



Town of Falmouth Community Development Department
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Memorandum

Date: October 1, 2014
To: Nathan Poore
From: Amanda L. Stearns, Community Development Director
Cc: Town Council
Ethan Croce, Senior Planner
Justin Brown, Code Enforcement Officer
Jay Reynolds, Public Works Director
Re: Creation of Hat Trick Drive Special District to facilitate the development of the private street with public easement

This amendment is essential to continue progress on the development of Hat Trick Drive as a formal private street with public easement. The street will be located on four parcels (two owned by Falmouth Plaza, LLC, Village Park (Town of Falmouth), and Dingo Realty.) The street is created by a series of public easements over the four parcels. The construction will occur on two of the four parcels. The amendment accomplishes two things:

1. Exempts the design of Hat Trick Drive from site plan review by the Planning Board.

Hat Trick Drive was conceived as part of a site plan approval approved by the Planning Board 2003 for Walmart to establish an outside garden center. The site plan was never completed and the design was continued through various amendments and re-approvals. Due to the inability to have all parties in agreement with the terms of the construction and legal elements of the plan the project remains incomplete. With the eminent execution of the Limited Development Agreement between the Town, Walmart, Family Ice, Falmouth Shopping Plaza LLC, and Dingo Realty, the project can finally be brought to fruition.

Since all approved plans that included Hat Trick Drive have expired, the project does not have the required approvals. The creation of a street or commercial drive such as this is considered a site improvement and therefore would require site plan review. The plan was reviewed and approved by the Planning Board as recently as 2012 when Walmart applied for and received approval for the store expansion. Walmart subsequently abandoned that plan and is now doing minor improvements to the existing store that do not trigger site plan review.

2. Designates Hat Trick Drive as an internal drive under the Village Center standards.

Hat Trick Drive has been designed to meet all standards of an internal drive in the newly created Village Center District with the exception of sidewalks and street lighting on both sides of the drive, the location of pedestrian lighting, and the location of street trees. This is in part to the location of the Walmart building. Designating Hat Trick Drive as an internal drive serves to provide flexibility in the placement of new buildings to all property owners that abut the street.

Timing

It is anticipated that the bidding will occur early winter 2015 and construction will occur in spring/summer of 2015.

The Community Development Committee voted at their September 22 meeting to sponsor these amendments. A proposed schedule is:

October 15 – Council Introduction
November 4 – MRA Hearing
November 10 – Council Hearing
November 24 - Council Order

I will be in attendance at the introduction on October 15 Council meeting.