

Town Council Special Meeting
Excerpt from Draft Council minutes
March 12, 2018

Item 2 Public Forum on the draft contract zone agreement for Homestead Farm LLC and Turning Point Development LLC.

Councilor Ferrante is recused from this item.

Matt Ek of Sebago Technics, representing the applicant, gave a brief synopsis of the item. The town's current zoning would allow 153 units on the property. Their current layout includes 121 units in the residential area, with more that may be constructed in the retail/commercial area in the future.

Natalie Burns of Jensen Baird Gardner & Henry, representing the applicant, reviewed the current version of the contract and answered questions from the Council.

Councilors King and Farber asked about section 3.a.iii and the guidelines for entry level housing. Ms. Burns explained that staff requested, and they have agreed, that the number of entry level units that may be in the duplexes would not exceed 50% of the total number of entry level units in the project. She suggested modifying the language in that section to read: "Entry Level Housing ~~on single family house lots~~ in single family units" to make the language consistent in the section. There is a maximum of 45 entry level units across the project; a maximum of 22 of those units could be placed in duplexes.

Vice-Chair Kitchel asked for a redesign of the duplex buildings, to be more in keeping with the design of the single-family homes.

Ms. Burns said accessory dwelling units (ADU) are now prohibited throughout the development, and home occupations as listed in Section 19-54a in the current ordinance would be allowed. In response to a staff request, they will add language that clarifies the maximum number of residential units. The maximum for the whole project area shall be 153; 125 would be allowed in development area 1, 8 in development area 2, and 18 in development area 3. The Council previously asked about a park design; the developer worked with Community Programs on a draft design in the past. Mr. Ek said there would be playground equipment but that would be designed in conjunction with PACPAC. There would be an ADA trail, with benches and access to abutting sidewalks. The Council asked for the concept design to be incorporated into the agreement as an exhibit. Ms. Burns said the other two open spaces would be maintained by the homeowners' association, and the Town will have easements for access.

Councilor Farber asked if the sidewalks are included in the street system; Ms. Burns said that they are. Once the streets have been built to the base course of pavement, the Town will be granted an easement across them. The Town will also be granted the easements across the trails prior to the issuance of the first certificate of occupancy for each phase. The impact fees are per residential unit and will be paid prior to issuance of the building permit.

Councilor Farber asked if "residential unit" and "dwelling unit" are interchangeable; Ms. Burns said they are. The Council asked them to use one term throughout the document.

Vice-Chair Kitchel asked if the granting of the easements across the roads at the base coarse of the pavement is a standard condition; Mr. Poore said no, this is part of the public benefit. The public will have the right to use the streets, but the Town will not have the obligation to maintain the roads until such time as they are accepted as public streets.

Ms. Burns asked whether the Council wanted the building designs to be included in the exhibits of the agreements. There are already restrictions in the document as to how many matching designs can be placed in a row to avoid a "cookie cutter" neighborhood. Mr. Poore said staff has suggested granting final authority for building design approval to the Planning Board, which has experience with design guidelines and can evaluate

the proposed design according to Great American Neighborhood design. The Board could also request architectural design peer review. Staff and the developer will discuss this suggestion and bring it back to the Council.

Councilor Farber asked about the exemption from the growth permit; the request is for up to 45 dwelling units under the entry-level housing. Ms. Burns said it is a minimum of 32, and a maximum of 45. Councilor Farber said the exemption for 55+ is a maximum of 25% per phase. She asked for clarification on what the final maximums are. Ms. Burns said the 25% was on the total 125 dwelling units in development area 1, the residential area. Councilor Farber thought the number should be 25% of each phase, minus the exemptions for entry-level housing. She also thought there was a target number for each phase. Ms. Burns said there is a limitation on entry-level housing for each phase under section 3.a.iii. Mr. Poore said if they take built the full number of entry level dwellings (45) and take those out of the 125, it is 80. 25% of 80 would be 20. 25% of 125 is 30. It is a 10 lot difference.

David Chase, developer, said his intent was to ask for 32 exemptions for entry-level housing units, not 45. Deducting 32 from 125 is 93 units; 25% of that is 23 units. That only applies to single-family units. Ms. Burns said they will work on that language to make it clearer.

Mr. Poore presented the staff comments that outlined remaining policy questions including what impact the school enrollment study has, traffic impacts, roundabout design, park design, architecture design, total number of units, home occupations as a permitted use, wetland setbacks, and ensuring street connectivity through phase 3.

Ms. Burns said the developer has withdrawn his request for the reduction in wetland setbacks.

Mr. Ek discussed changes to the phasing plan, which would move the completion of the through street to Phase 2 instead of Phase 3. Councilor King appreciated the effort to ensure connectivity early in the project.

Mr. Ek said this is in response to staff concerns about connectivity waiting until Phase 3. This plan also works with the sewer design. It will build more road in Phase 1, but the developer has agreed to do that.

Mr. Poore said this is an improvement but isn't a guarantee. This plan will incentivize the developer to fully develop phase 3. A full guarantee of the build out would require a full performance guarantee with timelines and restrictions, which would require negotiations with the developer.

Mr. Chase said he was happy to work with the Town to get a letter of credit for assurance for the whole road. This would also slow down the development and make it easier for the Town to absorb the new housing. He didn't want to have to pay property taxes on buildable lots before he had to.

Vice-Chair Kitchel opened the public forum.

Kayla Bailey, a Falmouth resident and a teacher in the school department, said she has seen some offensive comments about the proposed entry level housing and what type of people would move in to them. She teaches in the school but can't afford to live here without help from her family. A lot of the townspeople that work in the town, including police and municipal staff, that can't afford the price of the housing currently available. A \$300,000 house is not affordable for most of those people. She said students from other districts attend school in town; it would be great for them to be able to be part of the community. There aren't many development sites in town that allow for the type of community feel that this development will. This is lacking in Falmouth.

Donna Little, resident of West Falmouth, was overwhelmed with so many buildings. This is a cluster. There is no space here. There would be a lot of traffic. She asked why they needed so many houses here. She said Falmouth has a sense of beauty. She was concerned about the environment of West Falmouth. This is too much, too fast.

Morgan Camplin of Stoneridge, does mortgages for a living and sees the need for affordable housing. There is one house under \$425,000 on the market in Falmouth right now. She thought they need to figure out a way to provide affordable housing. There aren't many people to can afford to buy here. She spoke in favor of the

developer; he can build the number of houses in the time he says. Bringing the utilities down Route 100 will bring more businesses in the area. No one wanted the shopping plaza in West Falmouth at first and now everyone likes having it there. 5 years from now this development will make it a better community.

Ed Libby of Yarmouth invested in the West Falmouth development. More residential development in the area will be good for the businesses in the shopping plaza. They all look forward to having more customers in walking distance of the plaza. He said Portland has global name recognition and is attracting a lot of business, but the question is where these new people are going to live. Falmouth is doing a good job of managing growth, and being thoughtful about where that growth should be. This development fits where the town wanted growth: on Route 100 where all this infrastructure is going to go. Affordability and walkability come with density. This project is taking a good step in that direction and fits the comprehensive plan. This is a big change and it is hard for people to get used to.

Matt Lamontagne grew up in Falmouth and said when he graduated from college and wanted to move back to Falmouth, he couldn't afford to, and many of his friends couldn't either. He spoke in favor of the developer, the plan, and felt it would be a good community.

Amy Robidaux of Falmouth Road reviewed the school enrollment study. She felt that this development will significantly increase the number of students in Falmouth's already overcrowded schools. She thought the study was conservative; a prior study projected 1800 students, and there are now 2100 students. In Fall 2019, the elementary school will exceed capacity and the middle school will be at capacity. The elementary school is not even 10 years old. It will be hard to maintain the schools' high standards with that level of crowding. She felt that would affect property values. According to the contract zone language the Council has to find that the development will have more public benefit than it would without the contract zone; she didn't see the public benefit here. The only one she saw was the public park, which the town will have to maintain. She said any developer can build affordable housing under the current zoning and not need the contract zone.

Elwin Hanson of Woodville Road asked how many units could be built in that area without the contract zone. Vice-Chair Kitchel said current zoning would allow up to 153 if the topography allowed it. Mr. Hanson asked why the contract zone provided any more benefit. As a farmer he is concerned with land use. He didn't think it was a wise use of land to put that many houses in this area. It would overuse the land and would impact the schools, the sewer, and the water. He fought cluster zoning 20 years ago; it isn't the way to use the land. There are 4 main waterways coming out of that development and it is going to end up in the ocean. He opposed the development. He argued that people won't want to come to Falmouth if it is like this.

David Murdoch of Brook Road opposed the zoning change. It will change the dynamic character of the town. He has heard overwhelming opposition to this development and little support for it. He argued that there are a lot of homes already being built in Falmouth. He urged the Council to oppose the development. He said the Council should work with the Habitat for Humanity project to develop the affordable housing everyone wants.

John Winslow of Gray Road said the three people that spoke in favor were a mortgage broker, a realtor and a business owner that doesn't live in town. He wondered why the Council is supporting a development that the public opposes. A contract zone development should provide public benefit that wouldn't otherwise be there. He didn't see the public benefit of this development. He spoke about the allowed uses under VMU zoning. There are several public parks in the area already. The increase in impervious surface would increase pollution, and the increase in traffic would overburden Gray Road. It will impact the school system, which is already at capacity. He didn't agree that 55+ housing would not impact the school department. There are 48 residential units under construction currently. This development would negatively impact the character of West Falmouth.

Steve Dyer of Mountain Road, an abutter, said he has struggled with a lack of notification from the Town about the project. He opposed the development because of the size and the impact to the schools. The schools will meet capacity in a year, and yet they are considering exemptions to the growth permits. He wondered why they would add more demand to the schools. He argued that there are affordable houses in

Falmouth, though there may not be any available now. He said this area was identified in the comp plan for mixed use, with commercial as well as residential. This development is over 95% residential; it is barely mixed use. This is an overwhelming project. He was concerned about noise impacts from the highway when the vegetation is taken down. He felt there would be an uprising if this is granted.

Nancy Evans of Brook Road opposed the development. Many of the people who speak in favor of the project don't live in the area where it will be built. She felt they would feel differently if they did. She didn't think this was a good use of the land; it is too many houses in a small space.

Linda Dyer of Mountain Road moved to Falmouth 25 years ago. She didn't think the community owes people a house just to get into the school. She said their home value will go down due to the development. She argued that there is a good sense of community in Falmouth already. This development is too large. She was concerned with the traffic and impact on the schools. She wondered how this development got this big and why the town spent tax money on this proposal.

Keith Noyes of Gray Road thought the town wanted to bring urban sprawl into a contract zone. He didn't support the proposal. He has been on the property and said there are four streams on the property not three. He asked how they would cross the ravines. He asked what the homes would look like. He thought the impact on the schools alone should be enough to stop this development right now. He said it would be a disaster to build this at the same time as the infrastructure project on Route 100. He argued that the road would be right next to Julie Porter's property line. He felt the trail from this development to Marston Street would be a bad idea; there is not a guardrail on the highway there. It is too much, too fast.

Julie Porter of Mountain Road said she is part of a committee that is looking to recognize the Piscataqua Corner Village as a historic district. They are working with the national park service and have an application to recognize the historic nature of this neighborhood. They want to maintain the atmosphere of this area.

Alex Stevens of Lakeside Drive moved his business to Leighton Road 16 years ago. There are now seven businesses within 150 yards of his building. There are several more businesses down Route 100. There was no opposition to the development of those businesses. He thought this development will benefit the businesses in town and the schools. As a business owner and West Falmouth land owner he supported the development.

Michael Doyle of Shady Lane spoke about unintended consequences. He thought the town has the largest elementary school in the state. He asked if the plan would be for the schools to have trailers again. He said adding 1000 kids to the school system would happen in 4-5 years, and would make the average tax bill over \$12000. He wondered how that would make housing affordable. It costs \$15000/year for a student to attend school in Falmouth. He felt this was an unsustainable direction. Once the houses are built and the kids are in school, you can't go back.

Chantal Scot of Rockaway Road asked what the average cost of the houses in the development and what the starting prices would be. She thought there was a minimum of 2 acre lots in town which helped keep growth low. She spoke about the crowding in the schools. She felt this was a drastic difference to what the traditional housing in Falmouth has been. She read some listings of homes available in Falmouth that were all under \$400,000. She said a home of \$400,000 on a sixth of an acre lot isn't affordable. She felt there would be a lot of noise complaints with this many homes along the highway; they would have to put up barriers.

Todd Kelley said the area behind Harmons was all ravine and it was filled about 15 years ago. He said they are proposing to put commercial buildings on that fill. He pointed out that people will cut through this neighborhood to get from Gray Road to Mountain Road.

Public forum closed.

Councilor Farber didn't want to go to public hearing with the documents still in flux. She wanted the Council to have a final document and be able to discuss it with each other before a hearing. She wanted to have a workshop after staff and the developer have finalized the document.

The Council discussed how to move forward. The Council will hold a workshop on this item on March 26 and the formal public hearing was scheduled for April 9. The Planning Board will hold their MRA hearing on April 3.