



Long Range Planning Advisory Committee (LPAC)

Tuesday, February 19, 2019
Meeting Minutes

Attendance

Name	Present	Name	Present	Name	Present
Breana Gersen <i>Chair</i>	✓	Rich Jordan <i>Planning Board</i>	-	Claudia King <i>Council Liaison</i>	✓
Becca Casey <i>Vice Chair</i>	✓	Sandra Lipsey <i>LPAC+</i>	-	Theo Holtwijk <i>Staff</i>	✓
Dimitri Balatsos	✓	Sam Rudman <i>LPAC+</i>	✓	Meredith Sells <i>Staff</i>	✓
Paul Bergkamp	-				

Other Councilors attending: Ted Asherman, Caleb Hemphill

Others attending: Andrew Bellucci, Chris Considine, Tony DiPietro, Karen Farber, Tim O'Donovan, Nathan Poore, Valentine Sheldon, Sid Thorne

Breana started the meeting at 6:05 pm.

1. Review of Draft Minutes of February 7, 2019 Meeting

The draft minutes of the February 7, 2019 meeting were approved as amended.

2. Continuation of Growth and Density Review

Theo provided an overview of the handouts that he had prepared. The first was the chart staff had originally created for the 1/10 LPAC meeting that compared the dimensional zoning standards in the RA district from 2016 to current, with additional possible options. The updates made to the chart for the 2/19 meeting were the removal of the 2019 staff option presented at the 1/10 LPAC meeting, the five options presented by Valentine Sheldon at the 1/10 LPAC meeting, and Sam Rudman's proposed option. These options were removed based on previous meetings and to simplify the amount of data on the chart. Theo reviewed that in the past meeting the committee discussed if the RA zone could be multiple zones in a conceptual sense and developed a possible set of standards for areas that largely contained lots larger than 60,000 sf. Larger lots is where there is the most development potential in the RA zone, as smaller lots are mostly already built out. Theo added the option for areas with lots larger than 60,000 sf to the chart.

Theo provided a second handout of the results from testing the LPAC 2/7 proposed option on lots that are larger than 60,000 sf. The test analyzed, at a high level, how many units of each housing type - Single-Family (SF), Two-Family (TF), and Multi-Family (MF) - could result in three scenarios: Pre-July 2016 zoning standards, current zoning standards, and the proposed standards for LPAC's option. Different lot sizes were analyzed. To understand how to interpret the chart, Theo provided an example. For a 40,000 sf lot, 2 Single-Family (SF) units, 0 Two-Family (TF) units, and 0 Multi-Family (MF) units would have been enabled under Pre July 2016 zoning standards. 4 SF units, 4 TF units, and 4 MF units would have been

enabled under current zoning standards for a 40,000 sf lot, and 2 SF units, 2 TF units, and 2 MF units would be enabled under the proposed option.

Theo stated a cautionary note that he had sent to the committee regarding the interpretation of the data, charts and mapping analysis compiled. He noted that there were multiple variables in play, such as lot size configuration, buildability of lots, etc. He also noted that the title of the chart is for identification only and that no boundaries for this area had been proposed yet. The analysis was simply to give a sense of impact, so the committee had something to react to.

The third handout Theo provided was a mapping of all neighborhoods in the RA district. Per the last LPAC meeting, Theo had tasked Judy, the GIS consultant, with examining the RA zone for similar street and lot sizes and then using those patterns to draw potential boundary lines. Theo noted that Judy's analysis was performed as fine-grained as possible, resulting in the 30-40 different sub-areas as presented on the map. Theo noted an anomaly in the sub-area labeled 'Middle2,' where many parcels in that sub-area included single parcels with land on either side of the railroad tracks and highway.

The fourth handout charted the data from the neighborhood map. The chart included the sub-areas in the legend of the map organized by average lot size. The chart included the minimum, maximum and average lot size, as well as the standard deviation. Theo explained the standard deviation indicated the range of the lots in the sub-area, with larger standard deviations representing larger spreads. Theo explained the chart was meant to be another tool to help the committee explore the idea of whether the RA zone could be divided into 2 or 3 sub-districts. To give an example of that, Theo had grouped the 30-40 sub-areas into clusters based on the average square footage of each sub-area. The groups were: greater than 60,000 avg. sf., 40,000 – 60,000 avg. sf., 20,000 – 40,000 avg. sf., and less than 20,000 avg. sf. Theo emphasized that the sub-areas and grouping of sub-areas were not definitive, and were meant to better understand, and possibly address, the considerable range of lots in the RA zone.

The fifth handout overlaid the four groups of sub-areas onto the map presented at the 2/7 LPAC meeting of lots categorized by size. Each group of sub-areas was colored on the map based on the color of the grouping title on the chart. Theo noted this map was meant to demonstrate the challenge of including lots of the same size in any boundaries drawn in the RA zone, given the range of lot sizes. It also showed the fragmentation of the current RA district.

The sixth handout Theo provided was a chart with the same data as the fourth handout, but organized differently. Theo had recognized a challenge that the sub-areas were not always the street name or recognizable, so he organized the sub-areas on this chart geographically to aid the committee find a specific sub-area on the map.

Theo hoped the committee would have a better idea of the variety of lots in the RA zone from these handouts, and that it would help the committee's discussion of whether, and how, to split the RA zones into additional sub-zones. Theo believed two questions at the root of the analysis were where the boundaries should be drawn on the RA zone, and what the recommended standards should be. Theo cautioned that the committee could spend significant time and effort on drawing boundaries, but that attention on developing the accompanying standards was also needed. Theo noted that moving in the direction of drawing boundaries adds complexity, and the analysis presented at this meeting was to accommodate the committee and provide something for the committee to react to. Theo noted that he has not yet shown either map presented at this meeting to Ethan Croce, the Community Development

Director, or Justin Brown, the Code Enforcement Officer, but suspected that both would agree splitting the RA zone into more than one zone would add complexity.

Breana asked if there was any public comment.

Valentine said the charts presented by Theo were awesome. Valentine stated he had studied zoning in other coastal zones in the region, and distributed three handouts. The first handout was a comparison of other zoning districts along the Rt. 88 corridor in other towns, including Yarmouth and Cumberland, as well as an average of all towns' requirements including Falmouth. Valentine had also added a row with his proposal for comparison, and believed that Yarmouth and Cumberland had larger lot minimums. Valentine believed his proposal was closest to the average minimum lot size for all communities included in his analysis. Valentine also noted various ideas he had pulled from other communities' comprehensive plans on the second page of the handout.

Valentine's second handout was a compilation of zoning maps from other communities. Valentine noted that Scarborough's map was the most complicated map he had seen, but believed it demonstrated that complex standards were possible. The third handout was a conversion table of acreage to square footage. Valentine then reviewed a map of his proposed options to divide the RA district into 2 and 3 zones. In response to a question from Theo if there were any changes to the map Valentine had presented at the 2/7 meeting, Valentine responded that he had changed lots that border waterways and main roads to RA1. Valentine felt that this change protected waterways, even if that created more non-conformity. Becca thought that the idea of maintaining a different lot front setback depending on whether it was off a primary or secondary road, as referenced from the Cape Elizabeth notes, was interesting. Valentine believed 2 zone map would solve some of the problems, but felt that a 3 zone map would be better, because the Town is 300 years old and complicated.

The public comment period was closed.

Breana asked if any committee members had a preference on how to proceed with the discussion. In response to Sam's question asking to confirm if the committee was scheduled to present an update at the next Town Council meeting, Theo answered yes, but noted he believed the Council was not expecting a final recommendation from LPAC and that it understood the pressure it had placed on LPAC.

Becca asked if any members of the public had any initial thoughts.

Tony DiPietro said he liked the current zoning standards. Tony said he would hate to see all of the hard work and effort towards development of the current zoning standards be thrown away.

Chris Considine agreed with Tony DiPietro, adding that very few people would develop even with a 10,000 sf lot size minimum, so the 30,000 minimum sf proposal would be moot. Chris believed no new zoning proposals should be considered, because the Town worked hard and did a great job on the current standards using a long process that allowed several opportunities for public feedback and involved significant time and effort. Chris asked what the status would be for current projects developed under current standards. The committee responded that current law stands, and the Council could also establish retroactivity clauses to future ordinance changes, if it wanted to do so. Theo added that the committee studied and analyzed projects enabled by the current zoning standards, which could be found on the LPAC webpage on the Town of Falmouth website. Theo noted that the committee determined from this analysis that 85% of projects since July of 2016 could have been built by the new

or the old zoning standards. Chris believed that was the purpose of the zoning standards, and asked what the purpose of the current committee's analysis was. Theo responded that the Council had asked the committee to review the RA zone, and part of the analysis that could be found on the website, such as maps and data on each of the sites of projects that had been enabled since July 2016. The committee analyzed each project in the context of neighborhood density.

Sid Thorne agreed with Chris and Tony, adding that he felt the whole object of the zoning amendments of providing a little more flexibility had been achieved if only 15% of all projects since July 2016 could only have been built under the current standards. In response to Sid saying he didn't understand what was currently being proposed, Theo noted that there was no firm LPAC proposal on the table yet. Sid said he had gone to the recent public meeting at the Lunt school, and felt there were only maybe 100 people there. Sid agreed with Chris that this was a small amount of people who want the Town to revamp the zoning standards or bring development to a screeching halt. Sid also believed it would be a shame to throw away the large effort from the Town and residents of Falmouth to develop the Comprehensive Plan, involving a strong process and significant time and money. Sid also wondered why growth was being reviewed if the Town had never exceeded the growth gaps. Sid and Chris both voiced concerns of developers who had invested in the Town in good faith, had good reputations, and were worried at the risks of potential new standards.

Andre Bellucci agreed with Chris, Tony and Sid. Andre believed that the existing 50 ft. buffer requirement already prevented him from building a second structure on a property he owned that had a lot size that was well above the minimum. Andre believed Town staff, Council and committees had worked extremely hard through an extremely long process to arrive at the July 2016 zoning standards. Andre wondered how to account for all the time and money that was spent on developing the Comprehensive Plan. While Andre said he had not attended many public meetings, he had seen and heard of the great dialogues that happened throughout the process. Andre believed the Town of Kennebunk was looking at lifting requirements to bring about more infill development. Andre commented that he had no complaint about the taxes in Falmouth, and thought the Town could raise taxes because Yarmouth's taxes, for example, were much higher. Andre said he recognized the Council and Town staff were there to serve the Town and the few people who were complaining, but thought the current zoning effort was a complete waste of time. Andre thought that, if any changes were made, the 50 ft. buffer should be reduced to a smaller amount.

Karen Farber believed many of the concerns could be addressed by addressing frontage, lot width, and lot size. Karen also believed it might be valuable for the committee to present a multi-faceted suggestion, with ideas to address the issues causing the most angst, as well as ideas to generally improve the Town. Karen believed that rear and side setbacks had not had as many concerns, so thought frontage could solve the most concerning issues. Karen also believed that while the Board of Zoning Appeals (BZA) could always make decision, setback standards had been adjusted so owners could make additions to their homes without getting BZA approval. Karen believed that non-conformity would increase if the zoning standards were reverted to pre-July 2016 standards, and thought there were a lot of different angles that needed to be considered. Becca noted that the committee had reviewed different options for setbacks. Karen added the committee should possibly think about houses that were built before a certain date being able to add to in the future.

Councilor Claudia King commented that she appreciated the variety of input, and believed that no zoning would be perfect. Claudia felt zoning standards were an attempt at creating land use patterns,

and felt she was speaking for the Council in saying that it would be great to receive a recommendation from the committee that could be tested.

Breana thanked everyone for taking the time to comment. Breana stated that the committee appreciated people coming and talking to it. Breana then proposed she wanted to review the small chart that provided the results of testing the committee's proposed 60 K zoning option. Breana felt the test results were enticing and asked what other committee members thought.

Sam stated he would hate to do this at this time, but felt that the committee should revert back to a one-zone proposal, with the potential for a multi zone split or further exploration of such a split sometime in the future. Sam believed there were a lot of interesting proposals on the table, but that all were really complex. Sam noted that, as he said previously, he felt frontage and side setbacks were the variables to be adjusted. Sam added that he felt adjusting frontage was the low hanging fruit, as 76% of all Falmouth residences in the RA zone had 100 ft. of frontage or more. Sam also believed that the current development projects with problems had happened, because of side setbacks that enabled dwellings to be built close to one another. Sam suggested adjusting LPAC's proposed 60K option to make it applicable to a single RA zone.

Becca agreed that a one zone option would be a compromise and be more simple.

Breana also liked the idea of a single zone, with the option to explore a second zone in the future, because she felt that might be interesting. Breana felt the original staff option was good as a single zone proposal, because she believed it would swing the pendulum to make it a bit harder to build a project with a larger number of units. Breana also liked the hierarchy of the staff option. Theo added that if the committee liked that idea, it could tweak the numbers of that option so it became the committee's option. In response to a question asking what the standards were for the 2019 staff option, Theo cited the standards that had been presented at the 1/10 LPAC meeting. Theo emphasized that that option had been designed to apply to single zone and was developed so the committee could react to it.

Breana wanted to preserve the zoning hierarchy with some adjustments to the option. Breana asked if the option the committee decided on should stay within the frame of the RB zone as that zone was intended to be less dense than the RA zone. Sam agreed that the committee should stay in the frame of the RB zone.

The committee then debated potential adjustments to the staff option. Breana believed a compromise could be a minimum lot size of 10,000 sf for single family lots. Sam believed 20,000 sf might be better. Becca believed that the committee should not revert back to pre-July 2016 zoning standards, because it would negate the goal of creating more conformity. Becca suggested 15,000 sf or 17,000 sf as a minimum lot size for single family lots. Sam agreed with 15,000 sf as a compromise.

The committee then debated the minimum lot size for two-family lots. Becca stated she understood the concerns with two-family projects, but did not want the committee to make the lot size minimum double the single-family lot size minimum, because she felt the committee should not de-incentivize two-family or multi-family homes.

The committee asked Dimitri for his thoughts on what the proposed standard should be for the minimum lot sizes. Dimitri asked if the committee had analyzed growth in the Town over the last few years. He said he understood that the growth caps had not been met. Becca confirmed that the

committee had done significant work analyzing growth. Theo added that the analysis demonstrated two-thirds to three-fourths of growth was happening in the growth area. Becca believed most of the complaints heard were about a specific project or the idea of density. Breana felt good progress had been made when the 2016 zoning changes were adopted. Becca believed the items to address now were about context and quality of development, termed as neighborhood character by many people, which led the committee to focus on additional variables. Dimitri thought the committee needed to take housing needs for young people and affordable housing options into consideration. Claudia noted that the Town wanted to offer opportunities for diversity of housing types, as one of the goals for the Comprehensive Plan. Becca thought that two-family or multi-family housing options allow greater flexibility. Dimitri believed that various employees of the Town, including police officers, could not afford to live in the Town, and felt that was not good.

The committee continued to discuss potential adjustments to the standards proposed in the staff option. Becca agreed with Sam and Breana that the committee should focus on a single zone option first. Breana cared most about the zoning hierarchy, and did not feel she was as good with determining the exact numbers. Sam asked what standard would make sense for a minimum lot size for two-family homes, if the committee used 15,000 sf as the minimum lot size for single-family homes. Theo suggested the committee could always propose potential numbers, and then the staff could test the option. The committee agreed to 20,000 sf as the lot size minimum for two-family homes, and 30,000 sf as the lot size minimum for the multi-family homes.

The committee then discussed potential standards for minimum lot width. Sam suggested 100 ft. at least for single-family homes, because Sam believed that would account for the idea of protecting neighborhood character. Becca suggested 50 ft. for lots along primary corridors, and 100 ft. for larger lots, although she agreed that would add complexity. Becca believed that if the standard was set to 100 ft. across the board, half of the properties would not be able to add additions or have any development flexibility. Sam felt that at least half of the projects that were enabled were enabled because of frontage or setbacks. Breana asked if the committee members felt they should assign 100 ft. for minimum lot width to all housing types: single-family, two-family, and multi-family homes. Sam responded that he did not know how to react to that idea. Becca believed 100 ft. for all housing types would incentivize two-family and multi-family housing. Breana felt that compromising on the same frontage for all housing types, while maintaining a hierarchy for lot size, would not create an incentive or disincentive. Becca believed that was a fair assessment.

In response to a question from Breana asking if 20% maximum lot coverage was standard for all zones, Theo answered yes. The committee decided to retain 20% maximum lot coverage.

The committee agreed that maximum residential density required could be 15,000 sf for SF, 10,000 sf for TF, and 10,000 sf for MF housing. For setbacks, the committee discussed using 10 ft. for all front setback requirements, and retaining the 15 ft. side setback and 30 ft. rear setback that was the requirement for all housing types. Becca wondered if setbacks for multi-family housing should change. The committee debated whether to change the 10 ft. front setback requirement for any housing type. Sam and Becca felt they did not know the answer for any of the multi-family setback requirements. Theo noted that the committee could leave those standards blank for now or suggest a potential number that could be adjusted later. The committee decided to start with 50 ft. for all multi-family setback requirements, and wait for the results of the test before adjusting further.

The committee did not feel it had an answer for the minimum net residential area per dwelling unit per lot. Becca asked if Theo had a suggested benchmark. Theo suggested 10,000 sf as a starting point. Theo noted that this variable related to the minimum required amount of buildable land on a lot. Breana suggested 5,000 sf. Becca suggested 7,500 sf. The committee decided on 7,500 sf as a starting point for the test, with the potential to adjust it later.

Theo asked the committee to confirm if the option decided by the committee during the meeting was a one zone or two-zone option, as there was also the 60,000 sf. Zone option on the table. The committee agreed the set of standards it has just come up with was a one-zone option. Becca felt the committee members did not yet agree on all specific numbers, but felt it was leaning towards one-zone. Becca believed the committee was trying to simplify the zoning option by leaning towards a one-zone option, and felt it was then important to now test that option.

The committee then discussed the upcoming presentation to the Council on 2/25. Breana suggested that the committee present the one-zone approach based on the factor of hierarchy, and how it addressed density concerns. Breana suggested that the committee state during the presentation that it did not know the final recommended standards yet, and that the proposed option was serving as an initial framework to be tested and analyzed further. Breana suggested that the pros and cons for one zone versus two zones that were discussed at the 2/7 LPAC meeting should also be included in the presentation, as well as a note that it was still valuable to have a discussion for areas with lots larger than 60,000 sf. Becca thought the LPAC proposed option for lots larger than 60,000 sf might make a second sub-zone. Sam felt the committee was not leaning in that direction.

Theo summarized the committee's discussion regarding the Council presentation: providing an overview of the RA single zone approach, how the committee weighted a one-zone versus two-zone approach to arrive at a single zone, and general data analysis that had been completed. The committee agreed that drawing two zones on a map would cause more problems and complexity.

Theo proposed working with Breana on the presentation. Claudia added that it could be helpful if the committee brought any specific questions to the Council. Sam noted that he would be very interested in what the Council thought about a single versus multi-zone approach, and the timeframe for the rest of LPAC's effort on this project. Nathan Poore suggested the March 25th Council meeting for the committee to present its final recommendations. Nathan noted that this date would give the Council just one extra meeting if the zoning adjustments were to be adopted with his Council. The committee determined that this meant that the public forum would have to happen in the first half of March. Nathan asked if the committee was also going to review the RB zone at some point. The committee said yes.

Andre Bellucci said it seemed the committee was scrambling to complete the work, and reminded everyone there had been a long and thoughtful process to determine the current zoning standards that should not be thrown away. Andre asked what the Councilors attending the meeting thought. Councilor Caleb Hemphill said he was still processing the discussion.

Tony DiPietro believed there was a large variance of lot sizes in the RA zone, and that any further restrictions to those standards would not be good. Chris Considine felt that what was causing the committee to look at tweaking the standards was only a handful of people that had been complaining. Chris believed that any adjustments to the standards would just provide new controversy and new issues. Chris believed the Council should not reverse the current standards. Chris said that people had invested in the Town in good faith, and would have their investments rendered useless, unless a waiver

was applied. Chris asked what would happen to all of these investors, and if a waiver would be applied to all of them. Chris said that over half of the current projects were tasteful infill, which he felt was supposed to happen. Chris argued that the committee should not throw out all the work for the Comprehensive Plan, because one or two projects might have been out of character. Chris believed the process for the Comprehensive Plan and zoning amendments had been transparent and open, and that the few complainers that have come out now did not say anything during that process. Chris thought the people complaining now had no standing, and did not feel any of them had been participating in LPAC meetings. Chris believed a potentially larger problem was those people who invested in good faith and then had properties rendered useless because of any changes. Chris felt there were a larger number of people who realized the good of the current zoning standards than the handful of people that had been complaining.

Valentine Sheldon said that there were more than a handful of people who had been complaining. He mentioned there were over 800 signatures of people who wanted a referendum on repealing the zoning standards. Valentine believed many of these people were unhappy that there had been no impact studies done for the schools. Valentine said the elementary school was having a hard time finding space for an additional classroom that was needed. Valentine did not believe that a tweak of a single zone would change anything.

Sid asked if the committee was planning on rolling back or reversing the Comprehensive Plan. Theo commented that it might be more appropriate if Sid asked that question of the Council.

3. Other Business

There was no other business.

4. Next Meeting

The committee decided on the following special schedule for the upcoming meetings:

- Monday, February 25 at 7:00 PM: Town Council – Present Progress Report
- Thursday, February 28, 6:00-8:00 PM LPAC – Continue work on zoning option(s)
- Date to be determined in first half of March – Public Forum #2
- Thursday, March 14, 6:00-8:00 PM LPAC – Wrap up RA recommendations
- Monday, March 25 at 7:00 PM: Town Council – Present RA recommendations

The meeting was adjourned at 8:05 pm.

Draft meeting notes prepared by Meredith Sells, February 21, 2019