



Long Range Planning Advisory Committee (LPAC)

Thursday, July 10, 2014 Minutes

Attendance:

Name	Present	Name	Present	Name	Present
Paul Bergkamp	√	Kurt Klebe	√	Jim Thibodeau	-
Sam Rudman	√	Sandra Lipsey	√	Erin Mancini	√
Bill Benzing	√				

Council Liaison: Claudia King
Staff present: Theo Holtwijk
Others present: -

The meeting was called to order by Sam at 5:03 PM.

1. Discussion with Justin Brown, CEO on Accessory Dwellings

As a follow-up to the discussion that Claudia and Theo had with the Board of Zoning Appeals and Justin, the committee invited Justin to discuss in more depth what typical issues he encounters with accessory dwelling applications.

Justin said that some applicants find the limit on the size of their accessory dwelling restrictive and difficult to calculate. Some applicants assume they can build a larger structure than is permitted and have to scale their plans down.

The committee asked how the percentages in section 5.22.2 were arrived at and how other towns are handling this. Justin did not know, but could do research on some other towns.

Justin agreed that the review criteria are subjective as they use the word “significant.” He said that the Board of Zoning Appeals (BZA) does not apply them too rigidly and that impacts of accessory dwellings are typically minor.

The committee asked what typical objections of abutters are. Justin said that some are concerned with impact on the neighborhood and impacts of parking, especially if renters are involved. Most all concerns with accessory dwelling come from the growth area as that is more built up and more abutter notices are mailed.

Justin also touched on section 6.2, which governs non-conforming structures. Any application that involves a non-conforming structure or lot goes automatically to the BZA. If an accessory dwelling is also involved, the BZA takes up both issues up concurrently.

Sandra wondered if the direction of the discussion fit LPAC's charge, which was to encourage new units in the growth area. Some of the BZA applications do not involve any new units. The response from others was that making the overall permit process easier for applicants would encourage them to seek out or stay in the growth area and would save applicants, BZA, and staff time and resources, which could then be devoted to other purposes. The focus of LPAC is on new accessory dwellings, not on porch additions and dormers, and that does add new units, albeit not in great numbers. Addressing the non-conformity issue may allow some vacant lots to be built upon in keeping with the neighborhood's character. It seemed a low hanging fruit issue that may be able to be accomplished relatively quickly.

Justin gave another example of an accessory dwelling hurdle where someone wanted to create one unit on the ground floor and another on the identically-sized second floor. That would create a 50 % ratio, which was in excess of the 40% requirement and forced some unusual building modifications.

The committee wondered why an accessory cottage was more restricted in floor area than an accessory apartment. Justin said that the Town did not allow duplexes and similarly-sized units could appear that way. The main idea is that the accessory dwelling is subordinate to the main dwelling. Another example Justin gave was of a 3-car garage where someone could use the entire upper floor for an accessory dwelling as it contained too much space.

Sam asked Justin what could be done to promote compact growth. Justin said that the floor area calculation could be simplified. Most applicants need approval for their accessory dwelling and make whatever changes the Town requires. Cottage units typically are better planned than apartments since they are free-standing. The maximum percentage requirements could be increased, Justin felt, as long as they came with a maximum floor area cap.

Kurt felt it was critical for the Town to have an ordinance that people would comply with. There have been instances where people will go ahead without a permit as they do not want to comply with the Town's requirements. Those after-the-fact situations are more complicated and time-consuming for the Town.

The suggestion was raised if accessory dwellings should be required to get BZA approval, or if a CEO permit was sufficient. In case of abutter concern, there could be appeal to BZA. Certain larger applications could still go directly to BZA. The committee liked that idea. Justin said that Cumberland deals with few BZA cases, but that Falmouth has 3-9 each month. That is a time and resources issue.

2. Review of Draft Minutes

The draft minutes of June 26, 2014 meeting were approved as written.

3. Next Steps

The next steps will be:

- for Theo to draft some concept changes regarding accessory dwellings,

- for Judy to do some setback analysis of The Flats
- for Theo to propose some additional study areas besides The Flats

4. Next Meeting

The committee meet next on August 14 at 6:00 PM. Starting in September the regular schedule of every 2nd and 4th Thursday at 6:00 PM will be followed.

The meeting was adjourned at 6:30 PM.

Draft minutes prepared by Theo Holtwijk, July 11, 2014