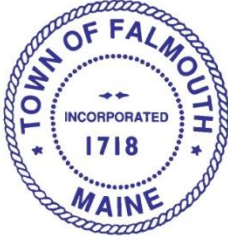


**Comprehensive Plan - Year 1, 2014/2015**  
**Land Use Policy Implementation**  
Community Development Committee  
Long Range Planning Advisory Committee  
**Outreach Notes**



# Long Range Planning Advisory Committee (LPAC)

## Thursday, June 26, 2014 Minutes

**Attendance:**

Name	Present	Name	Present	Name	Present
Paul Bergkamp	-	Kurt Klebe	√	Jim Thibodeau	-
Sam Rudman	√	Sandra Lipsey	√	Erin Mancini	√
Bill Benzing	-				

**Council Liaison:** -  
**Staff present:** Theo Holtwijk  
**Others present:** -

The meeting was called to order by Sam at 6:28 PM.

**1. Review of Draft Minutes**

The draft minutes of May 22, 2014 meeting were approved as written.

**2. Report on Discussion with Board of Zoning Appeals**

Theo reported that Claudia and he had met with the Board of Zoning Appeals (BZA) and Justin Brown on June 24 to discuss the Comprehensive Plan and the implementation work that LPAC is currently engaged in. The BZA was very supportive of that. It recognized that there was a disconnect in the growth area between the ordinance and what exists on the ground.

Issues that had been brought up were the concept of “positive zoning” (i.e. telling owners what they can do with their property, instead of what they cannot do), retrofitting homes to make them more environmentally-friendly, the notion that there may be too many exceptions to the rules in the ordinance, the fact that many projects get tabled to allow applicants to make changes so their projects fit the ordinance and the BZA can approve them, and the caution to look out for unintended consequences when a fix of one thing, may cause another problem. The BZA said that the biggest fix was needed on setback issues, but that frontage issues are also sometimes problematic.

Theo suggested that there is more research to be done, but that LPAC may benefit from a direct discussion with BZA members and Justin Brown about the specifics. The main focus of LPAC may be on accessory dwelling applications as the charge is to look at encouraging more new units in the growth area. Theo had prepared a draft spreadsheet of such applications in

last five years. He also included in the packet excerpts from the zoning ordinance that addressed accessory dwellings, accessory apartments, and accessory cottages. Accessory dwellings are permitted only as conditional uses, and he included that section as well because it described the review criteria the BZA uses. It may be helpful to better understand how those criteria are applied.

A discussion followed as to what kind of projects may or may not warrant a review by the BZA, and how impacts on neighbors could be minimized. The pros and cons of a neighbor “sign off” were discussed. Such an option would get neighbors talking to each other. The idea of varying setbacks with the size of a proposed house (larger setbacks for a larger house) was also discussed. The research and mapping will give more insight as the actual dimensional issues that are in play.

### **3. Growth Area Implementation Work**

#### **a. Review of mapping proposal**

The committee reviewed the mapping proposal from Spatial Alternatives. The group agreed that in task 1 it was not necessary to map building coverage and development pattern over time, but that, instead, it would be good to know the house sizes (livable floor area) involved and the approximate time when certain neighborhoods were built. Theo explained that in task 2, the consultant proposes to meet with the committee to display the result of variable inputs, rather than creating a set of static maps. Theo mentioned that the need may not be for a build-out analysis, i.e. how many total units can be built if certain assumptions are made, but rather that the committee gets a sense where the most likely opportunities for future development in the growth area lie. The committee agreed with that. It was recalled that CDC was very interested to see locations for future growth, as that group was charged with reducing growth in the rural area and wanted to have other opportunities for developers to do their work.

Theo suggested that some tweaks get made to the scope of services and the Town engage Spatial Alternatives on a time and materials basis with a price not to exceed. The estimated total cost was \$8,000. The committee thought this was a reasonable cost for the work described and very helpful in its assignment. Theo will discuss this with the consultant and Town Manager.

The committee asked if Transfer of Development Rights (TDR) was being considered. That is one of the tools the CDC is exploring for the rural area. TDR's come with a “sending” area and “receiving” area for new units. Those could be the rural and growth area of Falmouth, respectively. The committee felt that TDR may be a complicated mechanism and that the simpler the ordinance amendments were to encourage growth the better. The committee will wait and see if the CDC wants to pursue TDR or not.

It was recognized that the CDC may want to do mapping work in rural area, but the committee felt it was important to take the lead on this work, so the CDC could have the benefit of seeing that. There was also a sense that there was some urgency to get this work completed and to avoid delays where possible.

## **b. Review of BZA application record**

This was discussed in item 2.

## **c. Real Estate Contact List**

Theo explained that this was the invitation list from 2012, with additional names at the bottom. He asked if there were any names that should be added to this list. Some additional names were suggested. The timing of the real estate discussion is to be determined. The committee agreed that first the research, mapping, and BZA/CEO discussions needed to be completed. The committee found the notes from the 2012 discussion informative.

The committee also recognized that communication with the community was important, so all had a chance to weigh in. Before that is done, the committee wanted to complete some of its work and be better prepared for that discussion. Channel 2 may be deployed for that purpose.

## **d. Pilot Site and Study Site List**

The committee corrected the site reference for one of the potential pilot sites. Committee members had reviewed some of the built project links and found those interesting. The key question is what elements of these projects committee members find that can apply to Falmouth's growth area. These could be aspects of architecture, site design, subdivision layout, street width, set back, etc. It was recognized that architectural style is less critical if the main focus is to encourage more units in the growth area, although it was noted that compatibility may sometimes be determined, not just by bulk and space, but also by style. This is to be further explored.

## **4. Next Steps**

As next steps, the committee wanted to:

- embark on Task 1 of the mapping proposal,
- have staff do more research on the BZA applications, and
- have a discussion with BZA members/CEO on what issues they typically encounter.

Theo will work on those items.

## **5. Other Business**

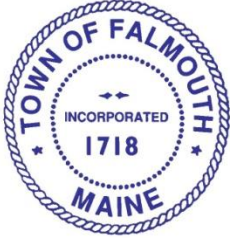
Theo reviewed the handouts for the other items. The CDC handout had already been reviewed. He showed the handout for the first meeting of the Route 100 committee, the poster of the next Wayfinding Signage forum, and the RFP for the economic development plan.

## **6. Next Meeting**

The committee decided to meet next on July 10, but will explore starting at 5:00 PM. Theo will also inquire about people's availability for July and August, so that quorums can be obtained.

The meeting was adjourned at 7:58 PM.

Draft minutes prepared by Theo Holtwijk, June 27, 2014



# Long Range Planning Advisory Committee (LPAC)

## Thursday, July 10, 2014 Minutes

**Attendance:**

Name	Present	Name	Present	Name	Present
Paul Bergkamp	√	Kurt Klebe	√	Jim Thibodeau	-
Sam Rudman	√	Sandra Lipsey	√	Erin Mancini	√
Bill Benzing	√				

**Council Liaison:** Claudia King  
**Staff present:** Theo Holtwijk  
**Others present:** -

The meeting was called to order by Sam at 5:03 PM.

**1. Discussion with Justin Brown, CEO on Accessory Dwellings**

As a follow-up to the discussion that Claudia and Theo had with the Board of Zoning Appeals and Justin, the committee invited Justin to discuss in more depth what typical issues he encounters with accessory dwelling applications.

Justin said that some applicants find the limit on the size of their accessory dwelling restrictive and difficult to calculate. Some applicants assume they can build a larger structure than is permitted and have to scale their plans down.

The committee asked how the percentages in section 5.22.2 were arrived at and how other towns are handling this. Justin did not know, but could do research on some other towns.

Justin agreed that the review criteria are subjective as they use the word “significant.” He said that the Board of Zoning Appeals (BZA) does not apply them too rigidly and that impacts of accessory dwellings are typically minor.

The committee asked what typical objections of abutters are. Justin said that some are concerned with impact on the neighborhood and impacts of parking, especially if renters are involved. Most all concerns with accessory dwelling come from the growth area as that is more built up and more abutter notices are mailed.

Justin also touched on section 6.2, which governs non-conforming structures. Any application that involves a non-conforming structure or lot goes automatically to the BZA. If an accessory dwelling is also involved, the BZA takes up both issues up concurrently.

Sandra wondered if the direction of the discussion fit LPAC's charge, which was to encourage new units in the growth area. Some of the BZA applications do not involve any new units. The response from others was that making the overall permit process easier for applicants would encourage them to seek out or stay in the growth area and would save applicants, BZA, and staff time and resources, which could then be devoted to other purposes. The focus of LPAC is on new accessory dwellings, not on porch additions and dormers, and that does add new units, albeit not in great numbers. Addressing the non-conformity issue may allow some vacant lots to be built upon in keeping with the neighborhood's character. It seemed a low hanging fruit issue that may be able to be accomplished relatively quickly.

Justin gave another example of an accessory dwelling hurdle where someone wanted to create one unit on the ground floor and another on the identically-sized second floor. That would create a 50 % ratio, which was in excess of the 40% requirement and forced some unusual building modifications.

The committee wondered why an accessory cottage was more restricted in floor area than an accessory apartment. Justin said that the Town did not allow duplexes and similarly-sized units could appear that way. The main idea is that the accessory dwelling is subordinate to the main dwelling. Another example Justin gave was of a 3-car garage where someone could use the entire upper floor for an accessory dwelling as it contained too much space.

Sam asked Justin what could be done to promote compact growth. Justin said that the floor area calculation could be simplified. Most applicants need approval for their accessory dwelling and make whatever changes the Town requires. Cottage units typically are better planned than apartments since they are free-standing. The maximum percentage requirements could be increased, Justin felt, as long as they came with a maximum floor area cap.

Kurt felt it was critical for the Town to have an ordinance that people would comply with. There have been instances where people will go ahead without a permit as they do not want to comply with the Town's requirements. Those after-the-fact situations are more complicated and time-consuming for the Town.

The suggestion was raised if accessory dwellings should be required to get BZA approval, or if a CEO permit was sufficient. In case of abutter concern, there could be appeal to BZA. Certain larger applications could still go directly to BZA. The committee liked that idea. Justin said that Cumberland deals with few BZA cases, but that Falmouth has 3-9 each month. That is a time and resources issue.

## **2. Review of Draft Minutes**

The draft minutes of June 26, 2014 meeting were approved as written.

## **3. Next Steps**

The next steps will be:

- for Theo to draft some concept changes regarding accessory dwellings,

- for Judy to do some setback analysis of The Flats
- for Theo to propose some additional study areas besides The Flats

#### **4. Next Meeting**

The committee meet next on August 14 at 6:00 PM. Starting in September the regular schedule of every 2<sup>nd</sup> and 4<sup>th</sup> Thursday at 6:00 PM will be followed.

The meeting was adjourned at 6:30 PM.

Draft minutes prepared by Theo Holtwijk, July 11, 2014





# Long Range Planning Advisory Committee (LPAC) & Community Development Committee (CDC) Joint Meeting

## Thursday, October 9, 2014 Minutes

### ATTENDANCE:

<b>LPAC:</b>	Sam Rudman, Kurt Klebe, Sandra Lipsey, Erin Mancini
<b>CDC:</b>	Dave Goldberg, Claudia King
<b>Other Councilors:</b>	Karen Farber, Charlie McBrady
<b>Planning Board:</b>	Christopher Hickey, Tom McKeon, Jay Chase
<b>Conservation Commission:</b>	Jerry Goodall, Sarah Boudreau, Nancy Lightbody, Paul Burlin
<b>Route 100 Committee:</b>	Sarah Boudreau, Andrea Ferrante
<b>Land Management &amp; Acquisition Committee:</b>	Dave Gagnon
<b>Ad Hoc Zoning Committee:</b>	Rachel Reed
<b>Staff present:</b>	Nathan Poore, Theo Holtwijk
<b>Others present:</b>	Colin Ellis, Matthew Ferrante

The special joint LPAC-CDC meeting was intended to be a discussion with invited Town Committee members to discuss tools that might be utilized to further the goals set forth in the Comprehensive Plan concerning encouraging growth in the Plan designated growth areas, and managing growth in the rural areas to best maintain its rural character.

The meeting commenced at 6:05 with introductory remarks from Councilor Claudia King.

Theo Holtwijk then led the meeting by referencing the handout and in particular the two topics of discussion highlighted at the bottom of the first page of the handout.

There were suggestions about how to assist people to avail themselves of currently existing tax programs for tree growth and conservation easements. Conversation also occurred regarding the potential to allow people to partner with abutters to create larger parcels that might be able to take advantage of tax breaks. A countervailing notion regarding the temporal nature of tax breaks was also discussed.

Mention was made of the fact that there are large parcels in the rural area where the next generation is not in a position to maintain the property because of, e.g. money and/or lack of interest. It was discussed that there is a generational shift and that consideration needed to be given to the ability of families to deal with their existing properties.

It was discussed that the Comprehensive Plan refers to the connectivity of future developments. A cautionary remark was made that increasing connectivity can sometimes increase the desire for more development because by adding a connection to the back of a lot might open up the development potential of an otherwise unconnected parcel.

Permit caps were discussed as a tool to address development in the rural area. It was suggested that if caps were in place, that different caps apply to large developments versus small, e.g. 5 lots or less. Mention was made that currently, most permits are being pulled for the rural area. It was suggested that if building caps were in place for the rural area, that this could have the unintended consequence of making market prices go higher because there is less, developable land.

Market forces in this regard were discussed. Mention was made that there is an upcoming meeting scheduled for individuals involved in real estate development in Falmouth. Insofar as growth in the growth area is concerned, there was discussion that LPAC was looking into changes in zoning to reflect the current reality of setbacks and lot size to potentially accommodate ADUs. Mention was made that lot size was looked at five years ago and there was a significant pushback about any zoning changes regarding lot size.

A question arose about the property tax ramifications of changing the zoning for lot sizes. It was suggested that LPAC meet with the assessor to discuss these issues.

Talk ensued about encouraging development in the growth area along the sewer lines. It was pointed out that not all of the designated growth area is served by sewer.

A suggestion was made that perhaps there are swap opportunities available, e.g. swapping development rights in the rural area for the ability to develop in the growth area. It was pointed out that land trusts have already done this sort of thing.

Discussion turned to what kind of density is desirable in the growth area. Various scenarios were discussed, and we need to be mindful of what development might look like in the growth area.

A suggestion was made that consideration be given to the ratio of growth to the burden on town infrastructure. Measurable data does not, yet exist to better define this ratio. The pace of growth was discussed. It was pointed out that Falmouth does not have a lot of commercial space to develop and does not have a lot of development possibilities in the growth area. It was stated that Falmouth's neighbors have desirable areas for building so it is not inevitable that there will be rapid growth in Falmouth anytime soon.

Much discussion ensued about impact fees: how to assess them; what they would be assessed for; and, why they are needed in the first place, if at all. A question arose about the nature of the impact to the Town. Possible impacts are to the schools, to infrastructure uses and to the protection of open space.

Transfer of development rights (TDR) was discussed and there was not a lot of enthusiasm for them as their efficacy as used in other Towns has yet to be proved.

The meeting was adjourned at 7:30 p.m. by Theo.

Draft minutes prepared by Sam Rudman, October 16, 2014



# Long Range Planning Advisory Committee (LPAC) & Community Development Committee (CDC) Joint Meeting

## Thursday, November 13, 2014 Minutes

### ATTENDANCE

<b>LPAC:</b>	Sam Rudman, Sandra Lipsey, Erin Mancini, Paul Bergkamp, Bill Benzing
<b>CDC:</b>	Dave Goldberg, Claudia King, Russ Anderson
<b>Other Councilors:</b>	Karen Farber, Charlie McBrady, Caleb Hemphill
<b>Staff present:</b>	Amanda Stearns, Theo Holtwijk
<b>Others Present:</b>	Anne Theriault, Andy Jackson, Sylas Hatch, Colin Ellis, Rachel Reed, Beth Franklin, Mike Payson, David Banks, Chris Wasileski, Matt Teare, Steve Blais, Michael Jacobson, Andy Berube

The special joint LPAC-CDC meeting was intended to be a discussion with members of the real estate development community to discuss tools that might be utilized to further the goals set forth in the Comprehensive Plan concerning encouraging growth in the Plan designated growth areas, and managing growth in the rural areas to best maintain its rural character.

The meeting was called to order by Theo at 6 p.m.

Sam and Claudia gave brief opening remarks and the discussion began.

Theo presented the issues for the group to consider: What tools would the group consider to encourage growth in the growth area, consistent with already existing neighborhood characteristics, and to manage growth in the rural area to preserve the rural characteristics that the Town indicated in the Comprehensive Plan that it wanted preserved?

Building trends were discussed. It was stated by David Banks that the Tidewater project that was completed in 2005 is an example of housing stock that was attractive to buyers at the beginning of a trend towards good design, small lots, convenience of location and small square footage. Other developments mentioned were Eastern Village in Scarborough, Cumberland Village, Gorham Crossing, Ridgewood in Falmouth, and McKearney Village in Yarmouth.

Bill Benzing asked the group to describe the typical buyer for these kinds of developments. David Banks stated that the typical buyer was not solely a baby boomer. Buyers were also young people with families and retirees.

It was mentioned that Dunstan Crossing in Scarborough has a lot of young families in it. Beth Franklin mentioned that walkability was a feature that people desire. Access to amenities such as a grocery store was a desired feature.

Mike Payson thought that certain demographics, such as the 50 plus age group, were driving the market. Originally, Ridgewood was designed for larger homes than most of the stock that is built currently, and this resulted from a change in market design from larger to smaller homes. Mike mentioned also that there is a project in South Portland where a school is being renovated for apartments. The project is doing well. He asked the question, "who do you want to provide housing for?"

Andy Jackson stated that his company is involved in developing low income projects. He suggested that Route 1 in Falmouth, near the Shaw's shopping center, might qualify for funding for building but that there were impediments to obtaining the funding due to the proximity of woods to the plaza. He suggested looking at getting certified as business friendly by the State, and also looking at TIFs.

Mike Jacobson raised the issue that the Town needs to understand the desires of its population, and the impact that growth would have on current infrastructure such as schools. He talked about the need for zoning on Route 1 to encourage business development.

Amanda noted that Route 1 has been rezoned to encourage mixed use development, and some of the attendees expressed surprise that they had not known about the zoning, sooner.

Matt Teare noted that the Ocean View development was a precursor to the Tidewater project and was an example of how neighborhoods can be created to cater to both young and old.

A question was raised about high rise development along Route 1, and how "high" the development should be, if it was encouraged. Mike Payson noted that his project in South Portland is three stories, and the apartment units are 1,000 to 1,600 square feet. That project provides amenities such as air conditioning and has walkability, and he thought that something like this project would work well on Route 1.

Theo then addressed a question to the attendees about accessory dwelling units (ADUs).

Mike Jacobson stated that the formula for determining the size of ADUs was too restrictive and therefore not worth the effort of planning an ADU.

David Banks stated that there are neighborhoods that he has seen, e.g. East Beach in Norfolk, Virginia, and Naples Florida, where ADUs are built successfully, designed well and encourage spaces such as those for an au pair. These are also neighborhoods that are integrated successfully with commercial development.

Mike Jacobson stated that there is a project in Wells that has commercial development on the first floor and apartments on the second floor. He thought that this could be a template for development of the Shaw's plaza.

Andy Jackson stated that his company had studied the VC-1 district regulations requiring non-residential uses on the ground floor. He stated that this could work right on Route 1 or in other marketable locations for commercial spaces, such as in or near the Falmouth Shopping Center, but that other sites off Route 1 that do not have good frontage (such as sites off Clearwater or

Hat Trick Drive) are handicapped by that requirement to have non-residential uses on the ground floor.

Mike Payson stated that the Town was schizophrenic regarding contract zoning, and that the unpredictable nature of the makeup of the Town Council was sometimes discouraging to developers. Payson stressed the need for consistency. This need was seconded by Mike Jacobson.

Discussion ensued about developing around the school area, and Theo discussed why the school area was included in the growth area as opposed to being in the rural area. He stated that the State of Maine had encouraged that the school be listed in the growth area, even though during the Comprehensive process it appeared to LPAC that the school area should be in the rural area.

The notion of "affordability" was raised by Claudia King. She queried the group about the definition.

David Banks stated that in Cumberland, the Town directed people to the Village Green where it had encouraged affordable housing. Banks also proposed that Falmouth's public works department be relocated and that this land be developed. He stressed that in the Cumberland project there was no limit on dwelling size, the implication being that there was no limit on how small the house could be.

The group consensus was that \$300,000 was at the lower end of what would be affordable for a developer to be able to build.

David Banks thought that there would be a market for condominiums in the 1,500 to 1,800 square foot range.

Mike Payson thought that the building costs for these would be in the \$120 to \$150 square foot range.

Mike Jacobson reiterated that the impact of growth on Town infrastructure should be kept in mind. Theo responded that that growth was inevitable, and that what LPAC and CDC were about was thinking of ways to manage the growth.

Mike Jacobson stressed that commercial growth was important, as opposed to residential growth. He cited the Friends school locating to Cumberland instead of Falmouth, as an example.

Russ Anderson asked the group for tools to promote growth in the blue, and to restrain growth in the green.

Mike Jacobson stated that large estates in the green were a tool.

David Banks stated that Cumberland had let it be known that it would be very aggressive in promoting growth along Route 1.

Beth Franklin stated that Freeport had developments that were densely congregated with a lot of open space.

Steve Blais mentioned transfer of development rights (TDRs) as a tool.

Chris Wasileski liked TDRs and thought that this was a tool for the future.

Mike Payson said that there were 2 ways to approach growth in the rural area: large estates and cluster development.

Connectivity was then discussed, and Theo stated that the Falmouth council, in purchasing open space, had connectivity in mind, both for animals as well as humans.

Mike Payson noted that there are now lots of open space. He queried at what point do large estate lots become attractive? He stated that the Town needs to determine whether it wants to look like, e.g. Greenwich Connecticut or another community with cluster housing.

Matt Teare stated that the Comprehensive Plan is meaningless unless it is bolstered with tools such as TIFs, altered zoning, and infrastructure, i.e. sewer and water. If such options are available, he postulated, development would come.

Sandra Lipsey stated that as a Town, we need to be specific and clear in our messaging so that people could react to it.

Chris Wasileski noted that Tidewater was a good example of what messaging could look like. He said that the Town should not make development in the green area prohibitive, but supported development restrictions.

Mike Jacobson talked about restrictive setback issues. As an example, he stated that there was a 980 square foot lot on Andrews Avenue that was not buildable because of setback restrictions.

Paul Bergkamp asked the group to point us to other Towns that do development more predictably.

Mike Jacobson stated that proper zoning is a statement of what the Town wants to have built, and where. He advocated getting rid of complex overlay zones. He liked targeted zoning.

Rachel Reed talked about the unified development code as a means of streamlining.

Theo, Sam and Claudia thanked the group for coming.

The meeting was adjourned at 7:38 PM.

Draft minutes prepared by Sam Rudman, November 18, 2014 [Rev 1 December 1, 2014](#)

Year 1 Comprehensive Plan Implementation  
**Feedback & Responses on Draft Concepts**  
 Prepared by  
 Community Development Committee &  
 Long-Range Planning Advisory Committee  
 April 1, 2015

The following list categorizes the comments heard at a public meeting on February 26, 2015 and those received by email. (The meeting was part of a process of public input regarding future land use policy for the purpose of implementing the Comprehensive Plan.) CDC and LPAC have reviewed the comments and their responses are below. Final recommendations will be brought before the Town Council for their approval. Public input continues to be received and reviewed throughout the process.

	Comment	Response
<b>General</b>		
1	“Is the State’s mandate just to identify or identify, create and designate growth and rural boundaries?”	The terms ‘growth’ and ‘rural’ are established in 30-A MRSA §4326. In it, the State calls for municipalities to identify and designate growth and rural boundaries. In addition, the State says that towns within growth areas shall set, among other things, development standards. Within rural areas, each municipality is required to adopt land use policies discouraging incompatible development.
2	“The concept of rural versus growth is confusing.”  “Consider a change in terminology for growth and rural areas.”	Since these are official terms used by the State of Maine that have been incorporated throughout the 2013 Comprehensive Plan, a change in terminology is not recommended.  For additional information on growth and rural areas, see PDF pages 10 and 11 and 24 through 28 of the Comprehensive Plan.
3	“You are creating 2nd and 1st class zones.”	The vision for Falmouth is explained on PDF pages 8 and 9 of the Comprehensive Plan. For additional information on growth and rural areas and the thinking behind them, see PDF pages 10 and 11 and 24 through 28 of the Comprehensive Plan.
4	“Like the work on designating Rural and Growth Areas, especially the effort to use property lines as the boundary.”	No comment.
5	“Like the idea of “no sprawl” and maintaining the business community along Routes 1 and 100.”	No comment.
6	“I am a developer and have worked on four large projects in Falmouth (70-80 house lots in total). I am very much in favor of the general principles embodied in the division between Growth and Rural Areas.”	No comment.

	Comment	Response
<b>Growth/Rural Boundary</b>		
1	<p>“What is the reasoning underlying the lines that were drawn demarcating RB?”</p> <p>“Perhaps should add more discussion about how sewer and road implications influenced the generation of the Rural/Growth boundary.”</p>	<p>There were four steps to this process:</p> <ol style="list-style-type: none"> <li>1. As explained on PDF page 27 of the Comprehensive Plan, the delineation of the growth-rural area boundary was developed by LPAC with careful consideration of various aspects, including: established residential neighborhoods, existing zoning designations and development, land suitable for development, location of existing water and sewer services, land with opportunity for future gravity sanitary sewer service, and location of high value natural resources. The boundaries of the designated growth and rural areas that resulted are shown on PDF page 25 of the Comprehensive Plan. They were intended to be fluid.</li> <li>2. Following the Growth-Rural Area map, LPAC identified nine areas that required rezoning. This is explained on PDF pages 35 and 42 of the Comprehensive Plan.</li> <li>3. Upon adoption of the Plan by the Council, the CDC worked to determine a more precise location of the growth and rural boundaries. Where possible, the CDC followed property lines and, where parcels were split, it used some basic principles to decide if they should be placed inside or outside the growth area.</li> <li>4. LPAC used the boundary developed by the CDC and examined each of the 14 specific areas that were proposed for inclusion in the Growth Area. Most of these are currently in the Farm and Forest district. Each of those areas abutted existing Residential B districts and an extension of these districts made the most sense to the committee, rather than creating new zoning district(s).</li> <li>5. Upon further review after the Public Forum, LPAC recommended to create an RB1 district for East Falmouth and an RB2 district for West Falmouth.</li> <li>6. Upon review of LPAC’s recommendations, the CDC decided to leave area 9 off Winn Road inside the growth boundary, but retain the Farm and Forest zoning requirements.</li> </ol>



	Comment	Response
2	<p>“We are clarifying and recapping our comments regarding zoning around our 2.4 acre property at 20 Leighton Road.</p> <p>The boundary of the designated residential growth (B) area should be moved to the edge of the Little Hands Daycare Property and should not include either side of Leighton Road going toward Falmouth Road. The reasons are as follow:</p> <p>It is an established neighborhood with no zoning variances applied for or granted in recent history. It is currently zoned Farm and Forest with an 80,000 square foot minimum land requirement, changing that to 30,000 square feet is a radical change to the character of the town, would change the value of our property and is unacceptable to us.</p> <p>It is the watershed of a river and includes a flood plain.</p> <p>The neighborhood is currently visited by red fox and owls, herons, beaver, deer, coyotes, woodchucks and other rare birds.</p> <p>Therefore we respectfully ask that the plan be amended to respect our interests and the interests of all citizens and taxpayers in the Town of Falmouth.” (Area 8 in the LPAC report, Page 17)”</p>	<p>At the specific request of the CDC, LPAC reviewed the Growth Areas proposed to be rezoned. LPAC recognizes that there are widely differing perspectives on this issue. It is recommending the proposed rezoning in the Growth Area as follows:</p> <ol style="list-style-type: none"> <li>1. Create a Residential B1 district in East Falmouth that includes all of the current RB district in that area plus the proposed new RB areas 1, 2, 4, 5, and 6.</li> <li>2. The RB1 density is proposed to be 1 unit per 30,000 square feet.</li> <li>3. Create a Residential B2 district in West Falmouth that includes all of the current RB district in that area plus the proposed new RB areas 8 through 14.</li> <li>4. The RB2 density is proposed to be 1 unit per 40,000 square feet.</li> </ol> <p>Upon review of LPAC’s recommendations, the CDC decided to leave area 9 off Winn Road inside the growth boundary, but retain the current Farm and Forest zoning requirements instead of the proposed RB2 designation.</p>
3	<p>“Please reconsider the proposed zoning for Brook Road near the Westbrook line (Area 14 in the LPAC report, Page 17)”</p> <p>“I live in the Brook Road area on 2.5 acres that is proposed rezoned and I like it as I will now have the opportunity to split my property and give my son some of it to build his own house on. (Area 14 in the LPAC report, Page 17)”</p>	<p>See answer to 2 above.</p>

	Comment	Response
4	<p>"I am developer and own 30-35 acres in area 10 off the Winn Road. I am pleased with the proposed RB rezoning, but believe Town should go for 20,000 to 25,000 square feet per unit in RB. That would permit more clustering, less cost, and less environmental impact. (Area 10 in the LPAC report, Page 17)"</p>	See answer to 2 above.
5	<p>"Please reconsider the proposed zoning for the Winn Road area west of Community Park. (Areas 9 and 10 in the LPAC report, Page 17)."</p> <p>"Eureka Road does not have access to sewer. It dead ends into what was a dairy farm and now the residents of the former farm have over 40 chickens. At the intersection of Winn and Eureka there is a house with a large fenced in area with horses, many old farm houses, green spaces, and trails. The street is used recreationally for biking, walking, and running. This change promotes sprawl. During the 2003 residential master planning study, this area was ranked low for compact or denser development. The Town stated [at that time] that extending the sewer line didn't equate with denser development. (Area 9 in the LPAC report, Page 17)."</p>	See answer to 2 above.
5	<p>"I suggest that CDC look at all the boundary areas."</p> <p>"Perhaps CDC should reach out to all the property owners that might be affected by a move from FF to RB."</p>	<p>See answer to 2 above.</p> <p>Most recently, the Town spent notified all property owner in Falmouth by postcard to alert them to the February 2015 forum. This was in addition to web and e-mail notifications.</p> <p>LPAC conducted extensive outreach over 3 ½ years while developing the Comprehensive Plan. PDF pages 13 and 14 of Volume II of the Comprehensive Plan describe LPAC's efforts.</p>
6	<p>"Can there be more on-the-ground review of the choices to rezoning some current Farm &amp; Forest areas to recommend what is right?"</p>	See answer to 2 above.

	Comment	Response
7	<p>“Why not shift more density towards the school area v. some of the Farm and Forest (FF) areas? It is conceivable to visualize a neighborhood where kids can bike, skate or walk to school. This may seem more natural than changing the FF areas.”</p>	<p>LPAC included the Falmouth School Campus property in the Growth Area at the direction of the State as that is an area where much capital investment is made, investments that are intended to be directed to the Growth Area. The committee, however, did not see the surrounding area as a densely built neighborhood due to the fact that most of it is built out or in conservation land. This situation is unique to Falmouth where our school campus is centrally located in the community, but also in a relatively rural location. In other communities, schools, typically smaller ones, may be surrounded by neighborhoods.</p>
8	<p>“The Conservation Commission supports the current work of the Community Development Committee (CDC) and the Long Range Planning Advisory Committee (LPAC) as they work to refine the boundaries of the designated growth and designated rural areas in the Town.</p> <p>The duties of the FCC include preserving and maintaining quality open space as well as preventing invasive terrestrial plants from establishing at new developments during construction periods and after. The FCC is strongly committed to protecting wetlands and educating citizens and developers about nonpoint pollution sources and best practices to manage storm water runoff. Therefore, the FCC appreciates the opportunity to engage with the CDC and LPAC. We are confident that you will include conservation measures that address the FCC’s mission and protect our Town’s ecological integrity as part of the proposed designated growth areas. Members of the FCC would be happy to discuss these issues further with the CDC and LPAC.”</p>	<p>No comment.</p>

	Comment	Response
<b>Accessory Dwelling Units (ADU)</b>		
1	"I recommend having a minimum size for ADUs."	Falmouth currently has a minimum size requirement of 360 square feet. However, LPAC believes that no particular purpose is served by setting a minimum ADU size and that the Town should leave it to each property owner to determine how small he/she wants to make their accessory dwelling unit.
2	"I am very excited about the prospect adding an ADU to my property that is located in the growth area."	Many people are unaware that under the current rules they can already add an accessory dwelling unit to their property. The proposed rules in the Growth Area are intended to enable that more.
3	"I suggest requiring the owner to occupy one of the dwelling units where there is an ADU. I believe that every municipality in our region requires owners to occupy the property when an ADU is proposed and Falmouth would be a real outlier if this provision was adopted without that requirement."	Falmouth currently does not have an owner occupancy requirement. Upon further discussion, LPAC prefers an owner occupancy requirement, but is concerned about its enforceability over time. As a compromise, LPAC recommends that owner occupancy in the main dwelling is required at the time of review of the ADU application by the Town.
4	"When I went to apply for my building permit to build the home that I am in now, on property that I have owned since 1991, the Town tried very hard for me to split my property due to my shop with an overhead apartment that cannot be seen from my house. I had to reduce the amount of living space in that apartment which in turn has cost me \$500 per month because it is now a one bedroom rather than 2."	The proposed accessory dwelling unit changes in the growth area may allow you to do what you wanted to do in 1991. If you are still interested in that, we recommend that you contact Town staff to discuss the specifics of your situation.
<b>Setbacks</b>		
1	"I recommend the same front setbacks for duplexes as for single family dwellings as it is good encourage buildings to be set close to the street."	LPAC is changing its recommendation for minimum front setback for duplexes from 20 feet to 10 feet in RA district and 15 feet in RB district.
<b>Building Cap for Single Family in Rural Area</b>		
1	"I am developer and have no concern about the proposed building permit cap in the rural area."	No comment.
<b>Zoning District Changes</b>		
1	"What happens if someone's land currently in Farm and Forest gets rezoned RB?"	All the provisions for the RB district would apply. If the change creates a non-conformity (lot, structure or use), the property owner or any future owner maintains the right to maintain the nonconformity. The expansion of the non-conformity may or may not be allowed. We recommend that you discuss the specifics of a situation with Town staff.

	Comment	Response
2	“If land is currently in Tree Growth tax exemption program, does that land lose the tax exemption if rezoned?”	The proposed rezoning does not affect any Special Use Tax Program designation as long as the property is maintained under that use, such as Tree Growth.
3	“Will rezoning FF to RB result in an increase the assessed value for my property?”	<p>Staff asked Gary James, Director of Regional Assessing, for advice.</p> <p>He stated that he reviewed the land values for all properties in Falmouth. The base home site area for all properties in any zone begins with 1 acre (43,560 SF). Within each zone, adjustments are made for neighborhood location. If the parcel area is larger than 1 acre, an "excess land" base value is applied to the additional value, and also adjusted for the neighborhood. (Additional adjustments for condition, etc. are applied regardless of zone). It appears that the prior assessor placed heavy emphasis on the neighborhood, and made larger adjustments for the neighborhood, and didn't increase the lot size of the minimum to reflect the zoning minimum lot size.</p> <p>The decrease in minimum lot size in any zone must drop below 1 acre (43,560 SF) to influence the value of the base (and ultimately the entire) lot. For example, a 1 acre residential parcel is valued in most zones (FF and RB) at \$3.05 per sf (\$132,900) before any adjustments for neighborhood or condition. The additional excess land is valued at \$5,500 per acre (12.62 cents per sf). If a minimum lot size is decreased due to a change in zoning from 1 acre to 30,000 SF, the value of that 1 acre parcel would change (due to economies of scale it increases per SF as size decreases) to \$3.95 per sf (\$118,500) plus the increased value of the new excess (13,560 SF) land (\$1,700) to a new total of \$120,200.</p> <p>This may sound counterintuitive, but does make sense. You only "need" 30,000 SF to make a lot, the rest is excess - so it now valued lower. Same with a 2 acre zone change dropping to a 1 acre zone. The remainder is excess, until the owner has enough land to subdivide and actually subdivides. Then there are two home sites. So, the proposed zone change drops the assessed value as the owner doesn't need it and cannot use it to sell as a lot.</p> <p>We recommend you contact the Assessor's office for a review of your specific situation as each one is different.</p>
4	“Can the Board of Zoning Appeals (BZA) grant zoning changes?”	<p>The BZA does not have the authority to rezone property. Such is reserved for the Town Council.</p> <p>The BZA's statutory function is governed by the State and includes authority to grant Conditional Uses, hear administrative appeals and grant variances in such a manner as the ordinance dictates.</p>

	Comment	Response
5	“I like the recommendations regarding reducing nonconformities in the Growth Area.”	No comment.
6	“I can identify with the frustration of the people who attended [February 26 Forum] meeting. Since I have owned my property there has been 70 amendments to the Zoning and Site Plan Ordinances. As a land owner, it is impossible to plan anything with your own property into the future.”	Falmouth is a town that attempts to keep up with the community’s ever-changing needs. The Town always tries to do that in a thoughtful, deliberative, and transparent manner, by including its citizens in its discussions and finding consensus solutions where possible. Many times amendments are made to the ordinance in response to specific requests by citizens.
7	“I would be very reluctant to reduce building lot sizes especially in areas that have no Public water or Sewer.”	<p>Public water is readily available throughout the growth area. As stated in the Comprehensive Plan on PDF pages 31 and 32, the Town has a “preference for the Town making more of its growth area accessible for public sewer service. Doing so allows for higher density, walkable developments in proximity of public services without environmental drawbacks, and would be the most efficient use of public resources and land in the growth area.”</p> <p>Currently, a comprehensive sewer study is being conducted that analyzes the potential and desirability for expanded sewer service in the area west of Interstate 295. We recognize that not all properties in the Growth Area can or will have public sewer. The recommended lot sizes in RB of 30,000 and 40,000 square feet are above the minimum required for a septic system, which is 20,000 square feet.</p>

	Comment	Response
<b>Comments on Other Topics</b>		
1	“Resource Conservation Zoning Overlay District (RCZO) – I am concerned about the practicalities of subdividing smaller parcels in the growth area that would still be subject to the conservation zoning set asides.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
2	“RCZO – I am in favor of decreasing the 30% set aside in the growth area, and increasing it in the rural area to 50%.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
3	“RCZO – I recommend reducing the 50 foot perimeter buffer requirement.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
4	“Street Standards – I recommend to change the road requirements so that roads in developments can better fit their surroundings. Particular concerns I have is with road width, sidewalks, lighting, and drainage requirements which, all together, present an unattractive package that is not compatible with what people who want to live in Falmouth are seeking.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
5	“Street Standards – I recommend modifying the private way standards in subdivisions. Currently one cannot create a private way in a subdivision.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
6	“Street Standards - Road connectivity should not be required – people who live on cul-de-sacs do not want vehicular connectivity. Perhaps walking and bicycling connectivity is OK.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
7	“Street Standards – I recommend lengthening the dead end road requirements to allow better use of property without compromising public safety.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
8	“Impact Fees – I recommend consideration of an impact fee in the Rural Area.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
9	“Net Residential Area - I believe the net residential requirements are set too high.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.

	Comment	Response
10	“Other Changes - I can (...) foresee many changes that would have to be made to the current land use ordinances, such as curb cuts and buffers.”	This topic has not yet been addressed by CDC/LPAC and may be taken up in Year 2 of the Implementation effort.
11	“Survey - I would think a very useful survey would be to find out how long people have lived in their homes? If they have children, do they plan on moving once the children have graduated? Do they plan to retire in Falmouth? Maybe this information has already been gathered. If so, I would like to be able to review it.”	As part of developing the Comprehensive Plan, LPAC conducted two surveys, the results of which are on PDF pages 15-22 in Volume II of the Comprehensive Plan. The surveys did not ask your specific questions, but gives a good feeling how people feel about Falmouth. If you are interested to see what questions were asked in these surveys and the detailed results, please contact Town staff.
12	“History - I have always believed the best way to plan forward is to revisit the past.”	We agree with you completely. This is why the Comprehensive Plan took stock of the planning efforts of the last 10 years in Falmouth and analyzed development data since 1990. See PDF pages 12-23 of the Comprehensive Plan for a discussion of that.  LPAC also examined what happened with the implementation of the 2000 Comprehensive Plan. You can find that on PDF pages 3-12 of Volume II of the Comprehensive Plan.

NOTE: These comments are not intended to be verbatim but the best representation of what was heard.

The 2013 Comprehensive Plan can be found at <http://www.falmouthme.org/long-range-planning-advisory-committee/pages/2013-comprehensive-plan>