

FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, MAY 7, 2013, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS

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

MEMBERS ABSENT: Bernard Pender (Vice Chair)

STAFF PRESENT: Ethan Croce, Senior Planner

The meeting was called to order at 6:30 pm.

Bill Benzing was appointed as a voting member.

1. Approval of minutes from the April 2, 2013 Planning Board meetings.

The minutes were not available for approval.

Administrative Action Items

2. 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 Village Center Overlay.

3. Melissa Smith – 331 Foreside Rd. – Request for a Shoreland Zone permit for permanent access platforms, stairs and pier and a temporary ramp and float. Tax Sheet 82; Map-lot U18-009-B. Zoned RA, LR (Shoreland) and RCZO.

4. Falmouth Public Schools – 51 Woodville Rd. – Request for a site plan amendment for utility trenching at the Middle School. Tax Sheet 300; Map-lot R05-020. Zoned Farm & Forest and RCZO.

5. Maine State Ballet – 348 US Route 1 – Request for approval of a new freestanding sign. Tax Sheet 163; Map-lot U53-003. Zoned BP.

6. Stefan Andren – 74 Gray Rd. – Request for approval of a wall sign for Peak Dental. Tax Sheet 373; Map-lot U44-012. Zoned WFCMPD and Route 100 Corridor Overlay.

7. Franklin Heinemann – 170 US Route 1 – Request for approval of a freestanding sign. Tax Sheet 320; Map-lot U51-001-D. Zoned RB, SB-1, Village Center Overlay, LR (Shoreland) and RCZO.

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

Public Hearing

8. Public Hearing on Route 1 Zoning amendments.

Community Development Director Amanda Stearns gave a brief overview of the proposed amendments, which would break the current SB-1 district into three distinct districts: VC-1, VC-2, and VC-C. The main components of the amendments are transferring the standards of the Route 1 and Village Center design guidelines into the zoning ordinance itself; encouraging and increasing density of the district, allowing residential use on the upper floors of buildings; and changes to site review and development,

including parking requirements. She pointed out that, in response to several items raised at the Council's public hearing, the Community Development Committee (CDC) has made changes to the proposed ordinance in regards to invasive species.

Bonny Rodden, chair of the CDC, said they also changed the allowance for wall signs, so that businesses could post their name above the second floor. That is the only change to the sign regulations since the April 22 hearing.

Bill Lunt opened the public hearing; there was no public comment.

Becca Casey asked about the prohibition of green roofs on single story buildings.

Ms. Stearns said they are prohibiting flat roofs on single-story buildings. While they are not restricting the architecture to New England standard village architecture, typically in village areas one doesn't see flat roofs below two stories and they are trying to follow that tradition.

Jay Chace said Section 3.6.5.10 'parking areas' prohibits parking between a public street or internal drive and new buildings. He didn't want to discourage the use of internal drives. He wondered if there was some way to allow for parking between a building and an internal drive given a permitting authority's review. He wanted to provide flexibility.

Ms. Rodden said the point was that the internal drives are supposed to act as a regular street. The requirement on a regular street was for no parking between the street and the building. In that instance, parking would be in the back.

Jay Chace was concerned that there might be an instance where there would be no rear to the building.

Ms. Stearns said in that case, parking would be the interior of the lot. The process of creating an internal drive from a commercial driveway provides pedestrian elements. To take advantage of the infrastructure, you would want to pull any new building to the sidewalk. In the case of a huge, existing lot, current parking could remain on either side of the building, but couldn't be between the building and the street.

Jay Chace agreed with the intent, but was concerned that the way it was written would create problems during design.

Jay Chace said section 9 exempts the new districts in certain areas but he was concerned that they are not exempted from all. He asked if it makes sense to exempt those districts from the whole section 9.

Ms. Stearns said they discussed that; the CDC has decided to look at that issue as part of the administrative re-write of the zoning ordinance.

Bill Benzing was concerned with the parking. They are decreasing the number of spaces and the required number of spaces. He understood that they are trying to encourage people to leave their cars and walk, but wondered if that would actually happen. With parking in the rear, the rear entrance could effectively become the front entrance.

Ms. Rodden explained that they were trying to build in flexibility. If a business owner needed more parking they could do that. She said the zoning changes would have an impact over 30 years, and developments in the future could solve these issues.

Ms. Stearns said staff intends to conduct a follow-up review after a couple projects go through the new ordinance to evaluate it and see any changes that might have to be made.

Bill Lunt asked if there was a time limit on when the admin re-write takes effect. He was concerned that developers would wait for the re-write to start development at the Falmouth Shopping Center for example.

Ms. Stearns said the re-write would not be changing policy or addressing issues with the proposed ordinance; those would be handled by the CDC and the Council. Her goal was to have the re-write fully

adopted by this time next year. Design issues that might arise from these amendments would be addressed outside the re-write process.

Ms. Rodden said the CDC and the Council see the re-write as tweaking and organizing, but not changing policy. Policy changes would be handled at the Council level. There are two districts on the Shopping Center property; the buildings would be in VC-1 and the open portion of the lot is in BP. They would have to come to the Council with any large-scale development on that property.

Jay Chace asked if there were any parameters on residential density in VC-1 and -2.

Ms. Stearns said it is unlimited, but only on the upper floors.

Becca Casey moved that the Board recommend the Council approve the Route 1 zoning amendments as written, taking into consideration comments made this evening. Kermit Stanley seconded. Motion carried 5-0.

Agenda Items

9. David & Anne Chase – Arrowhead drive – Request for a private way amendment to add two lots. Tax Sheet 490; Map-lot R07-074-001. Zoned Farm & Forest and RCZO.

Ethan Croce said this item was tabled in March pending a revised package. Building envelopes as shown on the plans encompassed the majority of the lots and didn't identify preferred locations for home placement based on the 4 step design process. The revised plans now show "recommended" home locations, but staff advise that these notes be removed or the home envelopes narrowed for clarity purposes and to avoid interpretation issues in the future. The term "recommended" is subjective. Private ways serving more than two lots are required to show a street drainage grading plan. This is a unique situation as there is a road already there; the first 400 feet is being widened by 6 feet to come up to Town minimum standards, but the rest is only being widened along the shoulders. The Town engineer would like to see the grading for at least that first 400 feet coming off the Indian Way cul-de-sac. The profile of the road should show the proposed and finished grades. The road on the plans is shown at the 24 foot wide standard; staff have advised that the roadway can be reduced to the 22 foot width and the hammerhead can be reduced to 40 feet in length instead of 100 feet. The final plan should be prepared by a land surveyor. The applicant should verify whether there will be any wetland disturbance or filling due to the widening of Arrowhead Lane, as it comes close to the wetlands on the site.

Tom Greer, Pinkham & Greer, presented the application. The first section of the road will be widened to 22 feet and they have added grading along that section. They have graded it so they will not have any wetland fill as a result of the widening. They will widen the end section of the roadway, currently 12 feet wide, to the 16 foot wide standard. They have shortened the hammerhead since it will no longer provide access to the lot in the back. The topographic plan is reflective of the ground survey that was done. They showed recommended building locations on the plans, and placed septic systems on them. They feel the country lot estates should have more freedom than a narrow building envelope. They have to conform to the setbacks already, and they feel that narrows it enough.

Rudy Israel asked for clarification that the 24 foot wide section is being reduced to 22 feet. Mr. Greer confirmed that. There are less than 10 lots, so the standard is 22 feet wide.

Bill Lunt the existing roadway that is going to be widened to 16 feet; it will need to meet some standards that were not in effect when it was installed. It is hard to see whether it meets the proper grading and elevations.

Mr. Greer said they can put grade lines on it; they don't typically do that when they are not changing the road itself.

Bill Lunt said his understanding was that the road has to be brought up to the 16 foot standards; if it doesn't currently meet the required grading, it will have to be brought up to meet the standards. The current grading needs to be shown. He asked about the hammerhead.

Mr. Greer said they brought the hammerhead in further to access the back lot, but since they don't need that access anymore they can shorten the constructed portion. They will leave the right of way the same length.

Bill Lunt agreed with the staff comments regarding the recommendation of building locations. The word "recommended" doesn't have a lot of weight. He would like to see the envelope more defined.

Mr. Greer argued that it is defined. The Board is approving the road to the country lot estates, not the country lot estates themselves. He said the setbacks that are imposed from the wetlands and the road on the lots define the area they can build on already.

Bill Lunt said the ordinance says there are other features of the lots that have to be considered, natural features etc. Mr. Greer said the wetlands are the natural features that have to be considered.

Bill Lunt said the ordinance asks them to consider the 4 step design process, and he didn't see anything here that identifies any of those features.

Mr. Greer said those were submitted with the original submission.

Becca Casey felt comfortable with the plan as shown; she didn't see any features like stone walls, etc. on the plans that would limit where buildings can go. She appreciated the recommended building locations, even though they weren't binding.

Bill Lunt didn't like ambiguity and he didn't feel it was fair to ask staff and neighbors to deal with ambiguity after the fact. He asked them to remove the "recommended building location" circles. The Board agreed.

Mr. Greer felt the setbacks shown remove ambiguity; landowners have to build within those setbacks.

Bill Lunt opened a public comment period.

Andy Couch of Indian Way said the Chase property has a 50 foot wide access easement over his property. This easement does not provide for any drainage or grading beyond the 50 foot right of way. Any traffic that comes into this development would come past his house. He asked if the Board had reviewed and addressed the issues raised in the letter he previously sent. His letter raised questions about fire safety and the road improvements.

Ethan Croce said the proposal was vetted by the Fire Department and the road is being upgraded to meet the ordinance standards.

Mr. Couch said the fire pond on his property is used to serve Indian Way and the surrounding area. It is in disrepair and access is not secure. He asked what rights the Town has to use the pond on his land.

Ethan Croce said the pond was installed as part of the Indian Way subdivision, and he assumed the Fire Dept. had rights to use it to benefit that subdivision.

Mr. Couch said there was a major fire in the subdivision recently and there were significant issues accessing the pond. He was concerned whether there was enough capacity in that pond to serve two more homes.

Ethan Croce wasn't sure that was relevant to the application tonight. The Fire dept. has signed off on the application as presented tonight. Bill Lunt said the Board has to go along with what the Fire Dept. recommends.

Mr. Couch asked if those new homes would be dependent on that fire pond.

Ethan Croce said there are no specific ordinance requirements for fire safety measures for non-subdivision development such as this. The Board is allowed to look at the conditional use criteria, which speaks generally to fire protection measures, but it is not a specific ordinance requirement. It is left to the discretion of the Fire Dept. and Board to determine whether there are adequate fire measures.

Mr. Couch asked if the Fire Dept. submitted written comments speaking to capacity of the pond. Ethan Croce said the Dept. submits written comments only in those cases where they have concerns.

Mr. Couch asked for a condition of approval that written confirmation that the Town has rights to use the pond be submitted, as well as proof that the pond has sufficient capacity to serve two additional lots.

Bill Lunt asked if it is a requirement of this application that they use that pond for fire protection.

Ethan Croce assumed that the pond was approved for use by the Fire Dept. without restriction as to what homes they could use it for. He couldn't speak to an approval that was granted 20 years ago.

Bill Lunt asked if the ordinance requires them to look at that particular fire pond in reference to this application.

Mr. Couch said it is all private wells in that area.

Ethan Croce said sections 8.3.g and i. contain the conditional use criteria that would apply to this project. It is not typical for the Board to require developments on private ways to install fire safety measures, though it is within their authority to do so. The Board has to make a finding that the development meets the conditional use criteria.

Mr. Couch said there is an access easement that runs across his property; he submitted pictures of the current access road, which is in poor repair and has drainage issues. It is narrow and has a lot of grade changes so it is difficult to travel. Another picture demonstrated sight issues with the current grading; adding lots would double the amount of traffic on the road. Widening the road may create drainage and snow storage issues on his lot. There is no speed limit on the road.

Bill Lunt said it is a private road and will remain private. The new plan showing that portion of the road will address the issues of grading and drainage and it will be checked by the Town Engineer.

Mr. Couch was concerned that there would be enough capacity for the private water and sewer. He asked about pre-blast surveys since the construction is close to his home. He asked about wildlife impacts; he sees a lot of wildlife in the area. He asked about wetlands and vernal pools; there are a lot of those on the property.

Bill Lunt said the wetlands have all been identified, classified, and shown on the plans.

Bill Lunt closed the public comment period.

Becca Casey asked to add a condition for written confirmation from the Fire Dept.

Ethan Croce read the conditions into the record.

The applicant was satisfied with the conditions.

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

10. Kevin O'Rourke & Peter Anderson – Blackstrap Road – Request for final subdivision approval of the 20-lot Preserve at South Ridge Subdivision. Tax Sheet 180; Map-Lot R08-014-001 and R08-012-001. Zoned Farm & Forest and RCZO.

Ethan Croce said the application was granted preliminary subdivision approval in January of this year. The ordinance requires that final plans conform substantially to the approved preliminary plan, including the road profile and cross section. The road design in this application has changed since the preliminary approval; the Board will need to make a finding that the proposal substantially conforms to the preliminary plan. The applicant is requesting 7 waivers. Waivers 2-4 were approved as part of the preliminary approval; the Board deferred decisions on waiver #1, the requirement to build sidewalks, and waiver #5, the increase of post-development rate of runoff for stormwater at two analysis points. Staff received word from CCSWD that the plans now conform to the Town's stormwater standards, and CMP has also signed off on the increase in discharge. Waiver #6 is a request for a waiver on the required full traffic study and waiver #7 is on the required street separation distance. Items missing from the submission include treatment of the open space around lots 19 and 20, the lots on the current Anderson property. The ordinance requires a common open space ownership and stewardship plan agreement to be submitted to the Board since they are retaining that open space, which would include a monitoring and reporting mechanism. The applicant needs to identify a third party who will be responsible for biannual inspections and monitoring. A stewardship fee would also need to be set up for the open space not being turned over to the Land Trust. The applicant is requesting a conditional agreement in lieu of a full performance guarantee; typically when approving these, the Board requires a partial performance guarantee to cover erosion control and site stabilization measures only. The applicant has obtained their Army Corps permit; the DEP permit should be coming soon. A DOT entrance permit is also required. Final plans are required to be prepared by a surveyor and must show the 50 foot no-disturb buffer around streams and high value wetlands and the well exclusion zones for those lots not using the shared septic system.

Mr. Greer, representing the applicants, spoke about the changes to the proposed road. The home locations are virtually in the same place as they were originally but the lot dimensions have changed to accommodate the revised road layout. When going through the Army Corps process, they discovered they were within the required 100 foot setback of the vernal pool. They moved the road to the other side to avoid the vernal pool. This change also allowed them to eliminate the spur road and reduce the amount of wetland disturbance they had. Army Corps reviewed and approved it; the DEP permit should arrive in the next couple weeks.

The Board discussed whether this plan reflected a substantial change from the preliminary approval. Jay Chace would be more comfortable readdressing this as a preliminary approval and then considering the final plan at a later date. Becca Casey didn't feel they needed to redo preliminary as long as it is an improvement. Kermit Stanley and Bill Lunt agreed, considering the sign-off from the Army Corps. Bill Lunt felt this wasn't the only radical change from the preliminary; he felt the open space on the Anderson property was different in the preliminary approval.

Mr. Greer said it was unclear if a small piece was going to go to the Land Trust; the small open space on the Anderson lot was always going to remain with those two lots. They feel very strongly that they want to retain control of that piece and keep it out of public use.

Bill Lunt didn't understand the radical change to the roadway or why it couldn't have been addressed before now. He thought there could have been better communication ahead of time.

Mr. Greer said they laid out the project to the best of their ability to meet the regulations. They put the road in the same location as the existing woods road, which was within 100 feet of the vernal pool. He didn't understand that Army Corps would require them to compensate for the entire vernal pool, whether there was any impact to the pool or not. The DEP didn't have any issue with that pool at all. They

couldn't move the road any further to the north, as they were against the property line already. The location of the lots has not changed since the preliminary plan.

The consensus of the Board was to proceed with the application.

Mr. Greer discussed the waiver on sidewalks; they feel strongly that this project doesn't need sidewalks. They have worked with the Land Trust to create trails and trail connections for the public. They feel this is adequate pedestrian access for the site. He showed a cross section of the road elevation, showing the houses close to the road. Their goal was to limit their environmental impact. Sidewalks would have to be installed on the front lawns. They have worked hard on a stormwater plan that meets the low impact design standards. There is a small infiltration basin at the end of the property; all other areas are treated in wooded buffers. Adding sidewalks with a curb would require concentrated drainage, which would change the entire stormwater piece. Installing under-drains and catch basins would require blasting. All these pieces would also add incremental costs. They also added a trail from the cul-de-sac to the open space at the Board's request.

Bill Lunt pointed out that Public Works has said they really wanted to see a sidewalk installed, because if the road was accepted as a public street, they would be burdened with the cost of installing sidewalks if the residents asked for them. He would be more comfortable waiving it if a note was added to the plans stating that the Board recommended against acceptance of this street as a public way. He didn't want the Town to end up with the enormous cost of installing sidewalks after the fact.

Jay Chace agreed; if the note is very clear that the Board is only granting the waiver because the applicant has agreed that the street wouldn't be a public way. He would want to see that note drafted prior to approving the application.

Becca Casey appreciated the pedestrian loop that was created in response to the Board's request, but she also felt that people wanted sidewalks. She would appreciate more attention to the pedestrian flow; kids will be walking to the end of the street to catch the school bus everyday. She thought there were ways to install pervious surfaces.

Kermit Stanley opposed the waivers because kids will be walking to the school bus and also because the Board hasn't waived this requirement in the past.

Bill Benzing preferred granting the waiver with the note proposed. He wondered if there was a way to make it clear that the Town would not be burdened with installing the sidewalk if they accepted the street.

Bill Lunt didn't think they could do that. Accepting the road is up to the Council, not the Board. He was comfortable with kids walking along the road since it would not be a high traffic road. If they granted the waiver he wanted it clear that the Board did so with the understanding that the Town would not be burdened with the cost of the sidewalk.

Bill Benzing was comfortable granting the waiver with the note proposed.

Peter Anderson, applicant, has lived in a dense neighborhood in Cape Elizabeth for 24 years; it does not have sidewalks. He presented photos to the Board of his neighborhood, showing people walking down the roads with dogs and strollers. To his knowledge there has never been an accident in the area. He planned to live in the subdivision when it is constructed and would like it to be a public road without sidewalks. He wondered if the language could be drafted to be clear that there would not be sidewalks. Not having sidewalks decreases the width of the right of way, which would preserve some of the mature trees on the property.

Jay Chace asked if the developer's intent was to maintain it as a private road. Mr. O'Rourke indicated that it was not. Jay Chace felt if it was intent to turn it over to the Town, then he would not be comfortable with the note. The Town has drafted standards for public streets that include sidewalks.

Kevin O'Rourke, applicant, felt they have done everything to minimize impacts and be sensitive to the environment. The Board's authority to waive sidewalks is limited to the RCZO and Farm & Forest districts. He felt the intent was to allow for the preservation of natural spaces. If the intent of sidewalks was for pedestrian connectivity, he felt they have addressed that. This project does not provide sidewalk connections to any other developments in the area. He didn't see the value in it. Their road is 24 feet wide with 6 foot shoulders, providing ample opportunity for people to walk either along or in the roadway. He lives in a dense neighborhood with 22 foot streets and no sidewalks. He didn't know of any public safety issues with those roads.

Ethan Croce corrected Mr. O'Rourke's statement; the Board in fact does have the authority to waive sidewalks in other districts. That is not limited to Farm & Forest.

Mr. Greer said they would like to have the opportunity to turn the street over to the Town. He asked if they can word the note that the Town would not be required to pay for sidewalks if it was accepted.

The Board discussed that proposed wording. Becca Casey was most concerned with sidewalks on the area that doesn't have houses; she felt traffic would be faster there and it would be less safe.

Bill Benzing moved to grant the waiver on sidewalks, with the condition that a note be added to the plans that the Board's recommendation was that the Town not accept the road as a public street. Bill Lunt seconded. Motion failed 2-3 (Stanley, Casey, Chace opposed).

Bill Benzing moved to grant the waiver on sidewalks. Becca Casey seconded. Motion failed 0-5.

Mr. O'Rourke said they might be agreeable to installing a sidewalk from Blackstrap Road to the development, without having to install a sidewalk within the development area.

Jay Chace pointed out that the Board has already granted waivers on the maximum allowed length, the number of required paper streets and the number of homes allowed. He felt they have been fairly accommodating. He wondered if the developers have considered reducing the width of the road to 22 feet and then installing the sidewalk.

Mr. Greer said they had considered that, but felt it would jeopardize their opportunity to turn the street over to the Town because it doesn't meet the ordinance standards.

The Board discussed waiver #5, the increase of post-development rate of runoff for stormwater at two analysis points. Mr. Greer said Chris Baldwin from CCSWD has completed his review and they have received a letter from CMP that they were okay with the increased runoff. They feel the letter is sufficient and they don't need a formal easement, since the runoff is not significant.

Bill Lunt said there is a substantial increase at one of those points, but since there was such a small amount to begin with he was okay with it.

Mr. Greer said this is because that area is all sand, and sand has a very low runoff coefficient. Any type of development would have an increase.

Becca Casey moved to grant waiver #5, the increase of post-development rate of runoff for stormwater at two analysis points. Kermit Stanley. Motion carried 5-0.

Mr. Greer said they didn't feel they need a traffic study; this development will not generate a lot of traffic compared with Blackstrap Road and they have adequate sight distance.

Becca Casey felt there was potentially quite a few cars coming out, but it would not contribute to the traffic issues on Blackstrap Road overall.

Jay Chace would like to understand its impacts on the Babbidge Road intersection, similar to what they requested from the subdivision on Ledgewood Road. He didn't want it to adversely impact those intersections.

Kermit Stanley, Bill Benzing and Bill Lunt were comfortable with the waiver.

Bill Benzing moved to approve waiver on the traffic study. Kermit Stanley seconded. Motion carried 4-1 (Chace opposed).

Mr. Greer spoke about the waiver request on the street separation distance. They would like to vacate the approval on Moss Lane, but they would like to do it after the subdivision street is completed.

Jay Chace asked for the location of Moss Lane. Mr. Greer showed it on the plan; it is 380 feet from the subdivision street, and they need 400. It provides access to the Anderson property. There is a woods road there now, and they have a 50 foot right of way to access their property. The Board approved a private way in that location but it was never built.

Becca Casey was in favor of the waiver with the wording suggested by staff. Kermit Stanley and Bill Benzing agreed.

Bill Lunt wanted to make sure that, if they grant the waiver, the subdivision cannot be used until Moss Lane is vacated. He understood that they didn't want to vacate the private way until the road is there, but that is a risk of development. He wanted to see legal language that prevented both those roads from being operational at the same time.

Jay Chace asked if the property of Moss Lane would go back to Jordon or Anderson. Mr. Greer said the Andersons have an access easement over that property and that will not go away.

Bill Lunt asked about the common open space on the Anderson property. They need a document for that, and a separate stewardship fee for each piece of the open space.

Jay Chace asked why that open space is set aside and not part of the lots.

Mr. Greer said the ordinance requires a 50 foot no-cut buffer all around the property. The open space on lot 19 is part of that buffer. The Andersons are looking for a very private lot, and they don't want the public on it. They could add that open space to the lot but they would still have the 50 foot buffer.

Jay Chace asked if the 50 foot buffer was required to be in open space, or if it was simply no-cut. This proposal is not how they typically consider open space.

Mr. Greer said that area F is a stormwater area that is managed by the homeowners association and is already a no-cut buffer. He asked Ethan Croce if they could eliminate the open space on lot 19 and call it a no-cut buffer.

Ethan Croce said as long as they meet the minimum open space acreage for the development, they can do that. Bill Lunt thought they needed that acreage to meet the minimums. Mr. Greer said he would check.

Mr. Greer said they are already paying a significant stewardship fee to the Land Trust. He said they have to maintain that as open space, so they would be responsible for its stewardship and it shouldn't require a separate fee.

Bill Lunt said it would need to be monitored by an outside party and that would require a fee. He asked if the Land Trust will be the overseer of that. Mr. Greer wasn't sure.

Bill Lunt said he felt the stewardship needed to be separate for each piece, unless the Land Trust put something in writing that said they were okay with it.

Bill Lunt asked about the well exclusions for the two lots; Mr. Greer agreed to do that, as well as having the final plans stamped by a surveyor.

Bill Lunt asked about the performance guarantee.

Ethan Croce said the developer is asking for a conditional agreement, in lieu of a full performance guarantee. Typically if the Board agrees with this arrangement, they require a limited guarantee to cover erosion controls and site stabilization measures only, in case the development is abandoned.

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

11. David Chase – 50 Gray Rd. – Request for sketch plan review of a self-storage facility. Tax Sheet 451; Map-lot R05-045. Zoned MUC, LR & RP (Shoreland) and Route 100 Corridor Overlay.

Mr. Greer presented the changes made in response to staff comments. They have pullet the pavement and the fence out of the paved area, and moved the gate area to the middle of the buildings. This reduces the paved area. The front area remains the same. They will have to modify their landscaping. They are now proposing a higher quality fence out front with landscaping to soften the look of it from the street. They propose leaving chain link fence around the remainder of the site; they feel that they have enough landscaping to screen it. They have a zoning problem with the stormwater pond; staff has said the pond and outlet are part of the commercial piece and therefore cannot be in the shoreland. They feel it is an essential service; town staff do not agree. He said the Board can make a determination that this is part of the essential services. If they have to they will change the location of the outfall; they met with DEP and were told to put the outfall where it is to lessen impact on the brook. He spoke about the architecture of the existing office building; they are proposing a stucco building with a brown stripe on the top and bottom with dark green accents. The garage doors would also be dark green. They are tearing down about half of that building, and re-skinning the remainder. The front portion would be office space for the storage business, and the rear would be three storage units. They are cutting 100 feet off the front of the building, moving it away from Route 100. This would provide room for parking out front.

Bill Lunt asked how many spaces will be out front. Mr. Greer thought there would be 7, which they think will be enough. They think there will be three people in the office. Most people that are coming to access their unit will drive right in to their unit and park alongside it. They provided cut off lighting fixtures for the units; they will reduce the height of the proposed lights to meet the ordinance.

Dave Chase, applicant, said he would put the power underground.

Mr. Greer said they intend to leave the driveway where it is; the lot shares that entrance with Mr. Libby. Their entrance would line up with the office park across the right of way. It is 40 feet wide where it meets the access road to accommodate the trucks that use it. It is about 60 feet from the edge of Route 100 to the beginning of their road, and it provides access to both properties.

Bill Lunt asked if there was any concern with stacking in that area. Mr. Greer said the traffic to self-storage is so small and off-peak that they didn't think stacking would be an issue.

Bill Lunt asked about the small area of land between the front parking lot and the entrance road.

Mr. Greer said that area is landscaped. That whole piece gets softened but not screened so people could see the entrance. They don't anticipate a lot of pedestrians accessing this site; they feel it will be mostly vehicle traffic so they don't propose any sidewalks. The only place they would build a sidewalk would be along the 50 feet from Route 100 to their entrance.

Bill Lunt asked if installing a sidewalk along Route 100 would be required by ordinance.

Ethan Croce said the Bicycle and Pedestrian Master Plan calls for sidewalks along the frontages of properties on Route 1 in the Village Center and along Route 100. The Board typically wants to see these built out and has been consistent in requiring them. The only exception was for Norway Savings, since there was no connection to the south, and in that case the Board required an escrow to build that when a connection to the South were constructed.

Bill Lunt felt they could address this project the same way as the Bank. Jay Chace pointed out that they discussed a sidewalk on the other side of the street when they were discussing the abutting parcel.

Mr. Greer said this project requires a DEP permit and they have applied for that. Modifications will depend on the Board's decision regarding the pond.

Bill Lunt asked about the architecture on the first two storage buildings. Mr. Greer said they would look like standard metal self-storage units; there was a long discussion with the Board about that at the last meeting.

Becca Casey appreciated the addition of the fencing and the landscaping. She liked the center aisle and the upgrades made to the entrance. She felt that as long as the building closest to Route 100 was treated like the front office, that it was appropriate that the storage buildings were typical.

Bill Lunt asked about the wall that comes out from the office building. Mr. Greer said it is a 4 foot wall to screen the activity behind it.

Ethan Croce asked about the fencing proposed to cross the 50 foot right of way; he asked if they had right to construct that fence. Mr. Chase indicated that he now owns that property.

Public comment period opened.

David Libby, abutter to the project, spoke about how the property looked when they first acquired it. He felt this would be a good addition to the area. He had no problem with the proposed development.

Public comment period closed.

Ethan Croce pointed out that this is a unique use that doesn't lend itself well to the design guidelines and there isn't anything in the application that speaks to how the applicant tried to address those guidelines. He asked the Board what they wanted to see in that regard.

Bill Lunt asked the applicant for a narrative that walks through the guidelines and speaks to how they addressed them. Becca Casey felt they should describe some of what they have done to meet the guidelines at the front of the property. Jay Chace felt the front two storage buildings should have some treatment done to them.

Bill Lunt asked how they would be colored. Mr. Chase said they would be forest green roof and details and tan siding, similar to the office building.

The Board discussed the stormwater pond. Bill Lunt understood that Planning Staff, the CEO and the Town Attorney all agree that the pond cannot be there. He asked if there was a way to bring it into compliance and leave it where it is.

Mr. Greer said only one small corner is in the zone; they can move the pond a few feet and be out of the zone. The outfall pipe is the issue; there is a small brook that comes from the turnpike and around the toe of the slope. DEP asked them to move the outfall to minimize impact on the brook. He can move the outfall back to where it was, but he would have to go back to the DEP to modify his permit application.

Bill Lunt asked why there was so much impact to the brook.

Mr. Greer said the stormwater for the whole project was going directly into the brook, which is a relatively small receiving water compared to the river. The relative sizes of the two receiving waters are huge. It isn't a long distance but it is a smaller receiving water.

Bill Lunt wondered if there was another way they could take care of it. He asked if there was a way to change the zoning.

Mr. Greer said a zone change was a possibility, but they have a time concern. They would like to have the storage buildings online in the fall, ideally by September 1. That timeframe didn't seem to allow for a zone change.

Jay Chace asked what the zone is. Mr. Greer said there are three zones: the shoreland zone is 250 back from the river, there is the Limited Residential zone which is outlined on the Town's map, and the Resource Protection zone is 50 feet from the top of the river bank. The discharge has to go across all three zones to get to the river. All the water from the site goes across this way now; they are just going to treat it.

Jay Chace said ordinance section 7.29.2 states the installation of essential services other than roadside distribution lines is not allowed in the RP district.

Becca Casey asked if it is the point load or quantity of water that creates the impact.

Mr. Greer said they have a 30 inch pipe that flows out of the pond. It is full for the 2- and 10-year storms. Higher storms go into the stone overflow ditch.

Becca Casey asked about dividing it among smaller pipes. Mr. Greer thought they might be able to do something with the slope. He was concerned about erosion with water running down that slope. It is a 12 acre site and there is a lot of water.

Rudy Israel asked if they directed the pipe back to the original location and what affect that would have on the DEP permit.

Mr. Greer said they could do that; he wasn't sure what impact that would have with DEP. He thought he could get a permit going in that direction.

Bill Lunt asked if the issue is more about the riprap overflow area than the pipe itself. Mr. Greer said that was correct; they have a 20 foot plunge pool to dissipate the energy and there is a riprap ditch.

Mr. Chase said he would likely come back with an issue with the sign; they want signage on the building but the ordinance doesn't allow signs within 100 feet of each other. There are signs on the abutting properties that may block him from having a sign.

12. Ad-Hoc zoning committee discussion

The Board agreed that Bill Lunt would apply for the Planning Board seat on the committee.

Meeting adjourned at 10:20 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary