



## COMMUNITY DEVELOPMENT COMMITTEE With leadership from LPAC

### Meeting Minutes Monday, January 26, 2015

CDC Members: Claudia King, Chair; Russell Anderson ; David Goldberg

LPAC Members: Sandra Lipsey; Sam Rudman; Erin Mancini

Others: Caleb Hemphill; Karen Farber

Staff: Nathan Poore; Theo Holtwijk; Amanda Stearns

C. King opened the meeting at 8:05.

1. **Approve Minutes** – Approval of the January 12, 2015 minutes was postponed until February 9.
2. **Council Report**

**Overview of LPAC report** – C. King thanked LPAC for coming and asked them to give an overview of their report. S. Rudman summarized the recommendations which include making lots more conforming regarding lot sizes and density and to create more buildable lots. Accessory dwelling units are recommended to be modified to make cottages and apartments more attractive to develop and to create more opportunity for building in the growth area. S. Rudman asked T. Holtwijk to go over the details. T. Holtwijk stated that LPAC has completed a portion of the work for the growth area and has additional topics for part two. R. Anderson inquired regarding the data on developable land in the growth area? T. Holtwijk responded that there were two scenarios, one with current densities and lot sizes and one with the proposed. It shows the impact if the town changes density requirements in RA and RB. For purposes of the study LPAC was conservative and counted only vacant parcels that are five times the current zoning requirements. For developed parcels, they were counted if there was three times the current zoning requirement. There may be situations where access, wetlands, or other restrictions prohibit development so they want to be very conservative. Areas blacked out include built out areas and other land with development restrictions.

The recommendation includes decreasing the minimum lot size in RA from 20,000 to 10,000 and RB from 40,000 to 30,000 square feet. K. Farber asked about the white area on the map. T. Holtwijk responded that those areas were not counted and included RC, BP, VC1, VC2, and Tidewater. C. King noted that presently there is some FF in the growth area. R. Anderson noted that CDC worked on the rural/growth boundary and the area added to the growth area was not reflected in the data. T. Holtwijk stated that LPAC has made a recommendation on zoning for those areas and went over the map showing the various areas tagged for rezoning. D. Goldberg stated that for purposes of

study the area studied was a good sample size, if you start adding extra parcels it muddies the data. T. Holtwijk added that the maps and charts are not intended to give an absolute growth prediction but are a relative comparison between the current and purposed density.

T. Holtwijk continued that LPAC did not study things lot by lot. There are many factors that affect whether or not any individual lot would be or could be developed. The conclusion is that there is capacity in the growth area, whether or not there are changes in zoning. LPAC recommended changes as there are many neighborhoods that are nonconforming to a great degree. They were built out long before the current zoning was put in place.

R. Anderson asked what advantages/disadvantages there are to being nonconforming. A. Stearns explained that there are both, as nonconforming lots and structures are given more flexibility for redevelopment than conforming lots, but are limited in other ways. T. Holtwijk added that LPAC is shooting for about 75% lot conformity in the growth area. The study was focused on most prominent aspects of lots. S. Lipsey added that nonconformities in general have a significant impact on staff at town hall, including applications to the BZA. Removing these would make it easier for property owners to get permits. T. Holtwijk added that that LPAC recommends that smaller ADUs be able to be permitted by the CEO. C. King added that reducing setbacks would allow adjustments to be made in the dwelling place easier as well and perhaps allow people to stay in place if their homes could be expanded.

T. Holtwijk reviewed the work on accessory dwelling units (ADUs). Current rules are confusing and restrictive. The goal was to make standards more consistent between types of units and increase thresholds including the ratio to current structure size. R. Anderson noted this would take the densest neighborhoods and let them become denser. T. Holtwijk responded that it is hard to predict what will happen in each neighborhood. R. Anderson continued that if they are now conforming there will be more freedom, less process, and easier to get permits. Neighbors might not be so happy.

T. Holtwijk continued with a discussion of the recommended changes to setback. The goal is partly to encourage growth and maintain the character of neighborhood. Rear setback will have the least change to protect privacy. The front setback was adjusted more. Rear changes from 40 to 30 in RA and RB. Front setback will be changed from 25 to 10 in both districts. Front porch or steps can encroach into setback five feet.

S. Rudman stated that LPAC intends to create an opportunity pursuant to the comp plan goals. He believes neighbors will have a reaction but these changes can assist an aging population if people want to stay in their homes or bring an aging elder to live with them. He wonders what we can give neighbors, perhaps additional buffers. It is an imperfect response and we cannot necessarily offer everything. D. Goldberg commented on the ability to further divide lots, which is sounds like a lot of growth opportunity and wondered if the town was ready for it. T. Holtwijk responded that it is a question of how much capacity do you want to create and how much conformity do you want. S. Rudman added that the Council can control the rate through the growth cap. A. Stearns added that sewer expansion will also have an impact as many new lots at reduced sizes

will need to hook up. In RB 30,000 square feet allows for septic systems. The infill provides for more efficient use of current utilities. D. Goldberg added that the town needs a sewer capacity policy. R. Anderson suggested that there are many variables that affect how quickly this would happen; maybe more will be generated in areas that are not yet developed. These could be developed denser, like the flats. C. King did a quick time check and asked to move forward.

T. Holtwijk stated there were two more concepts. The first is accessory dwelling units. LPAC talked about duplexes and multiplexes as well. Either of these use types allows the units to be subdivided. Current restrictions for multiplexes are very severe, but 3 or more units would have more impact on the neighborhood. LPAC recommends keeping setbacks for more than three units. He reviewed the map showing the various areas where the Comp Plan identified areas that needed to be reviewed. There are pockets of FF that might be rezoned and that would be for CDC to review. Any area of FF in the growth area is recommended to be rezoned RB, as they abut RB neighborhoods. There would be no changes to the OSRD districts. If these are rezoned from FF to RB it would allow more than twice the current density.

C. King noted that it is her assumption that the CDC will continue their work into the next Council year. CDC was charged with looking at rural area to protect the character. We need to figure out how to marry the reports.

**Overview of CDC Report** - C. King gave an overview of the report. It addresses strategies for the rural area. A big piece was to define the rural/growth area boundaries using the conceptual boundaries adopted in the Comp Plan. The working map is still a draft and will be brought to the Council as part of the overall proposal. The CDC also looked at tools to manage rate of growth in the rural area. Various tools were reviewed and the committee determined that the most effective would be changes to the residential growth ordinance. The current annual cap on building permits is 65 for single family dwellings, 65 for multifamily and 10 for accessory cottages. In the 1990s most growth was occurring in the rural area and it was single family dwellings. Comp Plan statistics were based on the Farm and Forest District, whose boundary is somewhat different than the proposed Rural Area. Assessing data from the last ten or twelve years shows that growth has shifted to the new growth area, with the average being 41 % occurring in the new rural area. The committee determined that a modest approach would be maintaining the current trend and agreed upon a 40% cap on single family dwellings. This will result in a maximum of 26 single family units in any calendar year. R. Anderson emphasized that the cap is for single family only. There are lots of other types of housing going on in the growth area. C. King added that many types of housing are exempt from any cap and much of the growth in the growth area has been exempt units. A review of the assessing data shows that the majority of growth moved from the rural to the growth area in 2008 and 2009. R. Anderson added that a cap of 26 single family units in the Rural Area would have impacted one year in the last ten. C. King noted that the strategy is not radical. Market trends are occurring in the same direction of the town's goals. This cap becomes insurance. Other policies being discussed include how sewer expansions are allocated and rezoning to support the policy.

C. King continued that LPAC has made more inroads in rezoning. She stated that the CDC supports the use of purchase of development rights, a tool where property owners can voluntarily work with the town or the Falmouth Land Trust to preserve open space, taking it out of the inventory for development. The conservation model is designed to allow limited development on a conservation parcel which would support purchase and stewardship. The CDC also recommends that when properties are scored by either the town or the FLT that points are given to land in the Rural Area. N. Poore added that partnerships can be formed to support the financing of open space and sustain it over time. Poore gave an example where a 60 acre parcel might be developed with preservation in mind, so that a few lots are developed to cover the cost of the project. The objective of development is to conserve open space rather than maximize profit. The CDC is proposing that the Council pass resolution to support the concept. Perhaps a directive can be given to the Land Management and Acquisition Committee and request to the FLT to study the concept. R. Anderson stated that it includes purchase of development rights where the owner retains title to the land but loses the right to build. The owner can retain rights for all kinds of things except development. The price is a fraction of the market price. C. King suggested a Council resolution for conservation development to include the purchase of development rights. The intent is that the town does not become a developer. The current open space program is so strong. C. King noted that there are other methods of growth management to be reviewed in the future. Currently there are over 250 lots in the rural area that are available for development. The growth cap currently does not control the number of lots that can be further developed. The cap controls the rate of growth not the number of lots ultimately developed.

Evaluating density includes looking at Area 8 and whether or not it should be rezoned. It is the counterpart to LPAC's study of the Farm and Forest areas of the growth area. The CDC intends to keep this on their agenda for review. They will also evaluate accessory dwelling units in the rural area to assure they are addressed in a manner consistent with the growth strategies.

Transfer of development rights were reviewed and determined to be too cumbersome administratively both for the town and the property owner.

C. King noted that the review of Resource Conservation zoning needs to be evaluated at some time. This was not identified in this round of tools. LPAC started to talk about it and how it could be better implemented in the growth area. T. Holtwijk asked for clarification of the cap. A. Stearns responded that the overall caps for the town remain in place. Permits for single family dwellings in the rural area are capped at 26. If all 26 were issued early in the year it would leave 39 in the growth area. C. King added that all 65 could be issued in the growth area. It will depend on the timing of permits as they are first come first serve. K. Farber suggested clarifying what the toolbox means. CDC agreed they will do a "plain speak" edit of the report and make it clear where the CDC intends to continue its work. Also, recommendations that are to be presented at the outreach meeting will be moved up front as they are the focus of the meeting.

C. King asked the group if this meets everyone's expectations. D. Goldberg responded that some stitching needs to occur and impacts need to be understood. K. Farber likes the combine report approach and mentioned that the Rural/Growth Map ties the work

together. T. Holtwijk suggested that the CDC might be able to opine on Areas 7 and 8 before the meeting. R. Anderson noted that the combined work feels balanced, that both sides of the equation have been addressed.

### 3. Outreach Meeting 3

A. Stearns reviewed the status to date. The target audience is property owners and the general public.

- Date – February 26
- Length – 6:00 – 7:30 p.m.
- Place - Elementary School Multi-purpose room
- Meeting materials –
  - Report will be edited and ready as background materials posted on the website. Input on current draft included eliminating information regarding methods that are not recommended and focus on what we want feedback on, remove language about toolbox, move summary of work to the front.
  - PowerPoint will be prepared by staff and will combine recommendations. [NOTE: Staff has worked on and prepared drafts of the invitation, postcard mailing, agenda, CDC report, Recommendations Chart and PowerPoint.]
- Recording – Mike McDade to record meeting.
  - Agenda will include: General presentation; General comments and questions; Conversation stations; and wrap up
- Light refreshments will be served.

### 4. Outreach Meeting 3 - Promotion –Staff will get out materials electronically.

Erin Mancini – suggested trying to get list of contractors that have pulled permits over the last couple years. A. Stearns will inquire with Codes to see if this can be done.

### 5. Next Meetings – Joint CDC/LPAC first week of March to review Meeting 3 comments and finalize Council presentation.

Wayfinding on February 9 agenda. – TH will get printed copy of report out to the committee, missing piece to put together phasing and funding. [NOTE: Wayfinding has been postponed to March 9.]

### 6. Adjournment – 10:20 a.m.

Draft Notes prepared by Amanda Stearns  
February 6, 2015