



Community Development Department  
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## Memorandum

**Date:** September 6, 2017  
**To:** Town Council  
Nathan Poore, Town Manager  
**From:** Amanda L. Stearns, Community Development Director  
**Re:** Contract Zone Application – Homestead Acres, LLC

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In order to help facilitate the review process moving forward, I have made notes in [blue](#) below about the ordinance procedure for approving a contract zone agreement. I have also included the elements that need to be in the agreement if part of the project.

### Sec. [19-26.5.8](#) Procedures, Formal Review

The following procedure shall be used to submit any request for a contract zoning agreement under this section.

1. Application Submittal. The applicant shall submit their formal request for a contract zoning agreement on an application form provided by the Community Development Department and shall be accompanied by a fee as approved by the Town Council. The application shall contain the items as indicated in Sec. 19-26.5.9 2. below. At such time the Community Development Director or their designee determines the application is complete, it shall be forwarded to the Planning Board and the Town Council.

[Application has been submitted with one outstanding item, traffic impact study.](#)

2. Planning Board Review. The Planning Board shall review the proposal and forward any observations, recommendations and comments to the Town Council. This review will also serve as the pre-application sketch review required for subdivisions where applicable.

[Planning Board completed their review on September 5. Public input and Board comments and recommendations will be forwarded to the Council and consolidated with staff comments.](#)

3. Town Council Review. Following the Planning Board review in Sec. 19-26.5.8 2. above, the Town Council shall review the proposal. Following its review, the Town Council may refer the proposal to the Planning Board for a hearing as prescribed in Sec. 19-26.5.8 4. below.

[September 11 – Concept presentation to Council, Council decides on process moving forward. This could include:](#)

- Scheduling a hearing for additional comment before beginning the review.
- Council development of a list of times to be addressed or amended.
- Requesting the applicant address all comments to date from the Planning Board, CDC and staff.

NOTE: if staff are requested to review submittal documents for future meetings, it is recommended that at least two weeks be provided for that process. Legal review of the final agreement should also be included in the review time.

The remaining process will be dependent on the Council's actions during the review.

4. Planning Board Hearing. Should the Town Council refer the proposal to the Planning Board, the Planning Board, as the municipal reviewing authority, shall hold a hearing which meets the requirements of 30-A MRS Sec. 4352(8).
5. Town Council Hearing. The Town Council shall hold a hearing, which hearing requirements shall be no less stringent than the public hearing requirements of Section 213 of the Town Charter. The Town Council may elect to hold a joint hearing with the Planning Board.
6. Final consideration by Town Council. Prior to adopting a contract zoning agreement, the Town Council shall determine that the proposed contract zoning agreement meets the requirements of each determination in Sec. 19-26.5.5 above. The Town Council shall state its reasons for its findings and conclusions for each of those determinations.

#### Sec. 19-26.5.6 Contract Zoning Agreement Required.

In order to allow for flexibility for the development of the land, to assure public benefit, and to mitigate potential negative impacts on subject, abutting, and nearby properties, a contract zoning agreement is required. Conditions and restrictions may include, by way of example:

1. All variations from standards of Chapter II-19 of the Code of Ordinances
2. Open space, historic or natural resources and natural buffer zones to be protected
3. Limitations on the number and types of uses
4. Design and layout of buildings, site and any site improvements
5. Scale and density of development
6. Days and hours of operation
7. Provisions for reservation or dedication of land for public purposes
8. Provisions for affordable housing
9. Contributions toward the provision of municipal services required by the development, such as, infrastructure improvements and specialized maintenance needs arising from the rezoning
10. Schedules for commencement and completion of construction including any phasing plan.
11. Performance guarantees securing temporary erosion and sediment control measures, all improvements associated with the project and maintenance of improvements
12. Provisions for enforcement and remedies for breach of any conditions or restrictions

13. Procedures for modifications or amendments.