

**FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, JANUARY 8, 2013, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

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

MEMBERS ABSENT: Bernard Pender

STAFF PRESENT: Ethan Croce, Senior Planner

William Benzing was appointed as a voting member.

1. Approval of minutes from the December 4, 2012 Planning Board meetings.

Jay Chace moved to approve the minutes; Kermit Stanley seconded. Motion carried 4-0 (Casey abstained)

Administrative Action Items

2. Ridgewood Associates, LLC – Falmouth Road – Request for subdivision & site plan amendment for design changes to unit footprints at Ridgewood Estates. Tax Sheet 310; Map-lot R04-026. Zoned OSRD.

3. (Item Tabled) UMaine Cooperative Extension – Farmgate Road – Request for site plan approval for a new storage shed. Tax Sheet 310; Map-lot R04-028. Zoned TMPD and VCO.

4. Oceanview Retirement Community – 20 Blueberry Lane - Request for final 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.

Jay Chace asked to remove item 4 from the administrative action list.

Becca Casey moved to approve Administrative Action Item 2; Kermit Stanley seconded. Motion carried 5-0.

Agenda Items

4. Oceanview Retirement Community – 20 Blueberry Lane - Request for final 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.

Ethan Croce explained that there was been some re-wording to the proposed conditions of approval so that the final wording of the legal documents would be tied to the release of the mylar, but the recording of those documents would be tied to site disturbance and issuance of building permits.

The applicant indicated agreement with that change.

Jay Chace questioned the culvert along Middle Road; Town staff has indicated that they are satisfied with the proposed changes to the culvert but he wondered if that change should be included in the conditions.

Ethan Croce said that change could either be made a condition, or included on the phasing plan.

The applicant agreed to include it on the phasing plan.

Jay Chace asked about the restriping of Lunt Road and the ongoing maintenance of that striping.

Ethan Croce spoke with Jay Reynolds, the director of Public Works, who has stated that the Town will maintain the striping. There is no reference to the applicant maintaining the striping, so the assumption would be that the Town will maintain improvements in the right of way.

Public comment period opened; no public comment.

Becca Casey moved to approve the application, with the conditions as provided by staff and amended; Kermit Stanley seconded. Motion carried 5-0.

5. Jonathan Cohen – 24 Carroll St. – Request for a shoreland zone permit for a slope stabilization project. Tax Sheet 404; Map-lot U02-005. Zoned RA, RCZO, WVOD and LR (Shoreland).

Ethan Croce explained that the applicant was before the Board for filling and earth moving in the shoreland zone of greater than 10 cubit yards. They propose to stabilize the bank along the shorefront with the installation of approximately 160 linear feet of riprap. The ordinance calls for the replacement of trees removed from the shoreland zone; an oak tree being removed at the bottom of the slope should be replaced with a similar tree somewhere on the property. Staff have asked that they minimize grading and filling and install tree protection measures around the 28 inch caliper tree at the top of the slope. A joint NRPA application has been submitted for this project and the other on the agenda tonight. The applicant is proposing 6 juniper bushes to help stabilize the bank; the Board should determine if the level of planting proposed is adequate.

Tom Greer of Pinkham & Greer, representing the applicant, discussed the layout of the lots along this area of shore and the stabilization work currently being done on other lots in this area. They would like to coordinate the work on the two properties before the Board tonight with that work, to minimize disturbance. They expect that the necessary permits will be available in early February; they will not start work until they have both Town and DEP approvals. He indicated the locations where they would be installing the stone and the landscaping. They don't have a problem replacing the oak tree. The current hill has a couple junipers and lawn; they are replacing it in-kind.

Bill Lunt wondered if they could avoid tearing up the area if they can use the access road on the abutting property.

Mr. Greer said they would disturb the upper area no matter how they do it. All the water between the two properties runs to a gully, which was reinforced in 2007. There is very little erosion in the area they propose to replace. The erosion in this area is from the ocean.

Becca Casey asked if this is why they are only proposing the 6 junipers, as opposed to the greater amounts they have seen for landscaping on other projects in the area.

Mr. Greer said that is correct; the whole section is currently grass with a few junipers. They don't intend to mow it; it will be a 2:1 slope and too steep to mow, so natural vegetation will eventually fill in. There are only two trees; the oak tree they plan to replace and they want to save the maple tree.

