

FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, JANUARY 4, 2011, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS

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

STAFF PRESENT: Ethan Croce (Senior Planner)

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

1. Approval of December Meeting minutes

Bill Brogan moved to approve the meeting minutes; Bernard Pender seconded. Motion carried 5-0.

Administrative Action Items

2. James & Elizabeth Lesser – Eureka Rd. Ext. – Request for a private way amendment to reduce travelway width. Tax Sheet 210; Map-Lot R03-002-C. Zoned Farm and Forest & RCZO.

3. Falmouth Little League – 8 Bucknam Road – Request for site plan approval to install new baseball dugouts at the Town's Legion Field complex. Tax Sheet 240; Map-Lot U58-004. Zoned RA, SB-1, Village Center Overlay and RCZO.

Becca Casey moved to approve the administrative action items; Heddy Snyder seconded. Motion carried 5-0.

Public Hearing

4. Public Hearing on proposed amendments to Sections 2 and 5.11 – 5.19 of the Zoning & Site Plan Review Ordinance relative to sign regulations.

Amanda Stearns, Community Development Director, summarized the proposed ordinance amendment.

Public hearing opened; there was no public comment.

Bill Lunt asked for clarification on whether it would be Codes or Planning staff granting approvals under the proposed provision for staff approvals.

Amanda Stearns said that for approvals that may be granted by the Community Development Director or their designee, it would be either herself or Ethan Croce.

Heddy Snyder thought a sign could be both an advertising sign and also be a property identification sign. It's not clear that they are mutually exclusive

Amanda Stearns said that is true. They can't be mutually exclusive in the definition, but the ordinance differentiates in the standards for each of those signs.

Heddy Snyder said her concern is that if they are not mutually exclusive and a sign meets both definitions the Planning Board will not know which restrictions should be applied.

Amanda Stearns said the applicant will need to identify what sign they are applying for. The Board will also review the content of the sign to help determine which sign regulations apply.

Bernie Pender asked for an example of these different signs.

Amanda Stearns said the Northbrook sign at Northbrook Drive would qualify as a property identification sign, so does the Tyler sign.

Bernie Pender thought it would be to a business's advantage to have a sign closer to the road, put the business name on the sign and call it an advertising sign.

Amanda Stearns said you can classify advertising as a property identification sign if it meets all of the requirements for property identification signs. These signs are intended to provide the property owner with flexibility to advertise in different ways. The question is whether it is more important to have a presence at the street or a sign with more advertising content. The proposed option will be attractive to business park style developments that have several tenants and want to identify the main entrance to the overall business park. These amendments allow the same signs as are currently allowed and also allow a new type of sign at the primary entrance to the site.

Bill Lunt asked if a property owner can have both an advertising sign and a property identification sign on the same property.

Amanda Stearns said yes, as long as they meet all ordinance standards including separation distance requirements.

Heddy Snyder suggested that the language in Section 5.11.b(1) should be divided into two subsections. There should be a new subsection "b" added.

Amanda said that is a correction that will show up in the final version.

Heddy Snyder said all the new definitions being added begin with the word "sign", but throughout the rest of the ordinance they don't use "sign". There are instances where it refers to "display area" and not "sign display area", and "refacing" instead of "sign refacing". There are other instances where sign area is referenced and refacing is referenced but it is not prefaced by the word sign.

Amanda Stearns said both "display area" and "sign display area" will be used in the definitions.

Heddy Snyder asked if the submittal requirement language in sections 5.11.2 & 3 was intended to be the same. The requirements are different and she wanted to make sure that was intentional.

Amanda Stearns said those references have been fixed and are now identical.

Bill Lunt asked if it was possible for the Council's public hearing to result in changes to the language.

Amanda said the Council will not make amendments at the hearing but they could at the time they vote on the order. The Council's public hearing is just to take public comment; any discussion occurs at the order, unlike the Planning Board who deliberates at the public hearing.

Becca Casey moved to recommend that the Council approve the proposed ordinance amendments as submitted with consideration given to the issues raised by the Planning Board at the meeting tonight. Heddy Snyder seconded. Motion carried 5-0.

Agenda Items

5. Bangor Savings Plaza - 215 US Route 1 - Request for a site plan amendment to allow outside storage of goods. Tax Sheet 320; Map-Lot U11-035-A. Zoned SB-1 & Village Center Overlay.

Ethan summarized the application.

Ethan Croce mentioned that on Monday the Fire Department signed off on the applicant's spill prevention program. That was the only remaining key issue. The Board seemed comfortable at last month's meeting regarding the demarcation of outside storage with differentiated scoring. He clarified the differences in aisle width at the site driveway entrance to Route One from what was included in last month's packets.

Bill Lunt expressed his frustration that the Fire Department consent came in after the packets were sent out.

Ethan Croce said a condition of approval would be to have the outside storage areas clearly labeled on the plans.

Becca Casey moved to approve the application; Bill Brogan seconded. Motion carried 5-0.

6. Oceanview Retirement Community, L.P –20 Blueberry Lane - Site plan and subdivision amendment for use of a conditional agreement in lieu of a performance guarantee. Tax sheet 310; Map-Lot U27-013-B & 013-D. Zoned RB and RCOD.

Ethan Croce summarized the application.

Bill Lunt stated that he requested this item be heard as a regular agenda item. He felt comfortable allowing this variation, but wanted the rest of the Board to chime in.

Heddy Snyder asked for clarification on what the applicant is requesting. She said that the applicant's cover letter does not request flexibility on the full financial performance guarantee.

Ethan Croce said this language is standard with the granting of conditional agreements to give the applicant flexibility to accelerate the occupancy of the building.

Heddy Snyder said that makes sense and requested that the allowance to revert to a financial guarantee be included in the record.

The applicant will submit an amended mylar next month with the new language on it.

Heddy Snyder moved to approve the application; Becca Casey seconded. Motion carried 5-0.

7. (Tabled) Falmouth Realty Assoc. – 251 US Route 1 – Request for a site plan amendment to remove a restriction on times of waste removal. Tax Sheet 240; Map-Lot U12-002. Zoned SB-1 and Village Center Overlay.

8. (Tabled) Falmouth School Department – 74 Woodville Rd. – Request for a site plan amendment to revise traffic circulation. Tax Sheet 300; Map-Lot R05-020. Zoned Farm and Forest & RCZO.

9. Election of Interim Vice-Chair

Becca Casey nominated Bernie Pender as Vice-Chair; Heddy Snyder seconded. Bill Brogan closed the nomination. Motion carried 4-0. (Pender abstained)

Meeting adjourned 7:40 pm.

Respectfully submitted,

Ethan Croce
Senior Planner

Melissa Tryon
Recording Secretary