

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

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

MEMBERS ABSENT: Bill Brogan, Walter Arsenault (Alternate)

STAFF PRESENT: Ethan Croce (Senior Planner)

Meeting started at 6:35 pm.

Kermit Stanley was appointed as a voting member

1. Approval of September minutes

Kermit Stanley moved to approve the minutes; Bernie Pender seconded. Becca Casey amended the minutes. Amendment passed 5-0. Minutes approved 5-0.

Administrative Action Items

2. 46 Depot Road, LLC – 46 Depot Rd. - Request for site plan re-approval for an office building renovation & expansion. Tax Sheet 320; Map-Lot U24-006; zoned SB1 & Village Center Overlay.

3. Jones Building & Development – 183 US Route 1 – Request for approval for 4 new signs. Tax Sheet 320; Map-Lot U07-004-A. Zoned SB-1 and Village Center Overlay.

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

Agenda Items

4. OceanView Retirement – 20 Blueberry Ln. – Request for sketch plan review of a proposed expansion and renovation of Falmouth House. Tax Sheet 310; Map-lot U27- 013D. Zoned RCOD.

Ethan Croce explained that the applicant has responded to previous comments from the Board and is looking for feedback on those changes. He asked that the applicant confirm that their lot coverage doesn't exceed the 20% allowed and said that the Board should make a finding that the expansion is consistent with the master plan. The applicant is proposing a new curb cut for a fire lane. One of the criteria for this district is minimizing additional curb cuts. Staff have asked the applicant to explore the fire lane coming off the parking lot and thereby avoiding a new curb cut.

Rick Licht, of Licht Environmental Design, representing the applicants, reviewed the original submission from their hearing before the Board in August. They have since removed the underground parking structure. The original placement of the expansion had space between the two buildings, but that pushed the expansion onto the slopes. They have now taken the building, moved it up the slope, and reconfigured it. While the main entrance of the Falmouth House will remain, they have added a secondary entrance for the new Memory Loss unit. They have taken the current parallel parking spaces in front of the building, and turned them into 90 degree spaces. There will be 43 spaces on the site; there are now 33. The required need is for 38-40 spaces by code. He spoke about the slopes on the site: there will be a filled

slope with a stone wall around the lot. The current design is to use some walls with landscaping along the front of the lot, and use the wall of the building along the back. The proposed memory loss garden is at the first floor elevation and there will be a wall of 8-14 feet. This means that they won't have to disturb much of the buffer. There would be decorative stone walls along Blueberry Lane. There is a large buffer between Blueberry Lane and the building, so the garden would not be seen due to the denseness of the buffer. It is a very thick buffer and varies from 30-100 feet wide along the street. The Fire Chief wants a connection to the building from Blueberry Lane around to the back of the building. They are proposing a fire lane at the toe of the slope and off the curb but the fire chief wouldn't require, and they are not proposing, an actual curb cut. They are proposing a 10-12 foot vegetated surface, with a trail in the middle and a 10-12 foot gravel base. It will look like and function as a walkway, but the fill underneath will support a ladder truck. The fire lane from the north will reach to the memory loss garden, and the garden will be designed so that a fire truck can enter through a gate. He spoke about the detention basin along Blueberry Lane created as part of the original site plan. They plan to retrofit and enlarge it to meet today's requirements.

Chris Wasileski of Oceanview provided a copy of plans to the Board, showing a concept of the stormwater management area. They are considering a pond concept.

Mr. Licht said the concept is to provide the basin as an amenity to the site. It would be a pond with landscaping and a walking path. This would be a focal point for the residents. They did check the lot coverage, and they are at 14% with the proposed addition on this lot. The lot is 5 acres.

Becca Casey wondered about the end of the fire access lane at the south end.

Mr. Wasileski said the access to the memory loss garden would be from the north fire lane. The access around the base is below grade, but it would allow the fire department to reach the lower corner of the building with the 110-foot ladder extension.

Bill Lunt asked about the path. Mr. Licht said it would be a walking path, bark mulch or stone dust.

Mr. Wasileski said there is a similar path on the Whipple Farm site along the school property boundary. It is a bark mulch trail.

Becca Casey asked if the cross-section is to scale. The path on that plan looks too narrow.

Mr. Licht said the path is 12 feet wide. The cross-section plan is at an exaggerated scale. Where the walkway is located the topography is very flat. It follows the grade through there. They may have to grade a few spots, but they are following the contour as best they can.

Bill Lunt asked if they are going to clear the vegetation from Blueberry to the access lane, and replant.

Mr. Licht said yes. In regards to the end of the lane, if it goes much further in, they would have to go into the buffer. The existing parking lot is on a 12-14 foot fill slope. He pointed out that the limit of disturbance for this project is on that slope, and doesn't enter the more mature buffer.

Bill Lunt said they are going to be into the buffer at Blueberry Lane with the fire access lane. He asked if it is better to have the lane closer to the building, and have a higher retaining wall, so the fire department could get closer to the building.

Mr. Licht said they could move it closer somewhat, but with a three-story ladder, they don't want to get too close to the building. They will be using filled slope at the back of the building. They are now looking at having more of the foundation showing, less of the wall and using slopes at 2.5/1 as opposed to 3/1, so they can use landscaping instead of riprap.

Matt Teare of Oceanview said they have discussed moving the lane closer to the building. Mr. Licht said they are adding significantly to the buffer.

Bill Lunt was concerned that there was quite a bit of distance between the fire lane and the building. Mr. Licht said they would look at it.

Becca Casey thought that as long as it works for the fire department, she felt more buffer between the building and the lane and terracing it down would make a better walking path, which would be its more normal use.

Heddy Snyder asked what disturbance, if any, would be on the side of the building next to the garden.

Mr. Licht said there would be very little. He said they are basically outside the woods now. They are trying to keep a separation between the assisted living facility and the memory loss facility. They are trying to maintain the views of the second-story residents.

Bill Lunt asked about the perpendicular parking, which has been pushed closer to the street; he asked if they would gain anything by using diagonal parking so they could pull it back from Blueberry Lane.

Mr. Licht said they would lose a few spaces with diagonal parking.

Bill Lunt asked them to discuss the compatibility with the master plan.

Mr. Licht said the master plan contemplates a density of 6000sq ft/unit. The current facility is far below the allowable densities as outlined in the plan. During the update of the master plan, expansion of the Falmouth House was discussed. The master plan contemplates larger buildings to the center of the site, with singles and duplexes surrounding it.

Bill Lunt asked them to have the calculations of what is allowed under the master plan to compare to what they are proposing when they come back for their site plan. The Board will do a finding for compatibility at that meeting.

A straw poll of the Board showed that they considered it to be compatible based on what was presented.

5. Cumberland County FCU – 101 Gray Rd. – Request for site plan approval of a proposed building addition and parking lot expansion. Tax Sheet 371; Map-Lot U44-001. Zoned VMU and Route 100 Overlay.

Becca Casey recused herself, as one of the principals from her firm is representing the applicant.

Dustin Roma of Sebago Technics, representing the applicant, explained that they have received endorsement from CCSWD for their stormwater design; they will be providing on-site detention for the 2, 5- and 10-year storm and so will not be requesting a waiver for that issue. To address the stormwater quality components referenced by the town engineer he explained that they have incorporated approved best management practices from the DEP, including stone drip edges on the building. All the water off the parking lots will sheet flow into several vegetated areas before reaching the culverts that lead into wetland area, and from there to Piscataqua River.

Bill Lunt asked if there had been any further discussion with Public Works regarding this design.

Mr. Roma said not yet; they were waiting for CCSWD's endorsement. He felt they are going above and beyond what is required for the site. There are no point discharges; it is all sheet flow.

