau said there will be a small trail post, but most of the people who use the trails know where they go. Mr. DeWan suggested a section of split rail fence to make it obvious where the trail goes. Mr. Thibodeau said they could do that.

Bill Lunt said it would be great that people know where to go. Becca Casey thought the sidewalk will lend itself to understanding the position of the trails to each other.

Mr. Thibodeau spoke about the schematic building site with lot numbers added. He agreed that they probably should have added the lot numbers, but said it is such a busy plan it is unreadable if they add any more to it. The larger scale landscape plans show that detail.

Mr. DeWan said this shows a step by step process. He didn't think what they are proposing is unreasonable. He suggested a change to the trail in his review comments.

Mr. Thibodeau did not understand Mr. DeWan's review comment initially. The trail was designed as it is because the topography is steep. Now that he has spoken with Mr. DeWan, they will change it to conform to his comment and it will be on the final plan. Mr. DeWan said ideally trails should be laid out in the field.

Mr. Thibodeau spoke about the primary and secondary impact zones. The primary impact zone is where the construction will take place. The plan set does include protection for the identified trees. He didn't think it is the intent of the ordinance for all the trees in this primary impact zone to be protected. They could add a note instructing the contractor to avoid cutting any trees that don't need to be cut.

Mr. DeWan asked Ethan Croce if it is required to prepare a resource impact and conservation plan as part of the submission.

Ethan Croce said it is. The required plan is intended to take site features that are identified as primary and secondary conservation areas on the site analysis plan, place those on the impact plan, and then lay the proposed development over that to show how the development has been designed to avoid as many of those as possible, and then highlight those that will have to be removed as part of the proposed development.

Mr. Thibodeau agreed with Ethan Croce's analysis. They saved as many mature trees and natural features as they could.

Mr. DeWan thought there was some confusion about primary and secondary conservation areas and the primary impact zone.

Ethan Croce said there shouldn't be any implication that everything within that primary impact area is allowed to be removed.

Mr. DeWan said the primary conservation area is the area of steep slopes, for example.

Ethan Croce said the important thing is where those resources are, how they are being preserved, how the design responds to preserving them where appropriate, and identifying clearly what will be preserved and what will be removed as a result of the development.

Mr. Thibodeau said they have surveyed every tree, stone wall and natural feature, and all have been identified on the plan as to which are being preserved and which are going to be removed.

Bill Lunt said his primary question on the site walk was those cut and fill areas, and how much would be disturbed outside of those retaining wall areas. The goal is to narrow the amount of disturbed area. He wanted to see something marked on the plan about what will be protected and what will be disturbed. He wanted some protection so that when they start building the retaining wall they don't end up with 20-30 feet of disturbed area outside of the retaining wall.

Mr. Thibodeau said he specializes in modular block retaining wall construction. The walls proposed here get built from on top, and they don't need to take more than a few feet on the side of the wall for the crushed stone bedding that serves as the footing and the under drain. Planting the additional trees in front of the walls will cause more impact than building the wall. He asked Mr. Colvin to speak about the language protecting the no-cut and no-disturb buffer areas.

Art Colvin of Associated Design Partners said that Mr. DeWan had a concern that some of the language was conflicting. He explained that they took language from DEP's "wooded buffer" and incorporated it into this. They called it a non-disturb buffer. He read the final language protecting the no-disturb buffer, which they feel is more restrictive than the DEP language.

Bill Lunt asked how those areas would be protected during construction of the road. Mr. Thibodeau said they would use silt fence. Mr. DeWan suggested putting the silt fence on the plan. Bill Lunt said that was his intent. He wants the undisturbed area marked and protected. Mr. Thibodeau said putting work limits on the final plan is a great idea. They will do that.

Mr. Colvin and Mr. DeWan discussed that both silt fence and erosion control mix are shown on the plans. Bill Lunt thought the mix should be backed up by the fence as a definite marker. Mr. DeWan thought certainly in the primary conservation areas. Mr. Thibodeau agreed.

Mr. Thibodeau discussed the stormwater design. The detention basin was designed, reviewed and approved by the Town's normal peer reviewer for civil engineering. They looked into individual Low Impact Development (LID) systems for the lots, but it would be difficult to manage and

maintain individual LID's on a lot by lot basis and they felt those don't provide adequate means for protection.

Mr. Colvin said the DEP's manual states that an independent structure must be provided. LID's are fine for water quality but not water quantity. Some projects only require stormwater quality. The pond as designed does both quantity and quality. LID's would only be for quality. The lots are fairly small and the backs of the lots are mostly steeper slopes, which would be problematic.

Mr. DeWan said he is not a civil engineer, but he thought there must be a better way rather than a basin over an acre in size with 43 feet of grade change with 2:1 slopes; this is a lot of impact on an area of fragile slopes. He recommended a second peer reviewer to look at this issue.

Bill Brogan said LID is a process not a device. LID may not necessarily be a BMP. Installing the lawns in a different way could reduce peak flows and reduce the size of the detention pond. This site makes perfect sense to look at LID for these lots. This site is almost like a plateau; the best chance to capture stormwater is at the start. LID doesn't have to be by retention cell; it could be by how they pitch the roof, design the lawn, different driveway configurations, etc. They have already done some of that by narrowing the roadway. He is concerned with what would happen if the swale that runs across the embankments ever spills over; those are very steep slopes. They are draining lots 5-11 all to one area. If they deal with stormwater at its source, they can reduce it. The swale and the trail combined will be 7.5" wide; with the riprap embankment, they will have a long path through the woods that's all riprap. Regarding the storm drain and the slopes of the infrastructure, a lot of the pipes are 9-10%; when you get that steep a pipe you get high velocities. There is a 2 foot per second maximum and he wondered if they are exceeding that. Pipes aren't shown from station 1700 and up; between catch basins 14 and 13, the pipe will go onto lots 5 and 6 and out of the roadway. With the steepness of the pipes, he was concerned that they might have hydraulic problems. Some areas on the lots are being distributed onto the roadway, resulting in .6 acres of off-road stormwater coming back onto the road. This could create icing and increase sediment. He didn't believe the calculations had been done for this. They are proposing an 8 inch orifice at elevation 316 for the outlet control structure. The pond base is at 212. This results in a 4 foot difference that they will have to infiltrate; the maximum by DEP standards is 1.5 feet. They are storing more water than they need to in this pond design. They are storing 2.5 feet that they don't need. He thought they could shrink the size of the pond by changing the shape. He felt there was a discrepancy between the stormwater calculations and the outlet control structure. Also, he counted 10 notes identifying erosion control on sheet C-4 and the narrative on sheet D-1 is just a couple paragraphs; he thought that didn't seem like a lot for a project this complex.

Mr. Colvin said that, regarding the pipe going across the properties, they are using a type "c" underdrain which serves as a storm drain and an underdrain which follows the alignment of the curb line. Regarding the narrative and the number of notes – they have notes to point out typical situations, but the symbols are the overriding factor and serve to identify the silt fence areas. Mr. Colvin spent hours trying to change the orifice heights, etc. to shrink the size of the detention pond. 6/10 of an acre isn't a whole lot of water draining onto a roadway. He was confident in the design presented. This wasn't his most complicated design. The orifice is up so high due to the formula required by DEP. Chris Baldwin reviewed the plan on behalf of the DEP and the Town and has given it his blessing. Mr. Colvin felt this design will function without any problems.

Bill Lunt asked if CCSWD has reviewed plans in past.

Ethan Croce said it is a standard condition of approval that CCSWCD review for erosion and stormwater. CCSWCD and DEP are looking at these projects through their lenses and not through the lens of the 4 step design process.

David Fenderson asked if they have approved this design. Ethan Croce doesn't have a copy of the DEP approval but the applicant has stated they have it. Mr. Colvin said they submitted it in a previous submission.

Bill Lunt remembered seeing it once. He observed that maintenance often doesn't get taken care of as it should. The biggest issue in LID is that there is a terrific maintenance issue with those to make sure they continue working. It made him unconformable to rely on LID's, though he doesn't like retention ponds. He was comfortable with the plan as presented. Bernie Pender and Becca Casey were also comfortable with the design.

Mr. Thibodeau discussed plantings in the detention pond. Mr. DeWan and Mr. Panico have met and they will include a mixture of evergreen and deciduous shrubs and more trees to provide a more opaque screen. The Chinese lilac has been replaced with a more native breed that is less susceptible to fungus. There was a discrepancy between several plans regarding a pine tree to remain; final plans will be clarified to avoid the pine. He thought the language for the non-disturb buffer covers the suggestion for a vegetation management plan.

Bill Lunt observed that one of the planting materials is considered an invasive. Mr. Thibodeau said they have agreed to change the burning bush. Mr. DeWan encouraged them to use more native species.

Mr. Panico said that most of the shrub treatments are for screening purposes; most native species aren't good for screening. They looked to a combination of different plants to get the opaque screen. This may be more complex than a normal landscape plan. They can't rely on one type of plant.

Mr. Thibodeau spoke about the DEP "wooded buffer" template that they used. They eliminated it, because it was confusing, and replaced it with the more restrictive language as previously read. They agreed to the vegetation management plan suggested by Mr. DeWan.

Mr. DeWan said a vegetation management plan helps homeowners understand what they can do with their lot and what the restrictions are.

Mr. Thibodeau said some trees are marked to be removed because they anticipate that some of the fill for the septic systems would kill them. On the final plan they will add a third symbol for tree preservation that will indicate trees that should be evaluated, as they may need to be removed later.

Mr. DeWan didn't think they could assume that all the homes will be built to match what is shown on the drawings. This is the design intent. He was asking for some flexibility to say that this is the design intent but things will change as real buyers approach.

Ethan Croce said it is not a requirement of the ordinance that the footprints as shown on the plans be adhered to. He thought this was voluntary on the part of the developers. They wanted to have small building envelopes in order to document definitively how they would preserve trees and stay out of the no-cut buffers. There is some flexibility in the ordinance.

Mr. Thibodeau felt it appropriate to ensure that all of the lots could be designed and built. In response to a comment by Mr. DeWan, they will add fencing along the drip line of the protected mature trees. Mr. DeWan had made several comments about building orientation and the garages: having garages behind the homes will lead to longer driveways and increasing environmental

impacts. The lot owners will probably have an architect design their homes, and that person will decide where the garage will be.

Mr. DeWan said he used the applicants' own declaration of protected covenants that garages will be behind or to the side of the homes. He suggested using the houses to create a neighborhood. He was not in favor of garages as the leading edge of the home. He thought the garages could be placed on the sides with a little more work.

Becca Casey was not sure it is something that the Board should impress on them to redesign.

David Fenderson asked who is going to review the design of the homes.

Doug McAtee, manager of 100 Acre Woods, thought it was a recommendation that the garages be on the side or back. The group that owns the land will have a set of approved designers that will build in the project, and design approval will mostly be by him as the manager. They will have a homeowners association.

Bill Lunt thought the neighborhood would want garages to vary among the lots.

Mr. Thibodeau moved some of them to the back in response to Mr. DeWan's comments, but it will be up to the homeowners.

Bill Lunt said the ordinance doesn't require them to say where the garages will be.

Ethan Croce said the Board does have some general authority to look at different design aspects.

Becca Casey didn't feel that the Board needed to push on it.

Mr. Thibodeau spoke about Mr. DeWan's comment regarding more expansive building envelopes. There are more lots up there now that they have moved lots up from Blackstrap. They are concerned that larger building envelopes would encroach onto buffers. This is a concept design. Regarding the trail construction, instead of dictating what equipment the contractor can use to dig the swale, they want to dictate what he can and can't do. They want to put clearing limits on the final plan that they can enforce.

Bill Lunt thought if you have limits on what they can touch, that will limit what kind of equipment the contractor can use.

Mr. DeWan said they are talking about a lengthy stone-lined ditch. He wanted to make sure it is realistic.

Bill Lunt said they want to impact as little as possible.

Mr. Thibodeau said it is enforceable to mark what area they can use, rather than what equipment they can use. He spoke about Mr. DeWan's comments regarding ADA accessibility for some of the trails. Some of the trail system does meet ADA, but due to the steep slopes, much of it doesn't. There is nothing in the ordinance or in law that requires it. They have done what they can do.

Bill Lunt thought making it as smooth as possible is a great idea, but it's more important to control erosion. This site is too steep for ADA.

Mr. Thibodeau said they orientated the trail so that it isn't too steep. The Falmouth Conservation Trust will maintain the open space, but will not maintain stormwater. Stormwater will be maintained by the homeowners association.

Mr. DeWan asked about the categorization of different types of open space.

Ethan Croce said there was a prior staff review comment about no description of different types of open space. FLT is taking all the open space in fee as stated by Mr. Harris in June.

Mr. DeWan said sheet L-9 refers to different open space locations.

Mr. Colvin said that language was taken from an email from the Land Trust for a different project; there are no locations on this project with those identifiers. It will be corrected on the final plan.

Bill Lunt asked if the explanation of the Land Trust taking over all the open space, with the understanding that the homeowners will be responsible for the stormwater maintenance will be in the final documents.

Mr. Colvin agreed.

Ethan Croce said that plan, along with declarations and homeowners documents, will be submitted prior to final approval.

Mr. Thibodeau spoke about fencing or guardrails along the top of the wall. They can put in a 42" high wood fence, like a split rail fence. They don't want something that is too intrusive.

Mr. DeWan thought it might be a code issue.

Becca Casey wondered if the split rail fence would be adequate. The drop off is at the first retaining wall. In a building they would need a 42" railing. She wondered if this needs an impenetrable fence for pedestrian safety. Bill Lunt thought there needed to be something there, and the developer should check on what is legally required.

Mr. Panico thought the code only applies if the walk surface is four feet from the drop off. He didn't think there was a code issue.

Ethan Croce said they would check before final approval. He asked if the Board is fine with it as long as it isn't a safety issue.

Mr. Thibodeau said they thought it was a good idea, even if it isn't required, to demark it with a split rail fence. They will check the code and do what is required. The guardrail will be 30" and dark brown, just like in a state park, and made of steel for ease of maintenance.

Mr. DeWan suggested plantings between the guardrail and sidewalk.

Mr. Thibodeau agreed. He agreed to better identification of plantings at the entrance and specification of lighting at the entrance on the final plan. Ethan Croce mentioned that the Town is interested in keeping the lights as low as possible.

Mr. DeWan asked for detail on the signs. Mr. Thibodeau said they would detail the signs; it is required for the sign permit anyway.

The applicant and the Board discussed the color of the stone wall.

Becca Casey was concerned that the brown ones sometimes look a little too orange or red in the landscape. She liked the "earth blend" color.

David Fenderson asked about the importance of the color of the wall. He asked if this was to screen it for the abutters.

Mr. DeWan said it was not just for the abutters but the rural corridor as well. He was looking for something that is going to be as neutral as possible so you won't even know it is there.

David Fenderson wondered if the abutters should have some input. Bernie Pender agreed.

The Board indicated some of their preferences for the color. Bill Lunt didn't think screening would shield it entirely.

Bill Brogan said he emailed Ethan Croce about the financial capacity questions raised the last time this application was before the Board. He discovered that 100 Acre Woods, LLC currently has a lien on this property for the second year in a row for nonpayment of taxes. They are not in good standing with the State of Maine and that has happened four times in the last six years, including being administratively dissolved once.

Ethan Croce called the Town Attorney to ask about limitations on the Planning Board's ability to act on the application in light of these issues. The Town Attorney didn't believe there was an issue, but he strongly advised that both of those issues be remedied before the Board grants final approval.

Bill Lunt said before final approval there would be requirements to prove financial ability, and if these issues are not straightened out they might have a problem getting the required financial guarantees.

David Fenderson asked for clarification on not being in good standing with the State.

Ethan Croce said all corporations need to register with the State; there are filing fees, annual reports, etc. that are required, but he didn't know the specifics in this case.

David Fenderson asked the applicant to respond.

Mr. McAtee was not aware of a lien. He said there was some complication with the taxes in previous years. The Town issued a credit for their payment of the taxes for the house that was split off. They will address it tomorrow. The corporation's attorney does the State report and turns it in along with a \$150 fee, typically in April. He will address this issue tomorrow as well.

David Fenderson said that, while these are minor details for a very detailed project, the Board needs to have the confidence that the applicant will be able to handle this in light of the many other details. Bill Lunt said the Town Attorney would be looking at the financial guarantees.

Public comment period opened:

Jack Chellis of 561 Blackstrap Road thanked the Board for going on the site walk. He also thanked Mr. Thibodeau and Mr. Colvin for taking a different tack in their approach. Mr. DeWan's presence here has really helped facilitate the design questions. This has been an excellent process. Regarding the tote road, Mr. Thibodeau mentioned that there would be boulders placed at the entrance to the tote road, as well as the landscape material. He wanted to make sure that was part of the plan to prevent people from using this entrance as a second trail entrance for ATV's and pickup trucks. He recommended that this be done early on in the project and not at the end. He was in favor of the 20 foot leeway for the trail but he wondered if that leeway applied to the equipment needed to build the trail. His confidence in this project has been raised significantly.

Mark Smith agreed with Mr. Chellis. He hoped the architects would continue to be part of the process moving forward. He wanted clarification on the plantings proposed for the front of the retaining wall, what they would look like, if they would run the length of the wall, and what would happen in the following years. He echoed Mr. Chellis' comments about boulders on the end of the tote road. He thought the appearance of the wall depended on the plantings; if the plantings are done correctly they would cover the wall. He would prefer the warm colors as opposed to the cool grey. He felt to make a decision on the wall color tonight under florescent lighting is a mistake; it should be done out in the field. To compare them to each other won't help.

Mr. Chellis said that the color of the wall was one of the major reasons he wanted the Board to go on a site walk. He agreed with the "Earth Blend" color first suggested by Becca Casey. What they want to compare it to is tree trunks and snow.

Mr. John Harrington, 11 Surrey Lane, is a trail runner and trail rider. This sounds like a great opportunity to link up a number of the trail systems at a low direct cost to the Town. He encouraged the Board to keep the momentum moving.

Mr. Thibodeau said they will add some boulders to the bottom of the road. That was an oversight. The trail widths are not going to be 20 feet wide, but 36 inches. They will be built by volunteers from Falmouth Trails, who have submitted a letter of support.

Mr. DeWan said plan sheet D-6 shows the walking trail to be 6 feet wide at the interceptor ditch.

Mr. Thibodeau said the meandering trails will not be 6 feet wide. They don't want to overbuild the trails. They will look at that. They agreed to put hemlocks in front of the walls. The retaining wall will be built close to trees, and the hemlocks in front of the lower wall will grow up and help buffer.

Mr. DeWan said they have discussed vines like Virginia Creeper along the top of the second wall to soften it. Those vines will shed in winter.

Bill Lunt said it is not the intention of screening to make the wall go away but to make it fit in with the area. This will do it better than steep slope banking.

Mr. Chellis clarified that his concern is not that the trail will be 20 feet wide, but that they will clear out the full 20 feet to bring in equipment to build a 3 foot trail.

Bill Lunt said that was not the intent. Mr. Chellis wondered if that could be clarified so that there was no mistake. Mr. Thibodeau said the trail would be hand cut. Ethan Croce said the detail on the plan does give them the allowance to create a 15 foot swath. Mr. Colvin said that was only at the interceptor ditch. Mr. Thibodeau said they will put allowances on how these trails can be created and add them to the final plan.

Bill Brogan read an email sent to the Board from John Winslow of 253 Gray Road, which expressed concern about exiting the site. Bill Brogan thought this was a pretty dangerous curve, but this was on the better side on the road. Mr. Winslow asked in his email if the approval was transferable. Bill Lunt thought that had to come back through the Board. Ethan Croce said that was only for site plans.

Mr. Winslow had also asked about build out of the project. Bill Brogan thought they can't tell a builder to build a house. Bill Brogan thought if the project gets left after gravel base, it could be an issue. He wondered if they could put a timetable on this.

Becca Casey thought there was a timetable after which they have to come back for a reapproval. The plan has to be implemented, but the houses don't have to be built.

Ethan Croce said there are no express requirements in the subdivision ordinance for project completion. There are for site plans. There is nothing that prevents the Board from placing a condition on the project for re-approval. The performance guarantee states that if there is an erosion or stormwater issue, the Town can go to the bank, collect the money and remedy the issue. A performance guarantee cannot run longer than 2 years so the developer has to come back to the Town, but there's no requirement for a subdivision to come back to the Board.

Bill Lunt wondered what happened if the developer doesn't come back after 2 years.

Ethan Croce said the Town doesn't allow performance guarantees to lapse. The developer must either have the site completed or a performance guarantee in place.

Bernie Pender asked about the performance guarantee for this project; Ethan Croce said it hasn't been decided what form it will take.

Mr. DeWan asked if this would be built all at once, or built in phases. Mr. McAtee said the plan is to build all at once.

Public comment period closed.

The Board voted on the requested waivers.

Becca Casey moved to approve the waiver request for road slopes of 9% with 500 foot sections of 10%. David Fenderson seconded.

Bill Brogan asked about separation between those 500 foot 10% sections. Ethan Croce said in this instance there is a 500 foot separation between the 10% sections.

Motion carried 4-1 (Brogan).

David Fenderson moved to approve the dead end road length of 2643 feet. Bernie Pender seconded. Motion carried 5-0.

Becca Casey moved to accept the waiver to allow one paper street, instead of the two required by ordinance, due to the topography of the site. David Fenderson seconded.

Bill Lunt asked about the connection to Hawke's land. Ethan Croce said there is no connection due to the strip of land between the two being owned by a different property owner.

Motion carried 5-0.

Becca Casey moved to approve the waiver request to allow the slight increase stormwater peak discharge as shown on the plans. Bernie Pender seconded.

Mr. Colvin clarified that they are asking to allow the minor increase as control point Number 2, as shown on the post-development drainage plans.

Bill Brogan didn't consider a 39% increase insignificant. There is a slight increase at control point number 1 which hasn't been mentioned and they are not requesting a waiver for it.

Ethan Croce read from Chris Baldwin's letter which states an increase at one point. He wasn't sure if that was an oversight. He said the Board can defer voting on this waiver until they get some clarification from the district engineer.

The Board did not vote on this item.

Bernie Pender moved to accept the waiver to reduce the pavement width to 20 feet from 24 feet. David Fenderson seconded. Motion carried 5-0.

Becca Casey moved to reduce the shoulder width to 2 feet from 4 feet. David Fenderson seconded. Motion carried 5-0.

Becca Casey moved to approve the wavier request to place greater than 15 homes on a dead end street in the Farm and Forest district. David Fenderson seconded.

The motion was withdrawn.

Becca Casey moved to approve the wavier request to place greater than 15 homes on a dead end street in the Farm and Forest district, to be limited to the 17 shown on the plan. David Fenderson seconded. Motion carried 5-0.

Ethan Croce read the conditions of approval into the record. Mr. Thibodeau was comfortable with these conditions.

The Board asked for a peer review for the final plans once those are available.

Becca Casey moved that the Board grant preliminary approval with conditions as read by staff and other comments read into the record. David Fenderson seconded. Motion carried 4-1 (Brogan).

3. (Tabled) General Store for Pets – 204 US Route 1 – Request for site plan amendment for a new sign. Tax Sheet 320; Map-lot U52-003. Zoned SB-1 and VCO.

4. (Tabled) Claudia Innes & Rene Sierra – 8 Payeur Circle – Request for an amendment to the Stapleford and Carriage Hills Subdivision to create one new lot. Tax Sheet 464; Map-lot U69-042. Zoned RA and RCZO.

5. Fred Chase – 12 Brookfield Road – Request for a sketch plan review of a proposed minor subdivision. Tax Sheet 500; Map-lot U56-002. Zoned RB, Farm and Forest and RCZO.

Ethan Croce explained that the applicant is requesting two waivers, firstly on the Class B high intensity soil survey, secondly on the identification of all trees in excess of 10 calipers. The first request is not uncommon. Regarding the second, the Board often limits the survey area for larger trees to those areas being developed.

Susan Chase, representing Fred Chase, said the first waiver request is just for sketch plan. They will have that soil survey ready for preliminary approval.

Becca Casey moved to grant the waiver request for the Class B high intensity soil survey at this stage, understanding that it will be submitted at preliminary. Bill Brogan seconded. Motion carried 5-0.

Ms. Chase said the tree survey can be done for just developable area for the site. It is just a waiver for tonight.

Becca Casey moved to approve the waiver request on identification of the trees at sketch plan, with the expectation that they will have those marked for preliminary approval. The Board is inclined to grant the waiver based on the relative simplicity of the project. Bill Brogan seconded. Motion carried 5-0.

Becca Casey moved to amend the waiver request for the Class B high intensity soil survey to add that the Board is inclined to grant the waiver because, due to the lots previous use as a gravel pit, the Board has some indication of what the soils are, and it is a relatively small area of disturbance. David Fenderson seconded the amendment to the waiver. Motion carried 5-0.

Ethan Croce said, with the addition of 5 house lots, Brookfield Road would classify as a local road; however Jay Reynolds, Director of Parks and Public Works supports a waiver to keep the road width at 22 feet.

The Board supported keeping the road at the current width.

Ethan Croce raised issue of the paper street. Staff pointed out a good location at the end of the existing hammerhead where there is an existing woods road as a potential site for a paper street. The ordinance allows either a hammerhead or a cul-de-sac. Hammerheads are easier to maintain, and create less impervious surface. There is a requirement for trails in the common open space; given the river running through the site, and the pond on the site, a primitive trail to one or both might be a good idea. He said the applicant should be aware that the Town is considering amendments to the ordinance concerning natural resources. The Board might want to consider a site walk.

Ms. Chase presented the application. There are 5 lots proposed for the 23 acres; they are as low impact on the total property as possible. There are some great natural resources and amenities on the site. They intend to allow connection to the primitive trails that are already there. Their intention for the project is that the open space will stay with the homeowners association and not be turned over to the town or a land trust. There are areas with 25 % slopes in the developable area but they do not intend to disturb those at all.

Bill Lunt asked how they have followed the four step design process. Ethan Croce discussed the site analysis and narrative, which has been submitted. A pre-application sketch plan conference meeting with staff is also required and the applicant and staff have met more than once; the design submitted substantially conforms to the plan discussed at those meetings, even though those were held over a year ago.

Bill Brogan wondered about the rights to the open space. Ms. Chase said there will be a homeowners association and the rights to the open space go with the property. It will be a private road.

Bill Brogan asked about the turn around at the end of Brookfield. Ms. Chase said that will stay and there will be a cul-de-sac as well.

Bill Brogan asked about the change in pavement at end of Brookfield; the road shifts over a few feet. He felt that may be confusing. Ms. Chase said she will have them make that change on the plan.

David Fenderson felt a site walk will be important if they have vernal pools to deal with. Bill Lunt agreed with the site walk. He discussed what they would like to see marked prior to the walk.

The consensus of the Board was for a site walk.

Bernie Pender asked about a peer review. Ethan Croce said peer review could be required at any time, or it could not be required at all. Typically they wait for preliminary approval, unless the Board has specific concerns.

The Board didn't feel a peer review was necessary at this time.

Becca Casey asked why they decided on a cul-de-sac instead of a hammerhead. Ms. Chase said it is more aesthetically pleasing and will help provide the frontage for those lots.

Becca Casey asked about the treatment of the cul-de-sac and the large open space area that is part of the view corridor; currently that is part of the disturbed area. She asked how they plan to treat that.

Ms. Chase said it will probably be loamed to planted. It is a really easy site to work on, and lends itself well to an active neighborhood. It certainly will be stabilized.

Bill Lunt observed that Ms. Chase agreed to connect to the existing trails. Those trails aren't designated as such. He asked if people will be allowed to keep using those trails.

Ms. Chase said the open space will be public access, though the ownership will remain with the homeowners' association. The intent is for it to be public access.

Bill Lunt asked if those trails are considered part of the Falmouth trail system.

Ms. Chase thought some of them are. They prefer to allow public access, but to direct it along the backyards. She wondered if they have to provide public parking for people to use the trails. She sees these as connection for people to continue using the public trails instead of driving to them.

Ethan Croce said people can use the public streets to park on, barring anything in the ordinance preventing it.

Bill Brogan asked about unstabilized areas in the open space area and whether they would propose any stabilization for that area.

Ms. Chase said the aerial is not indicative of what is out there. It is more overgrown now.

Bill Brogan thought they should look at it on the site walk – the open space area and the stabilization.

Bill Lunt thought there was quite a bit of fill in here; he suggested they keep the roadwork on the fill area, and houses on the stable land.

Ms. Chase said Mr. Chase was not in favor of building houses on fill; he would rather build the homes on natural ground.

Meeting adjourned 10:30 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary