

**FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, AUGUST 7, 2012, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

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

MEMBERS ABSENT: none

STAFF PRESENT: Amanda Stearns (Community Development Director)

The meeting started at 6:32 pm.

1. Approval of minutes from the July 3, 2012 Planning Board meetings.

Jay Chace moved to approve the minutes, Walter Arsenault seconded. Motion carried 5-0 (Pender, Casey abstained).

Administrative Action Items

2. David Hembre – 44 Allen Ave. Ext. – Request for an amendment to the Lower Falls Subdivision for a lot line adjustment. Tax Sheet 471; Map-Lot U69-004. Zoned RA and RCZO.

3. Carol Morrisette – 50 Seaside Way – Request for an amendment to the Seaside Subdivision to alter grading on Lot 5. Tax Sheet 082; Map-lot U18-048-004. Zoned RA and RCZO.

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

Agenda Items

4. TPO Properties, LLC – 26 LedgeWood Dr. – Request for sketch plan review of a proposed subdivision and request for waiver of requirement for joint meetings under 30-MRSA §4403. Tax Sheet 512; Map-lot R04-068-E. Zoned RA and RCZO.

Amanda Stearns explained that the applicant is looking for a waiver on the requirement for joint meetings with the city of Portland as the vast majority of the property, including all the new lots being developed, are in Portland. The Planning Board here will be primarily reviewing street design and traffic, as well as the one existing house lot that is in Falmouth.

Bill Lunt wondered if they have the right to discuss any drainage issues from the Portland property to the Falmouth property if they waive the requirement for joint meetings.

Amanda Stearns said they would have the right to discuss any issue that might impact property in Falmouth, even if they waive the joint meetings. Both boards will receive full sets of plans and can discuss any aspect of them. Another question is whether a traffic impact study will be required.

Bill Lunt said he is familiar with historical drainage issues in that area.

Becca Casey asked if they could make sure there was communication with the Portland Board, if they waive the requirement. She suggested a representative of the other town's board be present at each meeting on the project.

Amanda Stearns thought they could request correspondence, or even having a Portland member attend the Falmouth meetings while sending a Falmouth Board member to the Portland meetings. The applicant has chosen to approach the Falmouth Board first in regard to requesting the waiver, in recognition of the difficulty of getting two boards together at the same time. She thought this was a practical request as much as anything.

Bernie Pender asked how they could be sure that Falmouth's best interest would be looked at if they waive the requirement.

Bill Lunt felt they have some leverage, as the Falmouth Board will control approval of the subdivision road. He would feel differently if half of the lots were in Falmouth, for example, but in this case he thought they were okay.

The Board discussed whether to vote on the waiver tonight, versus at the preliminary approval stage. Bill Lunt asked about the proposed approval process: the applicant indicated they would come to Falmouth for preliminary approval first, and then go to the Portland Board. Bill Lunt was concerned that Falmouth would approve the plan, and then Portland would require changes that the Falmouth Board would not see. Amanda Stearns said that if there were changes to the plan approved by the Falmouth Board, the applicant would have to come back to the Board anyway. If there is a point where there is some conflict between the two boards, the applicant will have to come back to this Board for an amendment.

Jay Chace asked if both boards would sign the same plan. Amanda Stearns said in her experience both municipalities signed the same plan.

Tim O'Donovan, the property owner, spoke about the project. They hadn't thought that far ahead, but he thought it made sense to have one plan for both Portland and Falmouth to sign. He understood that he is taking on the risk of meeting the requirements of both towns. He discussed the location of the proposed subdivision. The parcel goes along the Falmouth/Portland town line at Ledgewood Drive. It is surrounded on three sides by open space. The location of the entrance they will be using is directly across from Slocum drive in Falmouth. The drive will bisect the existing house lot in Falmouth; the existing house will stay, but the driveway will be moved to come off the subdivision road, thereby improving its sight distance. The road is approximately 350 feet from the nearest curb cut. They have more land on Ledgewood, but couldn't bring the road across that piece, as it is primarily wetland. They are showing 13 new lots that are all in Portland. They have not yet applied for a hearing in Portland, as they wanted to present the proposed street to Falmouth first.

Peter Biegel of Land Design Solutions discussed the lot on the corner of Ledgewood owned by Mr. O'Donovan. It is vacant and has been for several years; they plan to demolish it and replace it. It isn't part of the development, but they are showing it because it is in the same ownership and adjacent to the proposed development. They plan to include a crosswalk across Ledgewood, as suggested by Public Works. They originally proposed a 24-foot wide road, but Portland wants to see a 28-foot wide road. The current plan shows a 28 foot wide road: two 14-foot paved travel lanes, a 6 foot wide grass esplanade and a 5 foot walk on one side. Portland may require a side walk on both sides. Each site will be served by private septic system and public water that will come off the Ledgewood Drive water main. They plan to enter discussion with the Land Trust and Portland Trails to connect to trails that come from the Ledges subdivision, along the stream and into the dog park.

Jay Chace asked about aligning the access drive with Slocum. Mr. Biegel said they have done that; they were initially trying to avoid buying a pole.

Jay Chace asked if the sidewalk has been aligned with the sidewalk on Slocum. Mr. Biegel said that yes, it has.

Jay Chace asked about the waiver on a traffic analysis study; he would like to understand what type of impact this would have at the intersections with Middle and Allen Ave. He asked how public services, i.e. trash, etc. would be taken care of, with the lots in Portland and the traffic entrance in Falmouth.

Mr. Biegel said that this will be a City of Portland public road, as Portland doesn't allow private roads. The City also requires a traffic study. Bill Eaton, the Traffic Engineer gave them the peak hour trips and identified 3 crashes in the last 4 years. They based their request for a waiver on that information.

Mr. O'Donovan said currently the four existing homes between Middle and Ledgewood are in Portland and their trash is picked up by Portland. Falmouth plows the road. He believed that Portland would plow the subdivision road.

Amanda Stearns said all streets in Falmouth start out as private, unless the Town Council accepts them, so this would require the applicant to grant Portland an easement over the Falmouth portion to access the Portland side. It would simplify things if they had a private agreement with Portland. That speaks to the importance of making sure that the road meets the same standard its entire length.

Bill Lunt said this Board will treat this as a private road.

Becca Casey thought it made sense to give Portland an easement over that section of road; she thought this Board would rather see a narrower road, if Portland was agreeable, but she thought if Portland was going to maintain it they might insist on a wider road. She wondered if they had looked at lighting the roadway, and the different requirements between Portland and Falmouth in that regard. She spoke about Falmouth's buffer requirements on conservation subdivisions; typically they would see a streetscape buffer.

Mr. Biegel spoke about using the lot in Falmouth for stormwater treatment and buffering. They haven't looked into it too much at this stage. He indicated the high point on the map. They haven't looked at lighting at all at this point.

Bill Lunt asked if there was a street light there on Ledgewood. Mr. O'Donovan said yes, there is a light there.

Bill Lunt was concerned about the storm water that will flow toward the Ledges; there is a brook there. Mr. Biegel thought there would be stormwater quality and detention there, as well as an easement.

Bill Lunt thought everything runs from this property to Ledgewood Drive.

Mr. Biegel said everything flows in to the wetland and then to Ledgewood. They will address this issue when they come back. He said lot 14, the lot in Falmouth, will still be a conforming lot after it is bisected by the road. The septic system will be relocated to the back, and the driveway will be relocated to the subdivision road.

Bill Lunt asked about the remaining land of lot 14, and who would own it. Mr. O'Donovan wasn't sure; he didn't see it staying it as part of lot 14 and it wouldn't be big enough to build on.

Bill Lunt asked if they are going to have a homeowners association since the road will be public. Mr. O'Donovan said he didn't want to, but would if he had too. He didn't see how else to do it; he didn't think the city would take over that property and it would be too small to build on.

Amanda Stearns thought they could deed the right of way of the street, as well as that remaining land from lot 14, to Portland; Portland is allowed to own property in Falmouth. This way Portland would take over maintenance of the storm water improvements as well. She asked about the process of naming the street, as they will have to make sure there was no conflict in either municipality with the name.

Becca Casey moved to authorize Planning Staff to sign an agreement to waive the joint meeting requirement under 30-MRSA §4403; Kermit Stanley seconded. Motion carried 5-0.

Public comment period opened; no public comment.

Bill Lunt requested a copy of the minutes from the Portland sketch plan to be provided to the Falmouth Board. He also requested that a meeting with the Planning staff from both Portland and Falmouth take place. He asked staff to evaluate the traffic impact study.