

**FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, JUNE 5, 2012, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

MEMBERS PRESENT: Bill Lunt (Chair), Becca Casey, Bernard Pender, Walter Arsenault, Kermit Stanley, Jay Chace (Alternate), William Benzing (Alternate)

MEMBERS ABSENT: None

STAFF PRESENT: Ethan Croce (Senior Planner)

The meeting started at 6:31 pm.

1. Approval of minutes from the May 1 and May 16, 2012 Planning Board meetings.

Becca Casey moved to approve the minutes, Kermit Stanley seconded. Motion carried 5-0.

Administrative Action Items

2. Claudia King 160 Woodville Rd. – Request for a shoreland zone permit for a temporary dock. Tax Sheet 140; Map-Lot R03-033. Zoned Farm & Forest, RCZO and SP (Shoreland).

3. The Ledgewood Trust – 50 Ledgewood Dr. – Request for re-approval and transfer of ownership of The Ledges Subdivision. Tax Sheet 512; Map-Lot R04-068. Zoned RA and RCZO.

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

Agenda Items

4. Cumberland County Federal Credit Union – 101 Gray Rd. – Request for approval of a freestanding sign. Tax Sheet 371; Map-Lot U44-001. Zoned VMU and Route 100 Overlay.

Ethan Croce said the applicant is looking to replace an existing freestanding sign. The proposed sign complies with all ordinance standards and design guidelines except for the limitation on colors. The design guidelines say signs should be limited to 2-3 colors; staff has counted 4 colors on the sign.

Deana Emery of Bailey Sign, representing the applicants, explained that the sign was designed to go with the architectural features and colors on the building.

Walter Arsenault didn't see the fourth color here. Becca Casey agreed. She thought the white and yellow weren't contrasting; it met the intent and wasn't a busy sign. Kermit Stanley, Bill Benzing and Bernie Pender agreed.

Jay Chace asked about the landscaping around the sign; he wondered if they would be able to maintain the existing landscaping with installation of the new sign. He also thought the current lighting is askew; he wondered if that would be fixed.

Ms. Emery explained that the current sign was moved back 5 feet per DOT requirements. The lighting will be moved back with installation of the new sign, and the landscaping will be redone.

Bill Lunt thought the sign matched the color of the building. He didn't have a problem with the colors.

There were no members of the public present.

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

5. Patricia Milliken – 10 Steeves Way – Request for a private way amendment to add two lots to Steeves Way. Tax Sheet 130; Map-Lot R06-008-001. Zoned Farm & Forest and RCZO.

Ethan Croce said the question of right, title and interest has been addressed since the agenda notes were sent out. The applicant has notified staff that Jones and Associates have reviewed both lots in their entirety to determine the wetland delineation, including the neck of the private way, and that they were using the Town's wetlands classification system.

Nate Huckel-Bauer, representing the applicant, said Steeves Way is an existing driveway on Winn Rd. It is 12 feet wide, and the plan is to widen it to 16 feet to create access for two new lots. They have a letter from the surveyor that addresses the wetland delineation and classifications used. There will be minimal construction required to widen the travel way.

Bill Lunt asked if they were planning to narrow the roadway at the end in consideration of the environmental impact.

Mr. Huckel-Bauer though widening the road 1-2 feet on either side will have minimal impact; the entire length of the drive way will have to be widened to provide the frontage for the two new lots. He demonstrated on the plan the location of the private way and the proposed lots.

Bernie Pender asked about the extension of the right of way.

Mr. Huckel-Bauer said the legal right of way will be extended all the way to the turnaround. That will provide the frontage required for the new lots.

Bernie Pender asked about the length of the right of way. Mr. Milliken said it will be 800-900 feet long.

Becca Casey asked about the proposed trail. Mr. Milliken said there is no legal right of way there now. Mr. Huckel-Bauer said it will be a trail easement and not an ownership transfer.

Becca Casey asked about the availability of water on the property and whether they had to document the location of wells.

Ethan Croce said private way applications are not required by ordinance to document water with a hydrogeology report the way subdivisions are. The Board does have the authority to ask for it.

Jay Chace noticed that there was only one test pit dug on the larger parcel; he wondered if the Town required a test pit on the other lot as well.

Ethan Croce said applicants typically submit the test pit information for private ways, but it is not required by ordinance. The Board can require it.

Mr. Huckel-Bauer said a test pit was dug on one lot; a septic design was done for the other lot that included a soils test.

Bill Lunt asked why they wouldn't have public water, since it is available on Winn Rd. He didn't think it would be expensive to bring it to the homes.

Mr. Huckel-Bauer said the ordinance doesn't require them to install public water, just to determine that water is sufficient. The current home is on a well.

Mr. Milliken said there is ledge 14 inches down and they would have to dynamite the whole way to put in a water line.

Ethan Croce read the conditions into the record. The applicant was satisfied with the conditions.

There was no one present from the public.

Becca Casey moved to approve the application with the conditions as read; Kermit Stanley seconded. Motion carried 5-0.

6. Discussion regarding possible amendments to the Planning Board Rules of Procedure

The Board discussed two proposed amendments to the Rules of Procedure. The first issue was what constitutes a quorum for meetings, whether it should be based on the 5 voting members, or the full 7-member Board. In the past, the Board has required 4 members to be present to constitute a quorum to open the meeting, while allowing business to be conducted with only 3. The second issue addressed how many members are required for a vote. The Board can either require 3 members to vote in the affirmative to approve an application, or allow an approval with a simple majority of those present. In the second case, it could lead to a situation where only 2 Board members issue an approval to an application.

The Board discussed opening the meeting with 3 members, while requiring that votes be based on full membership. Bill Lunt suggested that, in the case of a 2-1 split, the application would automatically be tabled until the next meeting. The Board was concerned that a 2-1 split vote would result in an automatic denial of the application, but also concerned that the automatic table would result, not only in the loss of all the testimony presented at that hearing, but also in a delay to the applicant.

Ethan Croce will review with the Town Attorney the provision that any 2-1 vote would result in the application being pushed off to the next meeting instead of resulting in a denial.

Meeting adjourned at 7:34 pm

Respectfully submitted,

Melissa Tryon
Recording Secretary