



COMMUNITY DEVELOPMENT COMMITTEE

(Town Council Sub-committee)

Members

Karen Farber
Andrea Ferrante
Ned Kitchel

Staff

Ethan Croce
Nathan Poore
Theo Holtwijk

Meeting Minutes

Tuesday, March 20, 2018– 5:30 pm

Large Conference Room, Town Hall

1. Call to Order

The meeting was called to order at 5:30 pm

2. Approval of Minutes from 12/21/17 and 3/6/18 CDC meetings

The action of voting on minutes was deferred until later in the meeting.

3. Discussion of Wayfinding Sign Project

Falmouth Intern Andrew Clark presented a 3/6/18 memo describing the current status of the wayfinding signage project. The memo included three different options for consideration: Option A, similar to the original recommended plan from 2015 with a few non-essential redundant signs removed; Option B, a limited sign program option identifying the two business districts, Town Hall, and the schools; and Option C, which involves a limited number of additional signs directing people to certain open space properties at the “last turn”. A gateway signage program is included in Option D.

Councilor Farber said the original recommendation in 2015 was formulated during the time the new signage associated with the Route One infrastructure project was completed and being evaluated for appropriateness. Many people thought that there was sign clutter from too many signs.

Nathan Poore said the Reed v Gilbert court decision required eliminating non-town facilities from the proposed sign program, such as the ice rinks and the Historical Society. Also related to this court decision, he mentioned that Town Attorney Amy Tchao discussed the possibility of changing the verbiage on the proposed business-related signs to read “business area” instead of “businesses”. He thought that Option C could be a possible option to consider implementing in the future and that LMAC would need to weigh in further on Option C.

Theo Holtwijk said one component of the sign project is an economic development component. He said the next step would be to obtain cost estimates from a sign firm. He mentioned that public forums were held to solicit input on the design elements for the signs. The original CDC, from a few years ago, suggested to not include graphic elements on the smaller signs. But now staff are recommending including the graphic elements to create consistent branding and visual interest.

Theo Holtwijk mentioned that MDOT standards require certain letter heights and that this fact will need to be taken into consideration when considering the size of the signs and when considering the possibility of adding additional letters to the signs. Councilor Farber suggested

that one possible way to reduce lettering would be to say “W. Falmouth” instead of “West Falmouth” if necessary.

Staff is currently recommending to proceed with Option B in addition to the one large gateway sign. The CDC seemed amenable to this recommendation.

4. Discussion of Water View Ordinance Issues

Councilor Farber said some past discussions suggested some different conceptual options related to this issue. One possibility was to look at creating a separate zoning district for the Foreside area in the long term. Past discussion also included looking at creating a new definition for “building height” in the shorter term to attempt to create a brighter line around how building height is measured. CDC members were going to review some of the conditional use criteria language to see if there were any obvious ways of improving that language.

The CDC commenced to review the conditional use language. It was recognized that this language contains many subjective standards but there was a realization that these ordinance standards are used throughout the entire town. There was a wariness expressed about making wholesale changes to this ordinance section that would end up impacting the entire town, especially since no complaints seem to be arising from this language with the exception of the water view provision.

Councilor Kitchel mentioned the subjectivity of the bulk and scale criterion and wondered if something should be changed but he was not sure what. Councilor Farber said one approach could be new dimensional ordinance standards or creating design standards for a neighborhood. She wonders, though, who the appropriate entity would be to determine what the correct design and general character of a neighborhood should be. In the BZA’s defense, she thinks that the standard of harmonizing with the character of the neighborhood is a difficult standard to apply to some of the older neighborhoods in town that have evolved gradually over time and have a wide variety of character. This is in contrast to a typical newer subdivision where there is much more homogeneity in house design and homogeneity in neighborhood character. Councilor Kitchel thought that most people would likely care less about neighborhood character if their views were not being blocked.

Councilor Ferrante does not think it is the Town’s job to regulate what type of house someone can build. She said this is a very difficult topic to address and that difficulty is the reason why very little to nothing is being done by other communities on this issue. Councilor Farber said the view ordinance is effectively trading off the rights of one property owner over another and that is a complicated thing to do. Councilor Kitchel said some people are calling for a more objective way to do something.

Councilor Farber suggested the possibility of eliminating the water view standard and developing prescriptive design standards that relate to the area’s characteristics.

Ethan Croce said neighborhood character and water view protection are two separate issues. Neighborhood character is a concept that applies town wide and differs widely from neighborhood to neighborhood.

Nathan Poore said one potential unintended consequence to be aware of would be creating nonconformities with new prescriptive ordinance standards. Councilor Ferrante said that she would want to conduct site visits prior to making any preliminary judgments on the potential size and/or location of any potential new district.

Councilor Farber mentioned that there are Shoreland Zone limitations that currently limit expansions of structures and wondered about expanding the Shoreland Zone as a means to capture these ordinance requirements. Ethan Croce said his first blush reaction would be to not expand the Shoreland Zone since this would invoke other standards that could render lots unbuildable and/or unable to accommodate any further development. One example would be the stringent Shoreland Zone impervious surface standards. In addition, he said the strict vegetation protection/enhancement standards might not be viewed favorably by certain residents given all of the testimony heard to-date about concerns of vegetation blocking views. If there is a desire to explore placing Shoreland Zone-type percentage limits on expansions of existing structures that would need to be done thoughtfully and perhaps with an allowance to allow smaller homes a "by right" minimum amount of expansion potential so that smaller homes are not penalized. Councilor Farber wondered if this type of restriction might make creating a two-family dwelling out of a single-family dwelling problematic.

Councilor Kitchel wondered about moving forward with new standards for the Town Landing area. He said one idea could be to take an average of the three largest buildings in the neighborhood and the three tallest buildings. Councilor Farber was unsure about that idea as she thought that there were a lot of very large houses that were not necessarily representative of the area's character as a whole. Councilor Farber wondered about the possibility of creating a zone in and around Town Landing that might include a percentage limit on the increase in the size of existing structures and perhaps looking at possible boundaries of such a zone.

Nathan Poore said staff could print off a large aerial map with elevation contours for the next CDC meeting. Councilor Farber asked about coming up with some numbers showing what a 30% limitation on expansion means, not using specific properties but numbers based on a range of house sizes. Councilor Ferrante thought that it is primarily the largest houses that generate the concern from residents.

Councilor Farber said that another option could be to explore creating lower maximum building height standards in this area. She also thought that the CDC could bring proposed ordinance language related to measuring building height back to the Council earlier to expedite that amendment.

The CDC opened up a public comment period for meeting attendees.

One unidentified attendee from the public spoke. He said that he lives in the Town Landing neighborhood and was not contacted about the survey that was distributed throughout the neighborhood by certain neighborhood residents. He said that he heard third-hand about the survey, which he was not asked to participate in, and would like the CDC to know that the survey's results might very well not represent the consensus of the neighborhood as a whole.

For the next CDC meeting related to Route 100 zoning, Councilor Farber asked if staff could create a table of items summarizing issues that have been agreed upon to-date, issues that the CDC felt need additional input from another entity, and outstanding issues still left to address. Neither Nathan Poore nor Ethan Croce will be able to attend that meeting during school vacation week.

5. Discussion of Temporary Sign Regulation

Nathan Poore discussed the proposed 42 day time limitations for temporary signs and how many/most real estate signs are up for longer durations of time. 42 days is the State standard for all temporary signs in street rights of way. Councilor Farber questioned whether the CDC's intent was to limit the duration of temporary signs on private property to only six weeks.

The CDC agreed to Nathan Poore's suggestion that temporary signs be prohibited in public road medians and in the public right of way between the sidewalk (where a sidewalk exists) and the road travelway. Councilor Farber said those proposed limitations could help reduce enforcement problems. She thought that the Town would need to conduct an information push if this ordinance passes and wondered about allowing longer time frames for temporary signs in commercial districts.

Nathan Poore brought up the potential loophole of a sign owner moving a temporary sign slightly, or changing its content slightly, and then having the sign owner claim that it is a new sign that is allowed a new 42 day timeframe to exist. He also pointed out the inherent difficulties of enforcing this type of ordinance. He said that the former complaint-driven system of sign enforcement will no longer be allowed due to the implications of the Reed v Gilbert court decision.

Councilor Farber pointed out that landlords could help play a role in limiting the abuse of the proliferation of temporary signs too since they want their properties to look nice. She suggested taking this draft of the sign ordinance to the full Council with the previously discussed change to limit locations within the public right of way where signs can be located. This will allow for some degree of Council, and perhaps public, input.

Agenda Item 2 (Deferred from earlier in the meeting) - Approval of Minutes from 12/21/17 and 3/6/18 CDC meetings

Motion by Councilor Ferrante, seconded by Councilor Farber, to approve the two sets of meeting minutes. The motion was approved 3-0.

6. Schedule Next CDC Meetings

The next CDC meetings were scheduled as follows:

- Thursday, April 19 at 5:30 pm to discuss Route 100. (Ethan and Nathan will not be able to attend this meeting.)
- Monday, April 30 at 5:30 pm to discuss Water View issues. Staff will print a large-scale aerial map with contours for this meeting and include draft building height language if able to complete by then;
- Thursday, May 17 at 5:30 pm with no agenda determined.

7. Adjourn -The meeting adjourned at 8:00 pm