



October 6, 2017
16137-01

Nathan Poore, Town Manager
Falmouth Town Council
Town of Falmouth
271 Falmouth Road
Falmouth, Maine 04105

Contract Zoning – Formal Review Application
Hothem, et. al. properties, Mountain Road and Route 100

Dear Nathan and Council Members:

On behalf of David Chase of Homestead Acres, LLC, we have prepared the enclosed plan and attachments. Homestead Acres would like to establish a Contract Zone to revise the existing zoning for a proposed multi lot development. As you are aware we have been working with the town since a meeting with Nathan Poore and Theo Holtwijk on September 6th of 2016. After a few meetings and review of the current zoning requirements we agreed to have the town revise the Village Mixed Use (VMU) zoning for the project properties. The town hired a consulting engineer which is performing the design on the Route 100 improvements. We attended all of the meetings with the town and neighbors and received valuable input. After several months and consulting with the town we decided to request a Contract Zone Amendment. We started meeting with the Community Development Committee (CDC) to discuss project and the revisions needed in the town ordinances. We also met with The Land Management and Acquisitions Committee (LMAC), the Parks and Community Programs Advisory Committee (PACPAC), the Long-Range Planning Advisory Committee (LPAC), the Route 100 Committee and neighbors. We received the findings and recommendation document from the CDC on July 14, 2017. We then met with the Planning Board on September 5th and received their recommendation to proceed to the Council.

Since our Council meeting on September 11th we have completed our Traffic Study, made minor revisions to the Concept plan and had a land use attorney review the town ordinances to determine what zoning variations we need to request.

Project Description

The proposal is to establish zoning criteria that will assist in the stated goals for residential growth within the Route 100/26 growth area and that will be in harmony with the VMU Zoning District and the Route 100 Overlay District (CO). The primary use for the project will be residential with the incorporation of public open space areas, preservation of natural resource areas and commercial use near Route 100. The contract zoning change will allow for these uses with a potential mixture of affordable and market rate single family homes as well as multi-unit buildings/apartments.

The attached Concept Sketch 20 shows 107 Residential Lots together with four (4) 12-unit apartment buildings, retail/commercial lots, three (3) parks and a large open space with a trail network. The final number of units will depend on the final configuration of the properties, unit type mix, final contract zone approval and preparation of final plats for the properties.

The proposed development will utilize the frontage on Mountain Road and along Route 100 to provide interconnected vehicular and pedestrian access with the Route 100 corridor. The buildable areas of the site will be utilized to create more a traditional tight knit neighborhood that will feature open space, natural and pedestrian friendly rights-of-way. This development concept is the basis for the modifications to the dimensional criteria of the contract zoning application.

Compliance with Comprehensive Plan

The proposed contract zoning will be consistent with the 2013 Comprehensive Plan (the "Plan") and 2016 updates, more specifically:

The project area is identified in the 2013 Comprehensive plan as a proposed commercial and mixed-use growth area (Route 100/26 Area). As stated in the Future Land Use Plan section of the 2013 Plan, subsection Growth and Rural Areas, for Commercial Growth Areas, "Well-planned residential development is envisioned to be integrated in these commercial areas." The proposed contract zoning will allow the incorporation of the residential component for the area while the entry from the Route 100 allows for the retention of the commercial use(s) along the Route 100 frontage. The configuration of the entry allows for a potential for better access/parking for the existing abutting commercial uses along Route 100.

Under the Residential Growth Areas of the same subsection of the Plan, the Comprehensive Plan recommends that the growth share within this area increase "from less than 50% to a significant majority share of all new residential growth." The proposed contract zoning will assist to meet this goal. Furthermore, the incorporation of residential growth within the area of the project help to minimize growth within the rural areas of the Town, another objective of the Comprehensive Plan.

In the Community Vision for the Future subsection, the Comprehensive Plan also states a preference for more of the growth area to be accessible to public sewer service. The proposed contract zoning will make the extension of sewer into this development area more affordable based upon the projected development population and provide the potential for more affordable housing units within the development.

In the Executive Summary of the Comprehensive Plan calls out this area as a potential for compact development and is further shown as a potential area for compact development of Map 10A. The contract zoning will allow smaller lots and with the incorporation of open space and preservation of natural resource areas. In the summaries of Future Land Use Plan section of the Plan, the Comprehensive Plan further mentions generally and specifically to the Route 100 area, the desirability for pedestrian/bicycle connectivity. This statement is reiterated in Theme 5 of the Implementation Strategies section. The contract zoning will allow for connections through several individual parcels for pedestrian interconnectivity to the Route 100 commercial corridor.

Proposed Public Benefit

The proposed contract zoning will provide for the pedestrian and family residential components of the Comprehensive Plan to complement the village/neighborhood commercial component that is the basis of the Route 100/26 growth area. Several abutters have joined in to create this project so several

parcels are incorporated into the master plan/contract zoning. It will make it possible to extend utilities and public infrastructure into the residential areas that will allow greater affordability of the proposed homes. The contract zoning will allow this result with the incorporation of substantial open space and preservation of natural areas. This proposed contract zoning meets the visions/focus of both the Long-Range Planning Committee and Route 100 Study Committee.

More specifically, relative to housing, it will:

- Provide different types of homes which will allow a range of income brackets and age groups.
- Provide approximately 30% of the project as affordable housing that will meet the state guidelines for affordable homes, rental apartments or homes for 55 and over.
- Provide opportunities for younger generation to stay in Falmouth with low to moderate prices on single-family homes.
- Provide the density in a place that serves the Town's comprehensive plan.

Relative to pedestrian/public Access, it will:

- Provide walkable trails open to the public; trail easements will be dedicated to the Town.
- Provide three parks within the project area. Two of these parks containing benches walking paths and some lawn area for multipurpose recreation will be maintained and owned by the homeowner's association. One of the parks will be constructed by the developer and deeded to the town. This park is anticipated to have benches, picnic tables, and a playground an open grass area for multipurpose recreation.
- Provide vehicular, bicycle and pedestrian connectivity throughout the neighborhood. Provides multiple entrances and exits onto Route 100 and Mountain Road.
- Provide access for other property owners on Route 100 as well as the public. Currently, most properties do not have a way to move freely around the land and walk or bike anywhere in the area.
- Provide the ability to preserve and rehabilitate the old railroad path into walking trail.
- Provide access and additional resources for abutting church and local restaurant.

Relative to local commercial/small businesses, it will:

- Provide opportunities for retail/commercial sites for small business.
- Create a neighborhood who will use the goods and services of the local businesses.
- Provide and create parking for the existing commercial use (Harmon's Hamburgers) that will be lost with the towns proposed Route 100 improvements.

In addition to the above referenced benefits, the project will provide a significant increase in the Town's Tax Base.

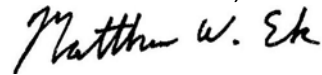
The town has been discussing the anticipated impact on the school system. We had included our estimates in the last submission as shown below and are awaiting additional information from the school. At the Maine Department of Education website, we found that school year 2015-2016 the Falmouth school system had 2,131 Students. The U.S. Census Bureau lists the total number of households in Falmouth as 4,596. Using those numbers, we calculated that the number of students per household is 0.46. We are proposing 151 residential units which equates to 70 students within this subdivision. Based upon these numbers the increase in students is estimated to be approximately 3%; however, based upon conversations with other local school districts, we know that the actual percentage would be less because not all student age residents would be new to the District.

We have included the following attachments:

1. Comprehensive list of Zoning Variations Requested.
2. Traffic Study
3. Apartment Building Exhibit
4. Concept Sketch 20 revised through October 6, 2017
5. Concept Sketch 20 with an Aerial photo background revised through October 6, 2017
6. Preliminary Phasing Plan revised through October 6, 2017
7. Park Concept Sketch

We look forward to any questions or comments you may have and attending the meetings this project is scheduled for. Thank you for your time and your consideration of this project.

SEBAGO TECHNICS, INC.



Matthew W. Ek, PLS

Director of Survey/GIS Advancement

MWE/RAM:mwe

Enc.

cc. David Chase, Homestead Acres, LLC



Comprehensive list of the Zoning Variations Requested for the Homestead Acres Project

CH II-19-14 Village Mixed Use District (VMU)

| | <u>Current</u> | <u>Proposed</u> |
|---|----------------|-----------------|
| 1. Minimum Lot Width | 150 feet | 50 feet |
| 2. Maximum Lot Coverage | 35% | 40% |
| Minimum setbacks for residential lots: | | |
| 3. Front | 25 feet | 15 feet |
| 4. Side | 15 feet | 8 feet |
| 5. Rear | 15 feet | 8 feet |
| Minimum setbacks for Retail/Commercial lots: | | |
| 6. Front * | 25 feet | 0 feet |
| 7. Dwelling Unit density allowance (sq ft per unit) (both with public sewerage) | 10,000 sf | 7,500 sf |
| (Note 19-64.2 allows 5,000 s.f. with sewer in the VMU) | | |
| 8. If a building within the retail/commercial area also has a residence within it the least restrictive of the setbacks shown above will apply. | | |

Appendix 7-5-E. Street Design Standards

| | <u>Current</u> | <u>Proposed</u> |
|---|----------------|-----------------|
| 9. Minimum Distance Between Intersections | | |
| on the same side: | 300-400 feet | 200 feet |
| on the opposite side: | 150-300 feet | 200 feet |
| 10. Collector Street Minimum Pavement Width * | 34 feet | 24 feet |
| 11. Subcollector Street Minimum Pavement Width * | 30 feet | 24 feet |
| 12. Local Street Minimum Pavement Width * | 24 feet | 22 feet |
| 13. Minimum Right-of-Way Width (Collector/Subcollector)* | 60 feet | 50 feet |
| 14. Minimum Right-of-Way Width (Local/Minor Local)* | 50 feet | 40 feet |
| 15. Minimum Centerline Radius (Collector/Subcollector) | 230 feet | 150 feet |
| 16. Minimum Tangent between curves of reverse alignment | 100-200 feet | 75 feet |
| 17. Sidewalk width * | 4 feet | 5 feet |
| 18. No Roundabout standards were found in the Falmouth ordinance. We're requesting the roundabout be allowed. | | |

Sec.19-69 Rate of Residential Growth

19. Up to 18 single-family units per year may be exempted from a growth permit at such time as there are no available permits in the single-family/two family category.
20. Item 7 includes house lots restricted to an individual 55 years old or older. Since some houses will be under construction as spec houses if a growth permit was issued for that house and then it is deed restricted to an elderly housing lot that growth permit would be transferable to another lot within the subdivision.
21. We have included a declaration of Affordable Housing Covenants to be utilized for the "affordable housing" exception of 19-69-d-4.
22. We request an exemption from growth permit status for the 48 units of apartments. In turn we will dedicate 5 of the 48 units to 55 years of age or older.

Sec. 19-42 Multi family dwelling

23. Current town standard: *A multi family dwelling shall contain no more than six dwelling units. On a site with more than one two family or multi family dwelling, each dwelling shall contain an average of four or fewer dwelling units.* Proposed for this contract zone: Multi family dwelling shall contain no more than 12 dwelling units per building with no per property limit on the number of 12-unit buildings.

Appendix 7-1.C.3.b Located on land which must be filled or on land created by diverting a watercourse.

24. Ordinance requires a 50-foot structural setback from wetlands greater than 4,000 square feet in size. We are requesting that this be reduced to 25 feet. (This effects 2 lots near the wetland crossing of the southerly Route 100 entrance) (We are interpreting this to allow us to fill approximately 100 feet of a 4 foot wide tongue of wetland that starts at one of the 4 apartment buildings but connects to a wetland larger than 4,000 SF. The proposed edge of wetlands will be approximately 90 feet from the building)

Section 19-53 Height Restrictions

25. The current height restriction limit is 2 ½ stories or 35 feet in height. We would like to change this to 3 stories and 39 feet (as allowed in the BP and MUC zones).

Section 19-15 Route 100 Corridor Overlay District - Additional Standards item 8

26. The minimum separation of principal buildings shall be the height equivalent of the taller building. We would like to remove this restriction. The homes will be restricted only by the building setbacks. We're not sure what the retail/commercial area buildings will be yet and some layouts may place them closer together than this section currently allows.

* Changes requested by town staff.