

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

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

MEMBERS ABSENT: Bill Brogan

STAFF PRESENT: Ethan Croce (Senior Planner)

Meeting started at 6:32 pm.

Walter Arsenault was appointed as a voting member.

1. Approval of November minutes

Becca Casey moved to approve the minutes; Bernie Pender seconded. Minutes approved 5-0.

Administrative Action Items

2. Allan and Constance Bauer – 1 Ashton Way – Request for a Private Way amendment to expand a building envelope. Tax Sheet 220; Map-Lot R03-062-B. Zoned Farm & Forest and RCZO.

3. Communication Technologies, Inc. – 11 Blackstrap Rd. – Request for a site plan amendment to construct a storage shed. Tax Sheet 454; Map-Lot U48-035-A. Zoned MUC.

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

Public Hearing

4. Public Hearing on proposed amendments to Sections 5.7 of the Zoning & Site Plan Review Ordinance relative to the keeping of poultry.

Ethan Croce explained that this amendment would add an allowance for the keeping of poultry, subject to specific restrictions, to the RB and VMU districts, similar to what was done for other districts in town in 2008.

Public comment period opened.

Jay Chace of Brook Rd worked with Amanda Stearns on some of the language. His wife was interested in keeping chickens in their backyard and he lives in the RB district. He felt this was a fairly straight forward change and supported this amendment.

Public comment period closed.

Becca Casey moved to recommend passage of the amendments as submitted; Bernie Pender seconded. Motion carried 5-0.

Agenda Items

5. Paul Gaudet & Aroldo Ribiero – 236 & 240 Gray Rd – Request for approval of a private way to serve three lots. Tax Sheet 200; Map-Lot R06-031, R06-032-A, R06-032-B. Zoned VMU and Route 100 Corridor overlay.

Ethan Croce explained that the application was missing two items: the applicant needs to address the standards for the Route 100 Overlay District relative to the curb cut separation and required landscaping along Route 100.

The Board discussed whether to move forward, in light of the missing items. They decided to allow the applicant to clarify the threshold issues.

David Titcomb of Titcomb Associates, representing the applicants, explained that these were inadvertently omitted from the application, but are easily addressed. The property is located way up Gray Rd, near the power lines. One issue is with the separation between the two existing driveways that are part of the application. Other curb cuts are more than 200 feet away. The other issue is the landscaping, but there is quite a bit of landscaping out there already. They can take care of it as a condition if the Board agrees. They will ask for a waiver on the separation of the driveways but that waiver was not submitted as part of the application.

Heddy Snyder was confused by how many lots would be served by the private way – in different parts of the application it states 1 lot, 3 lots and 4 lots.

Mr. Titcomb explained that 3 lots would be served by the private way; lot 2b currently has a curb cut on Gray Rd. The private way would be installed over an existing curb cut. There used to be a house there but it was razed in the last few months. There was a driveway that was added incorrectly to one of the plans and has since been removed. He asked whether the Board would consider granting a waiver on the separation of the driveways. If the Board doesn't grant the waiver it creates design issues; they would have to relocate a driveway.

Bill Lunt observed that the Board needs to have documentation on which to base a decision on a waiver. The Board discussed whether they would grant a waiver.

Mr. Titcomb discussed the existing curb cuts and their distance from each other. They can relocate the private way, but it doesn't make sense to do that since the parking and landscaping are already there. They other option is for the other driveway to come off the private way, but there is the possibility of dividing that lot again in the future. Relocating the driveway would impact that possibility. Those curb cuts have been there forever; this lot is way down on Route 100. The sight distance in both directions is about 1100 feet, more than twice what the Town requires.

Becca Casey said the turnaround on this private way almost butts up to the turnaround on Presidio Way. She wondered about options for connections between the two streets. Mr. Titcomb said it is extremely steep in the back and there is no way to connect the two.

The Board didn't feel there was enough information to grant a waiver. Walter Arsenault asked if there was any way to slide it south to increase the distance.

Mr. Titcomb said no, they would run into separation issues with the entrance to Smith Farm to the south.

Bill Lunt wondered if there was a way to have the drive off the private way and still divide the lot in the future.

Heddy Snyder was sympathetic to the situation and heard their reasoning for the waiver. She pointed out that the Board has to enforce the rules and suggested they look for a way to come off the private way and comply with the 200 foot separation.

Bill Lunt suggested that the applicant address the comments made by staff and then come back to the Board.

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

6. Church of St. Mary – 43 Foreside Rd. – Request for sketch plan review for a building expansion. Tax Sheet 320; Map-Lot U07-005. Zoned RC and RCZO.

Ethan Croce discussed the right, title and interest threshold issue. The applicant had a boundary survey done which indicated that the 50 foot strip of land shown on the plans is actually owned in fee by an outside party. This affects the placement of the building expansion since there is a 100 foot setback required for churches, and 25 feet for parking lots, in the district. He addressed the key issues: the applicant will need Board of Zoning Appeals (BZA) approval since churches in the RC district are a conditional use. The applicant is scheduled for a hearing before that board in January. The applicant is asking to retain overhead power lines; the Board has the authority to require that those be placed underground. The applicant should either demonstrate that the angle of the driveway that comes off Waites Landing Road is in compliance with the ordinance, or formally request a waiver. The buffering standards will need to be addressed given the proximity of the parking lots to Waites Landing Road and the neighboring homes. The Town Engineer had some questions regarding a non-stormwater discharge pipe on the property, and a comment that the stormwater management plan should verify that the drainage ditch on Waites Landing has adequate capacity in light of the increased impervious surface. Foreside Road was recently resurfaced, and is subject to a moratorium; the applicant will need to talk to the Director of Public Works if a variance is needed in order to cut into the road for water service.

Becca Casey asked about the width of the curb cut on Waites Landing; she wondered if the Board had the authority to narrow that. Ethan Croce said they do. 25 feet is currently proposed; the applicant could narrow it to 20 feet without a waiver and even further down with a waiver.

Scott Simons, architect for the project, explained that 3 years ago they started working with the Church on a master plan. They looked at leaky basements, moldy rooms, and inefficient energy along with how the space works. They drafted a phased development plan, including life safety improvements, safety lighting and an elevator, energy efficiencies, and the replacement of one section of the building with a new addition. He showed a plan of the current site. The church and the parish hall were both built in three sections. The basement of the parish hall is the retention basin for the site. The site is surrounded on three sides by the cemetery. Part of the plan is to restore the character of the landscaping as well as the character of the buildings. They are proposing to remove a section of the parish hall, add a parking lot and build an addition to the parish hall on the interior of the site.

Nat Cram, architect, said the parish hall needs updating for health and safety reasons; it is not fully accessible, doesn't have a sprinkler system, there are air quality and energy performance issues. The plan is to remove a section of the parish hall and bring the rest of the building up to life safety code including adding bathrooms, handicap accessibility and meeting the current Maine energy code. The planned addition will provide administrative space and storage, along with the elevator. The proposed improvements to the church are all interior, including replacing the heating system, improving the insulation, and providing fire alarms. Planned improvements to rectory include installing heating controls and mitigating water in the basement. He spoke about the boundary survey. They had assumed that the whole parcel was owned by the Church and was one lot. The 50 foot strip was assumed to be an easement of some kind for access. The boundary survey revealed that the strip was owned in fee by the heirs of John Marshall Brown, the original owner of all the land. Currently the Church is acting to obtain legal counsel to clear the situation up before they go for site plan review. He spoke about parking at the church. The parking is currently haphazard; people are parking where they can, including along the access lanes and down in the gravel parking lot. None of the legitimate 28 spaces are striped. If they provide striped parking and more off-street parking it would be safer and allow access by emergency vehicles.

They propose to improve parking at the upper level and replace and expand the informal gravel parking area at the lower level with a paved parking lot. They do use parking along Foreside Road, in an area near the entrance to the church. There is a wide shoulder area there. On-street parking is not prohibited in this area.

Bill Lunt asked if the Board should address the on-street parking on Foreside. Ethan Croce said it is not restricted there and is in the public right of way. Anyone can park there at any time.

Bill Lunt asked how many spaces are required.

Mr. Cram said they calculated 47 parking spaces based on the assembly space in the church and parish hall. They are proposing more formal parking in the current parking lot with parallel parking along the interior drive. They would like to add parking spaces along the entrance drive to the church, for elderly people attending church services. The lower lot would account for 26 spaces, including a couple handicap spaces. There is a grade change of 10 feet between the upper and lower lots which prohibits connecting them. Some people have questioned connecting the new lower lot to a driveway that connects to Route 88; they felt it was not practical due to graves that come out in that area and a collection of specimen trees that contribute to the pastoral nature of the landscape. There is a playground in behind the church as well; putting in a driveway there would create a safety issue.

Becca Casey asked about additional spaces at the north of the church and offsetting those by removing spaces in the lower lot.

Mr. Cram said they might ask for additional spaces. If the Board was not agreeable they would rather have spaces closer to the church and eliminate spaces in the lower lot. Mr. Simons said they want to make that northerly lot more defined. People park there anyway.

Bill Lunt asked if any of the required spaces will be on the road.

Mr. Cram said all the required spaces will be on the lot. They would like to buffer the view of the parking lots from the public right of way. He indicated the places on the plan where they would install landscaping to provide a buffer. He asked if they would need to request a waiver on the required parking lot lighting; 1.5 fc would be too bright for this residential neighborhood. They would like a .6fc average.

Ethan Croce said they would not need a waiver; .6fc would be the average for a residential neighborhood.

Mr. Cram said they were going to improve the lighting on the site. Currently they have a large flood light that shines across the parking lot. They would like to remove that and provide smaller, pole mounted, full cut off light fixtures. They will remove the utility pole on which that light is mounted, and the wires that service it. The parish hall is currently served by overhead lines from Route 88; he indicated where the poles are on the property and where the service goes underground to the parish hall. They are going to remove one utility pole to put service underground to serve the parish hall addition. Leaving the remaining lines overhead will not impact the sight lines from the public right of way. To place wires underground they would have to cut into a paved drive and they were concerned about hitting ledge. There are a lot of trees on the property that would screen the wires. It would be a hardship to place all the utilities underground.

Bill Lunt asked if that would require a waiver. Ethan Croce said the Board may require them to place the utilities underground, but if it isn't required the Board must make a finding that the overhead utilities have a harmonious relationship to the site and abutting properties.

Bill Lunt said a photo of the area would help the Board to make that determination.

Bernie Pender asked if the lines run down within the 50 foot strip. Mr. Cram said no, they are within the church property.

Steve Blais, of Blais Civil Engineers, spoke about the water line. There is a 6 inch line in Waites Landing Road, which was smaller than they expected. There is a 12 inch main in Foreside Road but there is a moratorium on cutting into Foreside, as it was recently repaved. They have found that they can use the Waites Landing Road line since the 6 inch line ties into an 8 inch line. They tested it and have adequate water pressure. They are waiting on a capacity letter from Portland Water District. He spoke about the site drainage and how water on the site flows toward the parish hall. They will provide a drainage system to capture some of the water, and waterproof the foundation. They have planned a dry detention basin. They are still calculating, but the purpose of the detention basin is to decrease peak flows at the ditch. They are adding 17,000 sq. ft. of impervious surface with the project. They may be formalizing the paths within the cemetery, and while they ran the numbers on the stormwater system with asphalt walkways, just to be conservative, those would likely be stone dust. The site is serviced by a pump station; they may relocate that slightly, based on the parking lot. He spoke about an outstanding field report about illicit discharge. If there is any sewage leaving the site they will take care of it, but they don't know of any issues. Regarding the angle of the exiting driveway; he measured it and it looks like it falls within the standard. If it doesn't, they will request a waiver. He said they would be interested in narrowing the width of the drive, subject to approval by the fire department.

Bill Lunt asked if they would require stormwater assessment from Cumberland County Soil and Water Conservation District (CCSWCD). Ethan Croce said yes, that would be required.

Mr. Blais thought they had to meet peak flow standards, and have designed based on that. They have met with neighbors to identify any issues. They have discussed reducing the impact of headlights by buffering the site, and shifting the drive down slightly. Neighbors have requested landscaping and have asked whether there is an increased use of the property. There is a little bit of debris on the slopes along Waites Landing, which they are planning to clear up as part of the landscape plan.

Heddy Snyder asked about buffering for the south side of the lower parking lot. Mr. Cram said there is a stockade fence there that will form part of the buffering. They will install buffering as well to meet the ordinance requirements.

Becca Casey said the landscape plan shows 4 hemlock trees; she wondered if those are there now.

Mr. Cram said yes, those are currently there. He said in formalizing the parking lot it may seem that they are inviting more use. The Church doesn't feel that there will be increased use; they want to accommodate the current use in a better and safer fashion.

Bill Lunt opened a public comment period.

Andrew Magnum of Waites Landing Road lives directly across the street from the church. He indicated his home on the aerial photo. His home would be most affected by the new parking lot. He has lived there for 35 years and knows the property very well. He said over the past few years it has become increasingly busy with more traffic. They had a nursery during the daytime at one point. The new plans have a lot of classrooms. His understanding is that the church is planning to increase the number of meetings held in the parish hall, not church meetings but community meetings, which will bring a lot of traffic into a residential neighborhood. He has met with the Church regarding some suggestions that would address his concerns. The gravel area is not normally used for parking, and never at night. There are no lights there. The new parking lot will be a mess because it is a dead end lot. He said people would have no idea whether the lot was full or empty and he didn't think people would be able to turn around and leave the lot, but would have to back out onto Waites Landing. He doesn't object to the normal church activities, but did object to the outside meetings open to the public. He asked a professional real estate person and that person stated that this would definitely decrease the value of his land.

Heddy Snyder asked if the use of the building was within the purview of the Planning Board, or solely under the authority of the BZA.

Ethan Croce said it is an existing conditional use; in January the BZA will consider the expanded conditional use and what the building will be used for. The BZA will consider the impact on abutters and can impose additional buffering.

Hugh Smith, senior warden at St. Mary's, said the Church has discussed with the architects that they want to consider the neighbors concerned. The Church is a vibrant community, is very active, and has grown in the past few years. They are hosting more events, including one of the largest AA meetings in the state. They feel this is part of their ministry and outreach to the community; they now turn down organizations in order to accommodate their own internal meetings and uses. They don't anticipate any expansion beyond what is there currently. Many of the changes proposed are driven by making the space more usable for today's uses. The part of the building that is being torn down was initially an apartment that was rented out in the past. There was a co-op education organization that used the building in the past. They are not there anymore because the church wanted to use the space for their own use. The reorganization that is planned is to accommodate the church's own church school, and not another co-op school. The building is pretty much at capacity as it is now. They are willing to work with Mr. Magnum to accommodate his concerns.

Tricia O'Carroll of Waites Landing spoke about Waites Landing Road. It is a winding, historical, beautiful street with a canopy of trees. She felt a parking lot along the road was not part of a pastoral setting. There are no street lights; it is dark at night. That would change. A parking lot doesn't belong along that street. People from all over walk down that street.

Barbara Graustein of Waites Landing Road is bothered by the lower parking lot. She feels she lives on the most beautiful road in Maine. The idea of a parking lot on the road upset her.

Susan Alexander of Waites Landing Road said the neighborhood meeting held by the Church was poorly attended. She didn't think many of the neighbors understood the impact of the proposed plan. She felt the installation of the parking lot would require removing trees, which would take away from the pastoral setting along the street. Newly installed landscaping and the installation of lighting will completely change the look overall. She wondered about permeable surfaces being used. The trench going down the length of Waites Landing routinely fills up; it has been dredged twice since she has lived there. She felt the Church has turned their back on the neighbors in favor of the Church members. She hoped there was another creative way to provide parking. She suggested pavers, or shared parking with Pine Grove School. She didn't feel this lot was essential.

Kathy Coster lives across from the cemetery, next door to the Mangum property. She loves living near the Church and supports their mission. She was reassured by the plan she saw regarding the buffering on that parking lot, which showed landscaping above and beyond the bare minimum required by the ordinance. Her home looks directly at the church. She hoped that the parties involved work very hard to make this as low impact on the neighbors as possible. Waites Landing is very dark; any light would have a pretty big impact. She looked forward to discussing ways to reduce the impact of this project, and make it work for all parties.

Public comment period closed.

Becca Casey asked the applicant to bring material that shows a wider scope of how the project impacts neighbors when they come back to the Board.

Heddy Snyder asked for material that shows what existing plant life will be removed, and what will be installed.

7. Oceanview Retirement – 20 Blueberry Ln. – Request for preliminary and final subdivision and site plan approval for expansion of the Falmouth House. Tax Sheet 310; Map-lot U27-013-D. Zoned RCOD.

Ethan Croce said the only item missing from the packets with the landscaping plan. It was submitted to staff this afternoon. The Board agreed to move forward despite the missing information.

Ethan Croce spoke about the waiver requests. At the last hearing, the Board seemed agreeable to considering combining the two approval stages for this application. According to the stormwater report, there is a minor increase of post-development peak flows for the 2- and 10-year storms at the Middle Road culvert, which would require a waiver. The Board needs to make a formal finding that the application is generally consistent with the master plan; they have indicated agreement with that at previous meetings. DEP approval has not been granted for the project. The erosion and sedimentation controls and the stormwater plan will both need approval from CCSWD. The applicant should discuss the lighting plan: the standards are 1.5fc average for parking lots and .6fc average for a residential area. Currently the plan complies with the higher standard at a 1.6 fc average. The applicant is requesting a conditional agreement instead of posting a full performance guarantee. A similar agreement was allowed by the Board for the expansion of the main lodge approved last year.

Becca Casey asked if staff had commented on the increase in peak flows.

Ethan Croce said the town engineer said the relatively minor increase in peak flow to the 24-inch culvert under Middle Road will result in additional ponding but will not overtop Middle Road in the 100 year storm. The Blueberry Lane drainage system can handle the flows from the detention pond.

Rick Licht, of Licht Environmental Design, spoke about the landscaping. They were not able to get the final plan in time for the packet submittal, but it is final now. The prior packet included the landscaping around the building and the memory garden. The Board was interested in seeing how the walls would be buffered. Photos of existing walls were shown at the last meeting. It is difficult to plan for landscaping until the walls are built; they have planned for three different cluster types of different vegetation combinations. They moved the access drive as far north as they could. The idea was that the clusters would provide a key to show where different types of vegetation would be installed. The stormwater basin includes a small seating area, with a wall and plantings along the top of the wall. They do meet, and in some cases exceed, the landscaping requirements for section 9.28 along the parking lot. They have a very robust planting plan. They are planning to transplant flowering crabapples from the back of the Falmouth House to the top of the wall along the back of the stormwater basin. Those are 3 caliper trees, fully mature trees. They requested a condition of approval to finalize the landscaping plan with staff.

Mr. Licht said they moved the fire lane as far north as they could. There is a buffer along Blueberry Lane that ranges from 60-120 feet wide. They have provided details on a trellis-type system to screen the mechanicals on the site. The parking along the drive has been blacked out as previously discussed. They added a curb and sidewalk from Blueberry Lane to the sidewalk. They are showing a trail from the fire access road. They did not add a trail from the fire access lane to the pond, but did add a small sidewalk from the sidewalk on Blueberry to the sitting area at the pond. They added a bump out with curbing to protect the northerly-most parking space in the lot. The lighting plan proposes to utilize on-site 250 watt, metal halide, shoe box type fixtures that are consistent with what is there now. They have 150 watt fixtures on the building, and there are bollards along the entrance that will remain. All the lights are shielded, cut off style. The fixtures are 20 foot fixtures, consistent with what is there now. The overall average on the entire zone is 1.6fc. The residential standard asks for .6fc, and the parking lot standard is 1.5fc. They are amenable to changing it, but have to consider the elderly population and the need for safety and security. They wouldn't want to go to .6fc, but would be willing to consider it. They were trying to be consistent with what is there now to avoid changing the ballasts.

Becca Casey felt the Board would like to err on the side of the least amount of light they would need for safety. She would like to see if they could come within the 1.5fc average. She didn't think the residents of these units would be likely to be out walking by themselves; they would be with staff or family.

Chris Wasileski of Oceanview agreed and said they would be amenable to reducing the light. Matt Teare of Oceanview thought they could have the fixtures programmed so every other light would shut off during the night hours.

Heddy Snyder seconded Becca Casey's comments about bringing the lights down some. Bill Lunt agreed. He was looking for a lot less than 1.5; it is a large, drawn out area of open space. Mr. Licht said they would revisit it.

The Board was comfortable with this being made a condition of approval.

Mr. Licht said the number of parking spaces is adequate to ITE standards. The ordinance requires 38 spaces; they are providing 42. The ITE standard includes residents and staff. The estimated 5-6 increase in trips in the PM peak hour includes staff and residents. Programmatically they will need 1 new staff for every 7 new memory loss residents. With 20 new memory loss beds, and 6 new assisted living beds, they will need 5 additional staff, which is consistent with their estimates.

There were no members of the public present to comment.

Becca Casey moved to approve the waiver request for consolidation of the review steps: Heddy Snyder seconded. Motion carried 5-0.

Becca Casey moved to grant the waiver on the increase of stormwater post-development peak flows; Heddy Snyder seconded. Motion carried 5-0.

Mr. Licht said the master plan looks to have less-dense uses to the outside of the campus and the higher density uses to the interior of the campus. They are proposing this expansion to the interior of the site, consistent with the master plan. The 2009 update to the master plan approved by the Council showed a conceptual addition to the Falmouth House. They have done the best they can to keep the face of the building to the road and to design the site for both vehicles and pedestrians.

The consensus of the Board was that this expansion was consistent with the master plan.

Bill Lunt asked about the pedestrian trail. Mr. Licht spoke about the materials proposed for the trail; they would ask that locating that be made a condition of approval.

Bill Lunt observed that it would be hard to locate that trail until they get out there. He asked that it be marked on the site plan once it is built. Mr. Licht agreed to provide an as-built plan as a condition of approval.

Ethan Croce read the conditions into the record.

Mr. Licht indicated agreement with the conditions as read.

Becca Casey moved to approve the application with the conditions are read, with the finding that the application is consistent with the master plan. Heddy Snyder seconded. Motion carried 5-0.

Meeting adjourned 9:00 pm

Respectfully submitted,

Melissa Tryon
Recording Secretary