



Long Range Planning Advisory Committee (LPAC)

Thursday, March 14, 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>	✓ (on phone)	Meredith Sells <i>Staff</i>	✓
Paul Bergkamp	✓				

Other Councilors attending: Caleb Hemphill, Amy Kuhn

Other Staff attending: Ethan Croce, Nathan Poore

Others attending: Jason Kern, Keith Noyes, Tim O'Donovan, Amanda Rand, Valentine Sheldon, Godfrey Wood

Breana started the meeting at 6:03 pm.

1. Review of Draft Minutes of February 28, 2019 Meeting

The draft minutes of the February 28, 2019 meeting were approved as written.

2. Continuation of Growth and Density Review

Councilor Caleb Hemphill first addressed the committee with a request. The Council had received e-mails from concerned citizens regarding the scope of the upcoming LPAC forum. Councilors have been discussing how to reconcile the interests of LPAC, the Council, and citizens. Caleb recommended expanding the discussion beyond the RA district for the upcoming public forum into multiple components. Caleb asked LPAC to consider implementing the forum in two parts: a LPAC presentation on the RA work and a period to receive feedback on specifically RA, and then a further discussion and public comment period to receive feedback on other zoning topics.

Breana asked Caleb to expand what he meant by "other zoning topics." Caleb responded that the Council is still vetting the proposal, but the idea was for the public to have an opportunity to comment on topics outside of the RA proposal. Sandra asked if the Council could lead the second half on the expanded discussion, because she felt that would be more appropriate and people might feel better heard. Caleb responded that was fine.

Paul wondered whether a component on the Comprehensive Plan should be added, because he believed that the second forum discussion may cause citizens to speak their opinions on everything they see that relates to the growth they are experiencing every day, such as on schools and traffic. Caleb

stated that the public forum cannot cover everything, but that public comment on any topic was welcome.

Dimitri asked if there was a time constraint, or if 2 or 3 topics had been identified for people to respond to. Caleb emphasized that this proposal had been developed over the last 48 hours, and the details were still being vetted. Nathan thought that the public comments would be geared relatively narrowly towards the theme of 2016 zoning, based on the comments thus far in the process.

Becca agreed with Paul, and added that she thought the LPAC piece could be to touch on some of the things the committee heard, and the Council could discuss the bigger themes that will be tackled in the future. Becca added that the finding that growth rates were not as much as other years in the past could be mentioned. Caleb added that could be an outcome of the LPAC work.

Theo asked if the committee was amenable to adding the component recommended by Caleb. If so, Theo asked whether the big picture discussion or the RA proposal and discussion should go first on the agenda.

Becca believed the RA piece should go first, because she felt it would be hard to get the public to focus on the smaller piece about the RA proposal if it followed a larger discussion. Becca felt the committee would be much more able to get good feedback on the RA piece if that went first, and Caleb agreed. Breana felt she could see different arguments for either order. She felt that a con of having the RA piece go first could be that the discussion could get too broad. Breana felt that she was unsure she had a good recommendation for one order or the other.

Caleb believed the Council was interested in hearing from LPAC about its work on the RA district, and suggested opening with public feedback on the RA proposal, with another public segment later in the forum. Breana added that a pro of the RA discussion happening first would enable LPAC to present its progress first. Breana asked whether the committee needed to vote on the order or components. Caleb responded that the Council is asking LPAC to adjust the public forum and would be appreciative of LPAC's openness to the request. Breana responded that the request was totally fine, and wanted to confirm the process before accepting. Theo stated that the committee did not need to vote on this adjustment of the program, but needed to at some point determine the order of the agenda and the presenters.

Nathan wondered if the public forum should become a joint forum for the Council and LPAC, and wondered if the public forum should also be posted as a Council meeting. Breana added that LPAC would be happy to stay or participate during the Council-led portion, and Caleb responded that the Council would be happy to have LPAC stay.

Paul wondered whether the portion with the Council should be a dialogue, and then have a separate section of the forum for the RA proposal. Caleb felt the most important component was to hear public comment.

Paul felt that perhaps an educational aspect was still needed to help the public understand the issues. Sandra was a little less concerned about doing education, and thought the public just wanted to be heard. Sandra felt the Council had done an excellent job of hearing each person speak during public comment periods, even if some of them were erroneous, and that it had a history of hearing anyone who wants to speak. Sandra felt the timing for expanding the discussion was right.

Dimitri asked if it would make sense to give an overview. Paul felt it would, adding that an overview would ground folks on the framework. Dimitri agreed, adding that it would set the stage. Sandra thought the LPAC presentation did an excellent job of covering the work done by LPAC, and added that the public could also receive the presentation beforehand.

Nathan stated he sensed some public fatigue at having to come and speak again. Nathan suggested that it might be beneficial to provide a summary of what the committee heard at the public forum in November, and link it to why, and what, the committee was working on the RA district. Breana asked if the committee or the Council should address the summary overview, and why LPAC was working on the RA district. Caleb thought staff experience might help guide that decision.

Theo believed there were three components of the presentation. Theo thought the Council and LPAC should not take too much air time if the primary goal was to receive public feedback. Theo thought the three components were (1) the LPAC work on RA, (2) the background of what led up to the LPAC work on RA with the framework of the Comprehensive Plan and the stages of policy, implementation and evaluation, and (3) what the Council was trying to address in terms of the process of town government dealing with larger projects. Theo reviewed that staff had originally merged the two LPAC presentations to the Council for the upcoming forum presentation. Theo was concerned that this draft may still be too long story, perhaps too defensive, and that adding process pieces make it even longer. Theo noted that one of the handouts was a draft of the forum presentation. Theo was concerned with doing a lengthy presentation because he felt the public was not coming to listen to the presentation, but rather was coming to talk. Theo felt that the committee should reserve as much time as possible for public comment. Theo stated the committee needed to also discuss who will present, so staff can work with that person after this meeting on the presentation, because LPAC will not meet again before the forum. Becca confirmed that she would be able to attend the forum and present.

In response to a question to Sam, who was listening on the phone, for his thoughts, Sam responded that he could hear about 80% of what was said in the room. Sam felt like the RA discussion should go first. Sam supported a shorter version of the presentation, and agreed that the public definitely wanted to be heard. Sam was unsure of the proceedings in terms of give and take between the committee and the public, and asked if the forum was planned to end after two hours. Theo responded that two hours had been scheduled, but that the forum could go longer if needed.

Nathan recognized that the committee members were all volunteers. He felt that the public was providing input from all different angles. Nathan emphasized that this was a large community-wide issue, because hundreds of people have expressed concern. Rich thought that the presentation should start with the larger concerns, and then discuss RA.

Paul liked the idea of using just 5 to 10 slides for the presentation, and wondered about including a Comprehensive Plan focus. Sandra felt the public notice of the forum could send people to the educational documents on the website that already existed. Sandra felt the draft presentation was nicely done, and could refer the public to the documents on the website as another attempt at education.

Rich felt that a lot of what was heard on growth was about Falmouth Center. He felt that LPAC's work was different because the committee determined to focus on density, and not growth. Breana thought there was a slide in the presentation where LPAC discussed the background of the work. Paul thought

Nathan's idea to set context was a good one, and added that the slide with comments from the November forum could be a good context for how growth was defined.

In response to Breana's question if Caleb had anything else he wanted to talk to the committee about, Caleb responded that he had nothing else and thanked the committee for giving him time to speak.

Theo provided an overview of the handouts that he had prepared. The first was an updated version of the chart presented at the 2/28 LPAC meeting with dimensional zoning standards for Pre-July 2016 RA zoning, Current RA zoning (adopted March 2018), and the updated LPAC option of possible new RA zoning discussed at the previous 2/28 LPAC meeting.

Theo provided a second handout of the results from testing the LPAC 2/28 proposed option using the same test methodology as used to test the LPAC 2/19 proposed option. 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. Theo noted the cells highlighted in green were revisions Ethan made after the discussion at the 2/28 LPAC meeting and once again drew the committee's attention to the cautionary note included at the bottom of the test results handout, noting this was a high-level assessment meant to capture typical scenarios. Theo emphasized there were multiple variables at play that could result in either greater or fewer dwelling units depending on a specific site.

The third handout Theo provided were the results of testing whether each of the 10 projects that were "enabled" by the July 2016 zoning amendments in the RA district could still be done under the LPAC 2/28 proposed parameters. Theo reviewed the results, noting that none of the 10 projects as designed could be done with the 2/28 LPAC option parameters, mostly because of frontage and a little over half because of both frontage and lot size. Theo noted the caveat that some of the projects might be possible under the 2/28 LPAC option parameters with a redesign, but that was a hypothetical exercise.

Theo noted that he and Ethan had received questions about how the buildability of a lot that is legal under the current standards would stand legally, if the 2/28 LPAC proposed parameters were to be adopted. To that end, Theo reviewed a fourth handout, he and Ethan had prepared, which contained excerpts of the Zoning Ordinance concerning nonconformity, as well as staff comments regarding non-conformity and staff options of how new non-conforming lots under the proposed 2/28 parameters could be dealt with.

The fifth handout Theo provided was a draft presentation for the forum that was discussed earlier in the meeting. Theo stated he could talk about more specifics or detail on any of the handouts.

Breana asked if there was any public comment.

Keith Noyes thanked the people on the committee for their time, and thought they were doing a great job. Keith believed it was not fair or right for the Town to have new standards based on voting by only four LPAC members and in some cases a tie vote of two people. Theo noted that the meeting schedule was different than usual because of the time pressure by the Council, which resulted in some meetings that not all committee members could attend. Keith understood and agreed, but felt that was not right. Theo noted that LPAC's role was purely advisory, and the Council may ultimately make changes to its recommendations. Keith believed LPAC's opinion has a big impact on what the Council thinks.

Valentine Sheldon felt the review process was too rushed. Valentine believed that the committee was shoving too much in the two hour forum, because he felt there were going to be a lot of people who would attend and speak. Valentine felt the format of the forum was confusing, and wondered if his presentation that he had informed Theo about would still be able to happen. Valentine stated he had reviewed several of the videos of past Council meetings around the original LPAC recommendations. Valentine believed there was a fear mentioned at every Council meeting of what residents would think. Valentine hoped that the Town would not rush into something. Valentine believed the proposed option was not a fix. Valentine believed the Town was lucky to have Sam, who he believed was a committee member who had hardly missed a meeting, and was thoughtful and hardworking. Valentine thought Sam had also thought a lot about this issue and believed Sam had proposed rolling back the zoning rules and hit a pause button. Valentine felt the zoning standards should be rolled back because he felt it seemed to also be what the Council wanted. Valentine believed the committee was deciding the fate of 1.5 billion dollars worth of people's investments in properties, and the future of the land for these properties. Valentine believed a lot of people think the fate of these properties had been fiddled with, and felt horse-trading different standards was not good enough.

Amanda stated she had lived in Falmouth her whole life, and felt this was rushed to meet a Council deadline and that some of the important conversations were being lost. Amanda appreciated the work done so far, but felt this was a much bigger issue and thought that having a mindset that growth was inevitable was troubling. Amanda understood the Council would not want to drag this on because of upcoming Council turnover. Amanda felt the changes were bigger than for any one project. Amanda stated it was shame on her for missing prior forums and not paying attention, but felt there were a number of other people asking what happened and felt the Town should take a step back and get it right.

Breana asked if anyone else wanted to speak, and seeing none, stated her appreciation for everyone coming and the public comments that had been made.

Breana asked if the committee wanted to tackle the specific recommendations first or have more discussion on the public forum. Breana noted that the forum was scheduled for two days before her due date, and that she would not be able to attend and asked who could attend. Becca said she would be, Dimitri said he would be, Rich said he would not be able to because of his child's concert, and Sam said he would be there, but might be late because of a business reason. Theo noted that the committee would have a quorum at the forum. Theo noted that the forum would be posted as a Council and LPAC event based on Nathan's comments with a revised agenda.

Theo stated that his understanding was that Valentine Sheldon's presentation that he requested would be up to 10 minutes long. In response to Valentine's question how long each person would have to comment, Theo said that the Council has rules that range from 3 to 5 minutes. In response to a question as who would manage the public comments, Theo felt the committee needed to decide if any give and take would happen between the committee and public. Theo reviewed how Craig Freshley facilitated the November public forum. Theo felt the forum was to receive feedback on the specific set of standards, but noted there was no protocol or precedent on how to do this. Theo reviewed the process the Community Development Committee (CDC) went through after the presentation by the CDC of the original July 2016 zoning recommendations. Theo stated that the CDC had made notes of all public comments, and that the CDC had reviewed each comment afterwards and responded to it in writing, which resulted in a 7 to 10 page document.

Sandra felt that her biggest concern was that the committee would get clear feedback on the work done so far so that the committee can keep moving on its piece. Sandra thought there may be a little mismatch of comments, so there may need to be some management of people who speak to other issues. Sandra suggested, if it could be done, having a managed response on the LPAC work with a chance for further public comment on other issues later. Sam agreed with Sandra.

Breana liked the idea of opening up the forum with the LPAC presentation which could lead to a good flow, and having the presenter review at the beginning of it that the committee wanted comments on the specific RA proposal. Becca felt there might be a need to facilitate the public comment period after the presentation because people inevitably comment all of their thoughts when they step up to the microphone. Breana liked the idea of a whiteboard where comments can be sidelined for later in the forum. Dimitri thought dialogue between the committee and the public may not be needed and that a time limit might make sense. Breana liked the idea of dialogue because it could make people feel more heard, and wondered if perhaps that could happen at the end of the forum. Becca agreed with Breana, adding that the committee could possibly summarize what it had heard, and what it knows or provide any other response. Breana suggested that, in that case, the order could be the LPAC presentation first, then public comment about the presentation, and then an LPAC response to the public comments. Becca felt there were several components, and wondered where the slides for Caleb to present and the additional public comment would go in the order. Becca believed that it would be more efficient for people to comment once, and then any general comments could be saved for later that needed to be. Sandra felt the committee might come across as too defensive, because everything the committee had done was done in public. Sandra felt the committee would fail the public if the air time between the committee and public was split 50/50.

Theo asked if the committee was suggesting merging the public comment periods. Becca was wary of doing so but was trying not to make it harder for the public. Sandra felt the forum had originally started out as LPAC's forum, and that she was perfectly fine with the additions Caleb discussed, but it was really important that the committee received specific feedback on its proposal. Sam thought that the public comments might be streamlined and that people might be asked to hold off on their other comments if the committee explains its charge relative to the Comprehensive Plan managing growth, and what the committee has learned. Rich agreed, adding that the committee could provide a reminder before the public comment on what it was looking for and then the committee could respond to only questions and not comments. Becca agreed with that.

Nathan thought that the committee might need to have flexibility in expectations for the forum. Becca thought that the committee was suggesting beginning with the more focused RA proposal and then expanding later, so that no public comment was lost. Rich thought it could be weird for people to have to go to the podium twice for two separate public comment periods. Sandra thought that would still be possible.

Breana wondered if the RA discussion should go second, so that the comments could be more focused. Dimitri agreed, and thought it might make sense to have the RA discussion at the end. Becca was concerned with that order, because she felt the primary objective of this forum was to show the public what the committee had been working on to date and what the committee had heard from the public that drove that work. Sandra added that the work of the committee was over in April, and the purpose of the forum was to gain public feedback and then incorporate that feedback in a single meeting before the presentation of its recommendations to the Council. Sandra felt that it was urgently important for

people to comment on the specific RA proposal. Dimitri agreed, and felt the committee had put in a lot of effort, as evidenced by the comment made by a resident earlier in the meeting about the committee's work. Dimitri felt the committee needed to get feedback on the work done. Sandra added that the committee had also received public feedback during its meetings, and felt this forum was an additional chance to hear public feedback. Dimitri agreed, and felt that the committee should perhaps not try to educate the public in just 30 minutes. Sandra believed the public had not felt connected to the work of the committee, and that a purpose of the forum was to make people feel more connected.

Paul thought the committee needed to be ready for the public to make other comments on the big issues versus the tactical compromise that was being proposed. Paul liked the idea of opening with what the committee heard at the November forum, and Sandra agreed with that idea. Paul thought there was a lot of material covered during the LPAC work and thought the background of that work might help people understand the issues. Becca thought the slides in the draft presentation touched on a lot of the bigger picture and felt the committee was in agreement that it needed to set expectations and articulate what the committee needed from the public. Breana agreed, adding that she felt comfortable with Becca working with Theo on the presentation based on the committee's discussion. Rich felt the discussion made it immensely harder to incorporate Caleb's request. Becca suggested outlining the types of feedback requested from the public, and Breana asked if the committee wanted to create general guidelines for the public comment period. Becca thought that was part of a good facilitator's role in setting the stage for civility. Sandra thought the committee should not limit the amount of time a person spoke during the public comment period. Becca wondered how Valentine's 10 minute presentation would fit. Breana thought the committee should perhaps not put a time limit on comments or facilitate that aspect. Theo commented that his experience is that the public comments will likely sort themselves out. Theo added the committee could be there as long as the public wanted to be there. He did not get a sense there would be anyone trying to filibuster the meeting.

Nathan asked if the committee had any definitive thoughts on whether to have two separate public comment periods. Breana asked if there was a way to have two separate public comment sections during one public comment period. Breana was concerned that, if the two separate public comment periods were combined, the committee would not receive enough specific feedback on the RA proposal. Nathan thought that people might get irritated if they have to go to the podium twice to speak, and suggested that the presenter or facilitator could ask the public to speak to two items: (1) what they thought specifically about the RA proposal, and then (2) any broad comments regarding growth and density they wanted to make. Nathan recognized having two areas of feedback was very complicated, even it made sense as a reaction to what the public had expressed it wanted from the forum. Becca suggested leaving the 2/28 LPAC proposal slide on the screen during public comment if there was only one public comment period. Rich suggested a joint presentation instead of two presentations if there was only one public comment period. Becca looked forward to working on the presentation with Theo and Caleb if that was the case.

Rich asked if the Town had advertised that people could bring PowerPoint presentations. Theo responded that the Town had not done that and that Valentine was the only person with such a request.

Theo reviewed the promise made by the committee in November that the committee would circle back with any proposal before the final presentation to the Council, and the committee was holding this second forum to gain feedback on the numbers in the specific 2/28 LPAC proposal. Theo stated this timeframe was not right or wrong, but was based on the schedule the Council wanted. Nathan added that postcards had been sent out to all RA residents to advertise the forum, because the forum was

about the specific RA proposal. Nathan wondered if additional postcards should now be sent to the RB and RD residents, and how to best hear from everyone. Theo stated the postcard notification was sent to RA residents because the specific proposal on the table was for only the RA district. Theo thought it would be okay if additional postcards were sent, because he sensed there was a larger audience interested. Theo also suggested a potential option was to talk to a reporter at the Forecaster. Nathan added that the Council had heard an urgency expressed by the public at the November forum, and had set the timeframe for LPAC work based on that. Nathan stated the Council and staff have been working hard and discussing often how to best deal with the concerns expressed by the public. Nathan stated the Town will keep holding forums until the Town did not need any more of them.

Nathan asked if the committee had decided whether to have two separate public comment periods. Breana felt strongly that the bigger zoning issue was different than what LPAC was currently addressing. Theo suggested asking the public members present what they thought might be best from their perspective as they representative of the public at large.

Amanda thought the forum was going to be harder to do in order to honor the request from Caleb. In response to Amanda's question of who sponsored the forum, Theo responded it was LPAC. Amanda was concerned there was a lot crammed into a single night, and would like to see separate forums. Valentine thought there was not a lot of time for people to speak because he expected a lot of people to show up. Valentine believed that people still felt in the dark on the issues, and thought that all LPAC meetings should be televised. Valentine felt LPAC should tell the Town Council that the current timeframe was impossible and let the steam blow off. Valentine felt if the committee slowed down, people would begin to feel heard. Sandra thought the task was not impossible, and the Council deadline could be met. Valentine responded that, yes, the committee could make it work, but it would be too fast. Valentine felt the current option was not the best or most thought out, and thought the committee should ask for more time. Valentine stated that he was not going to be at the forum to absorb what the committee was going to tell him, but rather he wanted to state his opinion. Valentine felt the draft presentation contained a significant amount of information and that it was a lot to ask the public to absorb it. Amanda thought the committee would not get the comments it needed, and thought the proposed agenda was too ambitious to have all in one night. Valentine felt the committee would not be able to control feedback. Amanda thought that, if the committee presented this forum as one in a series, a lot of the concerns would be alleviated. Theo responded that was exactly the message the Town Council was trying to convey.

Nathan wondered if the participation at the forum should be more structured. Nathan suggested clickers as an option as that was more interactive, and gave a chance to honor the second part of the forum. Keith stated he did not like the idea of clickers because he did not trust electronic equipment. Keith suggested a time constraint on the clicker section, because he felt the public wanted to hear from the committee on its work. Keith thought it would be a good idea to have an introduction. Tim O'Donovan suggested that the committee provide only one public comment period and ask the public to try to speak to the RA proposal.

In response to Nathan's question wondering where the committee landed on the forum structure, Breana thought the public comment period should have no time limit per person. She asked Becca for her thoughts since she was the one presenting. Becca liked the idea of Caleb providing an introduction, and thought feedback from something such as clickers could be useful for both the committee and Council. Becca thought that the public should have a chance to speak in addition to using the clickers. Nathan suggested that the open mic comment period could be for the RA proposal, and then the clickers

could be used for the second piece of discussion. Rich wondered if the time spent handing out clickers would prevent a good flow between the presentation and getting feedback. Nathan responded he believed it would not take long to hand out clickers. Sandra thought this would make for a long forum. Nathan believed it was realistic to expect that the forum would be long and believed it was important to have a good plan for the forum to make sure it was as productive as possible. Nathan suggested that staff work with Caleb on any potential questions for clickers and then send them to LPAC as a courtesy before finalizing the questions.

Breana asked for the committee members' thoughts on the 2/28 LPAC proposal. Theo added that this discussion was meant as a check-in with committee members on if they wanted any changes to the 2/28 LPAC proposal that is presented at the forum. Dimitri thought the 2/28 LPAC proposal was a good starting point. Rich thought that the horse-trading of numbers might have seemed arbitrary, but thought those numbers were based off other proposals and that he was comfortable with the 2/28 LPAC proposal. Becca added that she also thought the numbers for the 2/28 LPAC proposal were not arbitrary. Becca thought the 2/28 LPAC proposal addressed a lot of the projects that had generated concerns. Rich added that he believed some of those projects were fine and were as intended by the Comprehensive Plan, but were not able to be done with the proposed option. Becca felt comfortable with the test results. Paul thought the proposal would slow down development. Paul thought it was important to hear what was on the public's mind beyond the specific numbers concerning the RA zone. Rich asked if definitions of each dimensional standard could be included on the proposal. Theo felt that was possible. Becca suggested having the 2/28 LPAC proposal slide up on the screen during the public comment period. Theo agreed to that, and thought that, if the test was also included, a note should be included to reference the definition of each number as in units, not buildings. Valentine agreed with the idea of adding a note about units.

Sandra asked how to interpret the handout with the results of the first test. Theo reviewed the methodology of how the test analyzed how many units of each housing type could result from the five different sample lot sizes, with each column representing a scenario of zoning standards: Pre-July 2016, Current, and the 2/28 LPAC proposal. Theo emphasized the caution note on the handout, noting that there were a lot of variables in play and that the analysis could quickly become complicated. Theo reviewed that one way to interpret the results was that the 2/28 LPAC proposal reduced density on smaller lots, and but only somewhat reduced density on larger lots. Theo noted Ethan's explanation that the driver for density on smaller lots was minimum lot size, where as the driver for density on larger lots was the maximum residential density standard. Theo reviewed Ethan's explanation of when a development project had to be approved by the Planning Board, and that the Planning Board had the authority and the regulatory tools and subjective discretion to evaluate character of projects and request design modifications, something the Code Enforcement Officer cannot do in the case of lot splits. Theo thought the test helped to translate potential effects of the 2/28 proposal. Ethan agreed with that assessment.

Ethan asked the committee how it wanted non-conforming lots to be dealt with if the 2/28 proposal were to be enacted. Ethan stated that it needed be clear how LPAC wanted to handle new non-conformities as there would be new non-conforming lots if RA was changed to the 2/28 proposal. Ethan reviewed the Board of Zoning Appeals (BZA) side setback variance that currently exists for single-family dwellings. Ethan reviewed some potential options for policies on non-conforming lots for any future zoning amendments. The committee could recommend an additional amendment to "grandfather in" non-conforming lots that were legally conforming during previous zoning standards and retain buildable status, or decide to proceed without any additional amendment if the committee did not feel it was a

problem it should address. Ethan noted that the BZA variance had occasionally been applied before. Rich asked if it was possible to amend the definition of hardship in the variance language. Ethan responded that the variance language originated from state statute. Sandra asked if how to deal with non-conforming lots with any future zoning amendments was a question for the public. Theo responded that staff first wanted to hear from the committee, so it could answer public inquiries. Sam thought this topic was obliquely discussed by the previous LPAC presentation to the Council, and wondered if this was a question better answered by the Council. Theo sensed that it could be helpful if LPAC said something on this topic, and suggested the committee decide whether non-conforming lots should be handled consistent with the current ordinance or not. Theo noted it seemed fairness could be a variable in play, so that lots created legally under the current amendments would not be taken away. Sandra thought there should be material created on this topic for the public to give feedback on.

Dimitri asked if non-conforming lots were a big issue. Breana and Sam responded that they did not think anyone knows exactly how many new non-conforming lots there would be. The issue remains if any of the dimensional standards are changed. Breana asked if the question of how non-conforming lots should be handled by any future zoning amendments should be run by the Town Attorney. Ethan responded that staff had reached out to the Town Attorney, and the attorney's first impression was that municipalities have the ability to establish policy regarding whether a non-conforming lot is treated as buildable or not.

Rich asked Ethan how specific the policy needed to be. Ethan responded the committee could decide simply whether non-conforming lots under any future zoning amendments were buildable or not buildable. Rich believed Councilors felt bad about any changes that would be unfair to those who already created legal lots under the current standards. Ethan noted he suspected that most developers were aware of changes on the horizon, so it was probably safe to say that several developers may be speeding up development projects in the interim. Ethan also reminded the committee that the current process for non-conforming lots still allowed for potential development with a BZA variance. Rich thought it still would be challenging for developers, and would rather that option than saying no completely to building on any non-conforming lots. Becca recommended going with the current process because otherwise this would be one more thing for the committee to address. In response to a question asking to explain the current variance ability for non-conforming lots, Ethan reviewed the concept of undue hardship as defined by the state statute. Ethan noted that two-family and multi-family dwellings did not have the BZA variance option, because it applied only to single-family dwellings. Breana liked the idea of retaining the non-conforming provision to preserve conformity.

Breana thought that the committee was in agreement keeping the specific numbers for dimensional standards proposed at the 2/28 LPAC meeting unchanged. Breana thought that the results were striking of the second test that analyzed whether any of the 10 projects "enabled" by the July 2016 zoning amendments in the RA district could still be done under the LPAC 2/28 proposed parameters. Breana wondered if the test results should be excluded from the presentation because she believed it could not be predicted how zoning standards would be implemented in reality as each lot is different. Breana thought the test was great for the committee because the results were helpful in giving the committee a good idea of what would be allowed. But Breana felt the projects were not representative of all lots. Theo agreed, noting that the 10 projects were a small sample.

Sandra asked what the questions were that the committee wanted the public to answer. Dimitri responded that he felt the answers were dependent on what the committee presented. Sandra believed the presentation draft did not make it clear what the committee needed the public to answer. Theo

agreed and added that the presentation would still need to be reshaped based on what the committee felt it needed from the public. Theo stated that the committee needed exact feedback on the specific numbers for the 2/28 LPAC proposal, and suggested that members of public be enabled to give the committee other numbers if they did not agree with the proposed numbers. Sandra asked what parts of the proposal the committee wanted the public to give feedback on. Becca responded that she agreed with Theo, as she felt the committee wanted to know what the public wanted the specific numbers to be.

Becca asked if there should be a question for the public on whether it wanted a single RA district versus two RA districts. Valentine asked if the 2/28 LPAC proposal was meant to be applied as a single zone or as a "RA1" sub-zone. Breana responded that was not something the committee could address in the current timeframe. Breana added that the committee is trying to address zoning standards that are not working or are problematic, and felt this was why the committee was seeking public feedback. Valentine asked if the 2/28 LPAC proposal was the solution. Breana responded that the proposal was an idea. Becca added that a goal of the public forum was to ask the public if the specific numbers proposed in the 2/28 LPAC option were the right numbers. Becca then suggested adding a possible question of whether the town should invest further resources into exploring sub-zones for the public to respond to. Valentine felt the current proposal was a stop-gap. Becca noted that the 2/28 LPAC proposal was one piece of the puzzle, and the committee wanted to review what it had done so far. Theo added that it was ultimately up to the Council on what it wanted to do with the LPAC work.

Amanda asked if the charge to LPAC from the Council had been to come up with specific numbers. She wondered what the committee's charge was. Amanda asked if the committee would be okay with an answer that multi-zones were needed. Becca responded that the committee had explored the option of multiple zones and evaluated the pros and cons of a single versus multi-zone RA district, but found multiple zones was too complex an issue to deal with given the time limits. Becca added the committee was working diligently towards what it could address, and would not be upset by any outcome if it addressed the issues. Amanda asked why that was not part of a recommendation. Paul responded that LPAC had been tasked by the Council to work in a tight time frame to respond because of a sense of urgency expressed by the public, and the 2/28 LPAC proposal was a compromise. Paul felt the issues could not be fully addressed by the committee in the two and a half months given, and the 2/28 LPAC proposed option was a compromise for the meantime.

Paul wondered if the test results should be included in the forum presentation, because he felt that the specific numbers in the proposal could be hard to digest. The test results seemed to provide a way for the public to relate to what the numbers meant in neighborhood terms. Becca added that she felt the test results showed what could or could not happen.

Paul felt one way to think about the zoning changes was that the zoning changes potentially had not gone as envisioned. The level of freedom that was provided to developers resulted in changes differently than intended. Paul thought that what happened with the implementation of zoning changes, might help to think about density and help to explain the rationale for the 2/28 LPAC option as a compromise, with the ideal scenario to explore more options at the neighborhood level. Dimitri thought the 2/28 LPAC proposal told a story of one potential way to manage density.

Paul asked Valentine if there was any information on Valentine's slides that the committee should know about beforehand. Valentine responded he would be presenting an expanded version of what he said earlier to the committee in the meeting during the public comment period. Valentine stated he wanted

to talk about the Comprehensive Plan, and how the zoning changes were reflective of the Comprehensive Plan. Valentine stated he wanted to talk about how he believed the Comprehensive Plan was generally flawed, and how the zoning changes were rolled out.

Paul wanted to be cognizant of those who felt good about the development projects. Valentine responded that he felt the Town needed to think about what the Town wanted to look like. Breana asked Valentine to send the committee or Theo his presentation. Valentine suggested that his presentation be scheduled in the middle of the meeting. Paul thought the committee and staff would work on the order that had the best flow. Rich asked if Theo could check any numbers that Valentine presented.

3. Other Business

There was no other business.

4. Next Meeting

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

- Thursday, March 28, 7:00 PM: Joint LPAC and Council Public Forum #2
- Tuesday, April 2, 6:00 PM: LPAC meeting to wrap up RA recommendations
- Thursday, April 8, 7:00 PM: Targeted date to present RA recommendations to Council

The meeting was adjourned at 8:49 pm.

Draft meeting notes prepared by Meredith Sells, March 25, 2019