



COMMUNITY DEVELOPMENT COMMITTEE  
(Town Council Sub-committee)

Members

Hope Cahan  
Tommy Johnson  
Jay Trickett

Staff

Ethan Croce

## Meeting Minutes

Wednesday, September 18, 2019 – 7:00 pm  
Large Conference Room, Town Hall

### 1. Call to Order

The meeting was called to order at 7:00 pm. All three CDC members were present.

### 2. Elect Committee Chair

Councilor Johnson motioned to elect Councilor Cahan as CDC Chair. The motion was seconded by Councilor Trickett and approved unanimously.

### 3. Discussion regarding CDC work plan assignments & status of prior CDC work

The Committee reviewed the six items on its work plan. The number of items was originally five but at the last Council meeting the Council added a sixth item to the CDC's work plan related to a rezoning request by Addison Capital LLC.

The Committee reviewed the prior CDC's tabular summary of work completed on the Route 100 Vision Plan's zoning recommendations. The table breaks down the prior CDC's recommendations into three categories: Instances where the CDC recommended a Vision Plan zoning concept with no changes to the concept; Instances where the CDC recommended a Vision Plan zoning concept with some changes; Instances where the CDC recommended not moving forward with a Vision Plan zoning concept.

The Committee discussed the task of clarifying steps for developers to take when they approach the Town with a rezoning request. The Committee discussed that the end product of this work might lend itself more to a policy or custom that can be more nimble than a prescriptive ordinance amendment in recognition of the fact that the scope of zoning changes being requested can differ substantially from case to case. A goal is to create clear expectations as to what will be needed to submit a rezoning request. Since every project will be unique, a lot of the effort might focus on defining procedural steps. This might be a one-page form and might not need to be overly-detailed. Possible topics to discuss under this item are: development of a checklist/application that requires a base level of background material; what town entities need to be consulted, and when, during a rezoning request; impact studies; having developers hold a

public/neighborhood meeting to gauge area support for their idea; abutter notice requirements; application fees. Councilor Trickett suggested it may be helpful to get staff's perspective on recent history with rezoning requests.

The Committee discussed the VCI zoning issues on the work plan (outdoor recreation facilities, maximum ground floor tenant area, kennels) and discussed how these are really three different issue grouped into one. Councilor Cahan provided some background to the possible loophole with the maximum tenant area size limit.

Regarding outdoor recreational facilities, Ethan mentioned that there is a threshold policy decision that would be good to address upfront - Whether the desire is to prohibit outdoor recreational facilities in VCI or whether the desire is to allow them with certain standards. During the Council's review of the Falmouth Shopping Center proposal, a majority of the Council at the time expressed an opinion that outdoor playing fields were not appropriate as part of the overall development and two councilors expressed an interest in introducing a zoning amendment to prohibit this use in the zoning district. Lighting, noise, traffic, environmental concerns, and disruption of the built environment were some of the concerns raised. If the policy decision is to prohibit the use in VCI then this item is can be addressed quickly. Councilor Trickett said that a high level of review would occur under the current regulations with both BZA and Planning Board approval required. He wondered if there might be any unintended consequences of prohibiting the use. (e.g. would it eliminate the ability to create a park or small field?) Councilor Cahan said she was opposed to artificial turf fields and their environmental impacts. She also mentioned concern about a developer placing a field right on the street in the VCI District with a fence and how that would be an inappropriate aesthetic and land use right on the street. Councilor Trickett expressed a similar concern about having a massive field with an impermeable fence along the street that would disrupt the walkability of the VCI District and the neighborhood.

Councilor Cahan and Ethan provided some background to Salty Dog's request to allow kennels as a permitted use in the zoning district. Salty Dog is currently a dog daycare facility located in the Falmouth Shopping Center in the VCI District and is classified as retail and service. They currently board four or fewer dogs overnight to stay below the four dog threshold that would define the use as a "kennel". The business owners would like to board additional dogs overnight. Kennels are only allowed in the Farm and Forest District currently. One of the existing kennels in town is on Trillium Lane and is classified as a kennel because they train dogs on-site. The other kennel is on Blackstrap Road and they board cats overnight. Some municipalities regulate kennels differently depending on whether their operations are wholly enclosed indoors or whether they have an outdoor component.

Councilor Cahan mentioned that she was open to allowing kennels in VCI if the operations are located entirely indoors with no outdoor component. Her reasoning was that an indoor model is more consistent with a higher density mixed-use zone where multiple land uses are located in close proximity to one another and the impacts of such a facility (e.g. noise, odors, etc.) can be better mitigated inside. This service would also provide an amenity for residents who may live in and around the Village Center.

Councilor Trickett wondered if health and safety issues are adequately addressed either through the State or locally. Councilor Cahan said her experience has been that indoor kennels are actually more sanitary than outdoor kennels. She also said the CDC may want to look at other zoning districts as well. Councilor Johnson thought it might be appropriate to focus on just VC1 since that was the work plan task. Councilor Cahan said the policy that is developed may have implications for other zoning districts.

The Committee discussed the issue of public notice requirements for BZA and Planning Board applications. Ethan said that Maggie has pulled some examples from surrounding communities but that there will be value in simply looking at Falmouth's different requirements for different types of applications.

The Committee discussed the history of the conditional use standard related to water view protection and the efforts of two prior BZAs and two prior CDCs to explore ways to mitigate the difficulties of administering and applying this ordinance provision. This issue was ranked the lowest priority work plan item.

The Committee decided that at its next meeting it would discuss work plan item 7 (steps for zoning amendments), kennels under item 8, and item 9 (public notice for BZA/Planning Board applications). The next meeting date was scheduled for Tuesday, October 8 at 6:00 pm. The committee would like dinner provided. The CDC discussed reserving the following future dates for meetings with the idea that a meeting date could always be cancelled or re-scheduled to a different date if necessary due to organizational capacity and priorities that might emerge. Tuesday, October 22 at 6:00 pm, and Monday November 18 at 6:00 pm

Meeting adjourned at 9:10 pm.