

FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, APRIL 5, 2011, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS

MEMBERS PRESENT: Bill Lunt (Chair), Becca Casey, William Brogan, Heddy Snyder, Kermit Stanley (Alternate)

MEMBERS ABSENT: Bernard Pender, Walter Arsenault (Alternate)

STAFF PRESENT: Ethan Croce (Senior Planner)

The meeting was called to order at 6:36 pm.

Kermit Stanley was appointed as a voting member.

1. Approval of March meeting minutes

Bill Brogan moved to approve the meeting minutes; Becca Casey seconded. Motion carried 4-0 (Snyder abstained).

Administrative Action Item

2. C. O'Brien – 3 Sea Cove Lane – Request for an amendment to a private way. Tax Sheet 401; Map-Lot U04-030. Zoned RA and RCZO.

3. Edward Pooler – 240 US Route 1 – Request for a new wall sign for Zeus's closet. Tax Sheet 240; Map-Lot U24-005. Zoned SB-1 and Village Center Overlay.

Becca Casey moved to approve the admin items; Kermit Stanley seconded. Motion carried 5-0.

Public Hearing

4. Public hearing relative to amendments to net residential area requirements, Section 5.31 of the Zoning and Site Plan Review Ordinance.

Ethan Croce explained the need for this amendment. This is to correct an unintended consequence of the previous amendment on lots approved under conservation zoning as well as nonconforming lots.

Public hearing opened; no public comment.

Becca Casey moved to recommend passage of the amendment; Bill Brogan seconded. Motion carried 5-0.

Agenda Items

5. Tidesmart Global – 380 US Route 1 - Request for approval of a property identification sign. Tax Sheet 83; Map-Lot U62-003-001 & U62-002. Zoned BP

Ethan Croce said the applicant is seeking approval for two property identification signs. Signs like these were the subject of a recent ordinance amendment. The lettering height of the sign must be 5 inches in height; the signs as proposed have lettering of 4 inches. Also the height of the signs is limited to 6 feet; the signs as proposed are taller than that by a foot.

Bill Lunt asked if the Board has waiver authority on either of those.

Ethan Croce said no.

Becca Casey wondered what the Board can do. She asked if a variance was possible.

Ethan Croce said that variances can only be granted for certain issues; these signs would not be eligible. The only other recourse would be an ordinance amendment.

Tom Greer, of Pinkham and Greer, representing the applicant, said the undersized lettering was added; it isn't painted and is very difficult to see. They want to emphasize the "Tidesmart" name and not the "global" lettering. Their intention was to add a line under the "global" to bring it to 5 inches high. The height issue is to do with the pillar; it is 11 inches too tall. Property owner Steve Woods has suggested mounding earth around the bottom to bring it to the correct height. He felt they were in the correct aspect ratio with this sign. The Board originally approved a sign that was slightly larger than this; Mr. Woods built this sign in anticipation of the ordinance change. It was built before the ordinance change was approved.

Bill Lunt liked the look of the sign. He was confused as to why, since the applicant instigated the ordinance change, the lettering was approved at a different size than what they have admitted was already there.

Mr. Greer said they felt the ordinance should have some flexibility built into it. They missed this in their review process. The sign was not available to measure at the time; it was not on site.

Becca Casey asked if the wording "global" was on the originally approved sign.

Mr. Greer said it was. He showed a picture of the originally approved sign. He said the pillar was originally intended to be 8 feet tall but ended up at 7 feet, and the sign portion was intended to be 6 feet tall and ended up being 5' 4".

Heddy Snyder asked about the number of signs on the site, and the order in which these things happened. She asked about how the pillar height was approved, and when it was built.

Ethan Croce said there are only two signs.

Heddy Snyder discussed the location of the signs she was looking at.

Ethan Croce said the sign on the right as you enter the driveway was approved by the Planning Board in May of last year. At the time there was a separation distance requirement for advertising signs along Route 1, so they could only get approval for one of the two signs they wanted. It was constructed sometime last fall.

Heddy Snyder asked about the left hand sign.

Ethan Croce said that is the sign that mimics the sign that was approved; they are seeking approval for that sign tonight.

Mr. Greer said the right hand sign has a section that has the street address on it; that meets the current ordinance standard.

Ethan Croce confirmed that property identification signs are required to have a street address on them.

Becca Casey said the ordinance changed after the first sign was approved.

Ethan Croce said that was correct; the ordinance was changed to allow property identification signs a couple months ago.

Heddy Snyder thought the height of the pillar would not be an issue if they were not asking for approval of the second sign.

Ethan Croce said that was correct.

Bill Lunt said the sign that was approved was under the old ordinance; he observed that the sign that was installed was not placed according to that approval. It should be further back.

Ethan Croce said that was correct; it was approved as an advertising sign, and is supposed to be 15 feet back from the right of way. Property identification signs are supposed to be within 15 feet of the right of way.

Heddy Snyder said the sign does not conform to the ordinance that was in effect in May.

Ethan Croce said that was correct.

Becca Casey was inclined to try and find a solution. Bill Brogan didn't think there was anything they could do.

Bill Lunt said that it doesn't meet the ordinance, and there isn't anything the Board can do.

Mr. Greer asked if the mounding and the line would work.

Bill Lunt wasn't sure putting the line under the word "global" would meet the intent of the ordinance. He understood that it was a granite sign, and would be difficult to fix. He felt the intent of the ordinance regarding height is to use the existing height of the terrain, and mounding is a slippery slope. He felt that suggestion goes against the intent.

Becca Casey, in looking at the photo, thought the base of the sign is below the grade of the paving. She wondered if the mounding would bring it above grade.

Mr. Greer said the pillar is at grade.

Heddy Snyder said the ordinance specifically states that it is height from the existing ground and it cannot be altered.

Ethan Croce confirmed that was correct.

Mr. Greer requested to table his application and consult with his client regarding his options.

Becca Casey suggested bringing the pier itself down so that it was closer to the wall to reduce the height.

Mr. Greer said that they are currently in proportion and scale to one another. Making that section 12 inches shorter would make it look too short.

Bill Lunt said the only other suggestion would be for the applicant to return to the Council for an ordinance amendment.

Mr. Greer said if they go for an amendment, they would be looking for more flexibility for the Planning Board.

Heddy Snyder moved to table the item; Kermit Stanley seconded. Motion carried 5-0.

6. David Chase – 50 Gray Rd. – Request for a Sketch Plan Review of a self storage facility. Tax Sheet 451; Map-Lot R05-045. Zoned MUC, Route 100 Corridor Overlay, LR and RP (Shoreland).

Ethan Croce said the applicant is requesting sketch plan review of a self-storage facility. Self-storage is classified as warehouse use, which is a permitted use in the MUC district. This project would be subject to the Route 100 Corridor Overlay District and the Exit 10 Design Guidelines. Current plans are fairly conceptual in nature at this point. The application contemplates a phased approach; the ordinance does not allow for phasing but requires a site plan to be substantially complete in two years. The applicant could either return for a re-approval of the site plan if they didn't meet that two year deadline, or come in for approval of a small portion of the project, and then return for a site plan amendment at a later date. Boat and RV storage is considered an accessory use and is not allowed in MUC district. This would require an ordinance amendment from the Council. The applicant should submit to the Planning Board some support for the required amount of parking on the site. The town engineer has asked if a DOT traffic movement permit would be required. A list of all activities on the site, including whether any of the current activities of the site will continue, will be required. A stormwater management report will also be required, including any limitations on what can be done for clearing of vegetation within 75 feet of the shoreland; this may necessitate moving the stormwater pond a little. Peer review is typically required for projects under the design guidelines.

Tom Greer of Pinkham and Greer represented David Chase and discussed the application. The larger building on the site is the existing building; they want to redevelop this building into interior self-storage units. They also propose several traditional exterior self-storage unit buildings. The site would be accessed by a key card controlled gate. It is hard to determine the demand for these buildings; that was why they requested phasing

so Mr. Chase could build as demand grows. A Stormwater permit from the DEP will be necessary, and so it was easier for them to come to the Board for the whole approval at once. Almost the entire parcel is Mr. Chase's gravel area for his excavation business; it was originally a borrow pit. They have revised the FEMA flood zone; everything they proposed is outside the FEMA flood zone. This type of facility typically is low traffic, and would likely be less traffic producing than what is there now. It would require minimal parking; the unheated storage units wouldn't require parking, and they have shown some parking for the heated units. They anticipate 4-5 visitors a day. They want to save the back portion of the site for some other use, unknown at this point. Mr. Chase would likely run his business out of there at this time. They plan some landscaping along the back of the buildings that are along the right of way; Mr. Chase owns the right of way. He showed an example of another self storage facility in Scarborough that is similar to what they are proposing. They are looking to fence in and screen the units; they are concerned about how that would fit in with the design guidelines.

Bill Lunt asked about the access to the rear portion of the site. Mr. Greer said they might use the drive aisle, if the use was compatible with the storage units; if it wasn't they would use the right of way.

Bill Lunt asked if they would expand the self storage if the demand was there. Mr. Greer said that was possible.

Bill Lunt asked how they arrived at the number of parking spaces they proposed.

Mr. Greer said they figured it on a square foot basis based on the size of the front building. They thought they were likely to have at most 10 cars in there, but they also have to plan on a couple of employees and maybe some maintenance.

Bill Lunt said the design guidelines specifically ask to have parking in back.

Mr. Greer said the parking out front services the front building and it needs to be relatively close to that for people carrying items into the building.

Becca Casey thought the edge of the property is right at the end of the buildings. Mr. Greer said the right of way is an easement.

Bill Lunt asked if the fee for the easement belongs to Mr. Chase's property. Mr. Greer said that was correct.

Bill Brogan would like more clarification as to how many people would use that front building, and thought they could move maintenance parking out back, perhaps. He asked if there would be any outdoor storage or if it would be all internal.

Mr. Greer said they are considering parking for RV and boats out back; he felt that was part of the storage use of the building.

Bill Brogan wondered if they should ask for a delineation of that type of storage on the plan. Mr. Greer said they would do that.

Bill Lunt said he would want confirmation that the Planning Board has the authority to allow that. Mr. Greer said they would come back with plans and potentially an ordinance change.

Mr. Greer asked about the architectural guidelines and how they would fit these buildings.

Bill Lunt said the Planning Board has been leaning toward using a building architect to peer review architecture instead of a landscape architect as they have in the past. There are a lot of requirements for gabling and breaking up rooflines in those guidelines, and Mr. Greer should consider that. He wasn't sure that they would need to do that for every single building, but at least for those that front Route 100. He suggested Mr. Greer speak with Ethan Croce and the peer reviewer prior to coming back. He would be looking for more detailed information on those buildings that you can see from Route 100.

Becca Casey, Bill Brogan, Kermit Stanley and Heddy Snyder agreed. Heddy Snyder thought there was potential for some strategic screening as well.

Bill Lunt would prefer that they move some of the parking away from the front, and screen the parking that absolutely has to be at the front. Unlike the Route 1 zone, they don't have to treat all sides of the buildings in this zone. He asked for justification for the number of parking spaces. He felt there should be some type of ordinance that addressed the outdoor storage of boats and RV's.

Bill Brogan thought sizing the stormwater for the full build out made sense.

Mr. Greer said they could tweak it so that it was not within the shoreland zone.

Bill Lunt said the Planning Board does not have the ability to say that this can be a phased project. He thought they should design the full build out along with the full stormwater plan. There are many projects that have come back for re-approval due to the economy. He thought there was no reason why they couldn't do that in this instance.

Mr. Greer asked if the Planning Board was interested in the possibility of phasing, if they are going to go for an ordinance amendment for the outdoor storage.

Bill Lunt felt as much flexibility as the Planning Board could have would be a good thing. He didn't see a detriment.

Ethan Croce felt that would give developers the security that their project would be protected over a long period of time. If the community's values change at some point in the future, however, the potential is for the community to be stuck with a development that no longer meets those values.

Becca Casey didn't feel if there was a big detriment or benefit either way.

Public comment period opened:

Joe Cooper, part owner of 60 Gray Road, said Mr. Chase presented this concept to him several months ago. He supports this concept, which would clean up that property and make it more attractive. It would give the area more retail flair.

Public comment period closed.

Meeting adjourned 7:36 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary