



Long Range Planning Advisory Committee (LPAC)

Wednesday, November 28, 2018
Meeting Minutes

Attendance

Name	Present	Name	Present	Name	Present
Sam Rudman	✓	Paul Bergkamp	✓	Claudia King Council Liaison to LPAC	✓
Sandra Lipsey	✓	Becca Casey Vice Chair	-	Theo Holtwijk Staff	✓
Rich Jordan Planning Board	✓	Breana Gersen Chair	✓	Meredith Sells Staff	✓

Other Councilors attending: Ted Asherman, Andrea Ferrante, Amy Kuhn

Others attending: Peter Kennedy, Keith Noyes, Susan Ruch, Valentine Sheldon, John Winslow

Breana started the meeting at 6:08 pm.

1. Review of Draft Minutes of November 28, 2018 Meeting

The draft minutes of the November 28, 2018 were approved as amended.

2. Growth and Density Review

Theo provided an overview of the handouts that he had prepared. They fell into several buckets. In the first bucket were meeting notes taken during the public forum on growth and density that supplemented the Forum Highlights and Forum Evaluation Reports provided at the November 28th LPAC meeting. In the second bucket were an analysis of Residential A districts' projects made possible by July 2016 zoning amendments, a graphic representation of each lot before and after the development project, a description of what changes occurred, and a comparison of neighboring lot sizes.

Prior to reviewing each project, the committee asked a few clarifying questions. A question was asked if each of these projects had been approved without exception. Theo responded that the Code Enforcement Officer had approved these projects and that all requirements were met. Paul asked if the person undertaking each of these projects was the owner, a corporation, or a developer. Theo explained that he had not looked into that.

Theo proceeded to review the analysis for each lot, and reminded everyone that the same chart was on the website with notations for each of these sites. Many projects are a lot split into two single family lots. The Old Powerhouse Road and Driftwood Lane projects are more unique cases. Sam asked if a two family house could have been built on the Old Powerhouse Road lot with the prior setbacks. Theo said that he had not looked at setbacks, but that a 2 family could not have been built with the old lot size. Theo stated that the new frontage minimums from the zoning amendments had made the difference in a few cases. For the 108 Middle Road project, the parent parcel had not met previous zoning regulation

minimums, and Theo will follow up with Justin to determine which of the previous requirements was not met - setback, frontage or lot size.

Sandra said, reflecting on the property maps, that the intent of the Growth Area was for large pieces of property to take on additional dwellings. Her understanding was that the Town Council had asked LPAC to evaluate the zoning intent and if this was consistent with the intent of the long-range planning efforts. Breana added the property analysis was helpful in seeing the context of the neighboring lots.

The committee agreed to take public comment, and then have a discussion before preparing the presentation for the December 10th Council meeting.

Valentine Sheldon stated that as a Foreside resident he felt that development fitting in with the neighborhood is important. He provided copies of two handouts he had prepared: a comparison of population density and coastal zones between Falmouth and other Maine towns, and an analysis of residential unit growth trends. Valentine mentioned Portland had stricter zoning requirements, and thought the data provided by the Town was inaccurate. Questions were asked regarding the accuracy of the Falmouth development data in the handout

Theo reviewed the development data available on the LPAC's webpage on the Town website, and provided an overview of the Rate of Residential Growth chart for 2016 through 2018. Theo emphasized he was open to meet, or walk through the data, with anyone interested, so that there would not be a disagreement on data.

Valentine mentioned that the Town's annual growth was over the 50 additional units of housing mentioned in the Comprehensive Plan. Theo stated that the number 50 in the Plan was not a growth cap, but a guide for future growth. When determining what that number should be, the working group used past growth as a model and a variety of available growth estimates that resulted in approximately 500 new units for the next decade. Each year will fluctuate with the next as market forces change. LPAC then worked to develop guidelines for where that growth should happen, and settled on 1/3 in the rural area and 2/3 in the growth area. Sandra agreed with this statement on how the growth estimate was arrived at. Sam asked Theo if there was a state requirement to define future growth. Theo responded that there was a state requirement to define a growth area and that future growth and Town investment should be directed there. Theo stated that there currently is active housing development, aligning with the current real estate market, but that the first decade of growth runs through 2024.

Sandra added that the zoning prior to 2016 was seen as really restrictive at the time, and that no design review requirements were considered. The committee mentioned that aesthetic regulations are often handled through neighborhood associations or private covenants and that there are different types of land use planning options for aesthetic guidelines, if such was desired

Breana stated that there were many levels you can look at for development. The Comprehensive Plan sets the vision, but does not set regulations. Then zoning and land use ordinances are adopted to be consistent with the vision of the Plan. Finally, those changes were done based on defining growth and rural jurisdictions. Breana said the question for the Town Council was if the committee is meant to be evaluating whether residential growth and density has been consistent with the Plan, or specific zoning changes, or whether to place additional regulations on aesthetics. All of these are very different evaluations.

Susan Ruch stated that the new development she has seen is an intrusion to the historic fabric of the town, and mentioned she had not been informed of the zoning changes. Councilor Ted Asherman mentioned that one could have torn down a house and build a monstrosity before 2016 zoning changes.

John Winslow asked what the addresses were of LPAC committee representatives. He mentioned the issue of frontage and stated he had not received any notification of this meeting. Theo reviewed the process to be notified of meetings and agendas, and the importance of subscribing to the e-alerts to stay updated. He and others stated that they had received an e-notification for tonight's meeting.

Theo then reviewed relevant past presentations that he had thought might be helpful to leverage in preparing the upcoming presentation to the Council. These included the presentation of draft recommendations at the public forum in February 2015, the recommendations to the Town Council in April 2015, and the CDC presentation to the Town Council in 2016. Theo then reviewed the findings of the non-conformity studies LPAC did to investigate the extent of non-conformity in the Residential Growth districts to help explain how the minimum lot area in the RA district was arrived at. The committee then discussed the themes that should be presented, and whether to include just a portion of the growth data or go in depth on what is happening for each project.

Paul also added two additional thoughts in whether the Council wanted to see recommendations for a setback review or building height. Sandra emphasized the importance of LPAC's recommendation in 2015 to reduce non-conformity. Because the community and Town departments had been overburdened as non-conforming lots cause construction to require a Board of Zoning Appeals approval. Besides adding time and expenses to applicants, the rules discouraged improvements or enhancements. Sandra stated that this was part of motivation to drive zoning changes, because non-conforming lots were keeping the Town from serving its residents. She stated that she did not see the harm with bringing in more consistency, and thought that was a benefit that should be promoted in the presentation.

Rich stated that these zoning changes also had secondary consequences, and suggested showing benefits as well as providing the Town Council with some recommendations. Councilor Andrea Ferrante stated that she only expected an update of the committee's work so far, and did not expect any recommendations yet given the quick turnaround.

Sandra mentioned that LPAC did not create a definition of "neighborhood" during the Year 1 Implementation work because "neighborhood" was not a word used much in 2013. Now it seems to be more so as a social shift has taken place and there are perceptions of the value of neighborhoods.

The committee culminated its discussion in listing the themes to be presented:

1. An overview of the process that led from the adoption of the Comprehensive Plan in 2013 to the adoption of 2016 zoning changes.
 - a. An overview of the process of defining growth and rural areas.
 - b. An overview of what public input opportunities were available during development of the Comprehensive Plan, and Year 1 Implementation work by LPAC and CDC.
2. An explanation of the concerns and problems that the Year 1 Implementation work was trying to solve and what it was not trying to address.
3. An overview of the non-conformity studies LPAC did during the Year 1 Implementation and how LPAC came up with specific recommendations for requirements.

4. A review of development data since the 2016 zoning amendments were adopted, and the number of permits granted per year.
5. How to access the documents and data available on LPAC's webpage to empower the public.

Sandra stated that the committee had been consistently willing to do the work that needs to be done. Councilor Amy Kuhn asked what timeline LPAC had in mind for work. Sam stated the timeline will depend on the Council's ask of the committee. Sam also reminded the Council that there are concerns being raised by residents that are outside the scope of LPAC, such as traffic or school impacts.

Theo will prepare a presentation draft and work with Breana on revisions. Breana will present the materials to the Council at the 12/10 Council meeting.

3. Other Business

There was no other business.

4. Next Meeting

The next meeting is scheduled for December 20, 2018 at 6:00 pm.

The meeting was adjourned at 8:15 pm.