

**FALMOUTH PLANNING BOARD  
TUESDAY, JUNE 2, 2015  
DRAFT MINUTES  
EXCERPT**

**Members Present:** Jay Chace (Chair), Bill Benzing (Co-Chair), Tom McKeon, Rudy Israel, Chris Hickey

**Staff Present:** Ethan Croce-Senior Planner; Lisa Sangillo-Recording Secretary

The meeting was called to order at 6:32 pm.

**Item 2** Public Hearing relative to a proposed amendment to the Zoning and Site Plan Review Ordinance to create a special overlay district for 60 Gray Road to allow parking in the front setback.

Tom Greer of Pinkham & Greer gave an overview of their request for a zoning ordinance amendment, where they are looking to be less internally focused and more externally focused with parking along Route 100 in the setback; the front setback is 50'. The typical right-of-way for Route 100 was originally 60' wide. He stated that the Maine DOT has widened out the right-of-way, and due to this widening, they have lost some of the open space along that right of way. They are asking for consideration of the highway right-of-way takings. They feel they can maintain the landscaping required under the Route 100 buffer standards. He stated that staff felt the best way to do this was to focus strictly on this parcel and the only parcel that benefits from the change in zoning. They are looking for a positive recommendation from the Planning Board to get the zone changed. He stated that several tenants have walked away from leasing the building because they want the front of the building and the front door to be on the Route 100 side.

**PUBLIC COMMENTS:** No public comments.  
**PUBLIC COMMENTS CLOSED.**

Mr. Hickey stated that it appeared some of the parking is already in the setback. Mr. Greer confirmed there was and this piece would be grandfathered for parking. Mr. Hickey asked whether it was MTA or MDOT who took the right-of-way. Mr. Greer stated MTA took the triangular piece and then transferred it to DOT. DOT has taken the right of way along the front. Mr. Hickey asked if this taking and transfer was before or after the parking was installed originally. Mr. Greer stated yes; then stated the MTA piece was taken around the same time the parking was built and did receive Planning Board approval.

Mr. Hickey asked what the basis was for quadrupling the number of spots as

opposed to doubling. Mr. Greer stated that the higher and better uses are looking for more parking spaces at the front door. He gave an example of a hardware store that was shown the proposed parking with the zoning change and felt that was adequate for their business. Mr. Hickey feels they could create additional parking in a conforming way today. Mr. Greer stated they could not and explained why.

Mr. Cooper approached the podium and stated that they only have 5 parallel parking conforming spaces out front. He stated that he cannot have diagonal parking as there isn't enough room. Mr. Hickey asked if they had estimated the number of spaces they would need; Mr. Greer stated yes. Mr. Hickey stated that the change would be to allow the parking in the front setback; and asked the Board members about changing the setback as opposed to changing the ordinance. Mr. Greer stated they spoke with staff and found that they still needed the landscaping buffer.

Mr. Benzing asked Mr. Croce if the applicant could go through the Board of Zoning Appeals to apply for a change in the setback. Mr. Croce stated that they could apply for variance with the BZA. Mr. Benzing stated that the Board was concerned mostly about spot-zoning and feels it's more setback issues and variances issues.

Mr. Israel asked if any other properties have been adversely impacted by the taking of property by MTA. Mr. Greer stated not that they know of; the only one that they know of, has plenty of parking where they are and isn't impacted very much. Mr. Israel asked how much of an increase in parking they were looking at. Mr. Greer stated that it would be whatever the tenant is looking for or approximately 20 spaces, but it's tenant driven.

Mr. Israel understands what they are trying to do, but feels changing the ordinance is precedent setting.

Mr. Chace feels that this is a variance issue rather than creating special zoning. His feelings haven't changed since the last meeting.

Mr. McKeon stated he was torn between the spot-zoning and variance issue expressed by other Board members and wasn't sure what his recommendation would be at this time.

Mr. Cooper stated that they originally suggested a change to the zone. He stated that it was taken away from the general MUC by staff to a zoning change. He asked if they took the spot-zoning away and made it an MUC issue would be better. Mr. Chace stated that the charge before the Planning Board is to look at the zoning change.

Mr. Benzing motioned to recommend approving the zoning ordinance

change. Mr. McKeon seconded. Mr. McKeon stated he would vote to recommend it, but he hopes the council considers the sentiments regarding spot-zoning. Motion passed 4-1 (Mr. Chace opposed).