Jay Chace observed that it will take years for the vegetation to fill in naturally; he wondered about adding additional landscaping until that time, to provide more stabilization.

Mr. Greer said Mr. Cohen is comfortable with what is there now, and the plan replaces that. He felt they would have a stable slope with the junipers as proposed.

Bill Lunt was concerned with the amount of vegetation proposed. The other stabilization projects that have been done along this area have all had substantially larger number of plantings, to get a large root structure on top, including rugosa roses. He wondered if it would be a good idea to supplement the proposed plans with something with a better root structure.

Mr. Greer asked if he would like to replace the junipers with rosa rugosa.

Bill Lunt wanted more than 6 of whatever they put out there. He understood that runoff off the lawn is not their concern, but it is a steep slope and the Board has been consistent in requesting a good root structure on slopes this steep.

Mr. Greer wondered if they can work it out with staff to replace what is there now, both in terms of the point count of the trees and in the number of shrubs. There are very few trees and shrubs in this area now.

Becca Casey wanted to make sure that the slope would be stabilized sooner rather than later. The shrubs proposed are really widely spaced. Juniper will spread, but not that far.

Bill Lunt said the root structure doesn't spread nearly as fast or far with juniper as it does with rugosa. He felt it was important they be consistent with the projects they have approved in the past.

Jay Chace would like to see more of the landscaping and thought the application could come back before the Board in February for final approval.

The Board discussed whether to move forward with a conditional approval or have the application come back to the Board. The consensus was for a conditional approval. The Board discussed their request for additional shrubbery along the slope.

Ethan Croce pointed out that this particular situation was not contemplated by the ordinance, so there is no guidance there.

Bill Lunt asked that, rather than requesting a specific number of plants, they draft a plan that shows 35-40% coverage.

Ethan Croce said the DEP would have their own requirements as well.

Public comment period opened; no public comment.

Becca Casey said this project needs 3-4 times the amount of plantings proposed.

Bill Benzing wondered how they determine the number and type of plantings necessary. It is difficult because DEP will also weigh in. He wanted to make sure the project moves forward so they can utilize the construction roadway on the other property and minimize disruption.

Bill Lunt pointed out that, if they are going to allow the disturbance on the slope, even though the ordinance says they shouldn't, they need to make sure it is put back. He was concerned about the large tree they are trying to save; he wondered if they could put something in the plan that if the tree is lost, they replace it with smaller trees.

Mr. Greer said the report from Lucas Tree stated that the tree is stressed. It does have a limited life in that location.

Ethan Croce asked if Bill Lunt was looking for a plan note. Bill Lunt said yes.

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

Jay Chace added a condition for the revised landscaping plan.

Becca Casey asked about a time limit on the large tree they want to save. Ethan Croce said the ordinance section 7.18.b.5 speaks about openings being replanted with native trees. He felt a plan note could be added asking for the tree to be replaced in-kind.

Mr. Greer asked for a time limit of two years; if the tree dies after two years the property owner could decide whether to replace it or not.

Jay Chace thought the ordinance doesn't have a time limit. Ethan Croce agreed that the ordinance provision reads that the plant needs to be replaced, no matter when it dies. The intent is to maintain what is there.

Bill Lunt was concerned with enforcing this. The property owner is making an effort to save the tree. He felt a two-year limit was reasonable. Becca Casey agreed.

Jay Chace moved to approve the application, with the conditions as read and amended. Kermit Stanley seconded. Motion carried 5-0.

6. 7 West Falmouth Crossing, LLC – Gray Road – Request for site plan approval for a 6,120 sq. ft. medical office building. Tax Sheet 373; Map-Lot R05-044-007. Zoned WFCMPD & Rt.100 CO.

Ethan Croce said the application has been amended since the sketch plan to incorporate comments from staff and both peer reviewers. The applicant is proposing a concrete paver area and outdoor seating area, while leaving the rest of the sidewalk bituminous. The ordinance calls for either brushed concrete or pavers for sidewalks in front of the building. The Town Engineer had requested that the granite curb be extended up Gray Road to link up with the edge of the new pedestrian connection across Gray Road. The Director of Public Works has indicated that the Town would be willing to extend granite curb down the length of Leighton Road to connect to the access driveway to West Falmouth Crossing. Staff have asked that the proposed canopy fixtures are fully recessed. The applicant has requested that final site signage be approved by staff. Signage designs submitted to date conform to both the ordinance and the design guidelines. The peer reviewers have asked for further details on the concrete pavers; that the elevations include any mechanical elements to determine if the buffering is sufficient; and that the roof dormers that are being added to the Gray Road side be mimicked on the other side of the building.

