



Community Development Department
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Memorandum

Date: September 21, 2016
To: Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Community Development Committee
Re: Contract Zoning Review

As a result of the Council discussion and hearing on September 12, the CDC met September 13 to review the comments received. The following is an excerpt from the meeting minutes.

The committee moved on to review the comments by the Planning Board, Mr. Mohr and the Council.

- 1. Expand abutter notice beyond immediate abutter – the committee reviewed the statutory requirements for contract zoning and only immediate abutters are required for the MRA hearing. The committee did not support expanding abutter notice in this concept review stage unless it was expanded for all noticing. It reiterated that this portion of the process is not a public hearing or comment period and that the role of the CDC was strictly to comment to the Council and applicant their findings related to the ability of the project to meet the fundamental thresholds for contract zoning. There is a balance between the length of notice and the timeliness of the committee to meet with the applicant. The decision was to leave the notice time period to 7 days. This will be adequate time to alert abutters of the review and be responsive to the applicant.*
- 2. Definition of consistent – the committee reviewed the statutory language and noted that the statute uses the term “consistent” with regard to both the Comprehensive Plan [growth management plan] and existing and permitted uses in the district. The state does not define the term consistent. The committee also reviewed the information from case law provided by Amy Tchao and noted that the court gives great latitude to the legislative body to determine consistency. The committee concluded that there is no reason to define “consistent.”*
- 3. Add language for phasing – the Committee noted that this is already accommodated in the proposed language.*
- 4. Add explanation of what “conditions and restrictions” might be – The committee noted that this is already in the proposed language.*

Based on the discussion and conclusions noted, the committee agreed that they are not proposing any changes to the proposed amendment language.