



COMMUNITY DEVELOPMENT COMMITTEE (Town Council Sub-committee)

Meeting Minutes – Tuesday, September 13, 2016

Members Present: Claudia King, Caleb Hemphill, Ned Kitchel

Staff: Amanda Stearns

Others: Peter Kennedy

Call to Order - C. King called the meeting to order at 8:30 am.

Contract Zoning Discussion – C. King stated that the purpose of the meeting was to review the comments heard by the Planning Board, Council and public and determine if any changes should be made to the current draft to be considered for adoption on September 26, 2016.

C. King recognized that Peter Kennedy was in attendance and that he had testified at the Council hearing regarding the proposed language for contract zoning. His consultant, Stephen Mohr had also submitted comments in writing to the Council. C. King explained what contract zoning was and the intent of the town for adopting this zoning tool. She also reviewed her findings within the Comprehensive Plan specific to Mr. Kennedy's request to develop property in the BP district. The Comprehensive Plan states that the BP District should be maintained as a commercial district. King also noted that the Council Work Plan includes a study of the BP area on Route 1 for both land use and infrastructure.

A. Stearns noted that contract zoning is not the only zoning tool available to the Council for rezoning and it might be that the proposal that Mr. Kennedy is pursuing might best fall through a traditional request for rezoning.

N. Kitchel added that contract zoning is intended to grant some flexibility within a particular district while maintaining the integrity of the district.

P. Kennedy reviewed his project and his experience in Cumberland. He felt that the addition of an assisted living facility and senior housing to the BP portion of town would be an asset for Falmouth. He will continue pursuit of the project but recognized that contract zoning might not be the best avenue.

C. King noted that if contract zoning were to pass, Mr. Kennedy would be welcome to apply under that option but on its face, would not meet the required findings for the BP District.

The committee moved on to review the comments by the Planning Board, Mr. Mohr and the Council.

1. Expand abutter notice beyond immediate abutter – the committee reviewed the statutory requirements for contract zoning and only immediate abutters are required for the MRA hearing. The committee did not support expanding abutter notice in this concept review stage unless it was expanded for all noticing. It reiterated that this portion of the process is not a public hearing or comment period and that the role of the CDC was strictly to comment to the Council and applicant their findings related to the

ability of the project to meet the fundamental thresholds for contract zoning. There is a balance between the length of notice and the timeliness of the committee to meet with the applicant. The decision was to leave the notice time period to 7 days. This will be adequate time to alert abutters of the review and be responsive to the applicant.

2. Definition of consistent – the committee reviewed the statutory language and noted that the statute uses the term “consistent” with regard to both the Comprehensive Plan [growth management plan] and existing and permitted uses in the district. The state does not define the term consistent. The committee also reviewed the information from case law provided by Amy Tchao and noted that the court give great latitude to the legislative body to determine consistency. The committee concluded that there is no reason to define “consistent.”
3. Add language for phasing – the Committee noted that this is already accommodated in the proposed language.
4. Add explanation of what “conditions and restrictions” might be – The committee noted that this is already in the proposed language.

Based on the discussion and conclusions noted, the committee agreed that they are not proposing any changes to the proposed amendment language.

Next Meeting – none scheduled at this time. It was noted by A. Stearns that N. Poore will schedule a meeting with them in the near future to discuss the conclusion of the Route 1 South infrastructure project. No additional meetings will be scheduled to discuss items on the work plan until this project is approved by the Council. It was noted that signage is the next assigned priority by the work plan.

[Note: Ned Kitchel left the meeting.]

Other business – A. Stearns explained to the committee that during the drafting of the final Year 1 amendment package a piece was not properly integrated into the process for calculating net residential area. She would like to introduce an amendment to repair the error at the September 26 meeting. C. King and C. Hemphill agreed to sponsor the amendment as they were members of the CDC when the amendment was presented.

Adjourn – the meeting was adjourned at approximately 11:00

Minutes prepared by Amanda Stearns
September 13, 2016