

# **Town Council Meeting Minutes June 4, 2018**

The meeting was called to order at 7:00 pm.

## **Roll Call**

Councilors King, Farber, Kitchel, Hemphill and Ferrante were present and answering roll call.

Councilor Svedlow was absent.

## **Item 1            Workshop on a proposed mixed-use development at the Falmouth Shopping Center property and Turnpike Spur Ramp area by 122 PTIP, LLC and 20 Thames Street, LLC.**

Katherine Detmer of Archetype Architects gave a presentation on the proposed development. She reviewed the three parcels that are part of the development area: the current Falmouth Shopping Center, the undeveloped woods behind and in between the two other parcels, and the Turnpike spur ramp. Their goal is to develop an area that is pedestrian and family friendly, and serves the needs of the evolution of brick and mortar stores. The proposal includes new mixed-use buildings along the front of Route 1 at the Shopping Center to mask the mass of the shopping center and the parking. The natural features of the second parcel drive the design of that area. The spur parcel is more densely developed. They refer to that portion of the site as the campus. They are proposing to stack and conceal parking underneath buildings. The proposed road would divide the site into different uses. The lower intensity, more private uses would be behind and away from the busy site and closer to the woods. They would leave a thick buffer of woods between the site and the residential area on the other side of the stream. They proposed a wider buffer than is required from the stream resource protection area. The buildings closer to Route 1 would be 1-4 stories tall. They propose a walking and biking trail around the entire site, with a trail proposed to cross the stream and access the Nature Preserve on Route 88. This would also link to the side walk on Route 1 to allow access all the way to Portland. The campus would have a promenade, 40-50 feet wide, with foot traffic only during the day, and a village green/town square area. They designed view corridors from Route 1 to allow for more facades on the buildings. They have discussed some ideas on architecture but have not started designing buildings yet. These proposals look at the short-term, taking 1-7 years to build. They have also looked at a long-term plan, extending the campus portion across the shopping center site. They would propose phasing this project.

Town Manager Nathan Poore offered a presentation on the process moving forward. Staff propose a public forum to gather initial comments and incorporate them into the early stages of plan development. There will be several mandatory public hearings and additional public forums may be scheduled if necessary as the project moves forward. The project will need zoning amendments to accommodate both the open sports fields as well as the size of the sports complex proposed. In the future they will also need to review zoning for the spur parcel, which is a public right of way and so is not currently zoned. The developers have asked to address the zoning amendments for the sports uses first, and then come back for the spur. Another option is to roll these all together as a master plan. This option would slow the process down for the sports use. Staff recommends expanding zoning similar to the VC-1 zone, with the few variations as proposed by the developers, to the spur parcel, and develop a master plan to include any requirements above the VC-1 zoning.

The Council discussed the options including expanding the VC-1 zone to the site, creating a new district on the site, and master planning.

Councilor King wondered about looking at this development in pieces, taking the southern half as VC-1, and the northern half as a master plan. She asked what the motivation is for having a more global zoning amendment package.

Mr. Poore said the goal of doing it in two phases is to accommodate the developer's request to move forward with the sports complex first. The goal of having one plan would be to have it be more comprehensive. The buildings on the front of Route 1 in front of the shopping plaza could meet VC-1 now.

Councilor Farber said most of the concerns she has heard – light, stream protection, stormwater, buffering from neighbors – would be addressed by the Planning Board if the zoning allowed the project. She said the Council could discuss those items under a master plan process, but she wondered if they would discuss it as part of the zoning amendment process. Mr. Poore felt they could build the tools to discuss the Council's goals into either process.

Councilor King thought an amendment to allow a larger building footprint wouldn't allow them to negotiate other items. The master plan is more of a give and take process.

Councilor Farber thought the big questions on the sports complex will be the water and environmental impacts, and the light and noise impacts on the neighbors. She wondered how they get some of those addressed before they hand it off to the Planning Board for site plan review. She suggested the development team have meetings with the abutting property owners to address those concerns early on.

Mr. Poore clarified that the 100,000 sf requested in the amendment was rounding; the proposal is actually for a building that would be between 75,000-85,000 sf.

Jonathan Cohen, developer, described the proposed sports facilities. It would be designed to accommodate multiple different sports. Seacoast United has agreed to lease and operate the property. This piece is the economic vehicle that drives demand for the rest of the development. 70,000 sf is important because it is a full-size turf. Seacoast is huge in New Hampshire and is growing in Maine. Keeping kids involved in programming keeps them away from drugs. In New Hampshire, Seacoast allows school teams to practice on their indoor field as a community service. Seacoast's goal is to get on the outdoor fields next spring/summer, and into the building the following fall.

Councilor King wondered if they could get Planning Board input early on if they went with a master plan process. Chair Hemphill thought the Board would be involved in every step. Mr. Poore said they would hold the mandatory MRA hearing, but the Council could request a Board review earlier.

Councilor King asked how long the master plan process would take if they went with that instead of the two phases. She didn't think the master plan would have to have all the buildings located.

Mr. Poore said the master plan could be as detailed as they wanted. He discussed different ways to incorporate details and flexibility in the plan.

Councilor Farber proposed delaying the introduction of the zoning changes until after they hold a public forum. There hasn't been enough time for input yet.

Councilor King wanted to get a feel of how much time and work it would take to draft the master plan so that it is functional.

Chair Hemphill agreed that getting more public feedback would be good. He thought there was no reason to push off the development unnecessarily if they can be efficient. The developer has expressed interest in getting the zoning started.

Mr. Poore said it was premature to discuss how much work and time it would take to develop a master plan, since that would have to follow a public forum. He suggested drafting a list of what is important to them to see in a plan. The good news is that it doesn't look like there is a lot in this plan that is outside of the current zoning.

Councilor Kitchel didn't see any problem moving forward with the zoning introductions; they are relatively minor changes and they aren't voting on them tonight.

Councilor Farber pointed out that one of the two zoning amendments would impact all of VC-1. There is at least one other lot in VC-1 that could utilize the increase in the maximum square footage.

Councilor King said if they created a new district for this particular parcel and allowed the increase in square footage in that one area, it would prevent changes to the rest of VC-1.

Councilor Ferrante would like to see a little more on the design for this large building beyond its use. She wasn't interested in jumping into changing the square footage without hearing from the public. She said they have heard requests for more retail and restaurants in town, with central areas providing more of a town feel for Falmouth. There has been a lot of investment in the Route 1 corridor and it would be good to see people using the new sidewalks.

Chair Hemphill said it is good to see a plan that incorporates much of the vision of VC-1 zoning, with an emphasis on pedestrian use. There are still a lot of questions on the sports complex, but it is encouraging to see the interest from these developers who are also Falmouth residents. This development would provide more revenue for the town, but would also generate a lot more traffic. He was optimistic that they will find a way to proceed in an interactive way with the public, the developers, staff and the Council.

Councilor Farber was impressed with the limited amount of impervious surface with this number of buildings. It is big and a little scary, but she was excited by the potential. She thought the emphasis on pedestrian and bike traffic over vehicular traffic is welcome. She appreciated the developer keeping the buildings closer to Route 1 and away from the stream. Everyone is concerned with the state of Mill Creek and would like to see it improve.

Councilor Kitchel is intrigued by the plan; it is well thought out and has an interesting mix of amenities. He was concerned with the traffic. He asked if there would be anything done on the northbound exit ramp from 295 to Bucknam Road.

Mr. Poore said the bridge over Bucknam Road will be replaced with a three-lane bridge with a turning lane, and that intersection will be fully, permanently signaled. That work is scheduled for 2020.

Councilor King was interested in this type of compact development with services close to residential, and adding residential components to Route 1. This leads to less traffic. It will enlarge the town's commercial tax base significantly, which benefits everyone. Traffic will be a concern. She liked the idea of apartments in the mixed-use area that would appeal to younger people as well. She was concerned with the environmental impact, especially on the stream and the ocean.

Mr. Cohen said the development team is very aware of the stormwater issue; he lives here and it is very important to him. Their goal is to not add a drain to town services, while providing an increase to the tax base and adding entertainment to the town. The Seacoast project is time-sensitive; if they can't start a program during the season they would lose a year. There is competition to get them. They haven't reached out to the public yet but they will do the best they can to reach out to the neighbors behind them. He encouraged people to visit his website at [falmouthcenter.com](http://falmouthcenter.com) to learn about the project and to submit their questions and concerns.

Mr. Poore encouraged the public to subscribe to the Council agendas to keep up to date on this project as it moves through the process.

**Item 2            Introduction of an amendment to the Code of Ordinances Section 19-11.3.1 to increase the maximum allowed ground floor tenant area for wholly enclosed places of assembly, amusement, recreation, culture, and government in the VC1 District from 50,000 square feet to 100,000 square feet.**

Councilor King was unsure about introducing this change as proposed, since it would apply to the entire VC-1 district. She wondered about created a new district that would be contained on this property and would

include both the requirements of VC-1 and allow the increased square footage. Councilor Ferrante supported that idea.

Councilor King moved to amend the council agenda; taking item 3 out of order; Councilor Farber seconded. Motion carried 5-0.

**Item 3                    Introduction of an amendment to the Falmouth Zoning Map to rezone a portion of property from BP to VC1.**

The Council discussed at length the way to move forward with rezoning the property. Their concerns including creating the allowance for a 100,000 sf facility throughout VC-1 instead of limiting it to this property. They debated several changes to the proposed language including what portion of the site to consider, whether to limit it to a “sports facility” only, and how the process should move forward.

Ethan Croce, Community Development Director, said there are probably only one or two parcels in VC-1 that could accommodate a building of this size. If a master plan were to be developed a few months after this amendment is passed, that isn’t too big a window to open for other uses to be sited in the district. He thought they could attach a distance requirement from Route 1 on buildings of this size; that would further limit the number of parcels that could develop a building like this. That would limit the number of policy decisions that the Council would have to make with regards to this amendment and might alleviate the Council’s concerns about impacts of the rest of VC-1.

Councilor King wondered if there were some public discussions that need to happen before they move forward on the zoning.

Councilor Farber wondered if there was anything in the zoning ordinance that would limit the hours of the light and noise of the outdoor facility. Mr. Croce said the Planning Board has the authority to impose limits like that during the site plan process. Councilor Farber wondered whether the Council wanted to have input on those decisions.

Councilor Farber suggested scheduling the public hearing on this amendment for June 25. The Council would not have to vote on the amendment on July 9 if they didn’t feel they were ready. Mr. Poore suggested scheduling a public forum for the same night to allow the public to speak on the entire project; it is difficult to separate this one element from the whole project. The Council agreed.

A public forum and a public hearing on this ordinance amendment were scheduled for June 25, 2018.

**Item 4                    Update on the Community Development Committee’s efforts to-date on reviewing Route 100 zoning.**

Councilor Farber presented the summary of the CDC’s recommendations as a result of their review of the Route 100 Committee’s vision plan. The table containing their recommendations is attached to the Council’s agenda. They supported some of the committee’s recommendations, supported some with revisions, and are suggesting that some recommendations need more discussion. There are also several suggested amendments that are not included in the Route 100 vision plan; as they were reviewing the use tables they found some areas that needed clean up and incorporated some public suggestions. The Route 100 Committee was very productive, but most of their work and most of the public input they received was focused on the infrastructure improvements. She suggested the Council ask LPAC to take what CDC has produced, focus on those items that need more discussion, and conduct a public forum process to solicit more community input to help refine those recommendations. The Council could then decide which zoning items to move forward.

Councilor Ferrante said the lot width recommendation was a range between 50-75; they hadn’t decided on 75 feet. Councilor Farber agreed; they had moved back and forth and had marked that item as needing more discussion.

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Councilor Ferrante asked what the next step would be.

Theo Holtwijk, Director of Long-range Planning, suggested that they discuss it at their workplan retreat. LPAC is finalizing their work on the open space plan and will be ready for a new assignment as soon as that is complete.

**Adjourn**

Councilor Ferrante moved to adjourn; Councilor King seconded. Motion carried 5-0.

The meeting adjourned at 9:44 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary