

**FALMOUTH PLANNING BOARD MEETING MINUTES**  
**TUESDAY, SEPTEMBER 7, 2010, 6:30 P.M.**  
**FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

**MEMBERS PRESENT:** Bill Lunt (Chair), Becca Casey, Bernard Pender, Heddy Snyder (alternate)

**MEMBERS ABSENT:** Stan Bennett, David Fenderson, William Brogan (alternate)

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

The meeting was called to order at 6:35 pm.

Heddy Snyder was appointed as a voting member.

**1. Approval of August Meeting minutes**

Bernie Pender amended the minutes.

Becca Casey moved to approve the minutes. Motion carried 4-0.

**Administrative Action Items**

**2. Jennifer Hewitt** – 333 Gray Road - Request for approval of a free standing sign. Tax Sheet 120; Map-Lot R06-042-B. Zoned Farm & Forest and Route 100 Corridor Overlay.

**3. Falmouth Sno-Voyagers** – Request for Shoreland Zone approval for a bridge replacement in Blackstrap Hill Community Forest. Tax Sheet 100; Map-Lot R08-093. Zoned FF, LR and RP (Shoreland) & RCZO.

Bernie Pender asked to remove Item 2 to the regular agenda.

Becca Casey moved to approve Item 3, Bernie Pender seconded. Motion carried 4-0.

**Public Hearing**

**4. Public Hearing** on proposed amendments to the Zoning and Site Plan Review Ordinance regarding open space and country estate lot requirements in Section 3.13, Resource Conservation Overlay District and net buildable area requirements under Section 5.31.2.

Public comment period opened; no public comment.

Becca Casey found this proposal a bit disconcerting; the ordinances are drawn up to achieve a certain goal, based on a vision or overall intent. This is the Board that has to interpret that intent. Her sense is that some of these changes are tremendous. She felt they should either eliminate country estates or create a different category. She was concerned that this pared down and chopped up the vision. She would not support this without seeing some research that supported these changes.

Bill Lunt clarified that the Board was only to consider those items that relate to the administrative side of the ordinance.

Bernie Pender thought these changes are extreme changes and that it will be administratively difficult to maintain these, if they go through as is. Without having any background into why they are making such drastic changes, it will be difficult to explain to applicants.

Becca Casey thought the changes may be conflicting with the intent they are asked to interpret. They make waivers all the time that are based on the intent. It is going to be difficult to reconcile this with the rest of the ordinance.

Heddy Snyder thought it should be made clear when and how these changes are going to be applied. In the changes to 3.2 and 3.5 there are typos that might need to be cleaned up. In reading section 3.13.6 b, she was confused why the deleted language was a maximum density and the replacement is a minimum requirement.

Ethan Croce said the term maximum density wasn't accurate to begin with –the densities are all set in Section 5.31 and apply to any residential district. The correct term here should have been minimum net residential area to begin with and he believed that was the reason for that change.

Bill Lunt thought this could make it so that you could be a little more accurate. This will clear up those times where you have a 4.5 acre lot and can't build on it because you don't have enough net residential area. He thought the 30% vs. 50% are arbitrary numbers anyway, and he didn't feel those were administrative. He suggested the members address their policy issues with the Council directly.

Becca Casey moved that the Board recommend that the Council not approve these changes until the administrative changes discussed tonight are resolved. Bernie Pender seconded. Motion carried 3-1 (Lunt).

## **Agenda Items**

**2. Jennifer Hewitt** – 333 Gray Road - Request for approval of a free standing sign. Tax Sheet 120; Map-Lot R06-042-B. Zoned Farm & Forest and Route 100 Corridor Overlay.

This item was moved to the regular agenda at the request of Bernie Pender.

Bernie Pender thought the sign appeared to have more colors than allowed. He counted nine different colors overall, maybe ten.

Becca Casey wondered if the ordinance spoke about contrasting colors.

Ethan Croce said the regulation Bernie Pender referred to is in the Exit 10 guidelines; there do appear to be more colors in this submission than in the original submitted diagram. All projects in the Route 100 Corridor shall, whenever possible, follow the Exit 10 guidelines. This allows some flexibility for the Board in this instance. This application does conform to the sign content requirement.

Becca Casey looked at it as a logo and since it isn't in the Exit 10 zone it was fine.

Heddy Snyder thought it wasn't a requirement, but a suggestion. Ethan Croce confirmed that.

Bill Lunt asked if the dog in the logo is part of the business.

Jennifer Hewitt, 333 Gray Road said yes, it is on her business cards.

Bill Lunt asked if they had dealt with this before. Ethan Croce yes, the Board found that the requirement could be exceeded if it wasn't contrasting.

Bernie Pender asked if the bucket could be the same red as the posts, and if the blue could match.