Mr. Roma reviewed the peer reviewer comments. They have added a chain-link fence with vinyl slats to enclose the dumpster area. If the Board doesn't agree with the chain-link, they are willing to change it.

Heddy Snyder encouraged the applicant to conform to the peer reviewer's suggestion for wood fencing or masonry instead of chain-link. Bernie Pender agreed.

Mr. Roma agreed to change that detail.

Mr. Roma spoke about the generator screening; they have proposed ornamental grasses, the peer reviewer asked for an evergreen shrub. The grasses will grow 5-6 feet tall and would stay erect until the snow weighs them down. They feel the grasses will return every year and would prefer to keep them.

Bill Lunt felt that it defeats the purpose of screening if it is only there half the year. Bernie Pender, Heddy Snyder and Kermit Stanley agreed. Mr. Roma agreed to change it.

Mr. Roma spoke about the grasses at the seating area. They don't feel there is much there to screen.

Bill Lunt asked for a mixture of both grasses and evergreen in that area. Bernie Pender, Heddy Snyder and Kermit Stanley agreed. Mr. Roma agreed to change that.

Mr. Roma spoke about the 25 foot buffer along Route 100; he emailed staff with a break down of the species in the buffer and how they meet the standards required of that buffer.

Bill Lunt said that buffer wasn't treated properly when the building was built.

Ethan Croce said there was some landscaping approved and installed with the 1998 site plan, which has since been removed. This is addressed in the application material. He hasn't had time to thoroughly review the email mentioned, but felt that the applicant substantially meets the Route 100 guidelines.

Mr. Roma said the outside seating area will have granite block edging set in concrete around the perimeter and they have modified the crushed stone and replaced the grasses with shrubs as requested. He said a photometric plan was submitted with the application materials; they can provide a catalog cut sheet for the lighting proposed. The calculations showed that the average intensity on the new parking area is 2.07 fc; the ordinance calls for 1.5 fc. They feel that it meets what the ordinance is asking for. They can look at the next wattage down to see if they can get closer, but he felt that 2.0 fc is close to the 1.5 fc. The 4/1 ratio is skewed because the last two spaces are under lit; the minimum is .6 fc and those spaces are .4 and .2 respectively. He didn't know what changes they could make to bring it into complete compliance, but they meet the intent of the guidelines and they are pretty close.

Ethan Croce said they are not far off from any of the standards; they substantially achieve the .6 fc minimum. The .5 fc over the maximum is close. He suggested that re-lamping at a lower wattage, or adding another light pole might be an easy way to get closer to compliance.

Mr. Roma thought they could look at what would happen if they added another light pole and fix the wattages. He thought it might throw the plan further out of compliance.

Bill Lunt asked about dropping the light level after hours.

Mr. Roma said this is a financial institution; there is traffic to the ATM after hours, and there are people working in the building after hours. They are asking to have the ground lighting and lighting at the building remain on; they are willing to have the parking lot lights on timers to lower them to the .2 fc.

Bill Lunt said he was satisfied with that compromise. The rest of the Board agreed.

Mr. Roma spoke about the proposed crosswalk. There is no real formal way to ask people to come from the new parking area and cross the street in a narrow walkway. He said they were willing to stripe the wide section as suggested by the peer reviewer, but the section is multi-lane and he wasn't sure that additional striping on the ground would alert people. If you stripe too much of the site, it takes attention away from what they are trying to call attention to.

Bill Lunt asked if the traffic is one-way around the building. Mr. Roma said that was correct.

Bernie Pender asked if the one-way was going to be designated anywhere.

Mr. Roma said there is signage and arrows painted on the ground. They will maintain the signage and they are planning to resurface and repaint the parking lot as part of this project.

Bill Lunt asked them to make sure that the one-way traffic is clearly marked to prevent people from going the wrong way. He asked them to be creative about the striping to show that the sidewalk is there.

Mr. Roma agreed; they can add additional signage for people coming out of the new parking for “right turn only” and “one-way traffic”.

Bill Lunt wondered if they can get creative with the curbing as well.

Mr. Roma said they will add the additional utility trench hatching on the plans as requested. He spoke about the parking provided on the site. The peer reviewer asked for confirmation on the need for that many additional spaces. The property owner is asking to build out in order to have room for growth. Part of the building is a conference room to provide for meetings that are now held off-site. The parking proposed is not quite as much as the owners wanted.

Bill Lunt felt the number of spaces is justifiable, based on the use. Providing 20 additional spaces isn’t bad for a conference location. The Board agreed.

Mr. Roma said they would be happy to add centerline geometry to the plan. Contractors don’t often use centerlines anymore, with GPS technology the way it is, and that is why it wasn’t included.

Bill Lunt felt that it would be better to have it on the plan, for future reference.

Mr. Roma spoke about ADA compliance. They were asked to add contours to the ramp at the rear. That isn’t the accessible route to the building; this is a service/emergency exit, but they will add the contours to that area as requested.

Ethan Croce confirmed that this approach would meet the ordinance.

Bill Lunt said the grade variation doesn’t comply with ADA. He asked about adding something or designing it so that it discourages people from using it for that purpose at all. He wanted to encourage people to go to where the slope is easier.

Mr. Roma said the 20% concrete ramp will be from the handicap ramp to this door. It won’t look like the main entrance to the building; the building entrance will be directly in front of them. Furthermore, that entrance will be locked; people won’t be able to get in there. He thought they could add a sign directing people to the main entrance. There isn’t even hardware on that back door anyway; it is egress only.

Mr. Roma said they have shown the location of the picnic tables, and can provide details on those features to staff. While the guidelines speak to public areas for the community, this building is not close to anything else. The outdoor area will be for the benefit of the staff and members.

Bill Lunt pointed out that the ordinance is written to make allowances for growth later on.

Mr. Roma said they will provide staff with an updated photometric plan showing an additional light pole and reduced wattages, cut sheets on the light poles, and details on the public area.

Heddy Snyder asked them to locate on the site plan the additional signage detailing the traffic patterns.

Mr. Roma agreed and discussed the changes to striping and signage to outline the traffic pattern. He will add all those to the site plan.

Mr. Roma asked about closing off the entrances to the telecommunications hut. The representatives from Fairpoint are in agreement with the site plan as presented tonight that closes off the closer entrance. The site does not meet the sight distances for either the DOT or the Town; the utility said they are fine with closing it off due to the infrequency of its use.

Bill Lunt asked if they explored using the same driveway as the credit union.

Mr. Roma thought it might be confusing when entering the site, to have a gravel access drive off to the side. It would be a detriment to the aesthetic value of the credit union. The easement allows them to have access to the existing gravel area, which was there before the hut or the credit union.

Bernie Pender asked about other designs. Mr. Roma said Fairpoint wasn't interested. They are required to provide access to the Fairpoint site.

Bernie Pender said that, as infrequent as it may be, they still need to consider the safety of people coming in and out of it.

Bill Lunt said the current plan goes strictly against sight distance requirements. He was not comfortable with that, even though they may have the ability. DOT and the Town's sight distance requirements clearly don't allow that driveway to be there. However moving it leads them to a curb cut issue, with the two cuts being too close together. He would be more comfortable if they used the credit union driveway, especially with the infrequent use.

Kermit Stanley would rather see them go through the parking lot; it would be much safer.

Mr. Roma didn't want to create an unsafe condition. He wasn't sure the applicant was in a place to deny access to the telecommunications hut, as that access was deeded to them. They use big trucks that need to turn around.

Bill Lunt asked if the Board has the ability to close off both curb cuts.

Ethan Croce said the ordinance would typically require it. The Board could grant a waiver on the curb cut separation. Closing the southerly access and keeping the northerly one would mandate two waivers: one on sight distance and one on the curb cut separation distance. Closing off the northerly one and keeping the southerly one would mandate a waiver on the curb cut separation distance only. He felt the Board had the authority to mandate closing both of them and requiring access to come off the credit union driveway.

Heddy Snyder observed that there is a third party that has a deeded right of way. Ethan Croce said staff hasn't seen the language of the deed.

Bernie Pender felt they are not denying them access; they can still access from the driveway. He asked about the language of the deed.

Mr. Roma said the hut and the access was there before the credit union was there. He said they could look into it, but was uncomfortable moving forward.

Bill Lunt said it was the Board's obligation to treat those issues when site plan review is triggered; it doesn't matter that it was there for years.

Mr. Roma said the only thing they can do tonight is agree to close off the entrances, and allow access off the main entrance. If they can't accomplish that, it will be on them to come back to the Board. He will approach the utility.

Bill Lunt would prefer to close the one closer to the credit union.

Mr. Roma asked if they close up the entrance that looks like an extension of the gravel shoulder. He suggested combining them.

Bill Lunt said it is still two entrances and is still over the allowed width for a curb cut. Ethan Croce said they could narrow it up.

Mr. Roma said they could combine the entrances and come in the side of the hut property. They would landscape out front.

Bill Lunt said if they did that, the entrance would be within the 25 foot setback; he wondered if they could waive that. Ethan Croce said there is nothing governing the setback of the driveway; the Board could allow that plan.

The Board agreed with this plan.

Mr. Roma said the entire new parking area is designated as a compact car parking area. This allows them to reduce the width of the spaces and the aisles. They don't have the real estate to build a conventional parking area. They would have to fill in areas and cut down trees to do that. They have a little extra room, and so didn't reduce the spaces all the way down to the compact car standards.

The Board indicated agreement with this approach.

Mr. Roma said they are meeting all the attenuation standards of the 2-, 10- and 100-year storm events. The issue is stormwater quality; they were addressing quantity controls in their reports. The standards are being met.

Ethan Croce said he hasn't had an opportunity to review the plans that have been revised and reviewed by CCSWD. Chris Baldwin of CCSWD has given his consent to the revised plans and has stated that the attenuation standard has been met.

Bernie Pender asked when staff received the document. Ethan Croce said he has not seen revised plans. He received the email from Mr. Baldwin today.

Heddy Snyder thought there were originally questions about both quality and quantity of water.

Mr. Roma said they were proposing some minor increases in their original submission. They have incorporated some stone berms, level lip spreaders, sheet flow the water, and the installation of a structure in one of the culverts to detain the water and allow for some ponding on the site. In regards to quality treatment, they have tried to sheet flow the water through buffers everywhere it leaves impervious surfaces. They have tried to keep the drainage patterns consistent with what is there now. The water runs over vegetated surfaces and towards an abutting property owned by the credit union before it goes to the river.

Heddy Snyder asked if the letter from CCSWD addressed both of these issues.

Ethan Croce didn't think it addressed water quality just the attenuation standards; there are no specific ordinance standards that address water quality; they are more general and are typically achieved by use of best management practices. If this project was subject to DEP approval, they would need to weigh in on it, but in this case it at the discretion of the Planning Board what to require for water treatment.

Heddy Snyder thought the town engineer raised it as a potential issue. She wanted to make sure the town engineer would be happy with this.

Bill Lunt thought they could make that a condition of approval, that the Town Engineer was happy. Mr. Roma agreed.

Mr. Roma spoke about the under canopy lighting and the 5 fc maximum on the building face. They haven't addressed this as they didn't have the information. They will make sure they are in compliance with these standards. They are no longer requesting a waiver; they will comply with the .2 fc and will install timer switches. It was mentioned that the sign was installed too close to the road; they will either ask for a variance from the Board of Zoning Appeals for the sign, or they will move the sign. Regarding the architectural peer review, according to an email from Bob Howe today, he is in agreement with the proposal as it was presented to him.

Ethan Croce received an email from the peer reviewer today that the revisions substantially addressed the Exit 10 guidelines. The peer reviewer mentioned the proposal for vinyl siding; the guidelines call for

traditional northern New England building materials and specifically mention wooden clapboards. The peer reviewer wanted to call that out to the Board and make sure they were fine with it.

Bill Lunt asked if the material that is on the current building is the same as what will be on the addition.

Mr. Roma said no; the entire building will be resurfaced.

Bill Lunt asked if they submitted the actual model design of the material. Mr. Roma said they have examples of the materials as they were used on other projects.

Brian Curley of PDT Architects presented a detail of the existing building, which is in white vinyl clapboards. The windows would all be in vinyl; the base of the building will have a layer that is vinyl but looks like stone. The original submitted plans were preliminary. The visual looks traditional; the goal of the guidelines is fully met with this building. He showed photos of another bank building that uses similar materials and design. Vinyl is used on several buildings in the area.

Bill Lunt felt that clapboards were traditional New England, and there was nothing in the ordinance that says they can't be vinyl. All the trim and the windows are going to be vinyl. Vinyl has come a long way. He felt this meets the guidelines. The Board agreed.

Ethan Croce clarified that Mr. Howe commented that the building is off the road, and that its appearance met the guidelines.

Mr. Roma spoke about the preservation of landscaping approved and installed at the time of the prior site plan. He indicated the location of an ash and spruce that they were asked to save. They couldn't remove yet another parking space, and potentially two, in order to save the trees. They looked at moving the parking lot to save those trees, but they are already constrained and there isn't enough room to move the parking. They are planting several new ashes, as well as maples, to take the place of the trees they are removing.

Ethan Croce thought they could dimension a couple of the spaces to the reduced 8' width allowed under the ordinance. Doing so for 5-6 spaces would gain them an extra 5 feet to work with, which might save the ash that sits at the curb. Shrinking down the length of those spaces from 16 feet to the 15 feet allowed for compact parking would gain them 2 feet and might save the spruce.

Bill Lunt said the ash is something that you see from the street and it would be good to save it if they can.

Mr. Roma thought they would supplement that area with new plantings rather than crowd the parking area in order to save that tree. While they were trying to save it, it was a tree that the credit union planted. They would prefer not to crowd the spaces in order to save one tree.

Heddy Snyder thought since it is already designated compact car parking, and isn't taking away any spaces, she didn't see why they couldn't narrow those spaces to save that tree. She understood that they would lose the spruce.

Mr. Roma said they would rather not, but he would revise the plans to either reduce the closest three, or maybe five, spaces or move the lot 2-3 feet and narrow the lot in places to save the tree and protect the root structure.

Bill Lunt suggested taking the space closest to the ash away and moving it to the other end of the lot.

Mr. Roma said he can look at a couple different scenarios that would save the tree.

Bill Lunt said the tree is on the edge of the lot now. If they don't give that tree 5 feet from its trunk for root structure, it won't survive. He thought it was better to put a space on the other end and give the tree enough space to survive. He felt it was important and not unreasonable to try to save that tree if they can do it without losing a space.

Heddy Snyder suggested either moving the entire spot, or reducing the amount of the paved area by decreasing the width of some of the spaces, since they have the flexibility to do that.

Mr. Roma spoke about the removal of some of the landscaping shown on the 1998 site plan. They will amend their landscape plans to show those landscaped islands that exist today.

Public comment period opened; no public comment.

Heddy Snyder was not comfortable moving forward on this item with this many open issues.

Bernie Pender was not comfortable with the application as it is right now. He would like to see the whole pile of conditions cleaned up. He felt there are just too many conditions on this.

Mr. Roma was looking at the nature of the conditions and not the number. The stormwater and the lighting are issues that he felt the staff could address. If adding a light pole brought them further into compliance on the photometric plan, for example, they would add it.

Bernie Pender felt that those two issues are ones that they don't typically send to staff to finalize. They are items the Board usually reviews.

Bill Lunt suggested that the item be tabled; he was concerned that the item would fail if voted on as it is.

Kermit Stanley moved to table; Heddy Snyder seconded. Motion carried 4-0.

6. (Tabled) Wal-Mart Stores, Inc. – 206 US Route 1 – Request for site plan review for a proposed expansion. Tax Sheet 320; Map-Lot U52-002. Zoned SB1 and Village Center Overlay.

7. Carol Katz – 69 Hardy Road – Request for a subdivision amendment to create 1 new lot. Tax Sheet 440; Map-Lot R07-098-C. Zoned Farm and Forest and RCZO.

Ethan Croce explained that this is an amendment to a minor subdivision. With the addition of one house lot it still qualifies as a minor subdivision. The application is missing a few required materials. The application does not address the Appendix 1(L)2 requirement for documentation of adequate water supply. Materials documenting adequate water supply, or a note on the plans prohibiting the sale of the lot until documentation of adequate water supply is submitted, are required. Absent those a waiver from the Board would be required. A nitrate plume study and designation of well exclusion zones is required, but neither was provided. Waivers would be required on both those issues, if the Board were to act on this application. The application did not address whether the wetlands on the site are designated high- or low-value. On the plans they are showing building envelopes typical for low-value wetlands. If they are in fact high-value, a 50 foot no-disturb buffer and a 75 foot structural setback would be required. The application is silent on the issue of utilities; the ordinance requires that utilities be placed underground unless the Board allows otherwise. It is a threshold issue whether the Board is willing to act on this application in light of the missing items.

Becca Casey asked about the test pit locations; two passing test pits were indicated in the materials.

Ethan Croce said only one passing test pit was shown on the plans; the purpose of showing these is to give the Board some indication as to where these will be located in relation to abutting properties as well as to the house lot that is being split off.

Bill Lunt observed that typically these items are included in applications.

Ethan Croce said the submittal requirements specifies that either the standards are met, or that waivers are requested from those elements that are left out, with rationale for the granting of those waivers provided.

Bill Lunt asked why the application is incomplete.

Carol Katz, property owner, said it is a 6 acre parcel of land; she would like to sell the split off lot. They did the work in a big hurry to get on the agenda tonight because they have a contract pending. She spoke with David Hughes who did the work for her. She was unaware that they needed formal waivers for these. She didn't know how they would determine adequate water. All the abutters have adequate wells. Regarding the nitrate plume study, Mr. Hughes explained to her that the well would be drilled uphill from the leach bed. The test pits are delineated. None of the other residences on the road have underground utilities. The Town Engineer requested a culvert under the driveway, but the driveway isn't located yet.

Bill Lunt observed that there is a lot missing from this application. He felt that the ordinance was designed to ensure that applicants have the proper technical help. He asked if Ms. Katz spent time with the staff. He asked if she chose to move forward without help.

Ms. Katz said Ethan Croce suggested that she get someone to do all this work. If they missed any of these things, she was sure Mr. Hughes was aware of them as he had a copy of the ordinance.

The Board discussed the threshold issue of the application's completeness.

Bob Derice of 13 Ladyslipper Lane has the property under contract. He thought a prior staff person had told the owners that they wouldn't need Planning Board approval to split the lot. He has reviewed the land with other professionals; he is an experienced developer. He wants to build a 2000 sq foot house; it is a large parcel with a lot of flat land. They won't affect the potential wetland area, whether it is high- or low-value wetland. This whole lot goes downhill from Hardy Road and there won't be any need for a culvert. They will use geothermal wells, and he is very clear as to issues regarding septic and wells. He thought they would only need to know that there are good soils.

Bill Lunt said they can either drill a well or hire a hydrogeologist to issue a report on the availability of water. The Board can put a restriction on the approval that a building permit won't be issued until potable water is on the lot.

Becca Casey asked about the nitrate plume study.

Bill Lunt observed that the land slopes sharply to the east. He thought the applicant could ask for a waiver on the nitrate plume, and the Board could grant it based on the fact that they are going to be well outside of the 100 foot separation from a well.

Ethan Croce explained the 100 foot separation is a state requirement and is separate from the nitrate plume. The nitrate plume modeling, in areas of steep slope, can extend beyond those 100 feet. The ordinance requires well exclusion zones which are areas of the site where a well is not allowed, including anywhere within 100 feet of any portion of the septic system, and any place where the nitrate plume extended beyond that distance.

Heddy Snyder asked if they can condition the granting of any building permit on the completion of a nitrate plume study and designation of the well exclusion zones. Becca Casey wondered about granting a waiver on the item. Bill Lunt mentioned that the nitrate plume also identifies where the plume goes in relation to the abutters.

Ethan Croce thought it was probably unlikely in this case that the plume would extend beyond the perimeter of the property; he thought that the study could theoretically be tied to the building permit. They would still need the subdivision plan to be recorded prior to the sale of the lot, but the study could come later. He pointed out that the lot cannot technically be sold until the mylar is signed which won't happen until next month's meeting at the earliest.

The Board discussed the potential for a conditional approval.

Bernie Pender said that historically the Board has not taken on incomplete applications, because they were getting a lot of them and they would have to shuffle through them at the meeting. There is a process

that every applicant has to go through to get to the Board. The staff explains the process, and it is for everyone's good to follow the process. The process protects the applicant, the buyer, and all the people of Falmouth. He wondered what happened if the Board approved a lot that they then find out is unbuildable. Everyone who comes to the Board is under a time constraint. He felt it was in the applicant's and the buyer's best interests to resolve these issues and come back with a complete application.

Ms. Katz said the purchase and sale is contingent on getting an approval from the Planning Board. The buyer is in no danger of having to buy a piece of land that would not be approved.

Bernie Pender moved to table the item, because it is an incomplete application. Bill Lunt seconded. Motion failed 1-4 (Stanley, Snyder, Lunt, Casey opposed).

Bill Lunt didn't feel there were a lot of issues, and that they could address them with conditions.

Becca Casey discussed potential conditions, including tying adequate water and the nitrate plume study to the building permit, that test pits and well exclusion zones be added to the plans, and that wetland setbacks be designated as high-value unless documentation is submitted proving otherwise.

Heddy Snyder suggested that utilities should be required to be placed underground.

Ethan Croce added that, if a culvert is required, that it should be reviewed by the town engineer, and due to the grade change of the woods road, that the fire department be allowed to review the final plan.

Mr. Derice observed that no other utilities are underground. They will have to set a pole. Ethan Croce said that crossing a street and then placing a pole is acceptable.

Mr. Derice said it is hard to put underground utilities at the top of the hill. He would like to go partly down the hill. Ethan Croce didn't think there was any requirement that they bore underneath the street.

Bill Lunt thought they could say that he must bury it from the pole to the house. Becca Casey asked if that needed a condition. Ethan Croce said they could document that on the plan.

Becca Casey moved to approve the application with the following conditions: that a nitrate plume study and designation of well exclusion zones be added to the plan, that wetland setbacks be treated as if they are high-value until or unless documentation shows otherwise, that no building permit be issued until proof of adequate water supply is provided, that the plans document the extent of underground utilities, that a culvert, if required, meet with the requirements of the town engineer, and final driveway configuration be approved by fire department. Prior to the issuance of a certificate of occupancy documentation from a land surveyor that the monuments are placed must be submitted.

Becca Casey moved to waive the requirement for documentation of adequate water prior to the sale, and move that to a condition as noted. Heddy Snyder seconded. Motion carried 4-1 (Pender).

Becca Casey moved to approve the application with the conditions as read. Kermit Stanley seconded.

Public comment period opened; no public comment.

Motion carried 4-1 (Pender).

Meeting adjourned 10:05 pm

Respectfully submitted,

Melissa Tryon
Recording Secretary