

FALMOUTH PLANNING BOARD MEETING MINUTES
WEDNESDAY, AUGUST 21, 2013, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS

MEMBERS PRESENT: Bill Lunt (Chair), Bernard Pender (Vice Chair), William Benzing (Alternate), Rudy Israel (Alternate)

MEMBERS ABSENT: Kermit Stanley, Jay Chace

STAFF PRESENT: Ethan Croce, Senior Planner

The meeting was called to order at 6:33 pm.

Bill Benzing and Rudy Israel were appointed as voting members.

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

Bill Benzing moved to approve the minutes; Rudy Israel seconded. Motion carried 3-0 (Pender abstained).

Administrative Action Items

2. Stefan Andren – 74 Gray Rd. – Request for approval of an 18.75 sq. ft. wall sign for Peak Dental. Tax Sheet 373; Map-lot U44-012. Zoned WFCMPD and Route 100 Corridor Overlay.

3. Lisa Saulter – 1 Quaker Lane – Request for a subdivision amendment to adjust setbacks for Lot 1 in the Heritage Hills Subdivision. Tax Sheet 70; Map-lot U62-001-001. Zoned RA and RCZO.

4. Andrew Berube – 4 Ledge Rock Circle – Request for re-approval of a subdivision amendment to add one new lot to the Foreside Arbors II Subdivision. Tax Sheet 83; Map-lot U60-014-W. Zoned RA and RCZO.

5. Maine State Ballet – 348 US Route 1 – Request for approval of a new 19.56 sq. ft. property identification sign. Tax Sheet 163; Map-lot U53-003. Zoned BP.

Bill Benzing moved to approve the administrative items; Bernie Pender seconded. Motion carried 4-0.

Public Hearing

6. Public hearing on proposed amendments to the Zoning and Site Plan Review Ordinance relative to creating a minor site plan review process.

Ethan Croce explained that this amendment would create a minor site plan review process whereby staff would be able to sign off on certain site improvements for commercial and non-residential properties in Town. Currently, any time site plan review is triggered all site improvement criteria would apply, regardless of the scale of proposed improvements. This amendment would create a process to allow staff to approve smaller scale projects and not trigger all those criteria.

Bill Lunt opened the public hearing; no public comment.

Bill Benzing felt this would reduce a lot of red tape, allowing smaller scale projects to go forward easier.

Rudy Israel asked who on the staff would be reviewing these projects.

Ethan Croce said that while the Community Development Director and the Senior Planner have the authority to sign off on projects, certain site improvements such as an increase in impervious surface would be reviewed by Public Works and/or the Town Engineer as well.

Bill Benzing moved that the Board recommend that the amendment be approved as written; Rudy Israel seconded. Motion carried 4-0.

Agenda Item

7. 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 gave a brief history of the project and discussed the remaining issues. The first waiver requiring action is on the street separation distance requirement; an approved but un-built private way, Moss Lane, is within 400 feet of the new proposed subdivision street. The Board has indicated agreement with granting a temporary waiver on this requirement as long as there was a mechanism in place to prevent the two roads from being operational at the same time; that Moss Lane is vacated as soon as the subdivision road is built, and that it is re-vegetated in case any of it has been improved. The Town Attorney has reviewed the proposed language of that agreement and is comfortable with it. The second outstanding waiver is to reduce the width of the subdivision road from 24 feet to 20 feet. Staff feel there is rationale in supporting this waiver. Staff has asked that the two trail connections to Blackstrap and South Ridge Road be restored to the trail plan. Public works staff are advocating for curbing along the sidewalks. The sidewalk is now being provided up to the cul-de-sac; staff requested that the sidewalk be extended to the end of the road to provide connection to the trail at the end of the cul-de-sac. Finally, the applicants should verify that the most recent plans reflect the current DEP and Army Corps approvals.

Tom Greer of Pinkham & Greer, representing the applicants, said the deeds have been prepared for the land that is being turned over to the land trust. The surveyor has reviewed the plans; minor corrections have been made and he is ready to sign the mylar. The most recent plans reflect the DEP approval. Extending the sidewalk as staff have requested would require a minor amendment. The Army Corps approval is valid; while they have swapped 4 feet of road for 4 feet of esplanade, the width has remained the same so they think they are ready. They have a highway entrance permit from DOT and have contacted CMP and signed an agreement with them. They feel the waiver for Moss Lane is easy to approve because the subdivision road will be constructed in short order. They have changed the 24 foot road to 20 feet. They are happy to show the requested trails and connect them. They deleted one of the trails that came across because they felt it was a duplication; that is also where the septic system is going to go and the hill is very steep. They will build the trail if they can't get a permanent easement for where the trail is now. There is a woods road along the wetland and they can designate that as a trail. All of that property is being turned over to the Land Trust.

Bill Lunt asked for clarification that, if there was a problem getting an easement over the private property, they would put a trail on the conservation land and would still connect to the Town property.

Mr. Greer said yes; they will show the trail on the mylar with a note that if the easement isn't granted within a year they will construct the trail on the conservation land. Construction of the trail consists of marking the trees, cutting the brush, and making sure there is a path.

Bill Lunt thought the trail on the private property was like that already. Mr. Greer thought that might be an old woods road; it is wider than a typical footpath.

Bill Lunt felt the Trust could make it a more formal trail if it is on their land. Mr. Greer said they would likely mark the trail in white but they would coordinate that with the Land Trust.

Mr. Greer said the sidewalk ends at the beginning of the cul-de-sac; the trail leads off the far end of the circle. They don't want to build sidewalk along the circle, since that area of the road has very little traffic and they felt walking along the road would not be a big deal. They would have to go back to the DEP for a minor amendment to add impervious surface to the project.

Bill Benzing asked how the trail head would be marked. Mr. Greer said there would be a marker; it would be a 5 foot wide grass path down the hill which ties into the white trail.

Bernie Pender asked about the reduction of the road way in the circle to 18 feet. Mr. Greer said that is allowed under the ordinance. That width makes it easier for the plows to plow the circle in one swipe.

Bill Lunt asked about the topography in the middle of the cul-de-sac. Mr. Greer said there is a low area in the middle of the cul-de-sac opposite the trail; all the drainage is channeled there and it drops 2 feet.

Bill Lunt wondered about extending the walkway to the trail through the middle of the circle instead of having people walking on the road.

Mr. Greer felt it would be difficult with the grading in the circle. Also, it is very congested at the far end with the drainage structures.

Ethan Croce said part of the purpose of having the sidewalk is to avoid walking and biking in the street. The problem with crossing the circle is that it would add two street crossings for pedestrians and that might not be safe.

Bill Lunt asked the length from the end of the sidewalk to the trail head. Mr. Greer felt it was about 190 feet.

Bernie Pender asked if the cul-de-sac is one-way traffic.

Mr. Greer felt it would be, for the most part. It could be signed that way if the Board wishes. Either adding the sidewalk or adding a crossing through the circle would require them to return to DEP; each would add impervious surface and impact their stormwater calculations.

Bill Lunt suggested that the walkway within the circle could be grass.

Mr. Greer said they could do that: install a 6" gravel base and then loam and seed the top of it. They might add a small culvert just in case. He thought there was some landscaping planned for within the circle. He pointed out that they do have a 4 foot wide grass shoulder along the road as well. It is the same pitch as the sidewalk and has a gravel base.

Bernie Pender asked if the homeowners association will maintain the sidewalk over the winter and how the grass shoulder would be maintained in the winter.

Mr. Greer said they would be maintaining the sidewalk over the winter, but not the grass shoulder or the grass trail. The intent of the association is for them to maintain the sidewalk and the esplanade.

Bill Lunt asked if the association would have a written requirement that they plow the sidewalk in the winter.

Kevin O'Rourke, applicant, said they are required to maintain the sidewalk, but not to plow it.

Ethan Croce was not aware of a requirement for plowing sidewalks in any other development in town.

Bernie Pender felt it would be logical to continue the walkway in whatever way is economical and the best fit for the developers. He didn't think two street crossings was a big issue in this case, since there wasn't likely to be much foot or vehicle traffic in that area.

Mr. Greer asked if they could have a grass walkway that extended around the cul-de-sac.

Bill Lunt was willing to allow them to have a grass walkway continuing from the end of the sidewalk around the cul-de-sac to the trailhead. Bernie Pender, Rudy Israel and Bill Benzing agreed.

Mr. Greer said they would widen the proposed grass shoulder and mark it as a trail.

Mr. Greer said installing a curb would change all the drainage, especially along the first section where they have the drainage sheeting into wooded buffers. Curbing would require an extensive storm drain system. He argued that the example shown of the Bangor Savings Plaza esplanade was never loamed and seeded property. They can put a requirement in the association documents that they are required to maintain the grass esplanade.

Bernie Pender felt it was reasonable as long as there is a process in place to make sure that happens.

Mr. Greer said they would add that to the association agreement.

Bill Lunt could live with it as long as there is a base that won't wash out. He wanted there to be some way to allow the Town to enforce it if there was any erosion problem.

Mr. Greer said the DEP permit has a 5 year renewal process.

Bill Lunt asked if those reviews get done. Mr. Greer said every 5 years the DEP sends a letter to the association. Every summer the DEP hires a couple interns to do inspections.

Bill Lunt wondered about enforcement of DEP permit violations. Ethan Croce said if a violation is noticed, and the DEP is notified, they would expect that it would be enforced.

Bill Lunt thought if they wanted to turn the road over to the Town, the Town could require the curbing before they accepted it. Ethan Croce said the Council could require that.

Bill Lunt could justify no curb for this project, but wanted to make it clear that this shouldn't be construed as precedent for the next project.

Rudy Israel agreed that it should be on a case-by-case basis. He felt that the cross section of this roadway, 1/4 inch/foot, didn't warrant curbing.

Bill Lunt felt the curb was also to prevent traffic going up onto the sidewalk. This would never be a through street and the traffic will be light.

Bill Benzing moved to grant the waiver on the street separation distance; Rudy Israel seconded.

Public comment period opened; no public comment.

Motion carried 4-0.

Bill Benzing moved to grant the waiver to reduce the pavement of the travel way from 24 feet to 20 feet.

At Rudy Israel's question, Mr. Greer confirmed that there was an error on one plan showing a travel way of 24 feet; that will be corrected on the final plans.

Rudy Israel seconded. Motion carried 4-0.

Ethan Croce read the conditions into the record. Mr. Greer indicated that the applicants agreed with the conditions as read.

Bill Benzing moved to approve the application with conditions are read; Rudy Israel seconded. Motion carried 4-0.

The meeting adjourned at 7:33 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary