

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

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

MEMBERS ABSENT: Walter Arsenault, William Benzing (Alternate)

STAFF PRESENT: Ethan Croce, Senior Planner

The meeting started at 6:35 pm.

Jay Chace was appointed as a voting member.

1. Approval of minutes from the October 2, 2012 Planning Board meetings.

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

Administrative Action Items

2. DaVinci Experience – 60 Gray Road – Request for approval of a new wall sign. Tax Sheet 451; Map-lot R05-045-B. Zoned MUC and Route 100 Corridor overlay.

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

Public Hearings

3. Public Hearing on a proposed amendment to the Zoning and Site Plan Review Ordinance to allow drive-thru and carry-out restaurants in the Mixed Use Cluster District (MUC).

Ethan Croce explained that drive-thru and carry-out restaurants are currently not allowed in this district.

Public comment period opened; no public comment.

David Latulippe, representing a property in the zone showed the location and extent of the MUC district.

Jay Chace asked about the surveys that were just done as part of the comprehensive plan. He felt the timing on this amendment was strange, as the comprehensive plan is due out soon.

Becca Casey explained that the land use planning draft chapter is not out yet; LPAC is still working on it. They have a target to get it finished early in 2013. They are talking about a vision for the commercial districts, but this is a small piece of that. People want Route 1 and Route 100 to each have a strong mix of businesses to make them more vibrant. She didn't feel that this amendment was adverse to that.

Bill Lunt felt the Council should do this; there are drive-thrus across the street. He wouldn't feel comfortable deciding whether to do this based on a comprehensive plan that hasn't been voted on yet.

Becca Casey moved to recommend that the amendment be adopted. Kermit Stanley seconded. Motion carried 4-1 (Chace).

Agenda Items

4. Oceanview Retirement Community – 20 Blueberry Lane - Request for preliminary subdivision and site plan approval for redevelopment of the former elementary school site. Tax Sheet 310; Map-lot U27-003. Zoned RB, RCOD, ESRD and RCZO.

Rick Licht of Licht Environmental Design, representing Oceanview presented the changes made to the plans since their last submission. The original plan had the access to Blueberry Commons off Blueberry Lane, with a car port, a circular driveway and underground parking under all three buildings. They have kept that parking under the front buildings, but removed it from building 14 due to ledge. They have gone instead with a one-story garage off that building. This is due to the cost. This attached carport would be 2 feet lower than the building. They have also changed the layout of the first floor of the building to add two units on the first floor. This raises the number of units from 34 to 36. There were 36 units proposed in the original proposal. This area will be the gateway to the complex. They have changed the traffic flow in the circular drive to be one way with a drop off area and parking lot; they will have 22 spaces in that parking lot and 6 in the garage, for a total of 28 spaces.

Bill Lunt asked if they have had discussions with public safety about that entrance.

Chris Wasileski of Oceanview said they spoke with Fire Chief Howard Rice about the single access point to Blueberry Commons. They proposed a reinforced path along the back to provide emergency access. Chief Rice wanted a three-point turn turnaround for the large truck at the end of the path. He will still be able to access from the back of Hilltop Lodge.

Bill Lunt wanted a formal statement from public safety regarding emergency access for the record.

Mr. Licht asked if the Board wanted any additional information regarding consistency with the master plan; the Board indicated that they did not.

Mr. Licht spoke about the parking for the project. He showed a parking table that separated the project into three specific sections. The first section was Oceanview Lodge and Blueberry Commons; this area will have 119 units and requires 119 spaces. The main lodge has 92 spaces; they will lose 15 by removing the existing carport. This leaves 77 spaces for the main lodge; they will have 41 spaces for the commons, which gives them 148 spaces for the area. The second area is the Lunt office building and memory care facility; they calculated this building would require 68 spaces for the offices and 12 for the adult day care. They think that the majority of the patients for the medical office building would be Oceanview residents and would be bussed over; therefore they determined that 50 spaces would be sufficient for the offices, 12 spaces for the day care and 16 for the memory care unit. This comes to 78 spaces; they are providing 90. At Bill Lunt's question, Mr. Licht said that even if they figured it at the full number of spaces for the offices, they would be within 6 spaces of that number, and this is without the on-street spaces.

Jay Chace asked for confirmation of the square footage of the offices.

Mr. Licht said they will have revised numbers for their next submission. Currently the architects have the square footage of the medical office as 13,666 sq. ft. and the day care at 3,748 sq. ft. Mr. Wasileski said the auditorium adds approximately 4,000 sq. ft. as well.

Mr. Licht said they included the auditorium with the Plummer-Motz building in their parking calculations. There will be a management plan. When they add together the Village Green, the Plummer Library, the Motz Community Center and the Lunt auditorium, there are 116 spaces existing today. These uses will need less parking than the schools did. When you add the on-street parking, there would be 201 spaces available for the mixed-use facilities. They calculated that 192 would be required. With proper management to avoid concurrent large events, they feel this is sufficient. There are 24 on-street parking spaces, leaving 20 feet at the throat of each access drive for sight distance.

Bernie Pender asked if there would be any restrictions on event start times with the other facility. He wondered about events being held while the medical offices were open.

Mr. Wasileski said they have discussed this with their event staff as well as Community Programs. The type of events that they would have during working hours would be mainly internal to the community. Outside rentals of the facility would likely be on weekends and during the evenings; those are the high-demand times. They would have a parking management plan with the Town

Mr. Licht said they have added a note to the plan that the public/private partnership areas are subject to further review by the Board when those sites are designed and ready to come forward. The numbers they used for to estimate the potential library and community center parking are based on ITE numbers, 2.6 spaces/1,000 sq. ft. for the library, and 3.8 spaces/1,000 sq. ft. for the community center. They feel the Board can make a finding that there is sufficient parking to meet the conceptual master plan.

Bill Lunt would like them to do an analysis with the existing library to see their parking needs. A management plan sounds good, but isn't helpful if they don't have the spaces. He would like the opportunity to pick up more spaces if they think they will need them. They were talking about having some parking along the memory care unit. He wondered if they could design it so that they could set aside an area for additional parking there if they find out they need it.

Mr. Licht said they would look at areas they could have available for parking expansion. Bill Lunt didn't think they could go further into the lot on the corner of Lunt and Falmouth roads without going to the Council.

Jay Chace asked about the potential apartment building between Lunt and Plummer. He didn't see that building in their phasing plan and wondered if they could identify that area as potential parking and if it wasn't needed, they can go back to the idea of the apartment building. Mr. Licht agreed that this building is currently a placeholder. They will look at that possibility.

Ethan Croce asked for the parking table presented tonight to be included in the next submission.

Mr. Licht moved on to the lighting plan. The new plan changed the fixtures on the street to 100 watts. The average footcandle (fc) levels in the development are .5. These are metal halide with cut off. They made adjustments to the fixtures in the parking lots and got the average to 1.22 fc. They are going to break out each parking lot to show the average in each lot. They will look at the fixtures in the Lunt school lot to see if they can use lower 100 watt lighting there. They are looking at decorative poles or bollards for the Lunt drop-off area. They have assessed the lighting on Lunt Road and he indicated the location of the cobra lighting and wall packs on the buildings; they will replace the wall packs. The lighting for the public/private partnership would be added when they get to that phase; they would continue to use the existing lighting until then. It is reasonably well lit now and should be functional until that time. They would bring lighting down to the wooded area now.

Jay Chace asked about the phasing. The Plummer parking lot would be upgraded with the Plummer/Motz portion of the project. Mr. Licht said that was correct.

Bill Lunt said they are using the parking for the whole facility; it becomes part of the Oceanview project and therefore the lighting should be part of that project. He would like to see the lighting installed along Lunt Road. He would like the cobra lights gone.

Matt Teare of Oceanview said they met with the Town Manger yesterday and they agreed to move away from the cobra fixtures and choose a more attractive fixture for the whole stretch. They would install the fixtures in front of the Lunt building now.

Bill Lunt felt it was his duty to protect the neighborhood. He didn't have a problem phasing the lighting, but he would like to see the lighting on Lunt. Those on-street parking spaces are basically for Oceanview.

Mr. Teare said they agreed; they want to be considerate of the neighbors and may need more input from them on the lighting.

Bill Lunt asked if the parking space in front of the green space is included in the calculations for the memory care unit. Mr. Licht said that isn't used for the memory care or the office space; it is designated for the auditorium.

Bill Lunt asked about when the improvements for that parking area, including the lighting, come in with the phasing. He didn't want to see the lighting on that area held off until Plummer comes in, if they are using it for the auditorium.

Mr. Wasileski explained that they have changed the seating plan for the auditorium, replacing the fixed 150 seats with movable seating of 90-110 seats. Mr. Licht said this reduced the number of required spaces from 38 to 28-30. This isn't a large auditorium. Therefore the parking at the facility is sufficient on its own to serve the auditorium without the parking at the Village Green.

Mr. Licht said they added a note to the plan regarding snow removal; Oceanview maintenance will take care of snow plowing and if removal became necessary they would contract that out.

Mr. Licht said they have moved to a curbed section for the roadways with a 5-foot walk and no esplanade, except along Lunt and the memory care unit.

Bill Lunt asked why they haven't seen a landscape plan yet. Mr. Licht said they have some details, but they do not yet have finalized plans. They will have it for the next submission.

Becca Casey asked about the fire access from the Plummer parking area to the back of the memory care. If the apartment building is shown as potential parking, she wondered if they could route that fire access through that area instead of across the corner of the Village Green. As shown, the access road cuts through the green area.

Mr. Licht said they have thought about it; the intent is for the access road to come off the end of the parking. They will propose a 25 foot easement. Within the green area, that fire lane would be grass paver rings and it would be identified so that public safety could find it in the winter.

Mr. Wasileski said they had a note from the Chief Rice and the Town Engineer regarding making it easy to see, perhaps making it a walking path. Mr. Licht said there is an alternative lane, in the event the site is utilized in the future for the conceptual senior apartment building.

Bill Lunt asked if the upper end of that parking lot is moved up to the ledge area. Mr. Licht said yes, it goes right up to the edge, but not into the slope. It will come out right across from Checkerberry Lane.

Mr. Licht presented a rendering of the new main entrance to Lunt, which will be on the side of the building instead of the front.

Ethan Croce asked about the driveway in front of Blueberry Commons discharging directly across from the parking along Blueberry Lane.

Mr. Licht said they can look at that, perhaps remove some of those spaces. They will verify proposed sight distances on the internal roadways in their next submission. They think they are okay in terms of the radii on the roadways, they will verify that. They have gone to a 22 foot road width, which conforms to minor street standards. They revised the main access way; they have brought the intersection between Marion Way and Schoolhouse Drive to 3% with two 50-foot curves on either side. They used the same design as the intersection in Whipple Farm. They will reduce the grade with the Whipple Farm connector; they aren't sure they can get it to 3%, but they may be able to get it down to 4%.

Ethan Croce asked about the 22 foot wide roadway; the plans state 24 feet.

Mr. Licht said they looked at the standards. Whipple is 24 feet and it feels larger than it needs to be; they will propose to change the roads to 22 feet and the driveways to 18 feet in their next submission.

Ethan Croce said 18 feet for internal driveways is fine but going down to 22 feet on the internal roads may require a waiver.

Jay Chace felt the Town Engineer should weigh in on the grading for the intersections.

Bill Lunt agreed that the intersection in Whipple works well and he was satisfied with the proposed intersections.

Mr. Licht spoke about the waiver requests; they have asked for a waiver on the soils report and the 50 foot corner clearance between Lunt Road and the drop off in front of the Lunt building. They have submitted an access management review; they would ask for a waiver on a full traffic study.

Ethan said the ordinance technically requires that study; that should be a formal waiver request.

Mr. Licht said they have a statistical 1% increase on the stormwater report for the 10 year storm. They are hopeful they can make that 1% go away; if not they would require a waiver on that.

Ethan felt there was a 1% waiver granted on the approval for the Falmouth House. He asked if this stormwater report considered the full build-out of that project.

Mr. Licht said they are separate watersheds; this does not contemplate Falmouth House.

Bill Lunt asked about a comment of the Town Engineer, who was concerned about an 18-inch pipe going into a 15-inch culvert.

Mr. Licht explained that the pond has an outlet. The DEP requires that the outlet be opposite from the inlet. The pond will have an 18-inch outflow pipe that will run along an easement and discharge at the 15-inch culvert in the road. The pipe doesn't need an 18-inch culvert; it is set at 18-inches because that is the minimum size outlet required by DEP. They will have a meeting with the Town Engineer around stormwater issues. They may do an analysis of the downstream pipe.

Bernie Pender asked about the size of the wet pond.

Mr. Licht said the pond collects water from most of the development; it is partially on the Village Green and partially on Oceanview property. It has to meet the DEP chapter 500 requirements for depth. The aesthetics of the pond are just as important at the function of this pond. The DEP requires a safety shelf and will require it to be lined. They will have to allow an edge zone to allow for extra volume for peak events. They are working on measures to make it visually pleasing and functional.

Jay Chace asked about the landscaping around the pond. He thought these ponds typically have cat-o-nine tails along the shelf and that should be part of the landscape plans since those are a likely outcome.

Bill Lunt asked about the comment by the Town Engineer regarding curbing.

Mr. Licht said he was not against a mountable curb. They have a Cape Cod curb in Whipple farm and it works well and that was why they proposed that.

Mr. Licht presented the proposed phasing: Blueberry Commons would be phase 1, the Lunt office building phase 2, and the memory care unit phase 3. They believe that DEP will require the pond to be built with the memory care unit. The incremental development of the cottages would be phases 4a-4d, and the public/private partnership (PPP) would move forward on its own. The apartment for senior living would move forward based on market demand. The sidewalk along Middle to Blueberry Lane would be done at the end of the PPP, as it is tied to that development.

Bernie Pender wondered about tying the parking lot at the Village Green to Phase 2.

Mr. Licht said that the parking is still there and is available to be used for Lunt; they don't feel the need to do the improvements to that lot until the PPP comes in. The auditorium can stand without those spaces being utilized. They would be available if they were needed.

Mr. Teare said if the PPP doesn't go anywhere, that parking need might change. They are trying to spread out the cost of the infrastructure.

Bill Lunt asked about a timeframe on the PPP. Mr. Teare said there isn't one, but they will have a sense of its direction soon.

Bill Lunt would like to see the lighting for the whole area on the plan, so that everyone can see it. Becca Casey agreed.

Mr. Wasileski said when they did the curbing reduction plan they sent that to the neighborhood, and they would take the lighting plan to the neighbors as well.

Mr. Licht agreed with showing the lighting fixtures all the way down the street.

Mr. Licht said Oceanview would request a conditional guarantee; he asked if the Board wanted a performance guarantee for erosion/sedimentation control measures.

Bill Lunt was concerned with erosion control measures and would like to see some sort of guarantee.

Mr. Licht asked if they would have a third-party inspector.

Ethan Croce said the Town Engineer would do frequent inspections. The Town has always required at least a limited guarantee for public safety/erosion control measures. They granted an exception for the main lodge because there was not a lot of site disturbance.

Mr. Teare didn't think they have ever had to have a performance guarantee in their history. He hoped that based on their track record, they would be granted a waiver on that. Ethan Croce pointed out that this would be a limited guarantee, just for erosion and site stabilization measures.

Bill Lunt asked them to have discussions with staff and return with something in their next submission.

Mr. Licht spoke about the signage plan; the ordinance requires a master signage plan to be submitted. He asked if they could have a condition that the signage for the PPP be submitted with that phase. They haven't designed a signage theme for the whole project since they don't know what will be there yet.

Bill Lunt asked for a signage plan for the Oceanview project; the PPP can wait. Becca Casey agreed.

Mr. Licht asked about an agreement where they can make small field changes to the footprints on the cottages, as long as the roadways remain the same.

Bill Lunt thought there should be some sign off from the Town Engineer, in recognition of the grading issues.

Ethan Croce said they had done something similar with the Ridgewood project with sign off on changes made by Planning staff. The Board was agreeable with that approach.

Jay Chace said it isn't clear on the plans when the Lunt road improvements would be done. It appears that phase 2 only includes the road section in front of Lunt building and not the whole roadway. The whole roadway needs to be done at the same time. Bill Lunt said that it made sense to make the lighting part of that phase of the project as well.

Jay Chace was okay with waiving the whole traffic study, but he wondered about the town having a peer review of the on-street parking and road centerline plan. Mr. Licht said they have no objection to that.

Jay Chace said the Middle Road sidewalk should be included in the phasing plan.

Bill Lunt was not comfortable will granting preliminary approval tonight, because there was no landscaping plan. He was agreeable with combining the preliminary and final approvals at the next meeting if the application has addressed all remaining items.

Becca Casey moved to table the item; Jay Chace seconded.

Public comment period opened.

Ralph Morgan of Depot Road asked about the PPP; there is no parking between Memorial Library and Depot Road. There was plenty of illegal parking along the road that was not enforced when the schools were there. He asked how private the PPP would be. He wanted to know who would be responsible for the parking spaces on Lunt Road and who could use them.

Bill Lunt clarified that it would not be private parking. Its primary design is to service the school area as it has always been, but there will only be parking on one side of the road. That is why they propose to move the centerline.

Mr. Morgan said the no parking signs came down when the sidewalk went in.

Public comment period closed.

Motion carried 5-0.

5. Kyle Noyes – 234 Middle Road - Request for approval of a wall sign for Farr Horizons. Tax Sheet 234; Map-Lot U23-002. Zoned MRSD.

The applicant was not present at the meeting.

Becca Casey moved to table the item; Kermit Stanley seconded. Motion carried 5-0.

6. (Tabled) Kyle Noyes – 240 US Route 1 - Request for a site plan amendment to modify the landscaping plan at the Shops at Falmouth Village. Tax Sheet 240; Map-Lot U24-005-001. Zoned SB-1 and VCO.

7. Falmouth Foreside LLC – Request for a subdivision amendment to change the landscaping plan for the Mussel Cove Subdivision. Tax Sheet 240; Map-Lot U12-003. Zoned RA and RCZO.

Ethan Croce said when the original subdivision was approved it included a robust buffer between the development and the lots on Foreside Road, as well as within the 30 foot wide utility easement that runs from the cul-de-sac to Depot Road. The applicant proposes altering the plans to remove the proposed landscaping in the easement in its entirety as well as the proposed landscaping behind lot 11. The buffer that exists between the development and the Foreside Road homes contains some mature vegetation; the applicant is planning to scale back the proposed landscaping and only install vegetation where there are gaps in the buffer.

Kylie Mason of Sebago Technics, representing the applicant, presented materials to the Board including an aerial photo of the area. The trees suggested in the earlier plan would be impossible to install along the buffer lines. There has been significant clearing along lot 1; all the understory has been removed in that area. She has suggested different plant materials for more effective screening along some of the property lines in recognition of the grades. She has not had a chance to speak with the individual property owners or the abutters to the subdivision.

Public comment period opened.

Kathy Earle of Depot Road owns a lot that abuts the utility easement area. That area was clear cut and it is mature pine trees. It was promised that the clear cut area would be replaced. The last time the developers were here the residents were promised that some landscaping would take place in that area, but when trees were planted, they were only planted in the circle of the cul-de-sac. She hoped that a few trees could be placed in that clear cut area.

Bernie Pender asked about an agreement with the original developer. Ms. Earle said the plans dated 2005 showed the plantings.

Ethan Croce said the approved plans show a group of plantings where the utility easement meets the development property.

Ms. Earle said that they created a berm as proposed, but there were no plantings installed on the berm as promised.

Bill Irvin of Mussel Cove said the original plans showed robust plantings along his property line, including 29 trees between his house (#11) and Route 88. When he purchased the property it wasn't finished, but part of the beauty of the property was a quiet place and a robust buffer. The current plan shows no trees behind him, and he felt it took value away from his home. These trees are part of what he paid for with his house. He said he was never contacted regarding this change until it was on the agenda.

Joan Dennis of Mussel Cove Lane agreed with the previous speakers. She said they thought the landscaping was part of the cost of their house. The plan as it exists shows much plant material that would mature over time. The proposed plan saves the developers money but deprives the lot owners of vegetation and value. When she purchased her home, she reviewed the approved plans and had the expectation that those would be a requirement the developers would meet. She was assured by the developers that the approved landscaping would buffer the development from Route 88 and that the heritage apple trees would be preserved. Most of those trees were removed. She alleged that the photos submitted by the applicant were misleading and mislabeled. The developers have not discussed these changes with the property owners. She can see Route 88 from her home; the developers told her that she would not be able to see it. She asked for mapping of the existing trees so that everyone knows what exists. She would like to see more trees, especially apple trees to replace those that were removed. She asked that the invasive plants that exist in the buffer be removed.

Public comment period closed.

Ms. Mason apologized for any mislabeling on the photos. She said they cannot map every tree in the buffer, but they can try to add to it the best they can. She asked about the public notice.

Ethan Croce said the list of the people who received the mailing from the Town is in the packet.

Amy Mulkerin of Falmouth Foreside LLC said they assumed that everyone would receive notice from the Town.

The Board was in favor of holding a site walk.

Bill Lunt suggested the developers meet with the neighbors and work out some of those issues; he was dismayed that that hadn't happened before now.

Jay Chace asked about the ownership of the open space; typically that is turned over to the homeowners association when the development is built out.

Ms. Mason felt this was the goal of the developers, to finalize the development so that it can be turned over to the homeowners.

Bernie Pender asked about the plantings that were proposed for the easement area.

Ms. Mason said there were 6 viburnums, 4 white spruce and 2 maples. Those are not there now. It is pretty well vegetated; it is a right of way that was cleared for utilities 7 years ago. It has grown up in that time and seems well-vegetated now.

Bill Lunt said that people came to the Board meeting when the development was originally approved and came away with some assurances on what would be installed. The Board signed what was approved and he wanted to know that people have worked together to make something that works.

Ms. Mason felt it was more important to work with what is there to create a substantial buffer. The level of machinery and construction required to create the buffer that was approved would be substantial, and the buffer created would look contrived; it would take a long time to grow an 8 foot tree.

Greg McCormick of Falmouth Foreside LLC said it was not their intention to anger the homeowners and abutters. They are proud of the neighborhood. They want the best buffer for the neighbors and residents. They could have done the landscaping as approved but it would have been terrible.

Ms. Dennis thought they would be satisfied with small apple trees instead of large trees being installed.

Ralph Morgan of Depot Road said good neighbors talk to each other. He spoke of the reduction of wildlife in the area due to the loss of the apple trees.

Becca Casey move to table the application; Kermit Stanley seconded. Motion carried 5-0.

8. Falmouth Foreside LLC – Request for Sketch Plan review for a subdivision amendment to the Mussel Cove Subdivision relative to pedestrian connections. Tax Sheet 240; Map-Lot U12-003. Zoned RA and RCZO.

Ethan Croce said when the development was approved in 2005 a pedestrian connection to the Falmouth Shopping Center was mandated by the Board. The developers would like to replace that with an approximately 1300 foot long sidewalk along Depot Road to complete the sidewalk link to the shopping center. Town staff supports this proposal as it is part of the town's long-range goal of sidewalks in this section of town.

Greg McCormick of Falmouth Foreside, LLC said when they purchased the property they inherited some conditions, including the landscape plan and the pedestrian access. They are working on completing the road now; they didn't want to do that until the majority of the lots were sold and built upon. The plans show a pathway coming off the end of the cul-de-sac and across Webes Creek to the Shopping Center. They do not have the right, title and interest to do that, and have made no headway with the owner of the shopping center. The neighbors are concerned with liability and question of who would take care of and maintain the pathway. They have spoken with both Ethan Croce and Jay Reynolds, and now propose building a sidewalk along Depot Road. They are looking for feedback from the Board and the neighbors.

Bill Lunt asked if they have spoken with the neighbors that would be impacted by this proposal.

Mr. McCormick said they have made some attempts, but people haven't been home. They felt this meeting was the best way to notify people.

Bill Lunt said the Board encourages every applicant to speak with the abutters that will be affected. He thought the owners in the development would think this is a good idea, and that people along Depot would be happy to see a sidewalk. He said it was extremely important to talk to the people that would be impacted and identify what it would do to their property.

Amy Mulkerin of Falmouth Foreside, LLC said she spoke with the owners of the shopping center and they had reservations about the bridge and the liability surrounding it. The note on the plan said they would do it if they were able to get the shopping center to agree. They feel the sidewalk on Depot serves

the greater community. They wanted to get some idea of how they should move forward before they meet with the neighbors.

Becca Casey applauded and supported this suggestion. She spoke about connectivity as a goal of the Town.

Ms. Mulkerin said two lawyers have told them that based on the language of the plan they did not have to do this but she felt it was a nice way to leave Mussel Cove and a nice thing to do for the Town. It is a well-used corridor.

Kermit Stanley supported the idea of the sidewalk. Jay Chace agreed.

Public comment period opened.

Ralph Morgan of Depot Road applauded the developers for this idea and what they want to do here. He supported the sidewalk. It makes sense to do it on this side of the street. He pointed out that the neighbors were here because the developers did not communicate with them about their plans. They were afraid that the proposal was for a walkway through the easement area.

Public comment period closed.

9. Kevin O'Rourke & Peter Anderson – Blackstrap Road – Request for sketch plan review of a proposed 20-lot subdivision. Tax Sheet 180; Map-Lot R08-014-001 and R08-012-001. Zoned Farm & Forest and RCZO.

Ethan Croce said there was a private way approved for part of this property in 2009; the applicant has indicated that they plan to vacate that approval. The net residential area calculations include the density for the portions of each parcel that lie on the other side of the CMP right of way. CMP has provided a letter that may support them using that land in the calculations. He discussed the history of the parcel; a proposed development for this parcel was brought before the Board in 2007 with a similar project design. The proposed subdivision streets comply with sight distance and separation distance from other streets. Staff has suggested a paper street to the southerly abutting property; there is limited opportunity for a paper street to the north as the Fox Run subdivision is mostly built out. The applicants are requesting a waiver on the requirement for sidewalks and on the 1500 foot dead end road length limit; the proposed road is approximately 2300 feet long. They are also requesting waivers on the requirement for two paper street connections and on the limitation for 15 homes on a dead-end street; they are proposing 20 homes. The street design will be judged against the Town Council's street acceptance policy, approved in 2010, that stresses interconnections to abutting properties and having more than one ingress and egress to the development. He asked if the Board would like to schedule a site walk.

Tom Greer of Pinkham & Greer said this is unique as there are two separate parcels with two separate owners. He showed the location of the parcels and confirmed their intent to vacate the 2009 approved private way. CMP does allow crossings of their right of way for roads, but prefers they be perpendicular. The homes proposed for this development would be similar to those in the Fox Run development. He presented the wetlands and current drainage of the area, as well as the areas of steep slopes. There is an existing trail and woods road on the property. They have identified the large trees on the property; there is a mix of soft and hard woods. It is a mature forest so there is groundcover in places, but there are some nice views. Most of the center section is shallow to bedrock, with sandy type soils. They would preserve some of the viewshed from Blackstrap. The access road would come through the apple orchard area; they would try to keep and maintain some of those trees. You wouldn't see any of the homes from Blackstrap. They have recently discovered that the strip of the Anderson parcel that touches Blackstrap is an easement and not part of the parcel, so they will update their density calculations. He showed the Board a plan detailing the lot layout and trail network. The road ends in a cul-de-sac, with a stub to the southerly

section. They will have a paper street off the stub to the Shafto property but they don't think there is another good opportunity for a second paper street. The portions of the open space that include the trails would be deeded to the land trust; other open space areas would stay with the homeowners association. The homeowners association would maintain all the roads; the two lots on the Anderson property would be part of the road maintenance agreement but would have their own agreement to maintain the open space on their side and would be separate from the shared septic on the other portion. They plan to show lot grading as part of a master plan. Mr. O'Rourke has a specific plan for the neighborhood, with narrow lots and a lot of trees in the backyards. They want to consolidate the lots to preserve the mature trees on the property. He discussed the septic; they will have pretreatment tanks, so the disposal fields will be for disposal of wastewater only and not for treatment. There are some additional maintenance costs with that that will have to be picked up by the association. They are looking at a couple locations for the pretreatment tanks, as they need to be easy to access. They are discussing installing piping for the septic system under the trails; they would cover the trails back up with mulch or leaves. They are requesting a waiver on the street length; they feel they have shown that the road length proposed allows them to place the homes in the best possible place. They are also asking for waivers on the number of paper streets, the requirement for sidewalks and the number of lots on a dead end street. They think 20 lots is reasonable considering there are two parcels being developed and that there are too few lots to warrant sidewalks. He said the property is surrounded by parcels with trails and they feel the open space proposed adds to and completes the trail connections long-term.

Becca Casey pointed out that one of the co-applicants is her co-worker but she didn't feel that affected her.

Bernie Pender asked about crossing the CMP right of way and the conditions that would need to be met. He asked if they are going to show the location of the crossing on the plans.

Mr. Greer said the normal information is that they will be able to cross it at 90 degrees, but they didn't think they would ever want to cross the right of way. The land is valuable to the land trust, and they are getting value out of it by using it in their density calculations. He felt that going through the hoops with CMP to get an approved crossing is a paperwork exercise.

Jay Chace asked if they have spoken with the owners of the oddly-shaped lot on Blackstrap and whether they would be willing to square off that lot. Mr. Greer said that there was discussion with that lot owner, but no agreement was reached.

Mr. Greer discussed their plans for a timeline moving forward. Their goal is to have this ready for construction in the spring.

The Board discussed what they would like designated for the site walk.

Mr. Greer discussed the requested waivers. The first is for the sidewalk; this is a rural area, and none of the surrounding neighborhoods have sidewalks. They don't feel a sidewalk is necessary.

Becca Casey was agreeable, but would like to know more about some work on the trails as a trade-off. Bernie Pender did not support it based on what they have right now. Kermit Stanley was agreeable with the waiver. Jay Chace would lean toward having the sidewalk. Bill Lunt leaned toward allowing the waiver; he said if they didn't have sidewalks, he would like to see some benefit to the area in reduced impacts.

Mr. Greer said they need the waiver on the 1500 foot dead end length to reach the best possible location for the house lots.

Becca Casey would like to hear from public safety on this item, to make sure that they are comfortable with it. It made her want to see another connection somewhere. Bernie Pender wouldn't have a problem

as long as public safety agreed; Kermit Stanley and Jay Chace agreed. Bill Lunt had no problem with this waiver.

Mr. Greer asked about the waiver for the two paper street connections; they are providing one, and the land trust owns the property on the other side.

Bill Lunt would like to see some information from the land trust on that side. Becca Casey supported connectivity; she would like to see the connectivity of the trails. Bernie Pender, Kermit Stanley, Jay Chace and Bill Lunt agreed.

Mr. Greer asked about the waiver on the number of homes on the dead end road.

Bill Lunt asked if the Board has ever run into that before. Ethan Croce said it came up with 100 Acre Woods; that project ended up bringing it down and they may have only been over by one or two lots.

Jay Chace asked if the Board can actually waive this provision. Ethan Croce said section 13 c of the subdivision ordinance outlines the Board's authority to grant waivers on performance standards. This standard would be included.

Bernie Pender didn't have an answer for this one. Kermit Stanley and Jay Chace agreed.

Mr. Greer thought they would need an okay from public safety.

Bill Lunt didn't have any problem with granting this waiver, with the stipulation that public safety was happy with the design.

Becca Casey encouraged them to keep the stone walls that are on the property. Ethan Croce said stone walls are secondary conservation features under the four step design process. There is language regarding delineating boundaries of common open space with natural features. Mr. Greer felt that most of them would be preserved.

Bill Lunt asked about the participation of a landscape architect. Mr. Greer said they have been working with Tony Muench. They will continue to use him through the process.

Public comment period opened;

Tim Grace of Blackstrap Road wanted to make sure that the road is situated to protect the apple trees.

Public comment period closed.

Becca Casey moved to take the last agenda item after 10:30; Bernie Pender seconded. Motion carried 5-0.

10. Consideration of Amendments to Planning Board Rules of Procedure

Bill Lunt explained that the Council made some changes when presented with the proposed amendments. Ethan Croce explained the changes proposed by the Council.

Becca Casey moved to approve the rules, Jay Chace seconded. Motion carried 5-0.

Meeting adjourned at 10:44 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary