



## COMMUNITY DEVELOPMENT COMMITTEE

### Meeting Minutes Tuesday, November 15, 2016

**CDC Members:** Claudia King; Caleb Hemphill; Ned Kitchel  
**Staff:** Nathan Poore, Theo Holtwijk, Amanda Stearns  
**Others:** Andrea Ferrante, David Chase, Dan Endyke

Claudia started the meeting at 8:33 AM.

#### 1. Review of Minutes

The draft minutes of the November 10, 2016 meeting were unanimously approved as written. Theo will correct the date at the top.

#### 2. LPAC Reports on Street Standards and RCZO

Ned and Caleb reported that they had a good discussion with LPAC on November 10. Claudia mentioned that she had spoken with Theo about that as well. The CDC was OK with sending the two reports as drafted to the full Council. Theo will work with Nathan to schedule that.

#### 3. Review Village Mixed Use District Zoning

Nathan gave an introduction to this topic. He said the effort is focused on looking at the VMU zoning at a higher level and focus on form and scale. He mentioned that the CDC has already done that with the recent RA amendments and before that with the VCI zoning. He provided some history and background to that. He said the current work has focused on the area between Mountain and Leighton Roads. He wondered if a required mix of mixed uses, such as requiring retail on the first floor in VCI, is realistic in this area.

Nathan mentioned that the Route 100 Vision Committee had spent most of its time on the infrastructure plan and streetscape, but that the land use recommendations were quite useful. He pointed out some excerpts in the Route 100 Vision report as well as the graphic that was included in the land use chapter. He proceeded by going through the comparison chart that staff had prepared. He discussed lot size and density.

David Chase stated that in the Cumberland Foreside Village project on Route 1 there were 22 single family lots that were 5,600 sf (70 by 80 feet). The larger lots are 7,500 sf. Of the 45 approved homes, 22 are lived in, another 21 are under contract, and 2 are for sale. The project has proven quite popular with people 55 years and older who want to downsize, but do not want a condo with association fees. He recommended to go see it and stated he did not find it crowded. Nathan commented that the architecture of the homes should be set aside, but that it would give an idea of density.

There was a discussion on the price point of these homes and the affordability of a project done by others in Cumberland. David felt that a small lot development on Route 100 could be quite affordable.

Claudia asked if retail would be favored on the small lots along Route 100 or how that could be accomplished. One idea was to require mixed use if a developer wants to build at a density that is higher than otherwise permitted. There was a discussion about the mixed use in the multi-story on Clearwater Drive. Nathan said that that was mandated, but that retail proved not feasible.

Nathan discussed lot width and explained that a 150 foot lot width with a 5,000 sf lot does not make sense. The suggestion is to go with 50 feet as that is a typical lot width for small lots. Theo added that he checked on the existing lots in the area and found that half or so of them have lot widths less than 150 feet and therefore would be non-conforming. For example, all lots on Marston Street are non-conforming.

On setbacks, Claudia asked why a 0 feet side setback was suggested and how that would work. It allows for connected buildings split by a property line. It would also allow for small alley ways between buildings. David felt that a 0 feet side setback made sense. Theo noted that the VC1 district had a 0 feet side setback, but that the Town had no experience yet how that has worked out.

There was a discussion on rear setbacks. David suggested 10 feet. In Cumberland his project has 15 feet front setback and 15 feet rear setback. It allows for a deck to be added to the rear of a house. He felt that the suggested 25 feet took a lot of buildable land away from a 5,000 sf lot.

Maximum lot coverage includes all impervious areas. The suggestion was to increase lot coverage to 50%, but David felt that may be too limiting for 5,000 sf lot. Staff will look into this more. Claudia asked what increasing lot coverage would do to stormwater runoff. David said that all stormwater runoff would be required to be treated and that the post-development rate of runoff cannot exceed the pre-development rate. Nathan added that there are some natural areas on the east side of Route 100 that may lend themselves to storm drainage treatment areas.

Theo noted that the RA district still has a 20% lot coverage limit and that despite having made various dimensional changes; the 20% had remained the same and, now may be the one limiting factor preventing reasonable infill development.

The CDC discussed maximum footprint. For some uses in VMU this is currently 5,000 sf. The Route 100 Vision committee had suggested some changes in MUC district to allow for hotel construction.

There was additional discussion on mixed use buildings. Claudia suggested that the contract zoning tool could be used for that. Nathan reiterated that it should not be mandated.

The committee discussed next steps. The West Falmouth Neighborhood Plan work will be started and perhaps a meeting in January on VMU zoning makes sense.

Nathan suggested that in the meantime, besides refining the VMU chart south of Mountain Road, staff could work on an MUC chart or look at the VMU section north of Mountain Road.

#### **4. Review Contract Zoning for Foreside Estates**

A. Stearns joined the meeting at approximately 9:30. C. King reviewed the role of the committee in the contract zoning process, noting that A. Stearns had provided the zoning language to everyone as well as prepared a worksheet for the committee as they move through the determinations required. Abutters have been notified and no one is in attendance or has notified the town of their interest. The formal application process requires both a hearing by the Planning Board and Council prior to finalizing an agreement.

The committee reviewed the plans submitted by the applicant and A. Stearns pointed out the various easements and the street right-of-way on the site and adjacent to the site. Each finding was discussed and a summary of that discussion follows.

- a. Consistent with the adopted Comprehensive Plan;
  - Housing type – the project proposes adding 72 multi-family units to the existing 170. The comp plan speaks generally to the need for diversity in housing type and single-family is by far the predominant type in town.

- Affordability – the comp plan speaks to the study of ways to provide affordable housing for persons 65 and older
  - Growth area – the project is located in the Residential Growth Area
- b. Allow uses that are consistent with the existing, permitted and conditional uses within the underlying zoning district;
- The project site lies within two zoning districts, RA and RB. Both districts permit multi-family housing.
- c. Include only conditions and restrictions that relate to the physical development or operation of the property; and
- The list of variations to the zoning ordinance submitted to date are consistent with this finding. It is recognized that other conditions will be generated through the formal application process.
  - Exemption from the growth cap was discussed as one item not identified by the applicant. It will be necessary if all units are to be constructed at once.
  - Staff raised the option of including the entire project (both existing and proposed) under this agreement. This would remove the nonconformity that currently exists.
- d. Provide public benefit that would not exist under the current zoning.
- Applicant offers improvements to stormwater treatment to enhance area wide capacity and quality treatment
  - Multi-modal connectivity was discussed with a review of the adjacent land and Portland Water District easement. The committee requests that the Town Manager begin a review of this relative to what rights could be secured to lay out a street. The committee and the applicant agreed that the Town would be in a better position to inquire. The applicant noted that they are willing to contribute to the construction of a second access.

The Committee agreed to meet again on November 22 to continue the review. The applicant will provide any updated materials. Staff will prepare draft findings.

5. **Next meeting** – November 22, 2016
6. **Adjournment** - The meeting was adjourned at approximately 11:15 am.

Draft Minutes prepared by Theo Holtwijk and Amanda Stearns