Ms. Hewitt said she could ask her sign person, but she thought so.

Bill Lunt thought the dog is a logo issue, and was comfortable with the sign as it is. He didn't think the red of the bucket was glaring.

Becca Casey moved to approve the application with the sign as submitted; Heddy Snyder seconded. Motion carried 4-0.

**5. (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.

**6. Claudia Innes & Rene Sierra** – 8 Payeur Circle – Request for an amendment to the Stapleford and Carriage Hills Subdivision to create two open space lots. Tax Sheet 464; Map-lot U69-042. Zoned RA and RCZO.

Ethan Croce explained that the applicants are proposing to convey out two parcels of land; both were conveyed to them as part of the Carriage Hills II subdivision. This lot is governed by two separate subdivision approvals. There is a 20 foot wide strip of land that the applicant is proposing to include with the lot designated as protected land. There are no key issues, but there are some plan notes that Ethan Croce would suggest be added to the final plan; those could be handled as conditions of approval. The declaration for the Stapleford subdivision states that any modification to lot lines must be approved by the Town and the declarant. Mr. Riche and Ms. Stroble are the declarants and the Town has not received any notice from them on this project. This is a right, title and interest issue. The Board could handle this as a condition of approval as well.

Bill Thompson, of BH2M, representing the applicants, explained that this is a unique situation, as it was created as part of two subdivisions. The two parcels of land were primarily wetland and Ms. Innes was asked if she was interested in them. The plan is to divide the lot to provide the house lot, sell the protected area on Surrey Lane to an abutter, and retain the second open space lot with the house lot. There is a Purchase & Sale on the protected area lot. They have been in touch with the declarants and they are willing to sign an agreement. They will get those signatures soon.

Bill Lunt asked if the two individual pieces were made part of the lot. Mr. Thompson said they are part of the lot, but are mandated by the DEP that they remain protected unless approval is granted by both the Town and DEP.

Bill Lunt asked why the applicants are doing this. Mr. Thompson said an interest was shown by the abutters on Carriage Circle to have better control on what might happen to the protected piece.

Bernie Pender asked where Carriage Circle is. Mr. Thompson demonstrated Carriage Circle on the plan.

Heddy Snyder wanted to make sure that nothing changed with the existing restrictions if this is approved. Mr. Thompson said that was correct.

Bill Lunt didn't understand the reason for adding the strip across the whole lot. Mr. Thompson said it was to add more protection to the Harrington lot. It was part of the negotiation.

Bill Lunt asked if they needed a sign off by the DEP. Mr. Thompson said the DEP would be notified of the outcome, and they would need to sign off on any construction in the protected area.

Bill Lunt wondered if they have to sign off on adding to the property. Mr. Thompson said they do not.

Heddy Snyder asked if the restrictions would be added to the 20 foot strip. Mr. Thompson said they would.

Becca Casey said there is no intent here to build something, but there is some mention of a previous submission. Mr. Thompson said that submission has been voided.

Bernie Pender asked how they know if DEP would take over that strip.

Mr. Thompson didn't know why they wouldn't. In conversations about the previous submission DEP said the upland areas are as important as the wetland. If they don't want it they will leave it out and it will just be contiguous to the Harrington piece.

Bill Lunt would want to make sure that the DEP was on board and was willing to accept that strip.

John Harrington, abutter and potential purchaser, explained that they have no intention to build anything, and there isn't much they could do with the 20 foot strip anyway. He didn't know why DEP needed to be involved.

Heddy Snyder asked what document brings the DEP in. Mr. Thompson said it was in the July 17 submittal.

Ethan Croce explained that the July 17 submittal was the original submission and it included the Declaration of Covenants and Restrictions. What was in the packets distributed to the Board is the replacement submission. He didn't think there was anything in the Carriage Hills declaration that would require the 20 foot strip to be added to the restrictions. Due to the net residential area requirements, the protected parcel probably should be held in separate deed from the existing Harrington house lot.

Mr. Thompson provided Heddy Snyder with a copy of the Carriage Hills declaration. She said that the only way to bring that strip under that document would be to amend the document. She didn't see that the DEP would need to consent to that.

Mr. Harrington was confused as to whether that 20 foot strip would fall under those rules. His understanding was the protected property would just continue to be controlled by DEP and the 20 foot strip would be controlled under the Stapleford subdivision restrictions. He asked if the 20 foot strip would have to be included in the DEP restrictions.

Mr. Thompson said the 20 foot strip would become contiguous to his lot, and the protected area would remain the protected area.

Bill Lunt asked Ethan Croce if he saw any issues with this. Ethan Croce said no.

Public comment period opened: no public comment.

Bill Lunt thought, if the 20 foot strip is designed as a buffer area, would they have to approve this if it was protected and remained part of 8 Payeur.

Ethan Croce said since the lot has merged into one parcel, they would still have to be here to split it.

Heddy Snyder moved to approve the application to create one open space lot with three conditions: the consent of the Stapleford declarants to be obtained, and the addition of two plan notes as suggested by staff. Becca Casey seconded. Motion carried 4-0.

Bernie Pender left the meeting.

**7. Falmouth Rod & 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 said there are no threshold or key issues. He explained the history of the application. The applicant is seeking retroactive approval for the moving of 6,000-8,000 cubic feet of fill. The application was tabled to allow for a site visit by the Planning Board, which was conducted in June. The applicant is choosing to meet the stormwater attenuation requirements listed in the subdivision ordinance by constructing a detention facility and berm, and they are addressing a couple erosion sites, including an earth dam breached in a large storm a few years ago. They are also proposing to construct a culvert under the existing driveway to the north.

Dave Ennis, president of the Rod & Gun Club, was present.

Will Savage, of Acorn Engineering, spoke about the site walk. There are no topographical maps to document the predevelopment conditions. The only existing map is the 1957 USGS topographical map with 20 foot contours, which isn't accurate enough for such a small site. Reasonable determinations were made as to the predevelopment conditions based on the Kelleys' input and Steve Bradstreet's professional opinion. They wanted to meet the Chapter 500 Stormwater Management Law basic standards. DEP approved the permit by rule on July 19. While neither the Town nor the DEP require the project to maintain predevelopment runoff values, the applicant decided to conform to the stormwater requirements outlined in the subdivision ordinance. This will be accomplished by construction of a 35'x50' detention facility, as well as an earthen berm to redirect stormwater to the detention facility. As shown on the plans, the property line appears to be close to the berm. The property line was determined by the tax maps, and tax maps are known to be off. Judy Soule, professional land surveyor, took a look at the property and wrote a letter, which is included in the application. In order to be conservative they modeled the predevelopment rates as forest, and not meadow, thereby making the stormwater that much harder to achieve. The earthen berm would be constructed from the material removed for the construction of the detention basin to minimize disturbance. The outlet of the basin would be in the location of the existing stone lined channel. The channel will be removed, and the outlet will be put in place and permanently stabilized. The applicant has proposed to install a culvert under the road north of the project area to mitigate any potential for stormwater to be redirected towards the southern abutters.

Steve Bradstreet of Oak Engineers, the Town's peer reviewer, reviewed the proposed improvements to address what had been constructed, the erosion that might have occurred from that construction, and to evaluate other improvements that could be made. What he saw at the site walk is that the exiting berm is stabilized; it has seen some slippages that have corrected, but it had over 75% catch of grass, which according to DEP is a stabilized condition. There was some erosion around the riprap that was improperly installed. They looked at what they thought the existing conditions were before the construction. There were some photos that showed a very large pine tree by where the dam was breached; that tree is still there. It was his opinion that the dam and ditch were in existence and were not created along with this new range. What is proposed is not only to stabilize the area from future erosion but also to detain stormwater which is not required by either Town ordinance or DEP. He discussed the applicants' proposed berm and detention facility. He said there is a slight ridgeline that was existing pre-development that should not be re-established, as it would require digging up the berm. It all drains eventually to the river. The detention pond does reduce the flow going offsite to lower than the pre-existing conditions. The culvert proposal was presented because there is a low-lying area and there is a potential for that area to pond up and flow south. The area downstream has experienced a lot of sedimentation, but he felt it was not a result of the construction. There have been a lot of severe storms in the last few years; he felt the breaching of the earthen dam is the main

source of the sedimentation. The berm probably did contribute at some time, and maybe still does, but it is not the main source; the dam is. The stormwater control will minimize or control any future erosion.

Public comment period opened.

Jack Kelley provided the Board with some materials, including photos which he identified to the Board. There are 7 houses that have been built from the top of the hill to the Rod & Gun Club; only one house has been built since 2002. There is a natural ravine that catches the runoff from that house's backyard. It all runs to the club. He claimed that there was no evidence of washout from those big storms.

Bill Lunt asked Mr. Kelley to show the location of photo 3a on the plan. Mr. Kelley showed him on the tax map where the gully is.

Heddy Snyder asked where the berm is on that same map. Mr. Kelley indicated the berm on the map.

Mr. Todd Kelly further explained the photos. After a 2.5 inch rainstorm there was no water in the area where they say the damage came from but there was water coming off the range area. He said the water and sediment are not coming from where they say it is. He felt there is sediment coming down off the range.

Bill Lunt said the channel was soaking wet the day of the site walk.

Heddy Snyder asked if what they are suggesting is that there is water coming from the north that is causing the problem. She asked if they are suggesting that the proposed improvements would not be sufficient to correct the problem.

Mr. Todd Kelley said yes, he didn't think it was going to work. Mr. Jack Kelley agreed.

Mr. Jack Kelley said the applicants are saying things that are not true. They shut down the trail in 2002 because it was so wet that people were getting stuck on their bikes. The main trail that connects Blackstrap to the Town preserve goes through there. He showed a diagram of the road that was washed out.

Bill Lunt said the only thing the Planning Board can do is consider the current plan which was proposed by one engineering company and reviewed by another.

Mr. Todd Kelley said his property line moved. His line is within 15-25 feet from the edge of the berm; the report from Tom Raymond said it was 48 feet from the toe of the slope.

Bill Lunt asked if they have had a survey of his property. Mr. Todd Kelley said no.

Mr. Jack Kelley said the applicant has had two surveys done; the one in 2001 said the southwest toe of the slope was 120 feet from his property line, the one done last year said it was 73 feet from the property line. One of these is wrong. They haven't had to fix the road since 2001 because all the water has been directed toward his property.

Mr. Todd Kelley provided the Board with a package of materials and discussed each in turn. The stormwater report said there was nothing on file for detail reports other than the 1957 maps. He presented the Board with a report from a gun club member that was from the Zoning Board application files.

Bill Lunt asked why they were before the Zoning Board.

Ethan Croce thought it was because any expansion would have required a conditional use application. They were not approved for the expansion of the use at 2001. That is a separate issue.

Mr. Todd Kelley said there is no mention of the scours that run down through the range area. He discussed the large pine tree mentioned earlier. In the photo it shows 40-45 feet next to it; today there is 5 feet with a 15 foot embankment. The photo was taken in 2001 and received by the Town in 2007. In the picture the area goes downhill, but the current condition goes sharply up hill. He contends that fill was placed there.

Heddy Snyder asked if he is contending that the berms were not the only fill that was placed.

Mr. Todd Kelley said that is what he is contending now after seeing these pictures. He said they narrowed the area.

Bill Lunt asked what his concern is with that narrowing.

Mr. Todd Kelley said that is why the dam blew out, because it was channeled.

Bill Lunt said they are now taking care of that with this new system.

Mr. Todd Kelley didn't believe it would work; it didn't work last time. When you come down the back of the range there was no swale in 2001; they dug that out. He showed a picture of the scouring. He said the drawing isn't to scale.

Bill Lunt said it was explained that the property marker was taken from the tax maps, and the tax maps are not accurate.

Mr. Todd Kelley said that according to the survey they are 73 feet from the southwestern corner; they are actually 20-25 feet from the project area. Photos in 2003 show that the grass was not there; the erosion is still going on. In a picture taken of the pine in 2009 shows that there are no sticks there. The Club said they did not use the range, but the sticks in the following picture show that this is an archery range.

Becca Casey explained that the Planning Board cannot take any action on the issue of whether or not the club is using that area.

Mr. Todd Kelley said his issue is that they said they aren't using it. He proposed a solution of how to fix the problem. He called for a dam with the spillway and to add a catch basin to the southwestern corner of the range; there is a natural retention pond off to the west. They can horizontally bore through the berm to divert water to that pond. The applicants just want to do the minimum.

Bill Lunt asked about the channeled area where the dam was breached.

Mr. Savage said the outlet to the existing ponded area will be re-graded and stabilized with riprap and geotextile. They are not putting in the same thing that blew out, but permanently stabilizing it.

Heddy Snyder said it concerned her that there was an implication that there was more fill done than is presented in this application. She wondered where the information came from as to what exactly was done in 2001.

Mr. Savage said they did a cross section of the existing berm and then calculated out the amount of fill. They also looked at the existing pictures from 2001. Based on these pictures you can observe that the embankment along the existing swale is vegetated, while the fill permit area was not. Stormwater analysis took into consideration that this area might have been forested.

Mr. Bradstreet said the dam did have an outflow pipe that blew out and is not meant to be replaced. The riprap is only for stabilization of the existing breached dam. The embankment does approach the

level but he maintains that there was an existing swale in that area prior to 2001. He felt that, since there are stumps that haven't been filled up against, that is the ground level. It doesn't appear that additional berming, filling or ditching was done. He felt the swale has always been there.

Bill Lunt asked if they did any calculation of flow coming down to the dam area.

Mr. Bradstreet said the calculations were done for the fill permit area, not from what came from above because that was existing.

Bill Lunt asked about a high area in the middle of the berm area.

Mr. Bradstreet said there was a ridgeline that bisected the berm area; the design of the detention facility compensates for that. Anything that would have been on the ridgeline is captured, and everything coming from the top of the berm ridge will be captured. The culvert to the north will prevent any potential for that low area to pond and flow south.

Bill Lunt asked about the scouring.

Mr. Savage said there is some scour along the lower portion. Any stormwater within the bermed area will be redirected toward the proposed detention basin, which will also capture any sediment and eliminate that from coming downstream.

Bill Lunt asked Mr. Savage to evaluate the proposal by Mr. Todd Kelley for correcting the issue.

Mr. Savage said he hasn't seen this before. It looks as if Mr. Kelley is proposing to close off the existing drainage way. He didn't understand why. This would be damming up a natural drainage way, which was shown on the USGS maps based on the 1957 quadrangle. He would not agree with this proposed solution.

Mr. Bradstreet confirmed that this drainage way has existed since the 1957 USGS maps. The channel could not be filled or redirected; DEP would not allow that even if it could be done.

Heddy Snyder asked what the setback requirements would be if this were a new project.

Ethan Croce said there would not be any; the berm would have to be on the property.

Richard Akerson, the abutter on the north side, said the proposed culvert falls into a low drainage area, which would be common sense except that there is another drainage area that meets at a "Y". He didn't agree with the culvert pipe; he felt it would send all that silt into the river. He didn't see a problem allowing it to pond there. He said down over the hill from the proposed culvert is his concern, and he asked that they do a site walk to look at that before they approve this.

Mr. Savage said the stormwater does most likely pond and infiltrate; during large storm events it may overtop the road and flow down into that drainage swale. They are proposing a 12 inch culvert; it is hard to say whether that will add additional burden to the downstream swale. He didn't think this would change it, if there is silt there already.

Mr. Bradstreet didn't think that low area would pond enough to flow south. The culvert was to prevent it from ponding and flowing southward. He thought it ponds and infiltrates. He thought the culvert could potentially direct more water northward. The proposed earthen berm could be extended to the north and east to prevent that from ponding and overflowing.

Bill Lunt thought that culvert would make the post-development runoff greater if this was a new application. Mr. Bradstreet said it would.

Bill Lunt asked if they would be better off not to have the culvert. Mr. Bradstreet said he didn't see that area flooding or creating an issue downstream as it is now.



Bill Lunt asked if they are making the situation worse with the culvert. Mr. Savage said the flow at the culvert was calculated at .98 cfs for the 100 year storm event. That is very minimal.

Bill Lunt asked if they would be in violation with the ordinance by putting the culvert in.

Ethan Croce said no because pre- and post-development is not a requirement of Section 5.34. The Board would have to find no downstream adverse impacts, as for any fill permit.

Heddy Snyder said the sole purpose of the culvert was to prevent that area from ponding and flooding south, even though it doesn't seem like it would do that. Mr. Bradstreet said that was correct.

Bill Lunt was concerned that they were trying to take care of a problem on one side, and creating a problem on the other side.

Becca Casey wondered if the water would flow north over the road before it flowed south. Mr. Bradstreet couldn't answer without specific topography.

Heddy Snyder said with the culvert it would go more quickly.

Mr. Savage said before the road was developed it would have flown within that channel as a concentrated flow. By putting the culvert in, it will be channelized flow but it is a stabilized outlet. It is mimicking the pre-development conditions prior to the construction of the roadway.

Mr. Akerson asked how they knew the water flowed that way. Mr. Savage said due to the contours; this area is outside of the after-the-fact fill permit, and was not disturbed in 2001.

Mr. Akerson asked where the water goes if they install the culvert. He asked where the property lines are. Ethan Croce explained that the post-development map included in the packet shows where the water would go.

Bill Lunt asked if they are better off to leave the culvert out and extend the low proposed berm to the north as suggested by the peer reviewer. Mr. Bradstreet said his feeling was that culvert isn't really necessary, but a request.

Bill Lunt asked if the culvert will allow it to pond some. Mr. Savage said the culvert was designed to allow for the free flow of water under the road. The current ponding action would go away.

Mr. Ennis said if the engineers agree to eliminate the culvert and extend the berm that might be a good solution.

Bill Lunt explained that they are trying to make the situation better. Heddy Snyder suggested that, if the applicant and engineers are satisfied with the solution presented, it could be a condition of approval.

Bill Lunt asked if there would be an increase in the capture of the detention pond, and would that increase the run off from the detention.

Mr. Savage said it would keep the stormwater where it is, and not direct it to the detention pond.

Mr. Bradstreet said his suggestion would direct the water to the detention basin, but he personally didn't feel that water in that area would go south. He felt it would go over the road.

Bill Lunt asked if he felt that additional water would affect the outflow from the detention pond.

Mr. Bradstreet said no. He didn't feel that water went south.

Becca Casey wondered if it makes sense to extend the berm at all. She wondered if the existing drainage would flow around into the detention facility.

Mr. Bradstreet said no, that drainage way is too deep. As long as the extension of the berm stays on the ridge that would not be an issue.

Mr. Todd Kelley was concerned that the outlet in the drainage way would not slow down the water.

Bill Lunt asked if the stabilized area would tend to create a sheet flow instead of a fast run.

Mr. Savage said it will within the existing drainage way.

Ethan Croce passed around proposed conditions. Along with these conditions the Board may be considering a condition on the removal of the proposed culvert and extension of the 1.5 foot earthen berm in a north/northeastern direction to contain any flow from sub-catchment area 2 subject to review by the staff and peer reviewer.

Becca Casey moved that the application for an after-the-fact fill permit be approved, with conditions as read into the record by staff. Heddy Snyder seconded.

Ethan Croce read the conditions into the record.

Motion carried 3-0.

**8. Handy Boat** – 215 Foreside Road - Request for site plan approval for renovations to the existing building and parking lots. Tax Sheet 162; Map-Lot U16-091-A. Zoned RA, LR (Shoreland) & RCZO.

Ethan Croce said the applicant did not include their waiver requests in the application, but preferred to present them tonight.

Tom Saucier of Site Design Associates presented the waivers. They are asking for a waiver on Section 9.16, driveway dimensions. There is a curb cut along Handy Boat Lane of 122 feet which provides access to the boat storage area. The ordinance requires 40 feet. Meeting that standard would impact the ability to move large boats and trailers. The intent of that standard is to control access; generally it is desirable to control access along a high-speed roadway or high volume access. This is a typically a place where there is low-speed traffic. He showed the boat storage in the winter. They don't see a need for the smaller entrance for public health, safety and welfare, and it would hinder the use.

Bill Lunt thought the driveway to the private residence is above the boat area entrance, so the wider curb cut doesn't affect that driveway. Mr. Saucier said that is correct.

Becca Casey felt it could be a little bit hazardous getting in and out of there on a busy summer day. She wondered if there was a temporary solution, one that could be removed when the boats are being moved in and out.

Mr. Saucier said there is an attendant in the summer, and they demarcate the area with sawhorses and things. He thought there are ways they could define that area.

Mr. Hyland thought they could also do large planters that could be moved out in the winter.

Heddy Snyder thought the planters would be a good solution. Bill Lunt agreed.

Mr. Jay Hallett of Handy Boat said there are boats moving in and out all summer long. Anything they put in there would have to be something they could easily move. Their busy time is May and June, but they still have boats coming in July and August.

Bill Lunt felt the traffic issue would be people coming for the restaurant. He felt some device, maybe a planter, 35 feet from the green area would create a gateway, come closer to the ordinance requirement, and still provide the width on the other side for boats to get through.

Mr. Saucier agreed. He presented the second waiver request of Section 9.28 parking landscaping. There is significant vegetated buffering around the lot. A BZA approval from 1983 had specific buffering requirements.

Bill Lunt asked if that buffering is actually on the abutting property.

Mr. Saucier said according to the property survey it is on their property. In 1983 the abutters agreed that there was sufficient buffering; they haven't reduced it since then. He indicated on the plan the location of the agreed buffering and said what is out there today is reflective of what was agreed upon. In this proposal they call for 3000 sq feet of pavement to be removed and birches added along the front of the building, along with Japanese Lilacs. He felt these ordinance requirements are more for an office building along Route 1; they haven't had any complaints about the site as it is. Placing landscaping in the parking area would affect the boat circulation.

Mr. Hyland said they could landscape in the area leading into the restaurant; they could arrange the landscaping to create a pedestrian gateway.

At Heddy Snyder's question, Mr. Saucier said he wasn't sure he needed a waiver here.

Ethan Croce said the section requires a certain number and composition of landscaping that is based on the number of parking spaces.

Becca Casey was comfortable with the proposal.

Bill Lunt asked about the landscaping of the island along the parking. Mr. Saucier said those are 8-10 foot high hedges, and will remain.

Bill Lunt said a new application would not be allowed to have buffering on the abutting property, but since it was allowed in 1983, they wouldn't overturn that. This is a great expanse of parking and he wondered about dressing up the area where the light poles are located to break it up.

Mr. Saucier said if they had to do something around the two end poles they probably could do that. Mr. Hyland said they couldn't do anything in the boat area.

Becca Casey asked how they would word a condition around that issue so that staff could review it as long as they don't lose any parking. Ethan Croce said they are fine for parking.

The Board discussed the proposed location of the planter in the curb cut, and whether they wanted to specify its location. The best location would be between 40-45 feet, at the end of the parking aisle.

Mr. Hyland said there is a sewer easement running across the parking area. Mr. Saucier said that will not conflict with the planters at the poles.

Ethan Croce said Section 9.24 deals with buffering of parking lots and he wondered if the Board was comfortable with the buffering in existence, since it was approved in 1983. This section also requires buffering of garbage collection, mechanical and utility structures, and storage areas.

Mr. Saucier said the dumpster that isn't screened in the lower lot is fairly new; they can screen it where it is.

Mr. Hallett said they could remove the fourth one in the upper lot. The dumpster closest to the dock is screened where it is in the summer; it is moved to the boat storage area in the winter.

Mr. Saucier said the buffering in that area is sufficient to screen it in that location.

The Board was comfortable with that. They required the screening on the dumpster in the lower lot.

Mr. Larry Bartlett said Section 9.23 contains the requirements for lighting levels in parking lots. They didn't see that as specific numbers, which might have been their mistake. They felt very strongly about safety in this area, as it is near the water. He explained the theory behind their design of the parking lot lighting. They are at .8 to .89 footcandles. They feel this is a responsible design. If the Board feels that they don't want to exceed .6 they could increase the height of the poles.

Bill Lunt wanted to treat this as a waiver, because it says .6 for residential. In a commercial area, it would be higher. They have come in between the two, and he is comfortable to grant a waiver here. He asked if the photometric plan presented included the existing lighting, or will the high-intensity lighting go away. Mr. Bartlett said that would go away.

Heddy Snyder asked if the .89 was the whole property. Mr. Bart said no, just the parking area. They have a range of illumination they have provided, from .8 to .89.

Bill Lunt asked if the existing lights were included. Mr. Bart said no. The existing lights would change those numbers.

Bill Lunt asked if any of the existing lights would stay.

Mr. Bartlett said some of them, but the ones they are keeping would have no affect on the parking lot lighting. He presented the lighting on the building. There are some exposed incandescent floodlamps on the building. Some of them will go away, and the others would be replaced with a similar lamp with a shroud over it. This would allow the light to be directed. He identified the lights on each level of the building, and which lights would be removed, replaced or remain.

Mr. Hyland said anything they add to the building will be shielded and will not shine into the parking lot.

Bill Lunt said once architectural drawings are submitted, staff will review to make sure the lighting doesn't light the parking lot.

Becca Casey asked about the area of approach from the upper parking area; it is shown as 0.0 along that walkway.

Mr. Bartlett said there is local lighting in that area that isn't reflected on the plan.

Mr. Hyland said they would provide some localized pedestrian lighting along there. That would not affect the parking lot lighting.

Heddy Snyder asked about the parking area that isn't being lit and how that is used for the restaurant.

Mr. Saucier said it is seasonal parking in the summer. By the time it gets dark enough to become a concern, the marina employees that use the lower parking are gone and that area is available for restaurant parking.

The Board members were comfortable with the parking light waiver.

They discussed the aisle width in the lower parking area. Mr. Saucier said they would designate those as compact parking and so would not require a waiver. It is an existing condition, if the Board was minded to grant a waiver on the aisle width.

Bill Lunt has a problem with compact parking; people will park there anyway. If it is going to remain there, they need to put it in to meet the ordinance as closely as possible. He asked how many spaces would need to be compact to meet the ordinance.

Mr. Saucier said there are 12 spaces that don't meet the full size standards of the ordinance.

Heddy Snyder suggested signage at the upper lot that indicates compact and handicap parking only in the lower lot.

Bill Lunt felt they need to designate those spaces as compact. Becca Casey agreed.

Ethan Croce presented the key issues. The applicants have addressed two of the issues that he had raised in his agenda notes.

Mr. Saucier said they are reducing impervious surface by 3,000 sq feet, not counting the islands they agreed to include at the light poles.

Ethan Croce asked about the proposed mounting heights.

Mr. Bartlett said the upper parking lot poles would be 19 feet high. In the lower lots the poles would be 14 feet high.

Ethan Croce said Section 5.5 doesn't list specific parking requirements for marinas. The applicant has broken out the seasonal uses for the restaurant and marina. Staff don't see any issue with what is proposed, but the Board must make a finding that it is adequate. Regarding the delineation of spaces for the boat storage, he asked if the Board was satisfied with the saw horses and an attendant.

Heddy Snyder asked when the attendant is there.

Mr. Hallett said 8am to 7pm.

Mr. Saucier said the need for the demarcated parking would be when the attendant is there.

Ethan Croce said he has received proof of the applicant's right to use the easement area. The building height cannot be increased with the new addition. They need to show a location for snow storage. Tony Hayes has made comments on stormwater on the site. The Board should also weigh in on the existing overhead utilities and make a finding on the adequacy of the off-street parking.

Mr. Saucier spoke about their off-street parking calculations and how they came by their recommendations. The restaurant standards were truly applicable to this site. They did a summer and winter requirement for each use. They based each calculation on number of employees and expected patrons. Summer required 103 spaces and they delineated 154. Winter required 74 spaces, and they delineated 81.

Mr. Hyland presented the goals of the application. They are keeping the same number of seats, and tried to keep close to the square footage. The restaurant decreased by 800 sq feet in size, the total project increased by 575 sq feet. The first floor restaurant area will be open to the outside. There are glass panels that will lower to close the area off in bad weather. That will be closed to patrons in the winter, which is why they had different parking needs in the off season. It will be over the water, as it is now, and they have DEP permits by rule for it. He spoke about the entrances to the restaurant.

Becca Casey asked if it is the intent to expose the water area under the restaurant. Mr. Hyland said yes, they want to make it look like they are right on the pier.

Becca Casey asked if they would have handrails. Mr. Hyland said they would probably deck over some of it. They want it to be attractive.

The Board was comfortable with the off-street parking as presented.

Bill Lunt asked how the building height is measured, according to the ordinance.

Ethan Croce said it has been established at 37.6 feet. It doesn't appear that the new section will exceed the height of the current building.

Mr. Hyland said the new section is 2 feet below the ordinance requirement.

The Board was comfortable with the building height.

Bill Lunt asked about the snow storage.

Mr. Saucier said the snow is stored in a number of different areas. It is spread out and there is no great pile to deal with.

The Board was comfortable with that.

Ethan Croce said there is an area of existing erosion along the existing building. Staff asked for more detail on how that area would be treated and stabilized, and the maintenance of catch basins.

Mr. Saucier said they showed the area of erosion on the plan they brought tonight; it was left off the last plan. They plan to backfill the gully with stone. They will provide a sketch to staff for review of that plan. Mr. Hallett told Mr. Saucier they review the catch basins on a monthly basis. If a maintenance plan was required, they could do that.

Bill Lunt asked if the basins were receiving sediment from the gravel parking lot. Mr. Saucier said yes, that and the sanding.

Mr. Hallett said they clean it out the first of each month, more often in rainy times. They had all of those replaced two years ago. Mr. Saucier identified the basin locations on the plan.

Bill Lunt asked if the erosion problem happened before the new basins. Mr. Hallett said yes, that was years ago.

Becca Casey said the overhead utilities were not harmonious with the site, but given the scope of the project, she wasn't sure she would require them to be underground.

Bill Lunt thought the pole from Route 88 is on the south side of the road, so they have to come across the road and the parking lot. Mr. Hallett said that is correct.

Bill Lunt said they are not bound to do it here. He wondered how much it would cost to do it.

Mr. Saucier said they haven't looked at that issue. Their plan was for the existing service to remain, and the service for the new poles to be underground.

Bill Lunt asked how the sewer easement would relate to the power going underground. Mr. Hallett said it would go through the easement.

Bill Lunt asked if the sewer easement was part of the Town system. Mr. Hallett said yes.

Heddy Snyder asked if the underground power to the poles would have to cross the easement.

Mr. Saucier said yes, but those are a bit different than the primary power.

Bill Lunt asked if they needed permission from the Town to put anything across the easement. Mr. Saucier said most likely.

Bill Lunt said the overhead feed goes to a pole near the building.

Mr. Bartlett said yes, to the pole with the light that is going to be removed.

Becca Casey didn't have a good sense of how feasible or difficult it would be to put it underground.

Mr. Saucier said a part of that requirement is the visual impact. It has been there a long time, and it isn't like they are right on Route 1.

Bill Lunt asked how far it is. Mr. Saucier thought maybe 200 feet.

Mr. Hallett said it actually would cross the sewer twice and the water mains as well, though he thought the water would be under the sewer.

Mr. Saucier said it would require opening Handy Boat lane, which is in good shape. Mr. Hallett said it was resurfaced two years ago.

Bill Lunt felt if the sewer line wasn't there, he would require the utilities to be underground. Since it is not on Route 1 or in someone's front yard, he thought the Board could allow them to remain aboveground.

Mr. Hallett approached CMP a few years ago about this, and they gave a ballpark of \$50,000.

Becca Casey was comfortable with it, as the site plan is affecting only a fraction of the existing building. She felt it was too complicated to impose on this project. Heddy Snyder agreed.

The Board agreed to not require underground utilities.

Public comment period opened; no public comment.

Becca Casey moved to approve the application with conditions are read by staff. Heddy Snyder seconded.

Ethan Croce read the conditions into the record.

Motion carried 3-0.

**9. (Withdrawn) The Waldron Group** – 215 US Route 1 – Request for a site plan amendment for architectural revisions. Tax Sheet 320; Map-Lot U11-035-A. Zoned SB-1 & VCO.

**10. OceanView at Falmouth** – 20 Blueberry Lane – Request for sketch plan review for an expansion to the Main Lodge. Tax sheet 310; Map-Lot U27-013-B & 013-D. Zoned RB and RCOD.

Tabled due to time.

Meeting adjourned 11:01 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary