



Community Development Department  
271 Falmouth Road  
Falmouth, ME 04105  
☎ 207.699.5303  
💻 [www.falmouthme.org](http://www.falmouthme.org)

## Memorandum

**Date:** December 5, 2017  
**To:** Nathan Poore, Town Manager  
Town Council  
**From:** Amanda L. Stearns, Land Use Policy Specialist  
**Cc:** Ethan Croce, Community Development Director  
**Re:** Verizon Wireless - Conditional Rezoning Request - R04-022

---

In order to facilitate the review process for this application I have provided a summary of the procedural steps required by the Town's ordinances and the applicable state statute, 30-A §4352(8). The summary includes actions to date.

### Preliminary Review

1. Council received the application on August 8, 2016 and referred it to the Planning Board for review. A peer review of the radio frequency study was also required.
2. Planning Board - October 4, 2016 - presentation
3. Planning Board - July 11, 2016 - Made recommendation to the Council.

### Formal Review

1. Introduction (required by Section 213 of the Charter)- September 11, 2017
2. Council Hearing -October 11, 2017
3. Council Workshop - October 23, 2017
4. Ordinance Hearing (required by 19-17 of the Zoning Ordinance) - November 13, 2017
5. MRA Hearing - December 5, 2017
6. Ordinance Consideration- December 11, 2017
7. Permit - application process is through the Planning Board

Development of Conditions and Restrictions - Section 19-72.1 of the Code of Ordinances lists examples of the types of conditions and restrictions that could be imposed on the rezoning which are below in blue.

The staff prepared a draft of conditions and restrictions based on feedback and statements made by Council members at the October 23 workshop. The applicant has, on December 5, submitted a revised copy as was discussed at the November 13 Council hearing. The major changes to the draft are:

1. Item 4. – the restriction on further alteration of wetlands and vernal pools and their associated buffers is applied only to the applicant’s development. The property owner has the right to alter these resources dependent on future permitting.
2. Item 5. – The restriction on use of the egress is placed solely on the applicant and the property owner may pursue expanded use of the egress without further conditional rezoning review by the Council.
3. New Item 6.- The property owner has offered the back portion of the property adjacent to the turnpike spur and the Ridgewood conservation area for permanent conservation and a permanent 50 foot wide around the entire remainder of the parcel with the exception of the development shown on the applicant’s development plans.

**Sec. 19-17.2** All development and use of rezoned property must comply with the performance standards of this [Zoning] Ordinance and with the use and spatial requirements of the zoning district in which the rezoned property is placed. Conditions imposed by the Town Council may be more restrictive, but not less restrictive, than the applicable requirements of this Ordinance. Conditions and restrictions shall relate to the physical development or operation of the property and may include, without limitation, the following:

- a. Limitations on the number and types of permitted and conditional uses, and re-designation of permitted to conditional uses and vice versa.
- b. Restrictions on the scale and density of development, and on the days and hours of operation. [could include limiting the number of co-locators or require an amendment to the rezoning if additional providers are added, could limit rezoning to include only the specific proposal in front of the Council (e.g. road design, tower height. number of co-locators), need to designate the actual portion of the parcel to be included in the rezoning (may include areas outside of the lease area as shown on the plan), could include requiring added uses to the property to be considered needing an amendment to the rezoning if it impacts or utilizes any portion of the parcel initially included in the rezoning]
- c. Specifications for the design and layout of buildings or other improvements, including landscaping. [could include buffering of the ground equipment from abutting property]
- d. Schedules for commencement and completion of construction. [could defer to Planning Board]
- e. Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects. [Could defer to Planning Board]
- f. Preservation of open space and buffers, and protection of natural areas and historic sites. [could include wetlands and vernal pool buffers as well as added no cut buffers]
- g. Provisions for reservation or dedication of land for public purposes.
- h. Contributions toward the provision of municipal services required by the development, including, for example, infrastructure improvements such as roads and sewers, and specialized maintenance needs arising from the rezoning. [ could include a Town reserved site on the tower]
- i. Provisions for enforcement and remedies for breach of any conditions or restrictions.