Mike Tadema-Wielandt of Deluca Hoffman Associates, representing the applicant, spoke about the history of the project. Since the sketch plan they have revised the building entrance, adding concrete pavers along the entrance to the public seating area. An additional bench and seating area has been added along the front of the building. They felt they have met the intent of the design guidelines with the sidewalk material along the front of the building, which is to highlight the entrance to the building and make it more visually appealing. They see the sidewalk that extends to the south as a connector to the rest of West Falmouth Crossing and feel that bituminous is appropriate for that. The planting plan has been revised; they have added plantings along the north and east of the parking lot to screen the property. More plantings have been added along the dumpster enclosure, which has also been reduced slightly. At the request of the Town Engineer, they added a connection from the new sidewalk at the intersection of Leighton and Gray to cross Gray Road and reach the existing sidewalk on Leighton. The applicant does not want to install granite curbing along Gray Road; there is no need to do any work in Gray Road for this project and they believe that DOT plans to install a right-hand turn lane in the future. Any curbing they install would have to be torn up and redone if that were to happen. The proposed canopy light fixture is not a flush fixture; they will change that to full flush cans. The applicant is willing to meet both ordinance and design guidelines for signage design. They will add concrete paver specifications to the plan sheet. The building elevations most recently submitted do include mechanical elements and landscaping. They hope to begin construction in February so the tenant can occupy the building in July.

Jay Chace asked what type of sidewalk they will tie into on the Irving site. Mr. Tadema-Wielandt said it is bituminous. He pointed out that this is not a pedestrian destination like a retail location would be; people will drive here because they are sick. The sidewalk is 20 feet away from the front of the building and there is landscaping.

Jay Chace asked about adding a bicycle rack to the site. Mr. Tadema-Wielandt said they expect patients to be driving to the facility; if any of the staff are riding their bike to work they would typically bring it inside. The guidelines call for bike racks, but specifically in retail locations. They could probably install a small bike rack somewhere.

Jay Chace asked about screening for the mechanical pad.

Sashie Misner of Mitchell & Associates Landscape Architects, said it is a screened by small, evergreen, azalea-type plants that grows to about 2 feet tall. They left a lot of room around the pad to allow for air flow around the equipment.

Jay Chace thought perhaps short fencing around the pad, slightly higher than the elements, might help better screen those. He asked their response to peer review comments regarding matching dormers on the entrance side of the building.

Mr. Tadema-Wielandt said spoke about the dormers and cupola on the Gray Road side. They don't want to install dormers on the parking lot side; they wanted to focus attention on the entrance and are concerned about the cost. The mechanical elements on the pad are residential sized; they use the same treatment for the Yarmouth campus and the elements do not stick out. Fences or landscaping contribute to snow building up near the units in the winter.

Jay Chace wondered if the length of the roofline on the Gray Road side of the building would be stark. The entrance side has a peak that adds architectural interest; he asked about mimicking that on the Gray Road side.

Becca Casey wouldn't add the roof dormers on the entrance side; she felt it would be too busy combined with the center gable. She was okay with the bituminous pavement. She supported the installation of a bike rack. She was fine with staff reviewing the signage.

Bill Benzing agreed with Becca Casey on the roof dormers. He appreciated them making the main entrance a focal point to direct people away from the staff entrance. He didn't see a need to use pavers for the whole sidewalk. This is a different building than a retail building and doesn't need the connectivity as much.

Bill Lunt agreed with Becca Casey on the architectural issue. If the sidewalk was up against the building he would ask for a different treatment, but with the 20 foot distance he was satisfied with the approach proposed. He liked how they set aside the entrance with the pavers. He felt a fence around the mechanical pad would draw attention to it; he was satisfied with the shrubs. He understood the desire for the granite curbing, but also understood the applicant's position. He felt that curbing is outside this project, due to the distance between it and the property line. He would rather see the Town work with the DOT to get the right-hand turn lane put in.

Bill Lunt asked about the shrubs around the mechanical pad, and if there was a reason they kept them low.

