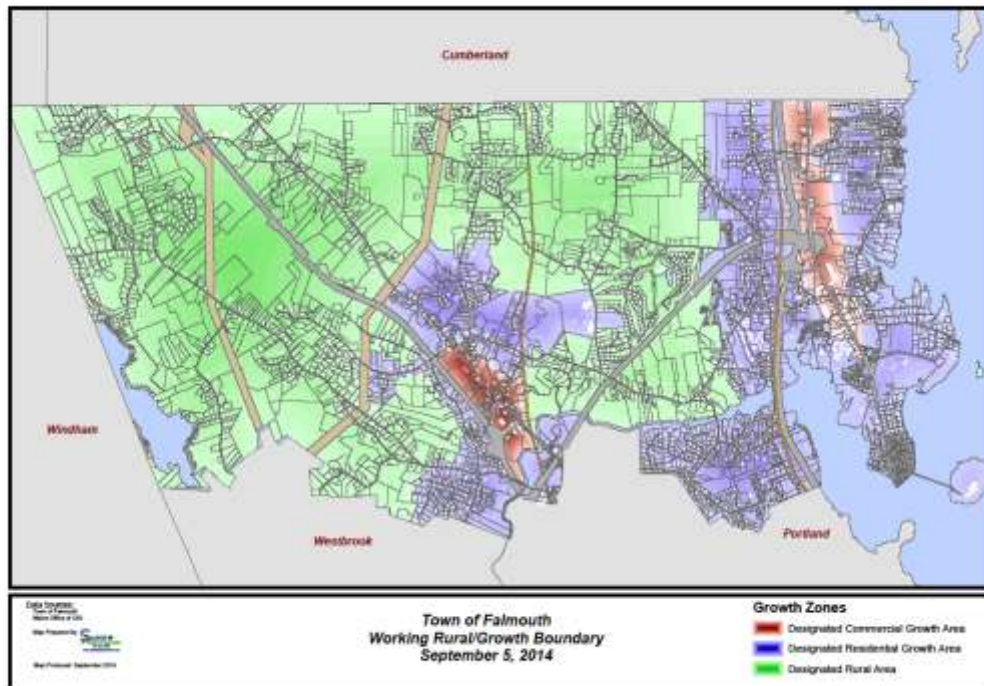


**Comprehensive Plan Implementation Year 1
April 27, 2015 Report to the Town Council submitted by
Community Development Committee and
Long-Range Planning Advisory Committee**

In February 2014 the Town Council adopted the 2013 Comprehensive Plan. From a land use perspective, this plan presented the concept of growth and rural areas for Falmouth. The draft land use map below shows two “Commercial Growth Areas” (in red) surrounded by “Residential Growth Areas” (in blue). The remainder of the community is designated as a “Rural Area” (in green).



Several considerations drove this important growth-rural distinction:

- Falmouth’s tradition of fiscal and management prudence. Our community’s resources are limited and should be used the best we can.
- Most all Town facilities and utility infrastructure are located inside the growth area. Future growth should occur where density and services are already present.
- Falmouth has a long passion and commitment to open space and activity. The rural character of our community is an important aspect that should be protected.
- Falmouth’s demographics are changing with the “graying of America.” There is desire for a walkable community where one can age- in-place.

This led to the Plan’s major adopted policies, which include:

- increasing the share of residential growth in the growth area to a significant majority of all new growth,
- making more of the growth area accessible for public sewer service, and
- continuing to allocate most of any new municipal infrastructure capital investments into the designated growth areas.

Two committees – CDC and LPAC – were charged by the Council with developing recommendations with regard to:

- maintaining the character of, and limiting growth in, the rural area and
- stimulating residential growth in growth areas, with the goal to achieve the majority of new homes in designated growth areas over the next 10 years.

The committees have been tackling two core questions:

- How can the Town best encourage new housing to locate in growth areas, in a manner that is compatible with existing neighborhoods?
- How can the Town best maintain rural character, but still allow some new homes to be built in the rural part of town?

The Council made the following specific assignment of Comprehensive Plan tasks:

44A	Review the existing Future Land Use Plan and finalize the boundaries between the rural and growth areas on the Future Land Use Plan map.	2014/15 In process	CDC
44B	Review the Areas for Potential Zoning Review map and confirm or amend the recommendations for areas to be reviewed for zoning changes including protection of natural resources and recommend zoning changes for Areas 1-9.	2014/15 In process	CDC
41/50	Review the current growth permit provisions in the ordinance and develop amendments that will result in the significant majority of new residential units to be constructed in the growth areas and limit the number of residential units in the rural areas over the next ten years. This includes looking at a variety of regulatory tools that help to manage/plan growth.	2014/15 In process	CDC
21A	Study the growth areas to determine the historic growth patterns in established neighborhoods, such as The Flats, Foreside, Pleasant Hill, and Brookside, including density (lot size), dimensional requirements and pattern of development and compare the results to existing zoning requirements in these areas. Amend the Land Use Ordinance to reduce most of the non-conformities found.	2014/15 In process	LPAC
21B	Use the results to evaluate underdeveloped, undeveloped and currently developed parcels in the growth area and recommend new regulatory standards and incentives to promote compact, walkable neighborhood design and increase the development potential of growth areas, while respecting unique characteristics of neighborhoods	2014/15 In process	LPAC
31	Proactively plan for sewer, water, and other utility extensions in the designated growth area. Assess the options and means of participating in collaborative efforts with agencies and regional groups to better serve residents and businesses. (a) Assess the implications of increased emphasis on smaller, clustered lots as they pertain to reliability of wells and septic in closer proximity to each other, and if/how this should affect proactive extensions of public water and/or sewer service. (b) Establish a plan for additional public water service in the designated growth area in cooperation with the Portland Water District (PWD). (c) Establish a plan for targeted sewer service in the designated growth area. <i>The Council authorized a sewer master plan for the area west of Interstate 295.</i>	2014/15 In process	Council, CDC, LPAC

LPAC – Growth Area Summary and Recommendations

LPAC translated its assignments into three related work components. It saw its task to recommend ordinance amendment concepts for the growth area to:

1. Re-align zoning requirements with existing building patterns in established neighborhoods,
2. Increase development potential of growth area, while respecting neighborhood character, and
3. Promote compact, walkable neighborhoods.

The overall goal of LPAC’s work is to recommend methods that will allow a significant majority of new residential development to be located in the growth area of Falmouth.

1. Re-align zoning requirements with existing building patterns in established neighborhoods

REDUCE NON-CONFORMITIES

It has been suspected that the current minimum lot size requirements in the RA, RB, and R-C districts in many cases are considerably larger than the lots in those areas that have existing homes on them. This results in so-called “non-conforming” lots and/or structures.

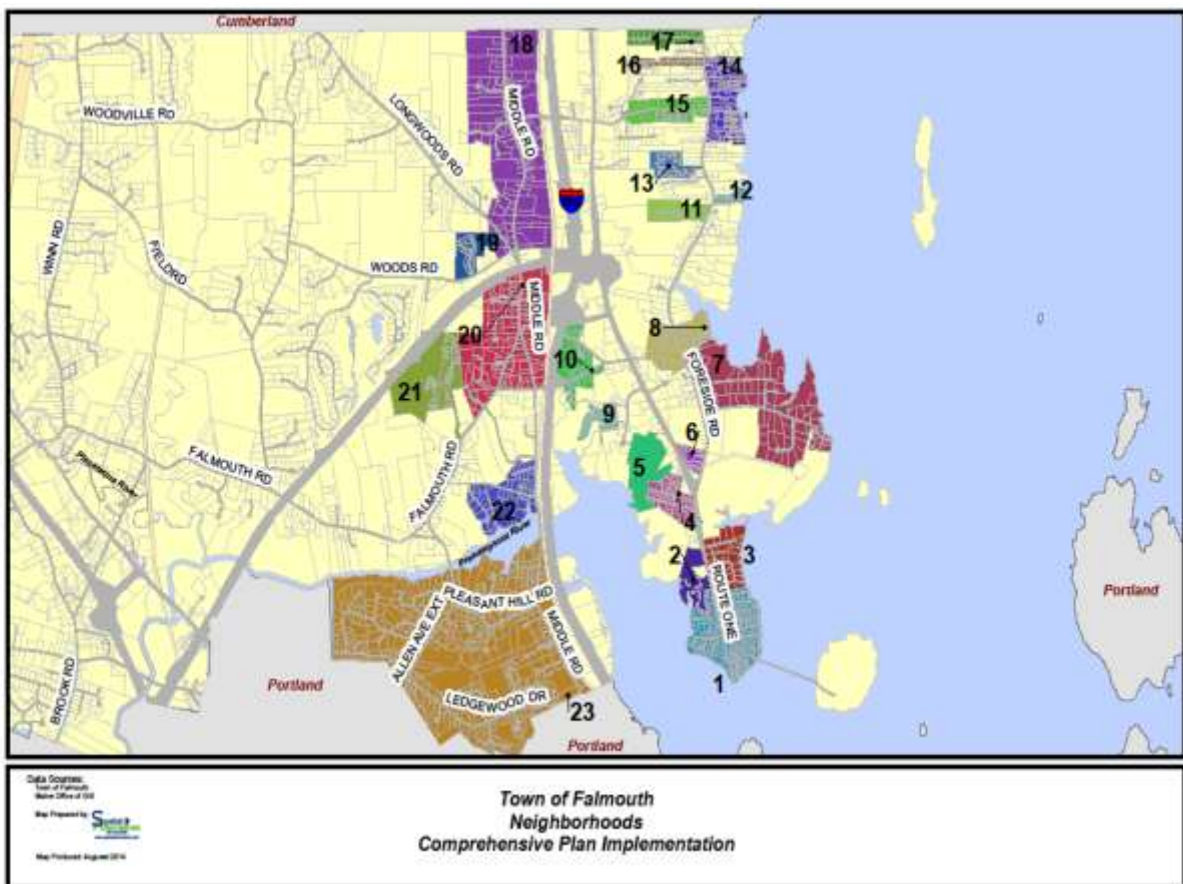
In many cases, this means that building construction requires Board of Zoning Appeals approval. Besides adding time and expense for BZA applicants and a busy BZA review schedule, the current rules discourage improvements or expansions to be made to existing homes. This has led some homeowners to relocate to other locations in Falmouth or elsewhere. Not being able to build on certain vacant lots limits the capacity of the growth area to absorb new residential infill development.

LPAC believes that if existing non-conformities in the growth area can be reduced, building in this area will be made easier, which will help encourage appropriate growth.

To this end LPAC investigated the extent of non-conformities in the RA, RB, and RC districts. As there are lot variations within these areas, it identified a number of “sample” neighborhoods and selected several of them to study in more detail. The selected neighborhoods are highlighted in yellow below.

	Sample Neighborhood	Zoning District
1	The Flats	RA
2	Foreside Common (Condos)	RA
3	Carroll Street	RA
4	Providence Avenue	RA
5	Foreside Estates (Condos)	RB
6	Colonial Village (Condos)	RA
7	Waites Landing/Thornhurst	RC
8	Depot Road/Edgewater Street	RA
9	Tidewater Village	TMPD
10	Depot Road/Lunt Road	RA
11	Preservation Drive	RA
12	Modokawando Road	RA

13	Applegate (Condos)	RA
14	Town Landing/Amerescoggin Road	RA
15	Johnson Road	RA
16	Underwood Road	RA
17	Hedgerow Drive	RA
18	Middle Road/Johnson Road	RBm
19	Cornerstone	OSRD
20	Middle Road/Falmouth Road	RB
21	Ridgewood	OSRD
22	Merrill Road	RB
23	Pleasant Hill/Ledgewood Drive	RA



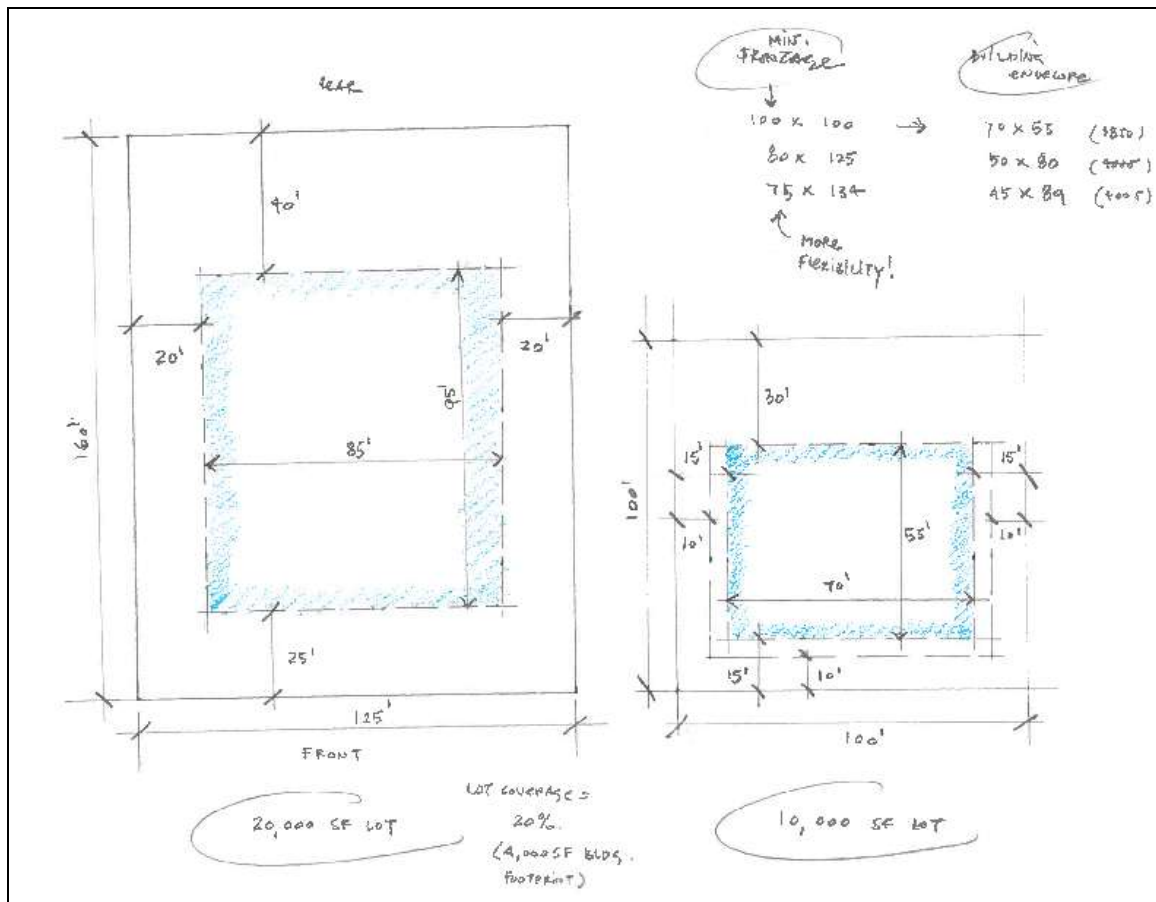
LPAC found that in some of these neighborhoods in the RA district non-conformities on lot size reached 79 to 94%. Lot width non-conformities ranged between 52 and 74%. Lot coverage non-conformities ranged from 39 to 97%. Non-conformities due to setbacks ranged from 86 to 100% of existing homes in the sample neighborhoods. Lot non-conformity in the RB district reached 43% and 45% in some areas. As lot non-conformity in the RC district reached only 31% it was deleted from further study. See appendix A for the complete data and appendix B for illustrations of various existing neighborhoods.

LPAC examined possible, compatible reductions in minimum lot size requirements on a neighborhood-by-neighborhood basis. It initially had as a goal to limit non-conformities on lot sizes to a maximum of

25% in each sample neighborhood. Due to the great variety of lot sizes, this proved to be quite complicated as the chart in appendix C shows.

LPAC subsequently arrived at the goal to reduce overall lot non-conformity in the RA and RB districts from 42% and 36% respectively to approximately 25% by reducing minimum lot size requirements on a district-wide basis.

An examination of setback non-conformity found very high levels. In some neighborhoods this was as much as 100%. See appendix D for the data on setback non-conformity. Reducing setback requirements to allow for suitable building envelopes, while ensuring adequate privacy, was deemed essential. The sketch below explored some possibilities.



The lot coverage requirement of 20% in RA and RB districts is proposed to remain as it is as a measure that can help to prevent overbuilding on lots.

LPAC recommends reducing the dwelling unit density in the RA district from the current minimum of 20,000 square feet to 10,000 square feet per unit, and in the RB district from the current minimum of 40,000 square feet to 30,000 square feet in East Falmouth (RB1) and retaining the 40,000 square feet minimum in West Falmouth (RB2). Lot sizes in the RA district are proposed to be as small as 5,000 square feet. Lot sizes in the RB1 district are proposed to be as small as 15,000 square feet.

2. Increase development potential of growth area, while respecting neighborhood character

ENCOURAGE ACCESSORY DWELLING UNITS

Accessory dwelling units (ADU) are additional living quarters on single-family lots that are independent of the primary dwelling unit. Separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence. Two types of ADU's exist in Falmouth: apartments and cottages. Each property is allowed to have one ADU regardless of lot size. ADU's are typically quite small and must be subordinate in size to the main dwelling. Conditional use permits are required for all accessory dwelling units, requiring approval from the Board of Zoning Appeals (BZA). Such approval is routinely granted.

ADU's, although currently relatively few in number in Falmouth, are a form of housing that may allow more people to age-in-place, or have family members live nearby, may help to increase the community's affordable and convenient housing supply, can blend in with surrounding architecture and be compatible with established neighborhoods, and is efficient by utilizing existing utilities. See appendix E for some ADU examples in Falmouth.

LPAC reviewed the current rules for ADU's and found that they were relatively restrictive, somewhat inconsistent, and not always clear to applicants. The BZA approval process seems to add a sometimes unnecessary additional step in the process. Research was also done on ADU studies and rules in other communities.

LPAC believes that accessory dwelling units should be encouraged in an appropriate, streamlined manner as it allows another housing option that may fit people's needs and is an efficient and compatible way to use land in the growth area.

LPAC recommends simplifying ADU rules and distinguishing between "large" and "small" ADU's. Small ADU's – defined in the recommendations chart - on conforming lots are recommended to require only Code Enforcement Officer (CEO) approval. Larger ones will still be required to obtain BZA approval. Regardless of size, ADU's on non-conforming lots in Water View Overlay District will still be required to obtain BZA approval.

ENCOURAGE COMPATIBLE MULTIPLEX HOUSING

Multiplex units (2 or more units in a single building) are permitted in the RA and RB district, however lot size and other dimensional requirements make it difficult to implement. In addition, all multiplexes require Board of Zoning Appeal as well as Planning Board approval. See Appendix F for some examples of multiplex units in Falmouth.

LPAC believes that appropriately sized and designed multiplexes – especially duplex units - are another housing option that may fit people's needs and is an efficient and compatible way to use land in the growth area.

LPAC recommends that standards for, and review of, multiplex units, especially duplex units, be made more flexible.

GROWTH POTENTIAL ESTIMATE

To get an idea of the development capacity of the growth area, LPAC used GIS analysis and applied the current zoning rules, as well as possible new densities. Various assumptions were made: Not all vacant land in the growth area is suitable or cost-effective for development, nor do all owners of developable land have the inclination to do so. Neither will all available and suitable land all be developed at once to its maximum ability. The idea behind doing the GIS exercise was not to arrive at an absolute growth potential (or “build out”) figure, but to have a comparable sense of its potential magnitude.

The categories in the charts below were arrived at as follows:

Area Studied

- Current RA and RB districts were included.
- Those portions of the F districts that are to be incorporated in Growth Area were not included and will have additional development capacity.

Vacant Lots

- These lots are those lots which are at least five (5) times the minimum lot size.
- All lots that are less than five (5) times the minimum lot size are excluded.
- This is to account, in some measure, for the fact that a certain number of lots will be inaccessible, unbuildable (for a variety of reasons), or unavailable for development.
- For example, lots in RA that are less than 100,000 sf in current zoning are excluded. Lots in RA that are less than 50,000 sf in proposed zoning are excluded.

Partially-Developed Lots

- These lots are those lots which already have an existing structure and which are at least three (3) times the minimum lot size.
- All lots in that category that are less than three (3) times the minimum lot size are excluded.
- This is to account, in some measure, for the fact that a certain number of lots will be unbuildable (for a variety of reasons) or unavailable for development.
- However, in some cases, it may be possible to add new units on those lots, for example, through a private way.
- Already built lots in RA that are less than 60,000 sf in current zoning are excluded. Already built Lots in RA that are less than 30,000 sf in proposed zoning are excluded.
- For the RB calculations, a proposed density of 1 unit per 30,000 sf was used.

Built-Out Lots

- These lots are all vacant lots that are less than five (5) times the minimum lot size as well as lots which already have an existing structure and which are less than three (3) times the minimum lot size.

Unbuildable Lots

- These lots are lots in public or land trust ownership, lots with existing uses that prevent residential development (such as cemeteries, churches, etc.), and lots with known conservation easements.

Gross Acres

- This is the total acreage of the lots that are counted in a particular category.

Wetland Acres

- This is the acreage of mapped wetlands on the lots that are counted as wetlands are an important limiting factor for development.

Net Acres

- This is the total net acreage of the lots that are counted.
- No determination was made if a specific lot has, or does not have, any development potential due to the presence of wetlands.

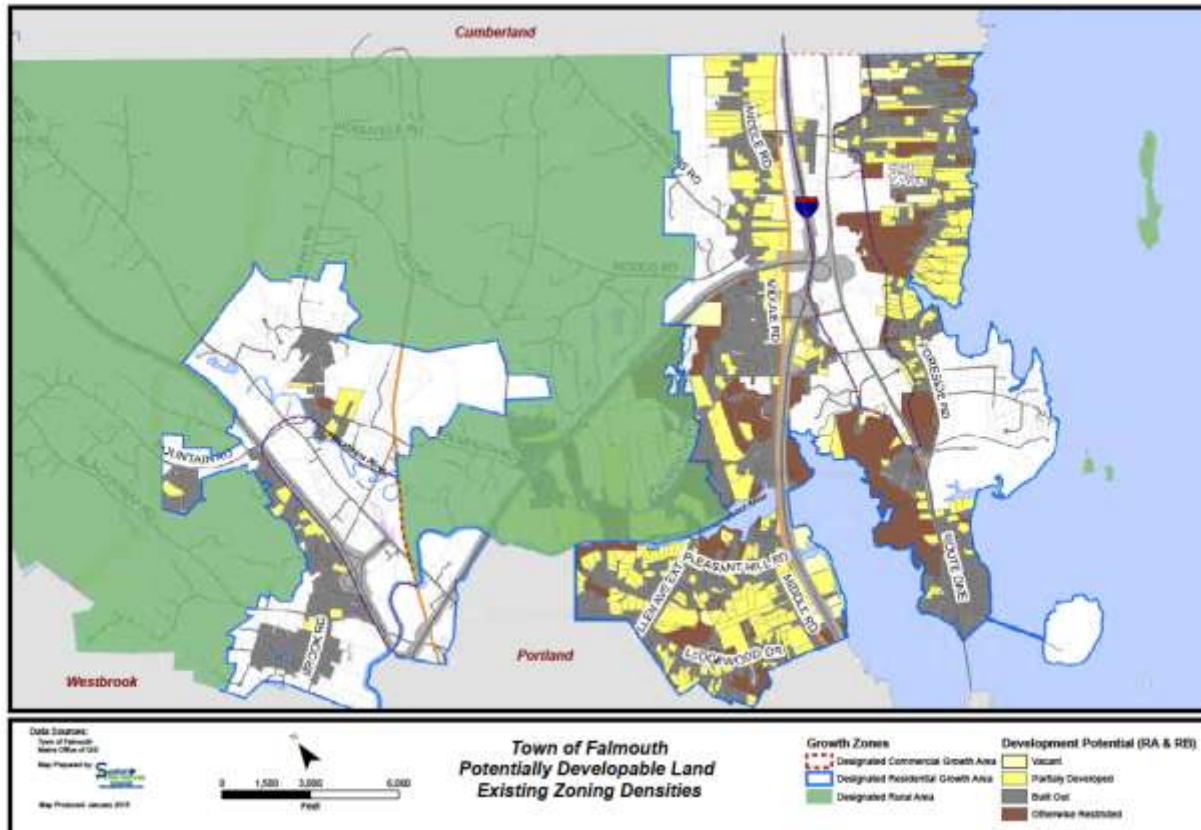
Potential SFDs

- This is the net acreage divided by the minimum lot size.
- One unit per lot of the partially developed lots was deducted as that accounts for the unit that currently exists.
- No allowance is made for road development or other factors that may limit actual development on a specific lot.
- No allowance is made for the potential development of accessory dwelling units or multiplex developments.
- The potential for new units was calculated on a lot by lot basis and resulting fractions of a unit were rounded down.

Existing Conditions

RA (20,000 sf)	Lots	Gross Acres	Wetland Acres	Net Acres	Potential SFDs
Vacant	17	104	16	88	185
Partially Developed	223	642	12	630	1047
Built Out	1400	701			0
Unbuildable	329	501			0
	1969	1948			1232

RB (40,000 sf)	Lots	Gross Acres	Wetland Acres	Net Acres	Potential SFDs
Vacant	5	56	2	54	57
Partially Developed	52	311	3	308	258
Built Out	569	598			0
Unbuildable	34	161			0
	660	1127			315

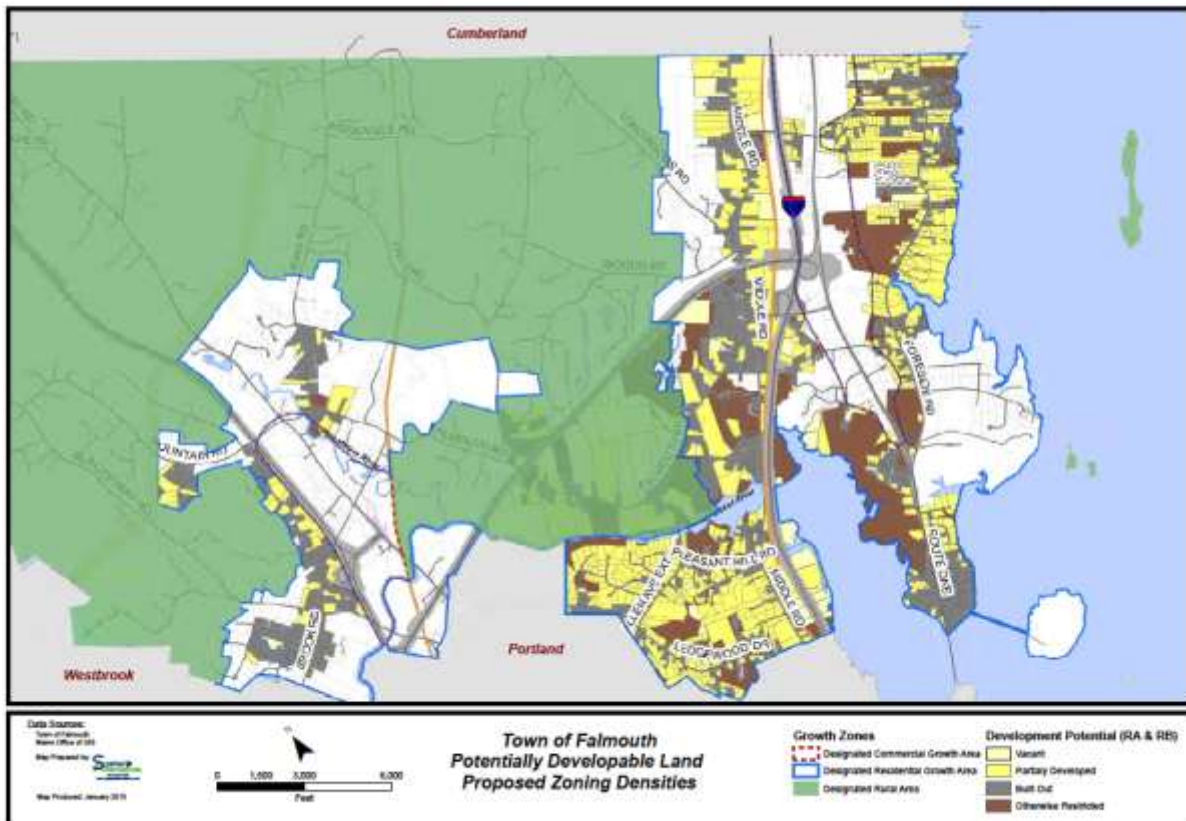


The white areas on the map above indicate zoning districts for which no recommendations have been made (such as RC, VMU, etc.) and areas that are proposed to be included in the Designated Growth Area (and which require rezoning from Farm and Forest district to another district – see discussion below). These areas would presumably add to the potential development capacities of the calculations below.

Proposed Conditions

RA (10,000 sf)	Lots	Gross Acres	Wetland Acres	Net Acres	Potential SFDs
Vacant	25	117	19	99	420
Partially Developed	568	973	16	957	3338
Built Out	1047	357			0
Unbuildable	329	501			0
	1969	1948			3758

RB (30,000 sf)	Lots	Acres			Potential SFDs
Vacant	8	68	2	66	92
Partially Developed	89	399	5	395	444
Built Out	529	499			0
Unbuildable	34	161			0
	660	1127			536



The map above shows additional areas that have development potential. These have been quantified in the charts above. Again, the white areas may have additional development capacity.

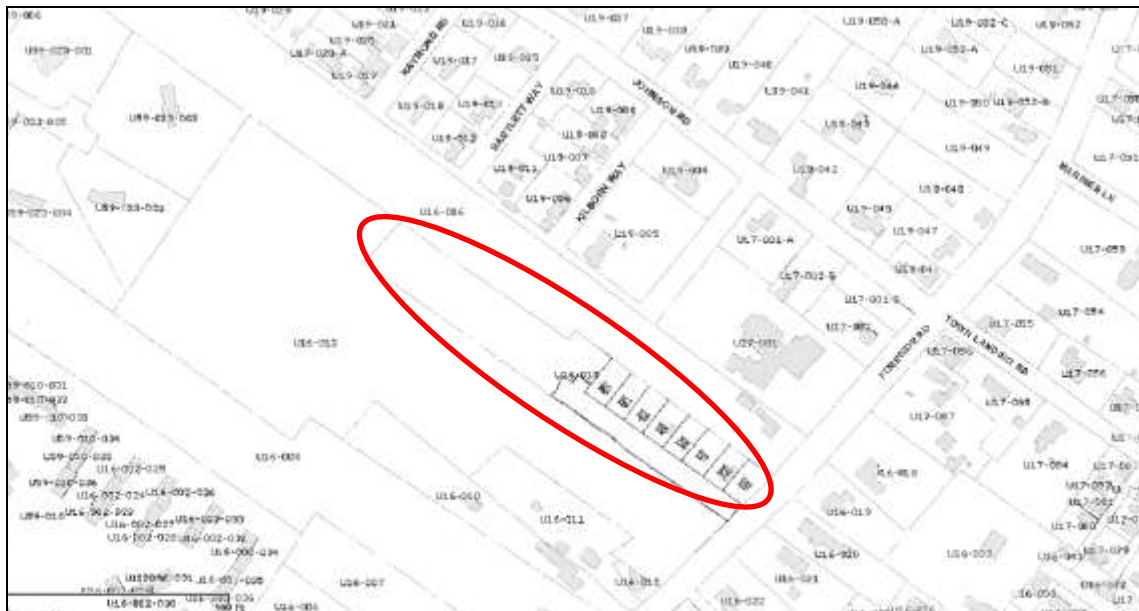
The GIS capacity analysis showed that the capacity in existing RA and RB areas created by proposed densities may potentially be three times as great as the capacity of the same areas with current densities.

3. Promote compact, walkable neighborhoods

Constructing good infill development in established neighborhoods requires that is compatible with what exists around it and acceptable to neighborhood residents. Besides appropriate densities and setbacks, new developments may need to include certain neighborhood features that will allow them to be embraced, rather than resisted. LPAC started to investigate good neighborhood design characteristics by examining existing developments in Falmouth and the region, as well as researching “best practices” literature on the subject.

LPAC applied the recommended zoning concepts to some sample pilot sites to get a sense how hypothetical developments could relate to, and be compatible with, existing neighborhood character.

The former Brown property, located adjacent to Underwood Park on Route 88, was acquired by the Town a few years ago and the existing residence was removed. A 2.84-acre portion of the property is hypothetically available for development. Current zoning is RA. With some allowance for wetlands and road right-of-way, four 20,000 sf lots could be developed on this site with current zoning. The sketch below shows 8 lots of 5,000 s.f. each (each approximately 56 by 90 feet) that could be developed with the proposed zoning. Access would be created by a 450 feet long road. About half of the property would be preserved as permanent open space. Alternatively, eight 10,000 s.f. lots can be developed, with a longer road and less preserved open space.



There is a possible second pilot site located near the former Brown property on Foreside Road. Permission needs to be secured from the owner before this site should be included in this report.



Figure 1: Stepping Stones property, 267 Foreside Road

OUTREACH

LPAC's recommendations was guided by feedback obtained from the Board of Zoning Appeals, Code Enforcement Officer, Planning staff, and two community conversations – one with Town board and committee members, the other with Falmouth-area real estate development professionals.

NEXT STEPS FOR PART 1 RECOMMENDATIONS

1. Review of recommendations with CDC (January 26)
2. Conduct joint CDC-LPAC meeting with property owners and general public to review proposed Growth and Rural Concepts (conversation #3, TBD).
3. Revise recommendations as needed.
4. Submit to CDC and Council.

PART 2 GROWTH AREA WORK BY LPAC

- A. Make concept recommendations for residential growth to increase vibrancy in commercial/mixed use growth area.
- B. Make concept recommendations for other issues that could encourage residential growth in growth area, such as:
 - i. sewer policy
 - ii. amount of required open space in RCZO in growth area
 - iii. reward development with a residential density bonus for projects that exceed ordinance requirements for quality open space, public access to open space, and bicycle/pedestrian connectivity

RECOMMENDED GROWTH AREA CONCEPTS

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
DIMENSIONAL STANDARDS IN GROWTH AREA			
1	Minimum single family lot size in RA District	20,000 s.f.	5,000 s.f.
2	Minimum net residential area ¹ per dwelling unit in RA District	Not stipulated	10,000 s.f.
3	Minimum Net Residential Area Per Lot in RA district (see section 5.31.2)	15,000 s.f.	5,000 s.f.
4	Minimum single family lot size in RB1 District	40,000 s.f.	15,000 s.f.
5	Minimum net residential area per dwelling unit in RB1 District	Not stipulated	30,000 s.f.
6	Minimum Net Residential Area Per Lot in RB1 district (see section 5.31.2)	20,000 sf	15,000 sf
7	Minimum single family lot size in RB2 District	40,000 s.f.	20,000 s.f.
8	Minimum net residential area per dwelling unit in RB2 District	Not stipulated	40,000 s.f.
9	Minimum Net Residential Area Per Lot in RB2 district (see section 5.31.2)	20,000 sf	Keep as is
10	Minimum single family lot size in RC District	60,000 s.f.	Keep as is
11	Single family lot width in RA District	125 feet	50 feet

¹ Net residential area shall be determined by subtracting from the gross acreage the following:

- a. 10% for roads and parking.
- b. Land which is cut off from the main parcel by a road, existing land uses, or where no means of access has been provided, so that it is isolated and unavailable for building purposes or for common use.
- c. Land shown to be in the flood way or coastal high hazard area on the Flood Boundary of Flood Insurance Rate Maps of the Town of Falmouth.
- d. Other land which is unsuitable for development in its natural state because of topography, drainage, or subsoil conditions. Specific conditions include but are not limited to:
 - (1) Areas having sustained slopes in excess of twenty-five (25%) percent or unstable soils subject to slumping, mass movement, or accelerated erosion.
 - (2) Areas classified as wetlands by state or federal law. [Amended, 8/26/96]
 - (3) Areas characterized predominately by "coastal wetlands" as that term is defined in 38 M.R.S.A. subsection 472(2). [Amended 12/22/86.]
- e. Land in rights-of-way or easements.
- f. Land in Resource Protection Districts.

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
9	Single family lot width in RB Districts	150 feet	100 feet
10	Single-family, detached setbacks in RA District	Front: 25 feet Side: 20 feet Rear: 40 feet	Front: 10 feet Side: 10 feet Rear: 30 feet
11	Single-family, detached setbacks in RB Districts	Front: 25 feet Side: 20 feet Rear: 40 feet	Front: 15 feet Side: 15 feet Rear: 30 feet
12	Front setback encroachment for front porches and front steps RA and RB Districts	No allowance made	Allow 5 feet encroachment in RA and RB

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
ACCESSORY DWELLING UNITS (ADU) STANDARDS			
1	Standards for ADU apartments versus ADU cottages	Different standards for ADU apartments versus ADU cottages.	Have same standards for ADU apartments and ADU cottages.
2	Min. size for ADU	360 s.f.	No minimum ADU size requirement
3	Min. size requirement for main dwelling unit with ADU apartment	1,260 s.f.	No minimum size requirement for main dwelling unit
4	Max. ADU size	For ADU apartments: Reverse proportional to single family dwelling floor area. ² For ADU cottages: Not to exceed 100% of main dwelling floor area or 850 s.f., whichever is less.	Maximum ADU size is 100% of main dwelling unit. No absolute floor area maximum for ADU.

² Current limits are as follows:

If the floor area of the single family dwelling unit is:	The floor area of the accessory apartment shall not exceed:
Under 2,000 square feet	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft., whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft., whichever is greater
Over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

5	ADU Review	All ADU's are conditional uses and are sent to Board of Zoning Appeals (BZA).	ADU's that are 75% or less of the main dwelling and less than 1,000 sf should be reviewed by the CEO as permitted by right. ADU's that are more than 75% of the main dwelling or more than 1,000 sf should continue to be reviewed by Board of Zoning Appeals as conditional uses. Regardless of size, all ADU's on nonconforming lots in Water View Overlay District shall continue to be reviewed by Board of Zoning Appeals as conditional uses.
6	ADU appearance	There are general requirements for all exterior modifications of ADU.	Keep as is
7	ADU residency	No on-site owner residency requirement for ADU. Can be rental or for in-laws.	Keep as is
8	ADU parking	1 off-street space for ADU. (Single family requirement is 2 spaces per unit.)	1 off-street space for ADU 1,000 s.f. or less. 2 off-street spaces for ADU's greater than 1,000 s.f.

		CURRENT REGULATION	PROPOSED CONCEPT BY LPAC
MULTIPLEX STANDARDS			
1	Definition of multiplex	A group of attached dwellings containing dwelling units arranged side by side or back to back or in other configurations. ³	Keep as is
2	Minimum multiplex site size in RA District	2 acres	20,000 s.f. for 2 units 30,000 s.f. for 3 units 1 acre for 4 or more units
3	Minimum multiplex site size in RB Districts	2 acres	1 acre for 2 or more units
4	Min. net residential area per dwelling unit for multiplex in RA District	15,000 s.f.	7,500 s.f.
5	Min. net residential area per dwelling unit for multiplex in RB Districts	30,000 s.f.	20,000 s.f.

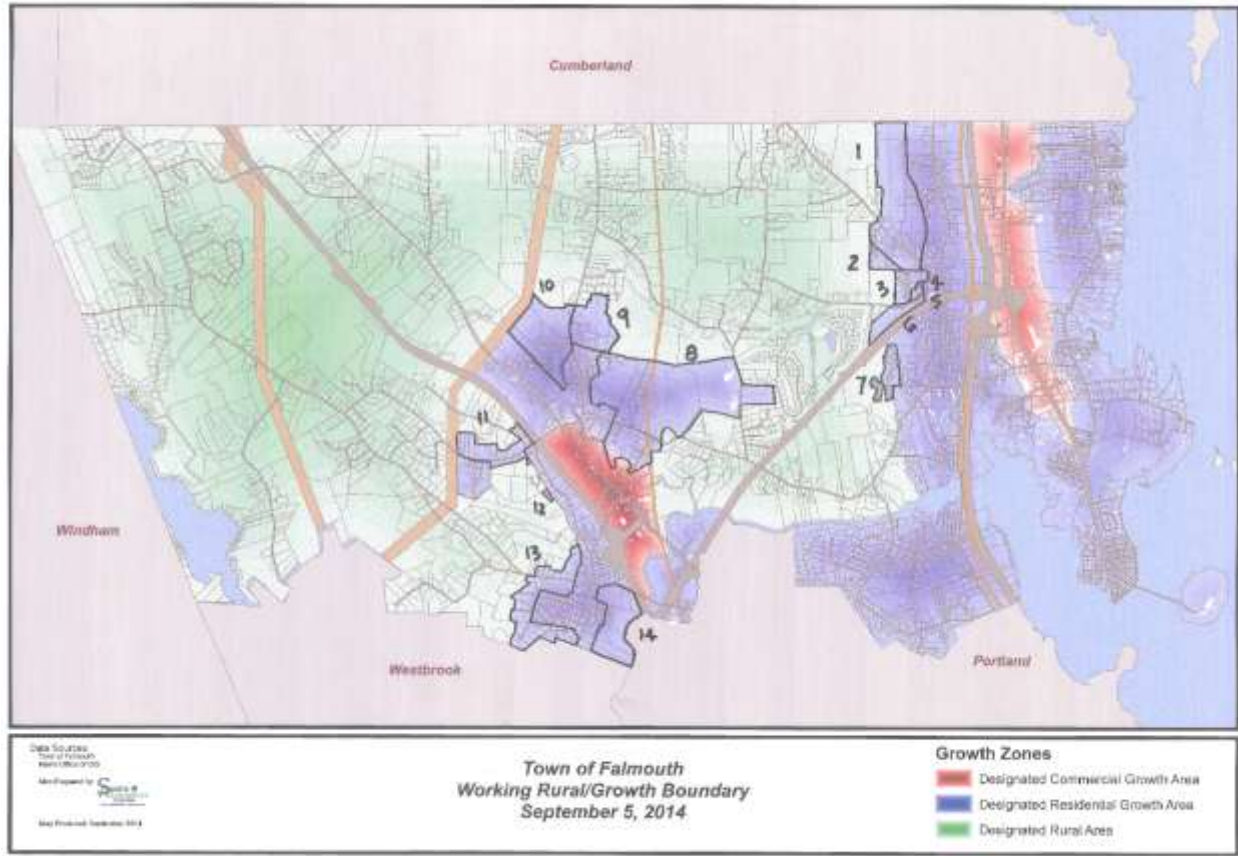
³ The Zoning Ordinance includes an inconsistent definition of "Dwelling, Multiplex" as "A building designed or intended to be used, or used exclusively for residential occupancy by three (3) or more families living independently of one another and containing three (3) or more dwelling units, including apartment buildings and condominiums, but excluding single-family dwellings with an accessory apartment permitted under Section 5.22." Staff is intent on rectifying this inconsistency and has applied a "2 or more unit" standard for multiplexes.

6	Distance between multiplex buildings	Multiplex buildings shall be located at least 200 feet apart	Delete this requirement
7	Multiplex lot width	200 feet	150 feet
8	Multiplex set backs	Front: 50 feet Side: 50 feet Rear: 50 feet	For duplex units – Front: 20 feet Side: 20 feet Rear: 30 feet For 3+ units – Keep as is
9	Multiplex permission	Conditional use in RA and RB	For duplex units – allow as permitted by right For 3+ units – Keep as is
10	Multiplex review	Site plan review by Planning Board	For duplex units – building permit review by CEO For 3+ units – Keep as is
11	Multiplex design guidelines	No design guidelines	Add design guidelines for 3+ units

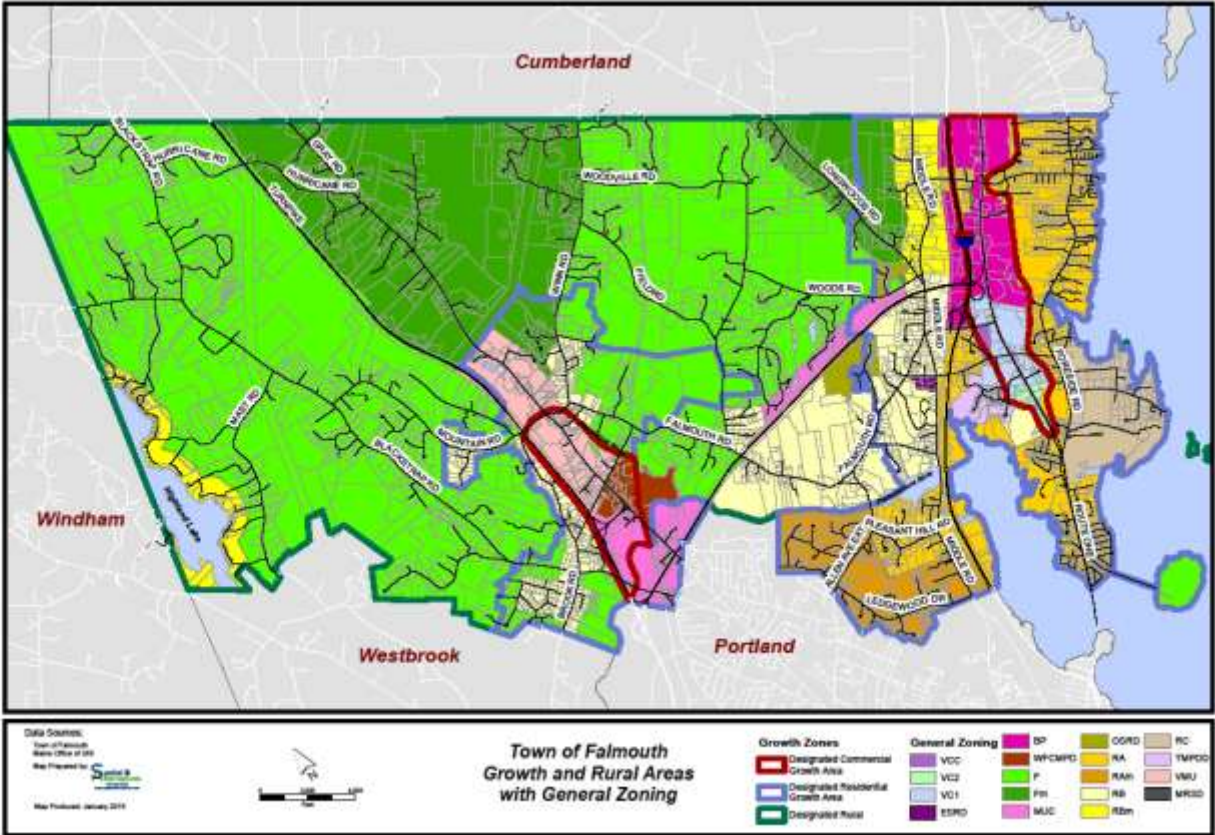
ZONING MAP AMENDMENTS

Various areas currently have a “rural” zoning district designation (such as F, Farm and Forest), but are proposed to be placed in the Town’s designated growth area. These areas have been shown on the map and are listed below with the proposed new zoning district designation. As these areas abut current RB districts, it is recommended that most of them should be placed in either an RB1 or RB2 district. One exception to this is area 9, east of Winn Road. That area is proposed to remain a Farm and Forest district with a minimum density of 1 unit per 80,000 sf.

See the chart below for the proposed zoning district designations.



		CURRENT DISTRICT	PROPOSED DISTRICT BY LPAC
ZONING MAP AMENDMENTS			
1	North of Longwoods Road	Fm	RB1
2	South of Longwoods Road	F	RB1
3	Cornerstone	OSRD	OSRD
4	Southeast of Cornerstone	Fm	RB1
5	East of Cornerstone	F	RB1
6	North of Turnpike Spur	MUC	RB1
7	Ridgewood	OSRD	OSRD
8	Along Falmouth Road + School Campus	F	RB2
9	East of Winn Road	F	F
10	West of Winn Road	Fm	RB2
11	Along Mountain Road	F	RB2
12	West of Brook Road	F	RB2
13	West of Brookside Drive	F	RB2
14	East of Brookfield Road	F	RB2



Appendix A: Non-Conformity Data in Sample Neighborhoods

	Neighborhood	Zoning District	Total Area (acres)	Total lots	Built lots	Density (units/acre)	Lots < Min Lot	Non-conforming Lots			% Non-conforming lots			
								Lot Width	Lots > 20% Coverage	Lots Overlap Any Set Back	Lot size	Lot width	Lot coverage	Setbacks
1	The Flats	RA	85	287	268	3.14	245	203	59	245	85%	71%	22%	91%
2	Foreside Common (Condos)	RA	13	63	62	4.74	NA	NA	NA	NA	NA	NA	NA	NA
3	Carroll Street	RA	45	32	30	0.66	0	0	0	Not Analyzed	0%	0%	0%	
4	Providence Avenue	RA	27	75	65	2.42	59	46	3	61	79%	61%	5%	94%
6	Colonial Village (Condos)	RA	11	73	72	6.58	NA	NA	NA	NA	NA	NA	NA	NA
8	Depot Road/Edgewater Street	RA	48	82	74	1.55	58	43	72	74	71%	52%	97%	100%
10	Depot Road/Lunt Road	RA	39	39	37	0.95	6	0	9	Not Analyzed	15%	0%	24%	
11	Preservation Drive	RA	24	16	13	0.54	0	0	0	Not Analyzed	0%	0%	0%	
12	Modokawando Road	RA	6	20	18	3.25	18	7	7	18	90%	35%	39%	100%
13	Applegate (Condos)	RA	23	76	75	3.22	NA	NA	NA	NA	NA	NA	NA	NA
14	Town Landing/Amerescoggin Road	RA	57	186	164	2.90	152	93	68	162	82%	50%	41%	99%
15	Johnson Road	RA	37	60	57	1.53	28	27	4	50	47%	45%	7%	88%
16	Underwood Road	RA	12	47	42	3.58	44	35	11	36	94%	74%	26%	86%
17	Hedgerow Drive	RA	23	24	24	1.03	0	0	0	Not Analyzed	0%	0%	0%	
23	Pleasant Hill/Ledgewood Drive	RA	691	526	454	0.66	110	0	6	Not Analyzed	21%	0%	1%	
TOTAL RA OVERALL			1940	1964	1758	0.91	832	Not Analyzed	168	Not Analyzed	42%		9%	
5	Foreside Estates (Condos)	RB	50	1	?					NA	NA			
20	Middle Road/Falmouth Road	RB	183	141	131	0.72	60	73	3	81	43%	56%	2%	62%
22	Merrill Road	RB	68	55	48	0.71	25	20	0	23	45%	42%	0%	48%
18	Middle Road/Johnson Road	RBm	300	113	104	0.35	15	22	0	Not Analyzed	13%	21%	0%	
TOTAL RB SELECTED AREAS ONLY			1120	659	602	0.54	134	Not Analyzed	3	Not Analyzed	20%		0%	
7	Waites Landing/Thornhurst	RC	202	83	76	0.38	26		1	Not Analyzed	31%		1%	
TOTAL R-C OVERALL														

APPENDIX B: ILLUSTRATIONS OF DENSITY IN EXISTING NEIGHBORHOODS



Figure 2: Underwood Road



32 Underwood Road: 0.40 acres
50 Seaside Way: 0.40 acres
50 Seaside Way: 0.42 acres
Average: 17,714 sf

Lot non-conformity in the neighborhood is 82%



Figure 3: Applegate

3.22 units/acre (= 13,527 sf per unit incl. roads, 11,176 sf +/- net)



Figure 4: Underwood Road



57 Underwood Road: 3,920 sf
55 Underwood Road: 12,197 sf
53 Underwood Road: 9,640 sf
51 Underwood Road: 9,640 sf
Average lot: 8,849 sf

Lot non-conformity in the neighborhood is 94%



Figure 5: Madokawando Road



4 Madokawando Road: 0.14 acres
10 Madokawando Road: 0.23 acres
12 Madokawando Road: 0.11 acres
Average: 5,227 sf

Lot non-conformity in the neighborhood is 90%



Figure 6: Ayers Court



11 Ayers Court: 0.07 acres
9 Ayers Court: 0.07 acres
5 Ayers Court: 0.15 acres
23 Town Landing Road: 0.10 acres
Average: 4,247 sf

Lot non-conformity in the neighborhood is 82%



Figure 7: Dale Street



23 Ramsdell Road: 0.13 acres
3 Dale Street: 0.11 acres
27 Ramsdell Road: 0.06 acres
Average: 3,267 sf

Lot non-conformity in the neighborhood is 82%

APPENDIX C: LOT NON-CONFORMITIES WITH VARYING MINIMUM LOT SIZES

Neighborhood		% Non-Conforming Lots (square feet)								
		42,000	40,000	30,000	20,000 (current min. lot size)	12,500	10,000	7,500	5,000	4,500
1	The Flats				85%	67%	45%	27%	3%	
2	Foreside Common (Condos)									
3	Carroll Street	25%	16%	3%						
4	Providence Avenue				79%	53%	31%	13%	4%	
6	Colonial Village (Condos)									
8	Depot Road/Edgewater Street				71%	26%	21%	15%	6%	
10	Depot Road/Lunt Road			67%	15%	3%	3%	0%		
11	Preservation Drive	25%	25%	0%						
12	Modokawando Road				90%	65%	60%	25%	10%	
13	Applegate (Condos)									
14	Town Landing/Amerescoggin Road				82%	67%	60%	47%	30%	24%
15	Johnson Road				47%	25%	15%	3%	0%	
16	Underwood Road				94%	79%	64%	21%	6%	
17	Hedgerow Drive	58%	50%	21%	0%	0%				
23	Pleasant Hill/Ledgewood Drive			42%	21%	11%	4%	3%	2%	
TOTAL RA OVERALL					42%	29%	23%	16%	10%	10%

		% Non-Conforming Lots				
		45,000	40,000 (current minimum lot size)	30,000	25,000	20,000
5	Foreside Estates					
20	Middle Road/Falmouth Road	59%	43%	32%	27%	21%
22	Merrill Road	64%	45%	33%	25%	20%
18	Middle Road/Johnson Road	26%	13%	9%	9%	6%
TOTAL RB SELECTED AREAS ONLY			36%	24%	20%	14%

APPENDIX D: SETBACK NON-CONFORMITY IN SAMPLE NEIGHBORHOODS

	Neighborhood	% Non-Conforming Lots Existing			
		Any Set Backs	Side	Front	Back
1	The Flats	91%	68%	60%	82%
4	Providence Avenue	94%	65%	71%	88%
8	Depot Road/Edgewater Street	81%	62%	46%	73%
12	Modokawando Road	100%	89%	89%	100%
14	Town Landing/Amerescoggin Road	99%	70%	87%	96%
15	Johnson Road	88%	58%	40%	77%
16	Underwood Road	86%	64%	50%	74%
	TOTAL RA Selected Areas				
20	Middle Road/Falmouth Road	62%	44%	32%	21%
22	Merrill Road	48%	38%	25%	15%
	TOTAL RB SELECTED AREAS ONLY				

APPENDIX E: EXAMPLES OF ACCESSORY DWELLING UNITS IN FALMOUTH



Figure 8: Town Landing Road

2 Town Landing Road: 0.53 acres

ADD SOME ADDITIONAL EXAMPLES OF ACCESSORY DWELLING UNITS

APPENDIX F: EXAMPLES OF MULTIPLEX DEVELOPMENTS IN FALMOUTH



Figure 9: Blueberry Commons, OceanView at Falmouth



Figure 10: Applewood Duplex at Ridgewood

CDC – Rural Area Summary and Recommendations

Summary of Proposals

The CDC presented the following actions to the public on February 26 at a public forum for feedback. All actions ultimately require Town Council action as noted in the list, except for Item 4. The term “Rural Area” in Items 2 through 4 refers to the boundaries as depicted on the map referenced in Item 1.

1. Adoption of the Rural/Growth Boundary as depicted in Attachment 2, a map entitled ‘Working Map, Rural/Growth Boundary, September 5, 2014’. Refer to Attachment 3 for a detailed explanation of the boundary. Attachment 4, a map entitled ‘Growth and Rural Areas with General Zoning’ shows the relationship of existing zoning districts with the proposed Rural/Growth Boundary.
2. Amendment to the Zoning and Site Plan Review Ordinance, Residential Growth Permit, to limit the number of single family dwelling units in the Rural Area to a maximum of 26 units in any calendar year. The total number permitted in the town remains at 65 single family units. Twenty six units in the Rural Area reflect the average number over the last 12 years of units currently being built in the Rural Area. Attachment 5, a table entitled ‘Residential Units Built by Assessing Year Stratified by Working Rural/Growth Boundary’ depicts the yearly totals for years 2003-2014.
3. Adoption of a resolution supporting the current work of the Town and the Falmouth Land Trust in the acquisition of open space (either by fee or by easement) in the Rural Area and the use of conservation development models for the acquisition of open space. A conservation development model is the purchase of land for conservation where a portion is reserved for development to offset the cost of acquisition and maintenance.
4. Amendment of score sheets used by the Town’s Land Maintenance and Acquisition Committee and the Falmouth Land Trust for rating open space to include as a priority land located in the Rural Area.
5. Clarification of the Accessory Dwelling Unit language that governs the size of accessory apartments as part of the Administrative ReOrganization of the land use ordinances.

Detailed Explanation of Proposals

(Item 44A) Rural/Growth Boundary

CDC’s first task was to define the conceptual Rural/Growth Boundary presented in the Comprehensive Plan. The boundary will provide a bright line when applying certain zoning tools and growth management policies as adopted. Two general principles the committee used in the development of the boundary follow.

1. Wherever parcels were split by the conceptual boundary, the parcel was typically placed in the Growth Area.
2. Lands protected from development that straddled or were adjacent to the boundary were moved into the Rural Area. The only exception is the protected land which serves as physical connection between the Route 100 area and the school campus. The state mandates that school campuses be designated as a growth area.

(Item 41/50) Residential Growth Permit Review and other growth management tools

Proposal - Propose a maximum of 26 single family units per calendar year to maintain the average rate of growth as has occurred over the last decade in the Rural Area. This represents 40% of the current town wide cap of 65 for single family units. Specifying an allocation for single family units in the Rural Area will be most effective in supporting the Council's goal of assuring that a significant majority of growth occurs in the Growth Area, as the predominant type of unit constructed in the Rural Area is single family.

Current Status - The residential growth ordinance, in effect since 2001, applies to the whole town and limits the numbers of certain types of residential units. It currently does not differentiate between Rural and Growth areas. The total cap adopted by Falmouth far exceeds the statutory minimums set by the state, and allows a total of 140 units town wide. The cap is divided among single family units (65), accessory cottages (10) and multi-family units (65). An evaluation of the last twelve years growth indicates that the Town has no statutory obligation to adjust the cap, as it exceeds the minimum required. In the last twelve we have reached the cap twice for single family units but never needed to withhold permits as the cap was reached very late in the year.

The majority of growth in Falmouth occurs as single family units within the cap. Growth occurs outside of the adopted cap due to exemptions provided for in the ordinance, the majority being in the OceanView Retirement Community District. Recent changes in policy allow residential units in the new Village Center Districts, also exempt from the cap.

B. Purchase of development rights/Conservation Development

Proposal – The current program should be supported and both the Town and the Falmouth Land Trust (FLT) be encouraged to consider a conservation development model. Conservation development is loosely defined as withholding a portion of a conservation property for development so that the majority of the property is conserved and the purchase and stewardship endowment are paid for by the portion that is developed. The following is recommended.

- The Council considers a resolution to support this type of conservation.
- Score sheets for open space used by both the Town and the FLT include a category for rural area and give priority to land in the rural area.

Current Status – The town currently has a robust open space purchase program which includes a partnership with the Falmouth Land Trust. This program has served to acquire land in the rural area that otherwise could have been developed. It has an indirect impact on the overall amount of growth in the rural area and should continue to be an important focus for both the Town and the Falmouth Land Trust.

Attachments

Attachment 1 – a map entitled ‘Land Use Related Initiatives as adopted by the Council November 2013’

Attachment 2 - a map entitled ‘Working Map, Rural/Growth Boundary, September 5, 2014’

Attachment 3 - detailed explanation of the Rural/Growth boundary

Attachment 4 - a map entitled ‘Growth and Rural Areas with General Zoning’

Attachment 5 - a table entitled ‘Residential Units Built by Assessing Year Stratified by Working Rural/Growth Boundary’

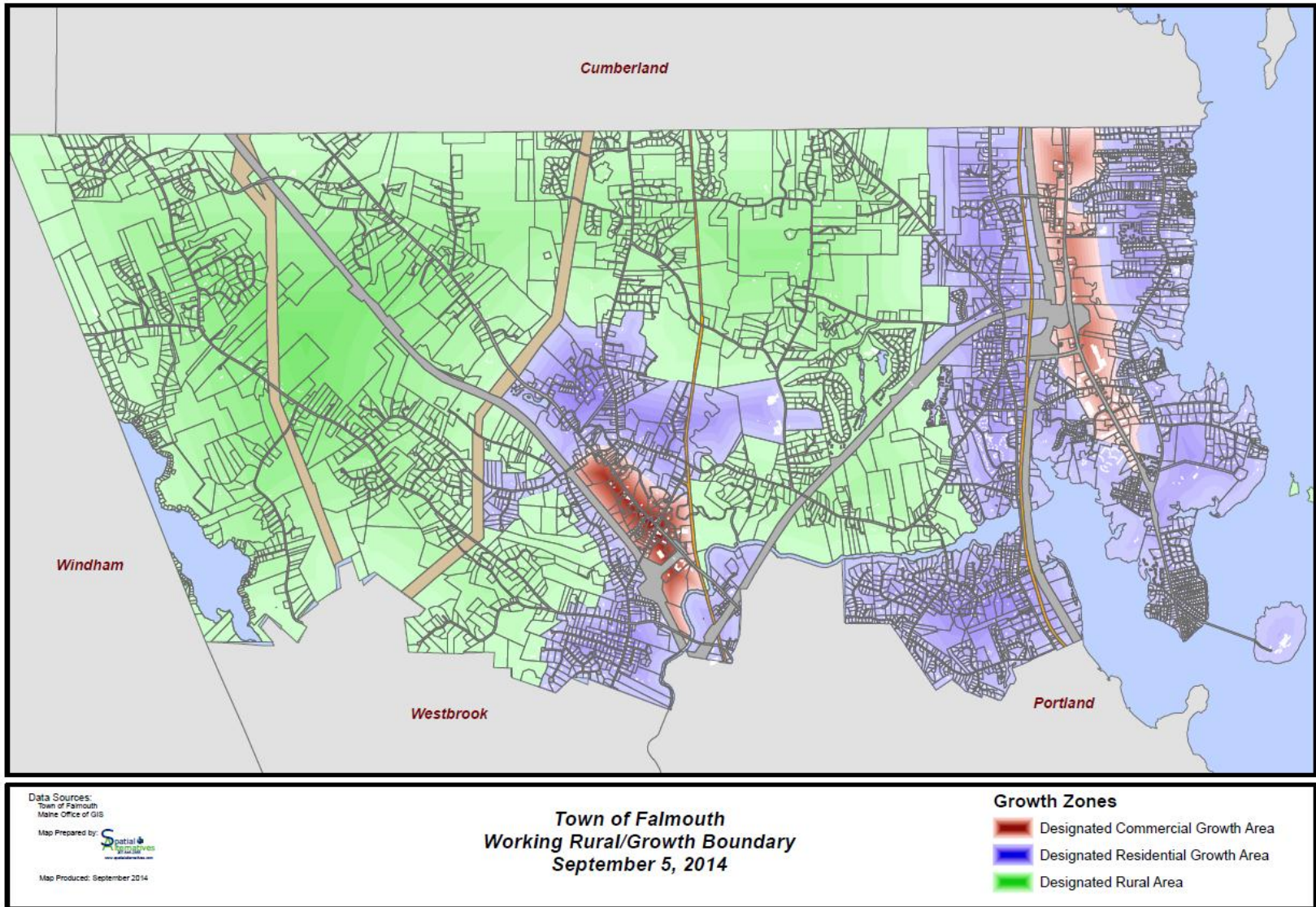
Comprehensive Plan Implementation - Land Use Related Initiatives				
As adopted by the Council November 2013				
CDC Rec.	Current Ranking	Action	2013-14 Council Work Plan Reference	Assign to?
Regulatory Initiatives				
	In process	6 Amend the Land Use Ordinances by December 2014, so they contain a clear organization and clear procedures resulting in: (a) improved expectations for applicants as well as staff and volunteer boards, (b) a more efficient and effective permitting process, (c) inclusion of performance-based requirements, and (d) no conflicts with design guidelines (using the current re-write of the Route 1 districts as an example).	2.G	Ad Hoc Zoning Committee (AZC)
	In process	7 Create a multidisciplinary task force that will review existing ordinances for clarity from a business perspective. Prioritize, review and implement its recommendations.	2.G	Ad Hoc Zoning Committee (AZC)
	Year 1-2	21 Study existing lot sizes in selected growth areas, such as The Flats, Foreside, Pleasant Hill, and Brookside, and compare the results to the existing zoning requirements in these areas. Amend the Land Use Ordinance to reduce most of the non-conformities found.		LPAC
	Year 2	41 Amend the Land Use Ordinance to strive for a significant majority of new residential units to be built in the growth area.		LPAC
	Year 2	42 Amend the Land Use Ordinances to (a) encourage compact, walkable developments in the growth area; (b) establish clear density standards and efficient permitting; (c) allow residential uses, restaurant, and neighborhood stores in the Business Professional (BP) district; and (d) evaluate the feasibility of tools such as Transfer of Development Rights (TDR).		LPAC
	Year 2	43 Amend the Land Use Ordinances to reward development with a residential density bonus for projects that exceed ordinance requirements for quality open space, public access to open space, and bicycle/pedestrian connectivity.		LPAC
	Year 2	44 Amend the land use policies of the Land Use Ordinances by using the descriptions provided in the Future Land Use Plan narrative to clearly define: (a) the desired scale, intensity, and location of future development, and (b) measures for natural resource protection.		LPAC
	Year 2	45 Amend the land use regulations to require interconnection by new developments with surrounding bicycle and pedestrian networks.		LPAC

Comprehensive Plan Implementation - Land Use Related Initiatives				
As adopted by the Council November 2013				
CDC Rec.	Current Ranking	Action	2013-14 Council Work Plan Reference	Assign to?
Regulatory Initiatives contd.				
Year 2	46	Develop incentives in the rural area that will aid property owners in retaining their land as an alternative to developing it and evaluate the feasibility of tools such as Transfer of Development Rights (TDR).		LPAC
	50	Update the residential growth permit calculation in the Land Use Ordinance.		CD, Council
	59	Consider preservation of agricultural land in addition to land already protected by easement.		LMAC
	64	Evaluate and propose Land Use Ordinance amendments regarding the amount and method of calculation of required open space in the rural area of the Resource Conservation Zoning Overlay District without impacting corresponding maximum density in that area.		LPAC
	65	Revise Falmouth's subdivision and site plan regulations to require that the historic and archaeological significance of a site be investigated (especially in areas identified by the State Historic Preservation Office as "Resource Potential Areas") as part of the development review process; and that resources be provided in the design of a project to help identify, protect, and preserve , as appropriate, any-discovered artifacts.		LPAC
	66	Evaluate significant natural resources in rural area and amend the Land Use Ordinances as necessary.		LPAC, Conservation Commission
	67	Review the Town's Zoning Ordinance to protect wetlands and make changes as necessary.		LPAC, Conservation Commission

Comprehensive Plan Implementation - Land Use Related Initiatives				
As adopted by the Council November 2013				
CDC Rec.	Current Ranking	Action	2013-14 Council Work Plan Reference	Assign to?
		Infrastructure Initiatives		
	Ongoing effort	19 Continue to allocate most of the new municipal infrastructure investments to the designated growth areas.		Finance Committee
	Year 1-2	22 Explore the creation of a Route 100 North TIF District to help fund required transportation improvements.	1.B	Ad Hoc Route 100 Committee
	Year 2	31 Proactively plan for sewer, water, and other utility extensions in the designated growth area. Assess the options and means of participating in collaborative efforts with agencies and regional groups to better serve residents and businesses. (a) Assess the implications of increased emphasis on smaller, clustered lots as they pertain to reliability of wells and septic in closer proximity to each other, and if/how this should affect proactive extensions of public water and/or sewer service. (b) Establish a plan for additional public water service in the designated growth area in cooperation with the Portland Water District (PWD). (c) Establish a plan for targeted sewer service in the designated growth area.	2.A	Council, CDC, LPAC
	Year 2	36 Establish a policy along with ordinance/regulation changes that identifies if, when, where, and how Town funds will be used for, and/or developments can recoup, utility infrastructure cost, and conditions/preferences for such cost-sharing.		CDC
	Year 2	37 Explore the feasibility of a mechanism for the Town to assist development financially with sewer extensions in the growth area.		CDC
		55 Evaluate the routing for current public transit service and update this evaluation if and when commuter rail or express bus service to communities north of Portland is implemented.		Council, METRO

Comprehensive Plan Implementation - Land Use Related Initiatives				
As adopted by the Council November 2013				
CDC Rec.	Current Ranking	Action	2013-14 Council Work Plan Reference	Assign to?
		Open Space/Trail Initiatives		
	Year 1	23 Map current and proposed bicycle, pedestrian, and trail improvements and post on Town's website.	1.D	Staff
	Year 1	24 Establish a bicycle and pedestrian transportation plan that shows how a linked network can be created throughout the community.	1.D	Ad Hoc Committee
	In process	2 Establish a safe trail connection between the school campus and Falmouth Community Park.	2.C	TBD
	In process	3 Establish permanent access to the River Point Conservation Area once the existing railroad bridge becomes no longer serviceable.	2.C	LMAC
	Ongoing effort	9 Focus on the acquisition of property or easements that will provide connectivity between existing blocks of park and conservation land.		LMAC
	Ongoing effort	12 Continue to promote awareness of existing open space properties and the recreational opportunities they offer to Falmouth residents.		LMAC
		Agricultural Preservation		
		58 Assess community interest in agricultural pursuits, desire for preservation of prime farm soils, promotion of farming, and need for access to agricultural opportunities. Decide whether the Town should take additional steps to protect agricultural land besides easement protection.		LMAC
		60 Explore what measures the Town should undertake to support privately-owned forest lots.		LMAC
		63 Inventory lands with potential high value soils by including an inventory of land that has been farmed in the past.		LMAC

Attachment 2



Attachment 3

Explanation of Rural/Growth Boundary

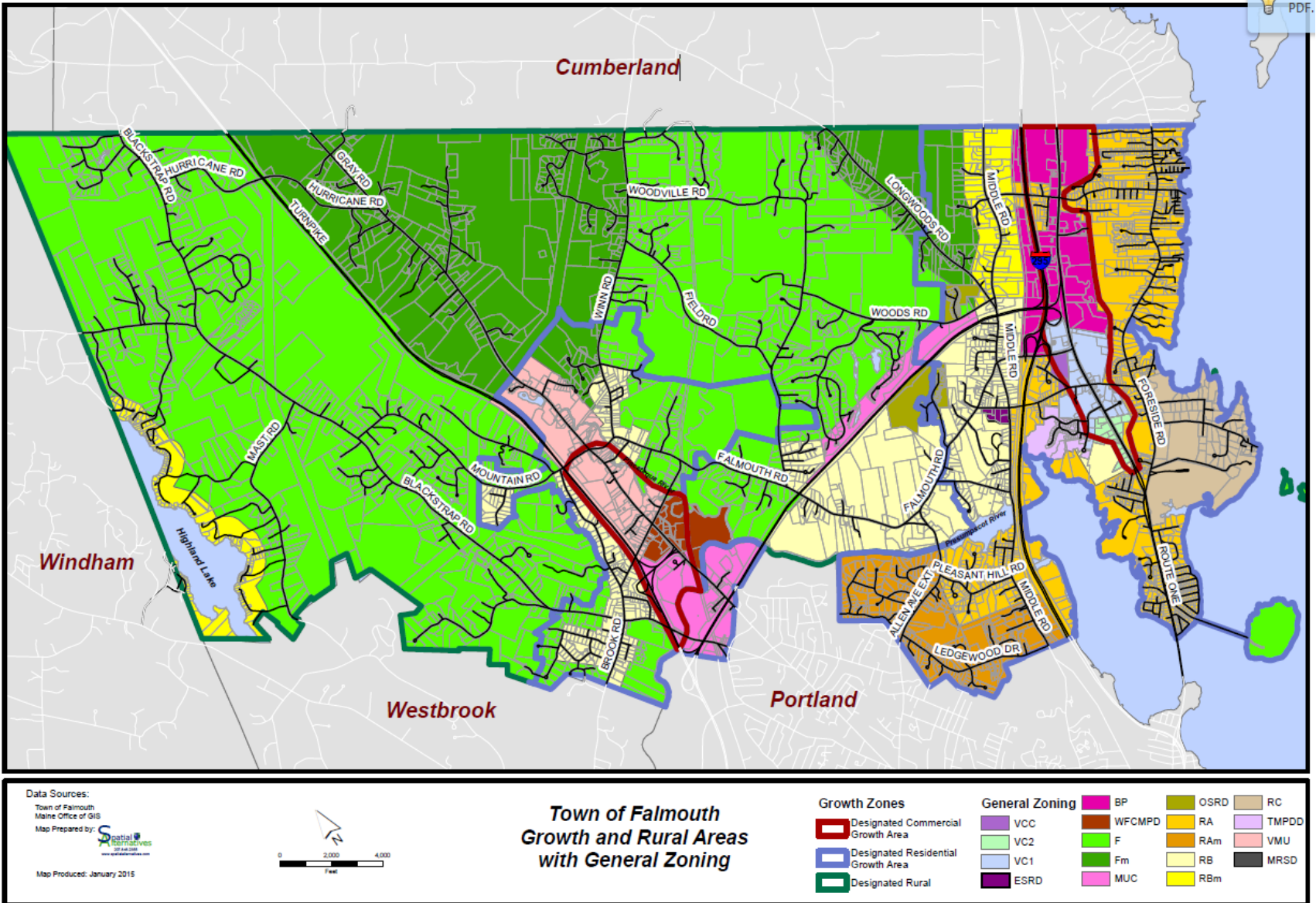
As part of the implementation of the Comprehensive Plan regarding certain land use policies, the CDC has been tasked with evaluating the conceptual boundary between the rural and growth residential areas of the town. Clarification of the boundary was desired. The conceptual boundary split many lots, creating the potential that those properties might be governed by two very different sets of regulations. The CDC used the following methodology:

1. Use lot lines as the growth/rural boundary line.
In general, if the boundary and lot line coincided, or if the boundary transected the lot, the lot was included in the growth area. ;the reasoning being that the rural area is about two-thirds of the town and that having the boundary favor the growth area would allow for “a significant majority of residential growth.... in the growth area”.
2. Determine what parcels along the calculated boundary were town-owned or protected from development; the reasoning being that lots along the boundary that are protected would more appropriately be located in the rural area.

The CDC reviewed this information and identified three areas where there was some question as to the appropriate location of the boundary. Staff were charged with reviewing the lots and making a recommendation to the CDC, creating a draft line. That line was reviewed on August 11 and affirmed by the CDC in its original location. This summary describes the areas where the boundary deviates from the original conceptual boundary and describes the reasoning behind the change. The line is reviewed from the north intersection with the Cumberland boundary to the southerly intersection with the Westbrook boundary.

1. Several lots to the west of the original line were included. These lots encompass land purchased and presented to the town as a possible high density development (Timbercreek). The boundary touched or transected these lots. NOTE: This project has not been brought before the Council at this date.
2. Move the line to coincide with parcel boundaries and exclude town properties.
3. South of Woods road, include the town parcel that was under consideration for workforce housing as it has development potential.
4. South of the turnpike spur and north of Falmouth Road – line moved to exclude permanently protected open space. This area was designated as Area 8, to be considered from conversion of the RB zoning designation to a more rural zoning district.
5. Run line along Falmouth Road and east on Merrill Road, then along the boundary of the Veronica Lane subdivision to the Presumpscot River- excludes land in conservation easement, some small lots fronting Falmouth Road and one large (14ac) single family lot with river frontage.
6. Line then coincides with conceptual line along the River to Route 100 and along the MUC/WFC boundary to Falmouth Road, crosses Falmouth Road and follows the boundary of Falmouth Land Trust property and school property to Woodville Road. NOTE: The FLT and school property are located within the growth area as the state required the school property to be designated growth and the FLT property connects the schools to the remainder of the growth area.
7. Line continues to follow the conceptual line around school property, along Woodville Road, then along school property to the RR row.

8. Line bisects Community Park, follows the boundary of the Park north to the edge of parcels identified under methodology 1 above, then to and across Winn Road, along parcel boundaries to the CMP row. This encompasses several parcels with development potential on Winn Road that are served by sewer.
9. Line follows the CMP row southwest to and across Route 100 then southerly along the I-95 row to Hillside Ave. to include smaller lots in the growth area.
10. Line then follows Hillside Ave south to exclude an area of larger lot (~4 acres) subdivision, along the rear of frontage lots on Mountain Road to the CMP row, than south along the row and adjacent to an established subdivision, around the limits of the subdivision and along the rear of lots along Mountain Road.
11. Line then follows generally along the rear of lots along Brook Road, excluding a large lot subdivision. One lot is split in this area as it is an anomaly with a long narrow shape, surrounded by rural property, and with home located on Brook Road.
12. Line then follows along the rear of lots along Blackstrap Road to a point just east of the Hardy Road intersection, than along the rear of established small lot subdivisions to the Westbrook line. The line in this area is intended to differentiate between established small lot subdivisions and larger more rural parcels.



Attachment 5

Residential Units Built by Assessing Year (April 1) Stratified by Working Rural/Growth Boundary

Year	Rural	GrowthR	GrowthC	Total	%Rural	%GrowthR	%GrowthC
2003	43	27	1	71	61%	38%	1%
2004	29	9	1	39	74%	23%	3%
2005	34	16	1	51	67%	31%	2%
2006	26	28	0	54	48%	52%	0%
2007	29	25	2	56	52%	45%	4%
2008	15	30	2	47	32%	64%	4%
2009	10	33	1	44	23%	75%	2%
2010	9	32	1	42	21%	76%	2%
2011	12	25	2	39	31%	64%	5%
2012	10	32	0	42	24%	76%	0%
2013	16	31	1	48	33%	65%	2%
2014	7	15	0	22	32%	68%	0%
	240	303	12		41%	56%	2%

555 total units over 12 years

46.25 Average number of units per year

Rural - Rural area

GrowthR - residential growth area

GrowthC - commercial growth area

1. The Comprehensive Plan adopted a "low growth" forecast of a total of 50 residential units per year.
2. The town has removed a significant amount of land in the rural area from development through its open space acquisition plan. This occurred generally between the years 2008 and 2012, the same time frame where growth shifted from the Rural to the Growth areas.
3. During the Comp Plan review of residential growth, the Farm and Forest District was used as a geographic area for purposes of defining the Town's rural area. When the same data is dispersed over the new rural/growth boundary the results are remarkably different.