



## Long Range Planning Advisory Committee (LPAC)

Thursday, January 10, 2019  
Meeting Minutes

### Attendance

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

Other Councilors attending: Andrea Ferrante

Others attending: Andre Belluci, Keith Noyes, Valentine Sheldon

Breana started the meeting at 6:04 pm.

### 1. Review of Draft Minutes of December 6, 2018 Meeting

The draft minutes of the December 20, 2018 meeting were approved as written.

### 2. Appointment of new LPAC Liaison to FEIC

Theo provided an overview of the LPAC Liaison to FEIC. A member of LPAC serves as a Liaison to the FEIC given the overlap of the work of the two committees. FEIC typically meets twice a month on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday at 4:30 pm, which typically is on the off-week of LPAC meetings. Theo stated that there was no requirement to be at every single meeting, and typically FEIC adjourns by 6:00 pm. Sandra Lipsey has been the previous LPAC Liaison to the FEIC, but is stepping down. In response to a question asked by the committee of who needs to approve the position, Theo responded that the FEIC Liaison is appointed by consensus by LPAC. No other approvals are necessary.

Sam stated that he was unable to hold the position, and Breana and Becca stated that they would not be able to make the commitment. Paul stated that he would check his calendar to determine his feasibility to attend meetings. In response to Becca's question about the status of LPAC vacancies, Theo stated the Appointments Committee will provide an update on vacancies at a future Council meeting. Andrea stated that they had been interviewing applicants.

### 3. Continuation of Growth and Density Review

Theo provided an overview of the handouts that he had prepared. First, Theo provided a rate of residential growth table and the chart of residential growth trending over time from the previous meeting, updated through 2018. The rate of residential growth table demonstrated that the rural accessory dwelling unit cap was the only cap met in last three years. The actual number of growth units permitted for 2018 was 62 out of the 65 town-wide growth cap. Sam asked Theo if he could clarify the 24 units for duplexes permitted in 2018. Theo confirmed this was 24 units, not number of duplexes.

Theo then explained the two additional maps of the RA zone created by the GIS consultant. The first map was of lots classified by frontage, followed by a map that combined lot size and frontage to demonstrate a pattern of dimensional standards.

Third, Theo explained a chart staff had created that compared the dimensional zoning standards in the RA district from before 2016 to current, and presented a 2019 option for the committee's consideration. The committee at the previous meeting had determined sub-districting would be challenging because of diversity of lot types. Theo explained that staff had further evaluated the lot size spread, and explored options that would zone each lot individually depending on size or abutters. Ultimately, Theo and Ethan Croce, the Community Development Director, determined zoning individually would place significant administrative burdens on property owners and Town staff.

Ethan emphasized in conversations with Theo the challenges of zoning based on record of a particular year, because the tax records are often not reliable or accurate because of changes property owners make that aren't recorded. Ethan and Theo liked the idea of gradation or a tiered system for different property types or lot sizes, and used that as the foundation for the proposed option. The aim with the new option was to equalize the density playing field for different property types, so that a larger amount of units shouldn't necessarily be allowed on smaller lots.

Theo walked through the proposal, explaining the changes highlighted in yellow from current zoning standards. First, Theo explained the proposed tiers of different lot size requirements for single-, two- or multi-family units. The staff also proposed changes to side setbacks to require more feet when developing more units. Finally, Theo explained the Minimum Net Residential Area per Dwelling Unit per Lot was the square footage (sf) that must be buildable, and the staff made the change to bring the ratio of buildable sf to lot size to the previous ratio of 75% before the 2016 and 2018 zoning changes. The 2016 change had reduced the ratio to 50% (5,000 sf to 10,000 sf) for a single family home.

Theo reminded the committee that every property owner can build an accessory dwelling unit ("adu"). Theo noted that this proposal was being offered to the committee for feedback, and the Town staff liked the option particularly for its administrative simplicity.

At this point, the committee agreed to open public comment.

Andre Belluci asked if the ability to build on an existing lot, that was changed and recorded in accordance with 2018 zoning standards, would change if the zoning standards changed again. The committee agreed this was a good question. Theo noted there is a section of the Code of Ordinances that applies to non-conforming lots, but that he would further research this with Ethan, the Community Development Director.

Councilor Andrea Ferrante asked to clarify the mention of 1965 as the year of record. Theo explained a non-conforming vacant lot had to be vacant since 1965, if it is to be built upon today. Councilor Ferrante and Councilor King also believed there was a situation where 50 foot frontages had been grandfathered.

Valentine Sheldon passed around a proposed option he created of a potential idea of subdistricts. Valentine stated he believed the sub-districts did not have to be contiguous. Valentine stated that there is a need for a smart zone that is urban and walkable, but doesn't believe Foreside is urban, and believes RA can be chopped up into different types of districts. Councilor King asked what the objective of

Valentine's proposal was. Sam asked if Valentine had looked into what he could do with his individual property with current zoning standards. Valentine responded that he would be able to split his lot. The committee asked where Valentine's property would lie in his proposed sub-districts, and he responded it would be in a new RC zone. In response to a concern about the Driftwood property project, Theo responded that case was an unusual example of limited frontage on a large lot.

Keith Noyes stated that Falmouth was too big. Keith was concerned with overcrowding of roads, and believed the town can't support the growth it has now. Keith asked if the committee could limit the number of houses, and asked for 2 acre lots and 200 foot frontages. Keith was concerned with the environmental effects and damages of development over the past 50 years. He stated the carbon footprint was too big in Falmouth. He advocated for green building.

Councilor Ferrante asked the committee to ensure the proposed solution is simple. In response to a question from Sam if the simple solution she had in mind had been tested on development projects, Andrea responded that she was more concerned with long-term types of buildings and lot types. Andrea also asked if the committee could find out if multi-unit housing had existed prior to the 2016 zoning changes. Claudia responded that there were, such as Foreside Commons, a project that had been considered acceptable when evaluating the growth area.

The public comment was closed.

Sam asked Theo if he could explain why the single-family housing lot size requirement remained at 10,000 sf in his proposed option. Theo explained he did this as a starting point, and because it remained aligned to maximum residential density for planning board projects and remained aligned with previous efforts to reduce non-conformity. Theo went on to note that he had applied the proposed option to current development projects as case studies, and some duplexes would not have been possible, but others were still possible. Theo stated that changing the 10,000 sf requirement should prompt the committee to review the level of comfort it has regarding non-conformity. The committee then discussed the downsides to non-conformity, including that it was more difficult for people to make changes on their property, it adds an administrative burden of cost and resources to both Town staff and property owners, and adds a disconnect with zoning rules.

Councilor Claudia King asked to clarify the meaning of the minimum net residential area per dwelling unit per lot. Claudia emphasized that it was important to consider the impact of the proposed increase to 7,500 sf because it would have an impact on development projects. She stated that now developers would need a higher percentage of buildable lot space which would inform and influence what could be built on the lot, even if every lot is different on how much of it is buildable. Claudia stressed that the committee would have to wait to see any effects of any zoning change.

Becca agreed the 7,500 sf could have a positive effect on development projects. She stated she was more concerned with adjustments that would help with the visual perception of density. Becca stated she thought setback changes would have more impact on perception of density and infill, because setbacks were what people seemed most concerned about.

Breana thought the committee should use maps as a way to understand what impact of proposed changes would have. Breana asked the difference between lot width and frontage. Theo responded that lot width is the same as frontage for this analytical purpose. Breana stated that the frontage

requirement would have to be increased beyond 100 feet to have an effect on conformity for majority of lots. The committee agreed that side setback was the most important of setbacks.

Claudia stressed the need to first define the problem and what we are trying to solve. She asked the committee if it knew what this was. Paul agreed with Claudia in the need to first define the problem. Paul stated there were two conversations going on: one about growth rate, and the other about density. Paul stated that the growth rate was being managed by the cap, and density should be dealt with by this process.

Paul stated that the committee is looking at fragmenting zone in some way. Paul liked Theo's proposed option, but Paul thought a piece should be added considering character in addition to the logistical proposal. Paul thought there needed to be something considering neighborhood or linkage to the surrounding area.

Theo stated that he had explored that notion with Ethan, who oversees the day-to-day application. Ethan had thought that individual zoning couldn't work because of the administrative burden for the property owners and Town staff. Sam mentioned the model used by South Portland for design, where property owners reference pictures of neighbors' houses. Theo mentioned that model is qualitative, and that the goal is for a quantitative measure as that may be easier to administer. A question was asked if there were any other quantitative measures the committee knew of.

Breana brought up dates of record, saying that it seemed that determining the lot based on date of record provides a big challenge. Becca thought that lot splits happen all the time and are a natural evolution of the town.

Paul asked for Ethan's attendance at the next meeting to help the committee understand or provide feedback on what an option or idea would mean in effort or resources. Theo will ask Ethan to attend the next meeting. Theo reviewed Ethan's feedback. Theo believed Ethan thought the notion of zoning based on neighbor or individual houses would place an unreasonable burden on staff and owners based on what property records exist. Many property changes are not known to town or neighbors, and the Town wants to make sure it is dealing with accurate information.

Paul said there may be another approach that could deal with quality and location of density. Claudia responded that she needs to understand how that might look going forward, because the solution needs to be workable. Claudia stated it will be difficult to see what the perfect path forward is because the committee doesn't have a crystal ball. She thought the changes for square feet lot size, net residential area, two-family and multi-family units that Theo proposed were worth looking into.

Rich believed setback changes would potentially address conformity and density. Claudia added that setback could affect buildable lot size.

Theo asked the committee if it had any specific requests for analysis or questions that staff could research for the next committee meeting to aid the committee with determining a recommendation.

Sam thought there were three potential options, including a simple way, Theo's option, and some form of sub-districts based on character. Sam thought Theo's option was elegant in simplicity, but didn't fully address the problem. Sam asked if Theo could create a similar table with all numbers doubled for the option, starting with 20,000 sf for a single-family. Paul said maybe a RA1 and RA2 could be added to

apply a new formula. Breana stated that she is hearing the committee likes the idea of exploring a smaller number of neighborhood-oriented sub-zones, and asked Theo if he could provide materials that would demonstrate this. Claudia said the committee would need to define basis first of what the criteria for the neighborhood was. The committee agreed that it would be difficult to determine what the boundaries of sub-zones would be.

Breana continued that she recognized the simplicity of Theo's option. Breana wondered if there could be an additional factor, such as sidewalks, that could be used in determining the smart growth areas. Theo explained that sidewalks are not the ideal evidence of a growth neighborhood. Theo mentioned that sub-zones may still enable the problem to exist. For instance, with Valentine's option a chunk of RA was removed and changed to RC that doesn't allow duplex or multi family development.

Theo stated that his option might not be one-size-fits-all, but he was unclear what group wanted to have for two buckets. Claudia said it would be very hard to find the criteria. The committee agreed that the solution to use pre-2016 standards was not a good one.

Breana asked Theo if the committee had given any guidance towards materials or analysis they need, and Theo responded that the suggestions were quite broad. Theo reminded that the Council wanted a simple solution, and the Council said not to review design standards. Theo cautioned the committee to not look for too perfect of a solution.

The committee discussed ideas for retesting assumptions of the Comprehensive Plan, how infill development could be managed, and green standards and design review. Sam asked if two additional maps could be created with the current proposed RA Option 2019 and RA Option that has doubled line items as a build-out scenario. Claudia concerned this could be misleading because there are many assumptions and trying to predict the future.

Theo suggested that each committee member should ask themselves if they were okay with each test case (i.e. the 10 current projects that were enabled by the July 2016 zoning). For those they are not okay with, what would need to change to make sure it couldn't happen again? This would be a way to test each person's thinking. The committee liked Theo's suggestion.

#### **4. Other Business**

There was no other business.

#### **5. Next Meeting**

The next meeting is January 24<sup>th</sup> at 6:00 pm.

The meeting was adjourned at 8:25 pm.

Draft meeting notes prepared by Meredith Sells, January 15, 2019