Ms. Misner said their intent was to avoid plants that would grow too wide or tall, to allow for air flow around the elements. They were also looking for an evergreen, to provide year-round screening. This limits their choices.

Becca Casey felt comfortable with something that was a similar scale as the elements.

Jay Chace wondered if they had looked at a layer of ornamental grasses along with the azaleas. This would provide the height screening, without being too wide.

Bill Lunt felt they were looking for something that would be easy to maintain.

Nathan Bateman, applicant, said they would be happy with a condition that they install plantings that would be at least as tall at maturity as the cooling elements. They were also happy to include a small bike rack.

The Board agreed not to require the granite curbing. They discussed the land between the lot and the roadway. Ethan Croce said it is not uncommon to ask developers to do improvements in the right of way, however, in terms of this particular site there is a good reason why the curbing is less important. If it were up against the right of way, the curbing would be more important.

Public comment period opened.

Melanie Collins of Middle Road wondered why there is no sidewalk connection from the driveway connection to the Irving site to the sidewalk on Gray Road in order to access the crosswalk.

Becca Casey asked if the sidewalk extends past the gas station.

Ethan Croce said it does not; a lot of the projects in this area were approved before the Town's bicycle/pedestrian master plan called for sidewalks along the frontage. The hope is that the connection would be made over time; this is the first piece.

Ethan Croce read the proposed conditions into the record.

The applicant was comfortable with the conditions as read.

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

7. John & Sally Walters – 18 Carroll St. - Request for a shoreland zone permit for a slope stabilization project. Tax Sheet 404; Map-lot U02-004. Zoned RA, RCZO, WVOD and LR (Shoreland).

Ethan Croce explained that this application is substantially similar, and directly adjacent, to the other stabilization project considered earlier. This application proposes to stabilize 40 linear feet of shorefront and the slope is proposed to be re-graded at a 1.5:1 ratio. Staff have asked for more specific information on the specific areas on the slope where erosion has occurred, and whether the entire bank will be re-graded, or just those areas where erosion has taken place. Any proposed vegetation should be shown on the plans. DEP is in the process of reviewing a NRPA permit application.

Tom Greer, of Pinkham & Greer, explained that they are looking at a 40 foot section of shorefront. The Walters want to do as little on the shorefront as possible; their goal is to save as much of the existing vegetation as they can. There is a formal hedge that encloses the backyard that they want to keep. There are some very large junipers; they would like to cut some of those back, keeping the root structure, installing the rock and then re-grade. If they have to cut the junipers out, they will replace them with whatever they have to.

Jay Chace wondered if, since the Walters and Mr. Cohen filed the NRPA permit jointly, they would hire the same contractor to do the work on both sites. Mr. Greer said that was the plan.

Bill Benzing was concerned about how they are going to maintain the stressed tree on the Cohen property, if they are going to go across to the Walters property.

Mr. Greer said they are going to try to cross in the middle of the riprap, removing it to put the road in, and then replace it. The plan is to build the road, do the Walters' site first, and then work their way back.

Bill Lunt asked for clarification that the reason the Walters' property is eroded is the riprap that was installed in 2007. Mr. Greer said that was correct.

Bill Lunt wondered if they are prolonging pushing the rip rap over, by doing this project.

Mr. Greer said it is possible, but they are hoping that the riprap they install will tie in with the small, 3-foot high peninsula in the water.

Bill Lunt thought they are not disturbing the top of the slope

Mr. Greer said that is correct; if they have to remove the junipers they will replace them. Their whole goal is to keep the vegetation in place, to keep their privacy in place.

Public comment period opened; no public comment.

Ethan Croce read the proposed conditions into the record. Bill Lunt asked to add a condition that any necessary vegetation shall be reviewed and approved by staff.

The applicant was satisfied with the conditions as presented.

Jay Chace moved to approve the application with the conditions as read and amended; Bill Benzing seconded. Motion carried 5-0.

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

Mr. Greer explained the location of the property. There are two parcels; each has a small triangle on the other side of the CMP right-of-way. He showed the proposed lot layout, with 20 lots. The lots are close together to give a neighborhood feel, while retaining forest behind the homes. One of the trails on the property will be re-routed. They have changed the turnaround on the Anderson property to a hammerhead, and moved the stormwater management off the edge; they are proposing a level lip spreader in that area. They have been able to locate all three septic systems together; they will have to blast a trench to the systems, but the impact should be less than the original proposal. He presented a diagram showing the three large open space parcels; one will remain with the lots on the O'Rourke lot, one will be deeded to the land trust, and one will remain with the lots on the Anderson lot. It has not been determined who will get the piece of the O'Rourke lot on the other side of the CMP right-of-way. They have identified the area suitable for development and almost all the homes fit within that area. They encroach onto the setback from the steep slopes slightly, but will not build on the slopes themselves.

Bill Lunt asked if all three of the filtration systems are in one area.

Mr. Greer said that is correct. Richard Sweet of Sweet Associates analyzed the nitrate plumes from the systems and located them so that the plumes do not leave the site or interfere with each other. They are individual systems; each one will have 6 homes on it. They would build the filter beds as they are needed; the first six homes would be on the first bed. They are reviewing stormwater management and may need an infiltration basin in one location since there is an increase in peak flows.

Mr. Greer discussed the landscaping; they will be salvaging the stone walls on the site and placing them at the entrance. Orchard trees will be placed at the entrance as well. They are looking for an old-time farm feel for the field. They plan stone walls for the front of most lots as well. They are trying to clear and maintain enough lawn around the homes for outdoor activities, while keeping the impact to the existing woods between and around the lots to a minimum. They are trying to minimize the impact on the larger trees by moving the homes close to the road. They are saving the large trees in the open space and around and behind the homes. It isn't practical to use half-acre lots to save one large tree in the middle of the site. They do plan to remove some of the large pine trees on the site; they believe this will lead to a better buffer as the understory trees and ground cover grow up. He indicated the location of the no-cut buffers on the property; the open space on the Anderson property will have a forest management plan, so it will not be no-cut. They can put together a separate plan showing the buffers. The no-cut buffer will be indicated by signs on the trees, per DEP requirements for the stormwater buffers. They are willing to indicate no-cut areas with snow fencing during home construction.

Peter Anderson, applicant, said the buffer area between the two parcels will also be a no-cut buffer. They want to maintain that in its natural state.

Mr. Greer said that the landscaping will be installed as part of the house construction. Mr. O'Rourke plans on building the homes and selling them. If he sells the lots, whoever builds it will be responsible for the landscaping. The landscaping at the entrance will be installed by the developer.

Mr. Greer spoke about the streets. The paper street comes straight off the hammerhead. The intersections each have a 30 foot radius, and there are 10 foot radii on the property lines at the corner. They would like a wavier on the full traffic study; it is a residential subdivision and they don't anticipate a lot of traffic.

Mr. Greer spoke about public access to the open space; as long as the road is private, they would request that public access come off of Blackstrap, next to the red barn. If the road is taken over by the Town, public access to the trail could come off the subdivision road where the two parking spaces are located.

Mr. Greer said the net residential calculations show that three of the lots have a little of 25% or greater slopes on them, and one lot on the Anderson property may have some wetlands on it. They have been able to re-grade the end of the road and eliminate the need for the detention basin. The homes will have sprinkler systems. They will set one new pole at the end of the street with a street light; from that pole on all the utilities will be underground. Two of the lots do not have the 125 feet of lot width. The project will have a master plan and design guidelines. Property owners will have 4 different home designs to choose from. They will leave enough building envelope around the homes so that if a property owner wants to add onto their home they will be able to do so.

Mr. Greer said they would like some feedback on the stormwater management plan. They are still trying to tweak their plan to minimize the need for waivers. Each lot will have a well, which will be drilled during home construction and will be up and running prior to the home being sold.

Bill Lunt asked if there would be a well on a lot if they sold it, even if the house wasn't built. Mr. Greer said it depends; if it was sold to an individual, then yes. If another builder bought several of the lots, those might not get drilled until such time as the builder builds on them.

Mr. Greer said that they have a pre-application meeting with DEP next week. Chris Baldwin of CCSWCD will do the review for both the Town and DEP. They have a couple jurisdictional issues; by adding the Anderson property it may be a site law project. This would not alter the design, just the paperwork and fees.

Becca Casey spoke about connectivity. This project has a long, dead-end street and they have asked to waive the requirement for sidewalks, extend the dead-end limit, waive the paper street connections, and allow more houses than would normally be allowed on a dead-end street. It is a good development overall, and is well laid out. She asked them to weigh some of these requests versus others. She didn't think a sidewalk had to be a paved concrete sidewalk; she suggested they consider other materials but requested that they plan and allow for pedestrian ways. This type of development is popular, but she felt people would also be looking for walkability and connectivity.

Mr. Greer said there is a trail connection between this development and the Fox Run Subdivision, but it is labeled "private". There is another trail in the Town piece as well. He discussed how the trails are connected.

Bill Lunt asked who would maintain the trail network.

Bob Shafto, Open Space Ombudsman, spoke about the open space in the area. The trails are maintained by the Falmouth Conservation Corps and the local mountain bike organization. It is his responsibility as the ombudsman to oversee the network of trails.

Mr. Greer said the only paper street connection that makes sense is where they located it off the hammerhead on the Anderson property. Some of their waiver requests are a result of the joint application. The subdivision road will allow them to eliminate a previously approved private way, which had more wetland impact than the road they propose. Having these two projects combined allows them to be more environmentally sensitive than doing them separately. He suspects that very few people will use a sidewalk in this neighborhood; it is a rural area and everyone walks in the road. The sidewalk is not going to get plowed in the winter. Due to a change in the sewer design, they could put in an additional trail connection as requested, but it is a steep slope there. They feel the trail network they have meets the

higher standards for connectivity, since it is a public trail that sees a lot of use and not just a neighborhood trail system. He felt the Fire Chief agreed with the length of the dead-end road because of the turn-around and because the homes will have sprinkler systems.

Becca Casey would still like them to at least set aside space for sidewalks if not build them. It is a dense neighborhood, not a rural area.

Mr. Greer said that, with the two projects combined, they are at the threshold between a stormwater permit and a site law permit. If they add sidewalks, the amount of impervious surface on the O'Rourke property would trigger the need for a site law permit. This would increase their costs significantly.

Becca Casey suggested not paving them, just setting aside room for them at the shoulder.

Mr. Greer said there are 4 foot grass shoulders on either side and there is 24 feet of pavement.

Public comment period opened.

Bob Shafto spoke as the Town's Open Space Ombudsman. He was grateful for the work they are doing to protect the trail network. He wondered whether there was any language in the easement to guarantee that this trail will exist in perpetuity. He advocated for both triangles on the other side of the CMP easement to either go to the Land Trust or be permanently protected by an easement. There is a trail on those properties that is a vital link in the Cross Falmouth trail network. It would be easier to do monitoring and stewardship on these properties if they belonged to the Land Trust.

Bob Shafto of Blackstrap Road spoke as an abutter to the property. He was concerned about the traffic leaving the subdivision in the morning, as Blackstrap is a major collector road and is very busy. He asked if they could have a traffic light. He did not want the street light at the intersection of Blackstrap; this is a rural area and has dark skies. Street lights contribute to light pollution. He said there is a stream along the CMP easement and was concerned that the nitrate plumes did not get near the stream. He was concerned about water; many of the wells on Blackstrap are 1200 feet deep or more; his well is 535 feet and they don't have a great deal of water. He wondered what 20 wells will do to the water available in the area, and what the impact to abutting properties will be.

Public comment period closed.

Mr. Greer said they couldn't have a traffic light; there isn't enough traffic to warrant that. The sight distance at the intersection exceeds the minimums. They would leave the decision about the street light up to Public Safety and the Board; they would be happy to leave it out if the Board agrees. They are aware of the stream and don't think the plumes will impact it. It is a fairly robust stream. The buildings are well outside the 75 foot setback from that stream.

Becca Casey wondered where the nearest water district line is.

Mr. Greer said it is on the Windham line. It is too far away. A typical well in the area is 550 feet. Mr. Sweet has looked at it and will have a report in the next submittal.

Ethan Croce said that the Town in recent years has developed a policy of discouraging street lights unless they are needed for safety purposes. The light at the intersection of Blackstrap may be a safety issue. He didn't think there would be any concern about not installing street lights at the turnarounds.

Becca Casey asked if a high pole light would be required at that intersection, or if the Board could require a 12-14 foot high, full cut-off light. Ethan Croce thought that would be fine. Bill Lunt suggested that the applicant consult with public safety on this issue prior to the next submittal.

Bill Lunt would like to have a report about the water situation. Mr. Greer said he would ask Mr. Sweet to prepare that.

The Board discussed the waiver requests. Mr. Greer explained that they are changing the stormwater around to see if they can minimize the impacts, thought they are still going to ask for a waiver at the stream point. He was comfortable that they have the increase in flow in the right place. He asked them to hold off on reviewing waiver request 5 until they have made those changes.

Jay Chace asked if this road would remain private, or be turned over to the Town.

Mr. Greer said their intent was to build it to public roadway standards so that, if the home owners decide they want the Town to take it over, they could do that.

Jay Chace struggled with the sidewalk request. He felt if it was going to be a private road moving forward he would be more comfortable with the sidewalk waiver. If it was going to be a public road, he was less in favor of the sidewalk waiver. He asked them to look at the sidewalk question again. He asked about a peer review analysis of the stormwater.

Ethan Croce said that Chris Baldwin of CCSWCD will review erosion and sedimentation control on behalf of both the Town and DEP as a condition of approval, but will not give an opinion on whether a waiver should be granted on the attenuation standards. If the Board wishes, they can ask for a third party peer review of the stormwater.

Jay Chace asked for a report on the groundwater. He felt there were a lot of staff comments left, and the plans presented tonight were different than what was in the Board packet. He would like to see revised plans prior to granting preliminary approval.

Kermit Stanley was not comfortable waiving the sidewalks; he agreed with Becca Casey that they don't have to be paved. He also wanted to see the groundwater report. He didn't have any issue with the other waivers.

Bill Benzing thought it was a nice plan and liked how compact the design is. He was fine with waivers 2-4, was willing to wait on the stormwater waiver, and was unsure about the sidewalks. He thought even a path through the development would be good; it didn't need to be a formal sidewalk. He liked the connectivity with the trails. He would like to see something from public safety regarding lighting; he wondered if the houses would have lighting on the houses or at the driveways.

Bill Lunt was comfortable with waiver requests 2-4. They worked hard to locate the lots in the best possible place. He felt there was nothing less rural than a sidewalk. If it is a dead-end road, there is less need for a sidewalk. It would be nice to have one. He could waive the sidewalk if there is room on the shoulders for pedestrians.

Becca Casey was okay with waivers 2-5, pending more stormwater information. She was not prepared to grant waiver #1 until they looked at the sidewalks again.

The Board discussed what constituted a sidewalk and whether a path along the roadway would count as a sidewalk or would still require a waiver of the standard.

Jay Chace felt that, if this became a Town street, they would want it to be built to the Town standard. If the intent is for it to be a private street, he would be more amenable to waiving the sidewalk.

Bill Lunt said if an application for street acceptance was made, the Council could decide at that point whether a sidewalk was necessary before they accept the street. He was not in favor of a sidewalk to nowhere.

Mr. Greer asked to table discussion on waiver #1 until they can provide more information.

Becca Casey moved to grant waiver request #2, a waiver on the 1500 foot dead-end road length limitation; Kermit Stanley seconded. Motion carried 5-0.

Planning Board Minutes

January 8, 2013

Page **11** of **11**

Becca Casey moved to grant wavier request #3, the requirement for two paper street connections; Kermit Stanley seconded. Motion carried 5-0.

Becca Casey moved to grant waiver request #4, the limitation on the maximum number of homes on a dead-end street. Kermit Stanley seconded.

Bill Lunt said the applicants are developing a large piece of land with only one road instead of two, which limits impact. This justifies this waiver.

Motion carried 5-0.

Becca Casey moved to grant preliminary approval; Bill Benzing seconded. Motion carried 5-0.

Mr. Greer pointed out that the Andersons have an approved right of way. They will include language that this right of way will be abandoned once the subdivision road has been constructed.

Ethan Croce said the intent had been to abandon that with final approval. The applicants should verify that the right of way will meet the separation requirements from the subdivision road. If it does not, it will require a waiver.

Mr. Greer said a waiver would only be for the time between the final approval and the road construction.

The Board indicated comfort with a waiver of that kind.

9. (Item Tabled) Portland North Partners, LLC – 60 Gray Road – Request for sketch plan review for a 3,905 sq. ft. drive-thru restaurant. Tax Sheet 451; Map-lot R05-045-B. Zoned MUC and Route 100 Corridor Overlay.

Item tabled prior to the meeting.

Meeting adjourned at 10:30 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary