

**FALMOUTH PLANNING BOARD MEETING MINUTES**  
**TUESDAY, JUNE 4, 2013, 6:30 P.M.**  
**FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** Rudy Israel (Alternate)

**STAFF PRESENT:** Ethan Croce, Senior Planner

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

**1. Approval of minutes from the April 2 and May 7, 2013 Planning Board meetings.**

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

**Administrative Action Items**

**2. Town of Falmouth** – 34 Woods Road – Request for Site Plan approval for a parking area at the Woods Road Community Forest. Tax sheet 140; Map-lot R03-039. Zoned Farm & Forest and RCZO.

**3. Fairway Villas, Inc.** – Pinehurst Lane – Request for a subdivision amendment to approve lot 47 in the Woodlands Subdivision as a buildable lot. Tax Sheet 220; Map-Lot U67-047. Zoned Farm & Forest and RCZO.

A member of the public requested that item 2 be removed to the regular agenda.

Becca Casey moved to approve administrative item 3; Kermit Stanley seconded. Motion carried 5-0.

**Public Hearing**

**4. Public Hearing on Section 5.22.3 amendment – re: Accessory Cottages.**

Ethan Croce explained that the proposed ordinance would allow an increase in the maximum size of detached accessory cottages, which are currently limited to 40% of the principal dwelling unit. The amendment would change that to allow a cottage to be either 850 sf or 100% of the dwelling unit.

Public comment period opened; no public comment.

Becca Casey moved to recommend that the ordinance amendment be passed as written; Kermit Stanley seconded. Motion carried 5-0.

**Agenda Items**

**2. Town of Falmouth** – 34 Woods Road – Request for Site Plan approval for a parking area at the Woods Road Community Forest. Tax sheet 140; Map-lot R03-039. Zoned Farm & Forest and RCZO.

Ethan Croce said this is a proposal for a 5 space gravel parking lot opposite the Woodlands development on Town-owned land. There are no wetland impacts with the development. There will be appropriate sight distance in either direction on Woods Road. It meets the minimum 25 foot setback distance from the

abutting property. They are proposing using wood logs as wheel stops to delineate the spaces, and they have the minimum throat width at the entrance.

Bob Shafto, Open Space Ombudsman, presented details of the property and the proposal. Until recently the responsibility for managing this property lay with the Woodlands development. Recently it was turned over to the Town. This is one of the few open space properties in Town for which there is limited public access; it is mainly used for hunting and the people who use it park along the street. They intend to build trails on the property and need to provide parking for people who want to use those.

Public comment period opened.

Mark Leighton of Woods Road had assumed that the parking lot was for the Falmouth Historical Society. It is in fact close to his property. He wasn't sure who would be using this lot; there are trails on the property and people do use it for hiking, cross-country skiing. His concern was they were going to take down trees to create a lot and people would party and be noisy there. He spoke with the Historical Society; their long-term plan was to install parking on their lot, but they are short of funds. He thought trails would connect to that property. He thought they should look at other options for the parking. He said there are a lot of calls to the Police Department about activities in other parking lots around Town that have been built for trail access.

Bernie Pender asked what Mr. Leighton thought would be a better option.

Mr. Leighton said he thought the Historical Society might be agreeable to a parking lot. It would benefit them, and would be easier for the Police to monitor. There is another parking lot on Route 9 that no one is currently using that could also be an option. He was also concerned that an increase in use on the property would disrupt the deer yard.

Tom Axelsen of Woods Road abuts the proposed parking lot. He wasn't happy about a parking area located that close to his property. He agreed with Mr. Leighton's suggestion to build a lot at the Historical Society. He was concerned with people parking there at night, drinking and leaving trash.

Bill Lunt explained that the Planning Board could not determine a change of location for the lot; if the residents want it moved to the Historical Society, they would need to discuss that with Town management.

Mr. Shafto said they considered the Historical Society property. The cutting that will be done on a regular basis, to provide browse for the deer population, will be in the area behind the Historical Society and the Transfer station. The trails will be located at the other end of the property, in the oldest part of the forest. The goal is to match the trailhead with the parking. People are already parking in this area for hunting. There are a number of these type of trailhead parking lots in Town, and there have been no problems with litter or parties. Woods Road is heavily traveled by the Police, as the station is close by, so he didn't anticipate any problems on this lot.

Bill Lunt asked if the decision of where to locate the lot was made by the Council.

Mr. Shafto said no; the location was selected by the Land Management Team, which includes representatives from several town committees, the Land Trust, and applicable staff, including the Town Manager.

Bill Lunt asked if the parking lot would be funded by a grant; Mr. Shafto said it is, and the grant was approved by the Town Council. There was a plan presented to them including the parking lot and trails. The Town Engineer worked with him to locate this lot in order to minimize any impact to wetlands.

Mr. Leighton reiterated his concerns with safety; he felt kids would party in this lot. He also thought traffic pulling out of this lot might cause accidents on Woods Road.

The Board discussed the process moving forward; Ethan Croce said they could place a condition on the approval that the Police Department signs off on it. Jay Chace thought there was some merit in the argument of placing the lot at the Historical Society and asked for more detail of why the proposed location was chosen; he felt the proximity of the police station argued against the potential of partying.

Mr. Shafto said one of the goals of the *Greening of Falmouth* was that these public properties should benefit the public; recreation is one of those benefits. They need the parking to be close to the trailhead in order to access the major trail network. They also need the access in order to manage the property.

Jay Chace asked about cutting new trails. Mr. Shafto explained that there are several woods roads on the property, as well as snowmobile trails, but they try not to use those for safety reasons. The trails they cut will be narrow foot trails, typically 3 feet wide.

Bernie Pender asked how many of the trails in Falmouth have parking areas attached to them. Mr. Shafto said all the major properties do, except North Falmouth Community Forest. He discussed each of them and said they haven't had any problem with litter or parties.

Bernie Pender asked what the Historical Society felt about a parking lot on their property; he pointed out that there was no one present from that group. Mr. Shafto said they might be open to it, but they didn't approach them as a lot there would be too far away from the trails.

Bill Benzing pointed out that the lot meets all the ordinance requirements and didn't see anything that would block the Board from approving it.

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

**5. 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 discussed the history of the project. The application was tabled at last month's meeting to address some outstanding issues, primarily the two remaining waiver requests, along with a new waiver request on road width. The first waiver request is for a waiver on the requirement to build a sidewalk the full length of the new subdivision street, which qualifies as a local street under the ordinance and is required to be built a full 24 feet wide. Last month the Board denied this waiver request. The applicant has modified their waiver request to be twofold. Their preferred alternative is to not build any sidewalk at all but include a plan note that the Town would not bear any responsibility to build a sidewalk if or when the future homeowners wanted a sidewalk constructed. If that version is denied, the applicant would ask that they only be required to build the sidewalk halfway up the street instead of the entire length. The plans submitted show this design. He pointed out that there is no curbing or structured drainage proposed for this sidewalk and the Town Engineer has some comments concerning the design of the sidewalk as well. The second waiver request concerns the street separation distance standard; the ordinance requires 400 feet between streets on the same side. The proposed subdivision street is just short of meeting that standard in regards to Moss Lane, a private way approved in 2008. The Board asked the applicant to return with some modified language regarding this issue; they wanted some assurances that both streets would not be utilized at the same time. The applicants have a new waiver request; they would like to narrow the roadway down to 22 feet from the required 24 feet for the first section of the road, where the sidewalk would be located. There was discussion at the last meeting regarding the open space abutting lots 19 and 20; the applicants have removed the open space on that portion of the subdivision entirely. Staff said that might not meet the requirements of the 4 step design process, since it includes a stream and wetland area. Staff suggested that the stream and wetland be added to the open space being turned over to the Land Trust. There is still an outstanding DEP permit and DOT entrance permit; they have received their Army Corps permit and the consent of the CCSWCD for the stormwater plans. He wondered if the

Army Corps permit would have to be amended to account for the sidewalk if the Board approves that. Structural setbacks from Moss Lane for lot 19 need to be shown on the plans. The applicant should clarify which trails are going to be improved and maintained in perpetuity.

Tom Greer, of Pinkham & Greer, said the DEP permit will be issued shortly; they revised their application to include the sidewalk. CCSWD also reviewed it as part of that process and found that it met the DEP standards. He felt the Board made it clear that, as long as they met the open space requirements on the rest of the property, they didn't need the open space on the Anderson property, so they removed it. The Andersons do not want public access on that property. The management of the open space is an issue; they don't want to have to hire someone to manage it. They said it is no-cut/no-disturb and so the controls and protections are in place for that stream. They have a low-impact development and the sidewalk would create a large impact. They looked at the stormwater treatment for the sidewalk for the first half of the street. If they build a full sidewalk they would have to re-engineer the whole stormwater plan and redesign the buffers. He showed a plan that demonstrated their first attempt at a stormwater plan for the full sidewalk – it would create a full 1 to 1.5 acres of impact to the forest and would impact the trails and open space.

Becca Casey asked for clarification that the stormwater plan presented contemplated the sidewalk being extended the full length of the road. Mr. Greer said that was correct. They felt the half-length sidewalk could be incorporated into the low-impact design as long as they reduced the width of the street by 2 feet.

Jay Chace asked if the design contemplated a 24 foot road with the full sidewalk; Mr. Greer said that was correct. This is a first draft design, based on assumptions. He described in detail the impacts on the subdivision if they had to install the full length of the sidewalk. It would dramatically change the look of the development.

Kevin O'Rourke, applicant, spoke about the RCZO ordinance and their efforts to develop a project that met its intent. He said there are contradictory requirements in the ordinance. He argued that the construction of sidewalks would be redundant due to the trails on site, and the required stormwater facilities would impact the open space they plan to deed to the Land Trust. He explained the special conditions that he felt justified the waiver. The bedrock conditions on site create a significant financial challenge for the construction of stormwater facilities. The road will be 24 feet wide, which will provide enough room for both traffic and pedestrians. He said Blackstrap itself is only 22 feet wide. He spoke with Dan Stuart from the DOT, who confirmed that a 24 foot road should provide more than enough space for both vehicular and foot traffic. He offered to install speed control elements on the road. He argued that the trail system was extensive and provided ample pedestrian access. The goal of a conservation subdivision is to minimize the impact of the development. The authority to waive sidewalks is in the RCZO ordinance, and they feel the intent of the ordinance was to allow the Board to determine the need for sidewalks in an environmentally sensitive zone. He offered to include a clause in the homeowners' by-laws that sidewalks are not to be built; if the homeowners want them in the future, they would be responsible for paying for them.

Becca Casey asked what their plans were for pedestrian access along the roadway.

Mr. O'Rourke said his plan was to install stamped concrete and stripe 5 feet of the paved roadway along one side. It would be cleared of snow along with the roadway so it would be accessible year-round.

Becca Casey asked him to show where the 8 foot wide pathway reaches Blackstrap. Mr. Greer indicated the location of the trails on the plans.

Public comment period opened on the sidewalk waiver. There was no public comment.

Town Engineer Jamie Mason said he has discussed the project with Public Works Director Jay Reynolds and they agree that sidewalks are an instant benefit to the Town; individual homes become neighborhoods. They recognized the stormwater constraints, but he felt there was a way to address those.

The width of clearing for the roadway would allow for a 5 foot sidewalk along a 24 foot wide road. The applicant has proposed the sidewalk at the lower end with sheet flow; he said it is difficult to get grass to grow in that scenario. It would be subject to erosion. There is channelized flow at the top of the hill, which would have minimal impact on their system. He understood the hardship of the ledge, but they are already going down 6 feet for their force main sewer. The ledge would already be loosened up from that process. He argued for a curb to be installed. They like the closed drainage because a catch basin at the low point would prevent flooding.

Becca Casey asked if the proposed stamped paving would be acceptable rather than the curb.

Mr. Mason said it might improve safety but for it to work, the pavement would need to be wider than 24 feet. If someone gets distracted and hits it, it wouldn't make a difference. He pointed out that these wear out, so there would be a maintenance issue. His experience with these is that they wear down after 5 years.

Bill Lunt asked if the designated stamped sidewalk would need to be 5 feet to meet ADA requirements, or could it be reduced to 4 feet.

Mr. Greer said they could make it 4 feet. Mr. Mason said for ADA you need to be 5 feet, but it can go down to 4, and in this scenario there is no restriction on the width someone could use. There is no barrier to limit them to the 4 feet.

Becca Casey asked if they had considered pervious pavement for the sidewalks. Mr. Greer said they had not; it requires 3 feet of non-saturated soil underneath it, and they don't have that.

Bernie Pender asked if the stamped pavement would be a different color; Mr. Greer said it would.

Bill Benzing asked if the first draft stormwater plan shown tonight included sidewalk for the whole length of the street; Mr. Greer said that was the case.

Bill Benzing asked if that plan would be required if the sidewalk went halfway. Mr. Greer said no; if they add the sidewalk to the first 1600 feet they would be able to use the wooded buffer in that area to treat the water on the sidewalk side.

Bill Benzing asked what treatment would be needed if they did the stamped pavement walkway the full length of the road. Mr. Greer said that would go back to their original design, with sheet flow into the buffers the whole way. That would reduce the width for the road, from 24 to 22 feet.

Becca Casey asked for clarification on the sidewalk waiver request: one proposal is for the stamped pavement the full length of the road, and the other was for a full, curbed sidewalk for half the length.

Bill Benzing said either of those proposals would not impact the stormwater design. They would, however, impact the road width.

Mr. Greer clarified their proposals: the first waiver request was for the design with the stamped pavement the full length of the road; if that fails, the second is for a full sidewalk and esplanade with no curb for the first 1600 feet of the roadway.

Jay Chace wanted to know how they were going to ensure that constructing the sidewalk would not become the Town's responsibility. He asked Ethan Croce if Town Attorney Bill Plouffe had reviewed the memo from the applicant's attorney. Ethan Croce said Mr. Plouffe had not reviewed it.

Mr. Greer said that street acceptance is at the discretion of the Town Council. They felt the language giving the responsibility to the homeowner's association makes it clear.

Bill Lunt pointed out that if they approved the 4 foot wide stamped pavement sidewalk that would only leave 20 feet for the travel lanes. Any stripe on the other side of the road would reduce the driving lanes to 9.5 feet, which he didn't think would be acceptable.

Ethan Croce couldn't say what might be acceptable to Public Works if this was ever submitted for street acceptance. The ordinance calls for a 20 foot wide travel way for local streets, but doesn't specify 10 foot lanes.

Bill Lunt asked if it was allowable to limit the road to a 20 foot travel way. Ethan Croce thought they would be granting a waiver to allow that design.

Bill Lunt asked if they had the authority to approve this; Ethan Croce said yes.

Bill Lunt spoke about the history of the RCZO; the goal was to allow the Board the flexibility to make decisions that were good for the environment and built neighborhoods. He felt the stamped pavement would slow the runoff down, would allow vehicles to travel on it and would allow the snowplows to plow it. It would be the least impact to the environment. He favored the note that the homeowners would accept the responsibility for constructing sidewalks. He favored this proposal because it was a dead-end road and would never be a through street.

Becca Casey agreed. She pointed out that they are taking a risk that the street will never be accepted if they narrow the roadway. She felt the proposal make sense.

Kermit Stanley felt the stamped pavement was a good alternative; it gives them the safety throughout the development. Bernie Pender and Jay Chace agreed.

Jay Chace pointed out that the language from Attorney Barnes would need to be finalized in light of this change.

Bill Lunt pointed out that they would need a more formal plan for this design, including language for the homeowners' documents. He thought the stormwater would need to be amended and reviewed again.

Mr. O'Rourke said it conformed to the original 24 foot width.

Bill Lunt wanted the final plan, including the sidewalk design, reviewed by CCSWD. He also wanted the letter for the homeowners association sent to the Town's Attorney for review.

Mr. Mason said a 10 foot lane is really narrow. He asked if the sheet flow is the issue, or the quantity of water. He suggested they go to a 2 foot wider roadway to allow for two 11-foot lanes.

Bill Lunt said if it can be widened a little, it would probably be a good idea. He didn't want to see a huge wide road.

Mr. O'Rourke said they are trying to minimize impact; Blackstrap Road itself is only 22 feet wide.

Kermit Stanley said that he has lived on Blackstrap Road for many years, and the width affects safety. There are many accidents on Blackstrap Road.

Jay Chace identified his remaining issues with the homeowners' documents with regards to the proposed sidewalk design. The language the attorney came up with refers to sidewalks; the stamped concrete is not a sidewalk. Also he wanted language in the documents that the painted striping on that area will be maintained. The document proposed doesn't address what they are being asked to approve. The Board hasn't seen final plans.

Ethan Croce wondered if the Board wanted Public Works to review the final plans before they approve it.

The Board discussed how to proceed with the sidewalk waiver request. Bill Lunt thought the applicant and staff should work together to draft a plan note that expresses the Board's preference that the street not be accepted. Jay Chace felt the Board had made their direction on the waiver clear; he would be more comfortable seeing those addressed before granting any final approval on the waiver. The Board agreed.

Mr. O'Rourke thought, with the design proposed meeting the Town's standard for width, the Board would not feel the need to add the caveat that they didn't support the road being made a public street.

Becca Casey felt that was no longer an issue. This one meets the paving width, but not the requirement for a sidewalk. A sidewalk could be added by the homeowners, but they would then have the stormwater issues to deal with.

Mr. O'Rourke thought they were addressing the concern about a sidewalk with the stamped design.

Becca Casey said the Town currently maintains 91 miles of roads; there are 10 more miles that are already built to meet the standards and could be adopted. There are so many streets that could be adopted first. This street still doesn't meet the requirements. They can waive the requirement but can't say that the Town should adopt it.

Mr. O'Rourke said it wasn't his intention to request that the street be accepted by the Town; he just wants to leave that option open to the homeowners down the road.

Becca Casey wondered if the note should say that the street shouldn't be adopted until it is brought up to Town standards.

Bill Lunt thought the letter to be added to the homeowners documents that states that any requirements for the sidewalk would have to be taken care of by the homeowners before it was accepted by the Town would be sufficient. He thought the issue was that it was pretty unlikely this street would be accepted as proposed, since it doesn't meet the ordinance. He reason for granting the waiver was that it was a dead-end, private road.

Becca Casey wondered if the plan note was redundant if the language was in the homeowners' documents.

Ethan Croce said if the intent was to make it clear to future homeowners then it would be best to have it in both places.

Jay Chace said they are granting a lot of waivers on this project. He suggested adding language to the waivers that explained their reasons for granting each one.

Ethan Croce asked for clarification on what the Board wants to see in regards to the plan note.

Jay Chace said they looked at the potential environmental impacts, the fact that it is a dead-end street that the applicant has indicated that they foresee as a private road, and that the potential for future connectivity is negligible due to the existing built and natural conditions of the site, and that is why they are willing to grant the waivers.

Ethan Croce said that while this developer has indicated that it isn't his intent that it be turned over, they have had testimony from Mr. Anderson, who plans to live there, that he would like to petition for street acceptance.

The Board discussed proposed language for the plan note. Mr. Greer said they would work with staff to develop language.

Bernie Pender asked if it is common practice for the Board to recommend for or against street acceptance. Ethan Croce said it isn't common, but has happened in the past.

Bernie Pender didn't think they should be chiming in on this issue. Bill Lunt said that was why they changed the language to express why they were granting the waiver and not include a recommendation.

Peter Anderson, applicant, discussed the street separation issue. They have access to their property presently via an approved driveway. Without a waiver, as soon as this application is approved Moss Lane would be vacated and they would lose their access. They have a mortgage and the bank does not like this situation. This waiver would address the time between when the development is approved and when the roadway is built. It is not their intent to provide two access points for the subdivision; it is simply to provide assurance to the bank that his property will never lose its access. Moss Lane has not been

constructed and ideally never will be. He has to maintain his legal access or the value of his lot will be diminished. Moss Lane is approved to access only one lot.

Bill Lunt wondered about the Town Attorney's opinion on this issue. If they grant this waiver, legally there are two access points to this property until they vacate the private way.

Mr. Anderson said the intention was to delay vacating Moss Lane until the access is in place from South Ridge Road.

Bill Lunt said the minute they approve the application, they have access to the property through the new subdivision road.

Mr. Anderson said that, as co-applicants, he and Mr. O'Rourke are bound by a formal legal agreement. As part of that agreement, if the development falls through, they will still not have Moss Lane. Access by South Ridge and access by Moss Lane are not equal; the cost to implement access to his lot via South Ridge would be more expensive.

Jay Chace didn't think anything had been resolved on this issue since the last meeting. The Town Attorney hasn't had time to review anything on this yet.

Ethan Croce clarified the Board's comments that they don't want the development to have two simultaneous access points, and they want a time limit for when Moss Lane needs to be vacated.

Jay Chace wasn't concerned about the length of time; he wanted to make sure there were not two built access points and that Moss Lane is re-vegetated if it is ever built. Kermit Stanley and Becca Casey agreed.

Mr. Greer said they will revise the building envelope setbacks from Moss Lane. That issue will disappear when Moss Lane is vacated. He presented the open space on the Anderson lot. They removed the open space on that lot, and replaced it with a no-cut buffer. That would not require a monitoring program. If the buffers were cut that would become an enforcement issue. There is a setback from the brook so nothing will be built in that area.

Bill Lunt asked if the no-cut buffer is all around that piece. Mr. Greer said it included everything on the southeast side on the brook.

Jay Chace asked if the triangle area indicated was originally in open space; Mr. Greer said that was correct. It would now be a part of lot 19.

Jay Chace asked why the limit of disturbance was reduced in this case. Mr. Greer said they met the requirement for open space on the rest of the development. The no-cut buffer around the stream is required anyway.

Mr. O'Rourke said there may be a trail in that area around the stream, so it may not be totally no-cut.

Bill Lunt asked if that trail would be on the power line side of the brook.

Mr. Anderson said they do not see this area as "no-cut". They don't plan to log it or anything. They would like to preserve their right to cut a trail through that land wherever it may fall, keeping in line with Town standards.

Bill Lunt thought they could word a note so that something could be allowed in that area. Ethan Croce said they could work on it before the next submission.

Jay Chace moved to table the application; Becca Casey seconded. Motion carried 5-0.

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



Ethan Croce said the threshold issue of the location of the stormwater pond has been resolved since this application was last before the Board; the pond has been moved out of the shoreland zone. The applicant has drafted a memo detailing their level of compliance with the Route 10 design guidelines. The applicant should submit architectural details of the proposed storage buildings for the file. There is a new sidewalk being proposed from the front parking lot wrapping around the 50 foot right of way and the new entrance of the building; the design guidelines call for detailed treatment for entrances. The Board should weigh in on the architectural details for that building as a whole, including the entrance. The applicant has suggested depositing money into an escrow to defray the cost of installing a sidewalk along Route 100. The applicant should confirm right, title and interest for the improvements in the 50 foot right of way. A DEP site location permit will be required for this property; he received word from DEP that this might be issued within the next couple weeks. CCSWD has signed off on the stormwater and erosion control plans. If the Board is comfortable with the general design of the wall sign shown on the elevations, staff could approve the final design of it once it is submitted. The self storage units have been moved to within 20 feet of the right of way; staff suggested that they be pulled back to 25 feet to meet setbacks in case the right of way is ever upgraded to street status.

Tom Greer, of Pinkham & Greer, said the outlet of the stormwater pond is now 4 individual level spreaders as requested by the DEP. They added the sidewalk due to the potential of dividing that building into three different units. In that case they would need two emergency exits at the back of the building.

Steve Mohr, of Mohr and Seredin, said the underlying premise of the architecture was to consider the three areas where the site was visible from Route 100. They feel they meet the requirements for landscape buffering from Route 100. Mr. Chase has met with the owners of Portland North regarding signage; for now they are proposing 12 inch high lettering on the building. He spoke about the architectural details of the front building. The new entrance is treated with a slightly over scaled covered area to call attention to it. The side entrance is for code compliance for egress, and they don't want to call attention to it. The added fencing along the front of the building; it echoes the fence at the back. They want this front building to stand out from the self-storage buildings. These buildings have not been changed since they were first presented to the Board. They feel that with the mass of the building, the limited sightlines and the overlay of fence and landscape, these buildings will only be visible in glimpses.

David Chase, applicant, didn't think moving the storage buildings back to 25 feet mattered, since the existing building sits right on the right of way. He didn't know what would happen with this property long-term. He owns the land for 50 feet from the front building, so those buildings are actually 75 feet back from his property line. He would rather not move them.

Mr. Mohr said Mr. Chase has met with his abutter Mr. Libby about planting along the boundary of the right of way, and they will move some of the landscaping back as he requested.

Public comment period opened; no public comment.

The Board agreed with the proposed escrow for the sidewalk along Route 100.

Jay Chace asked about references on the plan to outdoor storage, which is not allowed in the zone. He asked for those notes to be removed. Mr. Greer agreed.

Becca Casey recommended a sight line study for the signage; she thought they might want to raise it a little. She thought the canopy is scaled well to be oversized for those doors, but suggested scaling up the columns to fit with the size of the canopy.

Ethan Croce read the conditions into the record. The applicant agreed with the conditions.

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

**7. Fairway Villas, Inc.** – Lindenwood Lane – Request for a subdivision & site plan amendment to change two duplex units to four detached units. Tax Sheet 300; Map-Lot U67-098-101, -102, -103, -104. Zoned MUC.

Ethan Croce explained that this proposal is to reconfigure four of the undeveloped condo units on the end of Lindenwood Lane to 4 detached single family units. The proposed units are substantially identical to the currently approved plan; there are some grading changes proposed. Staff review uncovered a change to the drainage around the pond; the 2001 plan included a culvert and grass ditch from the pond to the property line that was not included on the proposed plan. The applicant explained that they received an amendment from DEP shortly after the 2001 approval to remove that detail. They are asking for that change to be approved by the Board. Staff recommends that the sidewalk be restored to run the entire way from the street to the detention pond; the applicant has indicated agreement. The stormwater report indicates that the proposed revisions will not create significant changes in the peak flows from the site and that no adverse impacts are anticipated on downstream properties. He read through the comments from the Town Engineer, including his requests for a stop sign, a profile view of the roadway, a cross section with gravel depth, widths and types, striping the parking spaces, and putting surface pavement on Lindenwood Lane.

Jim Vamvakias, President of Fairway Villas, spoke about the 1999 approval for the 61 unit development. As of 2007 when the market died they had sold 47 units. Their request tonight is to convert the two double-units into four single units. Those double-units were two storied; the proposed units would each be single story with the potential to finish the basement. The units they propose are an existing design within the development.

Dan Diffen, of Sevee Mahar Engineers, said they would add a stop sign. They did not provide a profile plan but did provide the grading and utility information. They can discuss this with staff as a condition of approval. The applicant would like to avoid placing surface pavement until all the units on the street are built. The parking spaces are not currently striped and they don't feel it is necessary to do so. He discussed the 12 inch pipe from the detention pond that was included in the 2001 plans; it outlet to a drainage swale along a drainage easement. It was removed from the plan in September 2001 when the DEP required the installation of two risers to be added at two of the three 24 inch pipes. He spoke about a change to the drainage catchments as a result of the change to the grading; it is a very minor change.

Jamie Mason, Town Engineer, said without a profile it is hard to know where the high and low points are along the roadway. Mr. Diffen said they would add spot elevations to the final plans.

Jay Chace didn't see a need to stripe the parking; it is a residential area and striping didn't seem to fit.

Public comment period opened; no public comment.

Ethan Croce suggested a condition that prior to release of the mylar, the applicant should address all remaining staff review comments as discussed.

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

Meeting adjourned at 10:00 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary