

March 21, 2003

OVERVIEW OF IMPACT FEES FALMOUTH RECREATIONAL FACILITIES AND OPEN SPACE

This overview discusses impact fees and how they can be used in Falmouth to offset the costs of the development of additional recreational facilities and the preservation of open space required to meet the needs of a growing population.

1. What is an impact fee?

An impact fee is a one time charge paid by new development to cover a share of the costs for new or expanded facilities needed to service the development. It is a fee and not a tax. The impact fee shifts some or all of the cost of providing facilities needed to service new development from the general property taxpayer to the development creating the need for the new facilities.

2. What can impact fees be used for?

The use of impact fees is governed by state law. Impact fees can only be used for municipal or school infrastructure. The state law lists facilities such as waste water facilities, water facilities, solid waste facilities, fire protection facilities, roads, parks, open space, schools, etc.

Impact fees can be used to pay for facilities that have already been built or for facilities that are planned to be built in the future as long as they create capacity to service new development.

3. What can impact fees not be used for?

Impact fees cannot be used for maintenance or operations. They cannot be used to replace existing facilities unless there is an expansion in the capacity of the facility and then only the cost of the increased capacity is appropriate for fees. Impact fees cannot be used to correct existing deficiencies.

4. What limits does the state place on the use of impact fees?

State law in Maine is reasonably restrictive in terms of how impact fees can be used. The limits include:

- the fee must be related to the cost of an improvement necessary to serve the development
- the fee must be proportionate to the share of the new or expanded capacity used by a development
- the fee must be used for specific identified improvements
- the fee must go into a separate account and be used only for the purpose collected

- the improvement for which the fee is collected must be made in a timely manner in accordance with the Town's Capital Improvement Plan
- the impact fee must be refunded if the improvement is not constructed within a reasonable period typically ten years
- the need for the fee must be identified in the Town's Comprehensive Plan

5. What are the key tests for the legal use of impact fees?

The use of impact fees must generally meet three key tests:

1. ***The fee must be used to pay for capacity that is needed to accommodate growth and development.*** For example, an impact fee to pay for the development of a new recreational area to accommodate growing demand for youth league fields due to increased participation as a result of residential development is probably appropriate but a fee to build a parking lot and concession stand/rest rooms at an existing recreational area that does not expand the capacity of the facility probably is not.
2. ***The amount of the fee must be proportionate to the share of the capacity used by the development.*** If the Town used impact fees to say upgrade a sewer pump station to increase its capacity from 10 cfs to 20 cfs, a development that used 1 cfs of this additional capacity should pay 10% of the cost of the upgrade since it is using 10% of the new capacity.
3. ***The development paying the impact fee must benefit from the improvement made with the fee.*** If a subdivision on the Foreside pays an impact fee for recreation facilities, the improvement must be of benefit to them. For example, a townwide facility such as a sports fields or a recreation complex would probably be OK but a neighborhood playground on in West Falmouth would probably not meet this benefit test.

6. Does the Town have to base the impact fee on the full cost of the improvement?

No, but the fee needs to be proportionate to the share of the improvement capacity used by the use paying the fee. If there is a clear, direct relationship between the development and the need for and use of the improvement, basing the fee on the full cost is probably reasonable. If, however, the relationship is less direct, basing the fee on a portion of the cost may be appropriate.

7. Who should pay an impact fee?

The basic principle of impact fees is that the development activity that is creating the need for the new or expanded capacity should pay the impact fee. For example, an impact fee to pay for expanded school capacity should be paid by residential uses but not by non-residential uses. And residential uses such as elderly housing that do not generate school enrollments should probably not be subject to such a school impact fee. An impact fee for an upgraded sewer

pump station should be paid by any development that generates new or increased sewage flows that would go through the pump station but a development that has an on-site disposal system or is located on the other side of town and does not use the pump station should not. In the case of recreational facilities and open space, any residential development that does not provide an equivalent amount of recreational area or open space should pay the fee. The issue with nonresidential uses is less direct.

8. How can Falmouth use impact fees to help fund the expansion of recreation facilities and the preservation of open space?

The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, natural areas, and open spaces. The Town's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population and suggests exploring impact fees for this purpose. To some extent, need can also be a function of the demographics of the community – a family population creates a need for more fields and playgrounds while an older population creates different needs. The Town can use impact fees to raise money to be used for expanding the supply of recreational facilities or for acquiring open space. To meet the tests outlined above, these impact fees probably need to be used for community-wide facilities unless only development in a certain area is charged the fee. The attached impact fee methodology lays out a possible approach for calculating a recreational facility and open space impact fee.

TOWN OF FALMOUTH RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE METHODOLOGY

This methodology sets out the procedure used to determine the Town of Falmouth's impact fee for recreational facilities and open space that will be paid by development. In developing the fee, we considered the potential need for new or expanded infrastructure to meet the needs for recreation facilities and open space. The methodology addresses the need for expanded capacity to accommodate growth resulting from development, the type of new or expanded facilities that will be needed, the anticipated cost of the expanded capacity, the share of the capacity available to accommodate growth, who should pay an impact fee, and how the fee should be calculated.

1. The Need for Expanded Facilities – The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, facilities, playgrounds, natural areas, and open spaces. The Town's Open Space Plan and Recreation Land Study identify the need to expand the supply of recreational facilities and open space to serve a growing population. The Town's Comprehensive Plan 2000 echoes these concerns, recommends that preservation of additional open space be a high priority for the community, and proposes the use of impact fees to fund some of this cost.

The state's most recent State Comprehensive Outdoor Recreation Plan (SCORP) reports that the typical Maine community with a population of more than 2,500 residents had 14-15 acres of municipal recreational areas per 1,000 residents or approximately 0.015 acres per capita. This ratio serves as a reasonable basis for estimating future needs for recreational facilities created by population growth in Falmouth. A population growth of 1,000 residents therefore, will create a need for 15 acres of additional municipal recreation facilities. The Falmouth Recreation Land Study recommended significant expansion of recreational fields to meet the need generated by a growing population and increased participation in certain activities such as soccer.

There is no state or national standard for the amount of open space that is appropriate for a community. In Falmouth, there are a number of sources of permanent open space including Town owned conservation land and conservation land and easements owned by the land trust. The Town of Falmouth currently owns approximately 1063 acres of permanent open space or 0.101 acres per capita based upon an estimated 2002 household

population of approximately 10,500. This ratio serves as a reasonable standard for additional open space as the Town's population grows.

2. The Estimated Cost for Expanded Facilities – The land acquisition and development costs for recreational facilities can range from \$20,000 per acre to \$100,000 per acre depending on the type of facility and the site with an average cost of approximately \$50,000 per acre. The estimated cost for acquiring open space land based upon recent acquisitions in Falmouth is \$4,000 - \$6,000 per acre assuming that some portion of the land acquired is developable.

3. The Share of Need Attributable to Growth – The existing housing stock accommodates a relatively stable population although decreasing household size within this part of the community appears to be reducing this population somewhat. Turnover in the existing housing stock is unlikely to increase the Town's population. New residential development is, however, adding to the population that must be served with recreational facilities and open space. This growth is partially offset by the declining population in the existing housing stock thereby reducing the effective need for additional recreational facilities and open space. Therefore, residential development is responsible for the only a portion of the need for increased recreational facilities based upon the acreage per person standard.

Between 1990 and 2000, the household population of Falmouth grew by 2,567 while the number of households increased by 872. Prior research done by the Town suggests that these new households have an average of approximately 3.2 people. This means that the new households added approximately 2,800 residents to the community. This was offset by a decline in the population living in the pre-1990 housing stock of approximately 125 residents. Therefore only 92% of the new residents living in new housing generate a need for additional recreational and open space with the balance offset by decreases in the occupancy of the pre-existing housing stock. To account for this, the impact fee should be established at approximately 90% of the fee that would apply using the per capita basis and estimated costs.

In addition, the Town has experienced substantial nonresidential growth over the past decade. This has resulted in a large increase in the number of people working in Falmouth, many of whom commute into Falmouth from other communities. In 1990, just over 20% of the people who worked in Falmouth, lived in Falmouth, while the balance commuted to Falmouth from other communities. More recent data on commuter patterns from the 2000 Census is not yet available. While these workers do not create a need for recreational facilities and open space in the same way that residents do, they do utilize the Town's facilities. Therefore, growth in

employment increases the demand for recreational facilities and open space proportionately

4. Who Should Pay The Fee – Any development activity that creates a new residential unit including the construction of a single-family home on an individual lot should pay this impact fee based upon the expected occupancy of the unit considering typical occupancy rates unless the Town determines that the unit is located in a project that includes an equivalent amount of open space as part of the development. Based upon national studies of occupancy levels of various types of housing in the northeast and the Town's housing survey, the following occupancy factors were used in calculating the appropriate fee:

Single family dwelling with:

a. Two bedrooms	2.1 people per unit
b. Three bedrooms	3.0 people per unit
c. Four or more bedrooms	3.9 people per unit

Dwelling units in duplex and multifamily structures with:

a. One bedroom	1.2 people per unit
b. Two bedrooms	1.6 people per unit
c. Three or more bedrooms	2.2 people per unit

New or expanded nonresidential uses should also be charged an impact fee but at a significantly lower per capita rate than for residential uses. There is no good data on the use of recreational facilities and open space by employees, but this use is relatively minimal compared to the need resulting from residential development. Therefore the proposed fee for nonresidential uses is based upon 2% of the per capita fee charged for new residential units, based upon the likely number of Full Time Equivalent employees (FTE's) that will occupy new non-residential space, adjusted by 80% to reflect the share of employees who are likely to live outside of Falmouth (the 20% of resident employees pay through taxes).

5. Calculation of the Fee – The recreational facilities and open space impact fee for residential development should be the sum of the per capita cost of providing additional recreational facilities and the per capita cost of providing additional open space adjusted by 90% to account for the share of the need created by new residential development multiplied by the anticipated number of residents in the project allocated on a square foot of gross floor area basis.

The recreational facilities portion of the recreational fee should be calculated by multiplying the average estimated acquisition and

development cost per acre of recreational facilities or \$50,000/acre by 0.015 acres per capita for a base per capita cost of \$750. This base cost should be adjusted by the 90% need factor resulting in an adjusted per capita recreational facilities cost of \$675. Any residential unit should be subject to an impact fee to cover this cost.

The open space portion of the residential fee should be calculated by multiplying the estimated average per acre cost of acquiring open space or \$5,000/acre by 0.101 acres per capita for a base per capita cost of \$505. This base fee should be adjusted by the 90% need factor resulting in an adjusted per capita open space facilities cost of \$455. Any new residential unit should be subject to an impact fee to cover this cost unless the Town determines that the development in which the unit is located has provided an equivalent amount of open space.

The per capita recreational facilities cost of \$675 and the per capita open acquisition cost of \$455 per capita result in a combined base residential impact fee of \$1130. This fee should then be adjusted downward to reflect the property taxes paid by new development for repayment of the Open Space bonds that have been used to acquire some of the Town's existing open space. The combined adjusted fee will be \$600 per capita. This should then be charged to new residential development on a square footage basis.

The estimated occupancy of the average new two bedroom home built over the past decade is 2.0 to 2.2 occupants. For a new three bedroom home, average occupancy is approximately 3.0 to 3.2 occupants while for new four bedroom homes it is 3.6 to 3.8 occupants. The Town Assessor reports that the median size of two bedroom homes built during the 1990s was 1,554 square feet of living area while the median new three bedroom home has approximately 2,312 square feet of living area and the median new four bedroom home has approximately 2,991 square feet. This translates into approximately 740 square feet per occupant in new two bedroom homes, 745 square feet per occupant in three bedroom homes and approximately 800 square feet in four bedroom homes or an average of approximately 770 square feet per occupant. This factor should be used in developing the impact fee on a square footage basis.

Allocating the \$600 per capita recreational facilities and open space cost to the 770 square foot per occupant factor results in a recreational facilities and open space impact fee of \$0.78 per square foot. This fee should be charged to new residential units to cover the cost of providing recreational facilities and acquiring open space to meet the needs generated by new residents of Falmouth.

Recreational Facilities & Open Space Impact Fee Methodology

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The nonresidential recreational facilities and open space impact fee is based upon 2% of the adjusted base per capita fee of \$600 or \$12 per employee. Adjusting this for the 80% nonresident employment factor results in a fee of \$9.60 per FTE. This fee is calculated on the gross square footage of building area based upon the following:

Medical offices and clinics	1 employee per 150 SF of gross floor area or \$0.064 per square foot
Other business and offices	1 employee per 250 SF of gross professional floor area or \$0.038 per square foot
Retail and service businesses	1 employee per 333 SF of gross floor area or \$0.029 per square foot
Wholesale and manufacturing	1 employee per 1000 SF of gross floor area or \$0.010 per square foot
Other nonresidential uses	\$0.019 per square foot or \$9.60 per FTE employee whichever is greater

PROPOSED IMPACT FEE PROVISIONS TOWN OF FALMOUTH

Proposed Amendment to the Zoning and Site Plan Review Ordinance to Create a New Section 12, Impact Fees

1. Amend the Zoning and Site Plan Review Ordinance by creating a new Section 12 dealing with impact fees, which shall read as follows:

SECTION 12 - IMPACT FEES

12.1 GENERAL PROVISIONS FOR ALL IMPACT FEES

a. PURPOSE - The purpose of these impact fee provisions is to ensure that new development in Falmouth will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded, or modified infrastructure including recreational facilities and open space necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

b. AUTHORITY - These impact fee provisions are adopted by the Town under the authority of 30A M.R.S.A §4354 and its statutory and constitutional home rule provisions.

c. PAYMENT OF IMPACT FEES - The impact fees provided for under this chapter shall be paid to the Town of Falmouth in care of the Code Enforcement Department. The Town Council may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

d. IMPACT FEE ACCOUNTS - All impact fees collected under the provisions of this chapter shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows:

1) Recreational Facilities and Open Space Impact Fee Account

e. USE OF IMPACT FEES - Impact fees collected under the provisions of this chapter shall be used only to pay for the capital cost of the infrastructure improvements,

including land acquisition, specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operation activities. The following costs may be included in the capital cost of the infrastructure improvement:

- 1) acquisition of land or easements including the purchase of conservation or trail easements or development rights,
- 2) engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the improvement,
- 3) the actual construction of the improvement including, without limitation, property acquisition costs, demolition costs, clearing and grading of the land, and necessary capital equipment,
- 4) mitigation costs,
- 5) legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
- 6) debt service costs including interest if the Town borrows for the construction of the improvement,
- 7) relocation costs, and
- 8) similar costs that are directly related to the project.

f. REFUND OF IMPACT FEES - Impact fees may be refunded in the following cases:

- 1) If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. In the case of a refund, the Town shall retain three (3) percent of the impact fee paid to offset a portion of the administrative cost of collection. A request for a refund shall be made in writing to the Town Planner and shall occur with ninety (90) days of the lapse of the approval or the expiration of the permit.
- 2) Any fees collected that are not spent or obligated by contract for the specified improvement by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

g. WAIVER OF IMPACT FEES - The Town Council may, by formal vote following a public hearing, waive the payment of a required impact fee, in whole or in part, if it finds that:

1) The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected, or

2) The developer or property owner is required, as part of a development approval by the Town or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee.

h. REVIEW AND REVISION - The Town Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may propose changes in the impact fee. Any changes adopted as a result of such review shall apply to all future development but shall not be applied retroactively to projects that have already paid an impact fee.

12.2 RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE

a. DESCRIPTION OF THE IMPROVEMENTS – The Recreational Facilities and Open Space Impact Fee shall be used to acquire land for and develop active and passive recreational facilities and open space to meet the needs created by the development subject to the fee. The improvements funded by this impact fee shall serve the community.

b. NEED FOR THE IMPROVEMENTS – Growth in the population of the Town and in the number of people who work in Falmouth but do not live in the community increases the need for recreational facilities and open space. The needs generated by population and employment growth are set forth in the Recreational Facilities and Open Space Impact Fee Methodology dated March 21, 2003.

c. ACTIVITIES SUBJECT TO THE FEE – The following activities are subject to the Recreational Facilities and Open Space Impact Fee:

1) Any construction that involves the creation of a new dwelling unit as defined by the Zoning Ordinance including single-family homes, apartment units, manufactured housing units, and mobile homes.

2) Any construction that involves the creation of new nonresidential buildings or structures.

3) Any construction that expands the size of an existing nonresidential building or structure.

- d. CALCULATION OF THE FEE -- The amount of the Recreational Facilities and Open Space Impact Fee to be paid for any project subject to the fee shall be calculated based upon the following schedule:

Dwelling units	\$0.78 per square foot of living area as determined by the Town's assessor
Medical offices and clinics	\$0.064 per square of gross floor area
Other business and professional offices	\$0.038 per square of gross floor area
Retail and service businesses	\$0.029 per square of gross floor area
Wholesale and manufacturing floor area	\$0.010 per square of gross floor area
Other nonresidential uses	\$0.019 per square foot of gross floor area or \$9.60 per FTE employee

- e. COLLECTION OF THE FEE – The Impact Fee shall be paid to the Code Enforcement Department prior to the issuance of a building permit for the activities subject to the fee.
- f. EFFECTIVE DATES – The Recreational Facilities and Open Space Impact Fee shall be effective as of April 1, 2003 and shall apply to any activity subject to the fee for which a building permit is sought on or after April 1, 2003.

RESOLUTION OF INTENT TO ENACT A RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE ORDINANCE

WHEREAS in the Falmouth Citizen Surveys done as part of Comprehensive Plan 2000, 83 per cent of the respondents favored assessing impact fees on new residential development and 80 per cent of the respondents favored assessing impact fees on new commercial development, to cover the cost of additional facilities to accommodate the population growth;

WHEREAS in the Falmouth Citizen Surveys done as part of Comprehensive Plan 2000, respondents had as their top priorities the preservation of open space and managing residential growth, with 77 percent of respondents identifying open space and natural areas as important reasons to live in Falmouth and 74 percent supporting open space preservation with town funding for land purchases;

WHEREAS the Falmouth Comprehensive Plan states that:

- The current rate and pattern of residential development is reducing the amount of informal open space in the community and altering its character.
- The Town's indoor and outdoor recreational facilities are generally adequate to meet current needs but will need to be expanded as the population grows.
- The Town's open space acquisition program provides opportunities to preserve significant open areas but will need periodic funding.

WHEREAS the Falmouth Town Council wishes to maintain the Town's financial capacity to provide adequate public recreation facilities and open space, the need and demand for which is increased by new development;

WHEREAS, the Falmouth Town Council wishes to ensure that new development in Falmouth will bear a proportional or reasonably related share of the cost to preserve the balance of open space to development within the Town and to provide adequate recreational facilities for the growing population, through: 1) the payment of impact fees that shall be dedicated to paying for the needed land purchases and improvements, or 2) the construction of appropriate improvements.

WHEREAS, the assessment of impact fees for such purposes by the Town is authorized under 30-A M.R.S.A §4354 and municipal statutory and constitutional home rule provisions.

NOW THEREFORE BE IT RESOLVED by the Falmouth Town Council in Town Council assembled that the Town of Falmouth hereby announces its intent to consider for adoption an impact fee ordinance to help fund recreational facilities and the purchase of open space, that may include the following provisions:

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I. PUBLIC COSTS TO BE COVERED: The costs that may be included in the capital cost of the infrastructure purchase or improvement are for the following:

- 1) acquisition of land or easements including conservation and trail easements and development rights,
- 2) engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the improvement,
- 3) the actual construction of the improvement including, without limitation, property acquisition costs, demolition costs, clearing and grading of the land, and necessary capital equipment,
- 4) mitigation costs,
- 5) legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
- 6) debt service costs including interest if the Town borrows for the construction of the improvement,
- 7) acquisition of land easements or other property interests, or relocation costs, and
- 8) similar costs that are directly related to the project.

II. ACTIVITIES SUBJECT TO THE FEE: The activities that may be subject to the fee include:

- any construction that involves the creation of new commercial structures.
- any expansion of commercial structures that expands the structure by more than 200 square feet.
- any construction that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartments units, manufactured housing units, and mobile homes.

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- any construction that expands the livable area of an existing dwelling unit by more than 200 square feet and results in the creation of one or more additional rooms.

III. CALCULATION OF THE FEE: The recreational facilities and open space impact fee shall be the sum of the per capita cost of providing additional recreational facilities and the per capita cost of providing additional open space in order to maintain the balance of public open space to development within the Town and to provide adequate recreational facilities for the growing population,. The amount of the individual fee shall be determined by multiplying the square footage of the residential livable area being constructed, or, in the case of commercial or industrial uses, by multiplying the square footage of the commercial or industrial area being constructed, times the per square foot fee for the year in which the building permit is issued. The impact fee assessed may not exceed \$1.00 per square foot.

IV. COLLECTION OF THE FEE: The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing, or other permit for residential, commercial, or industrial construction that is subject to the fee. The amount of the fee shall be based upon the per square foot adopted by the Council.

BE IT FURTHER RESOLVED, The Council Ordinance Committee shall prepare draft language for the Ordinance, to be submitted to the Council and distributed to the public for review and comment at a public hearing, this March, 2003.

This is a true attest copy of the Resolution passed by the Falmouth Town Council at their Regular Meeting of December 17, 2002.

Town Clerk: _____ Date: _____

Public Hearing on Zoning Amendments

Hugh Smith explained the perfunctory nature of the CPAC hearings as opposed to the public hearings that the Council will conduct.

Peggy McGeehee presented an overview of the proposed zoning amendments for growth caps and impact fees. The goal is to reduce the annual single-family housing starts while the average is down. The companion piece is to cap the number of subdivision lots per the large inventory. There needs to be a management system for allocating subdivision lots. The plan is to enact the cap and then figure out the management components later. The Council is also considering a recreational and open space impact fee. The goal is to keep a ratio of population to open space in the town as the town grows.

George Theborge explained the proposed amendments to expand the Planning Board's review of space renovations.

Andy Vamvakias spoke to the issue of the subdivision cap. He pointed to the Planning Board process as a positive indicator of community impacts. Under the current Subdivision Ordinance, the Board can require development to mitigate the impacts if there are any. This open space impact fee would double dip against developers that must set aside open space to meet the Resource Conservation Overlay Zone requirements. The imposition of the growth cap reduction contradicts the impact fee proposal, as the units who pay the impacts should be allowed.

Councilor McGeehee responded that the impact fee isn't paid until the building permit so there isn't any contradiction.

Tim Ryan objected to the impact fee proposal in principle. He thought there were better tools available. This is simply an effort to tax people that move into town. He looks at it as a membership fee and it is discriminatory. He sees no correlation between businesses expanding and open space use. This proposal is too vague in terms of its use. He is concerned that once the fee is in place it will be raised. People don't understand that they will have to pay if they are simply expanding their homes.

John Anderson complained that the town doesn't recognize or contribute to open space. The Planning Board doesn't require developers to control their impacts. He is concerned that the town buys open space and then develops it (e.g., Community Park). These policies will drive long-term residents out of town, but the impact fees will lower taxes on those residents. He complained about the speeders on Lunt Road and the Route One Study Committee's ignoring the residential neighborhood in the Village Center. The town's regulations hurt long-time businesses.

Mark Finks talked about his family history and the form of Falmouth's government and the system of taxation. He objects to impact fees because they discriminate against

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newcomers. He is against regional coordination of services because local control will be lost.

John Anderson pointed to the interdependence of Cumberland and Falmouth in terms of traffic on Lunt Road. His family gave Route One and I-295 and now they are being hit with impact fees.

Mark Finks suggested that the growth cap was artificial because of the other land use regulations and the economic factors that affect real estate.

Andy Vamvakias pointed to the turnover of existing housing stock in terms of charging impact fees. People with large families can move into existing housing and pay no impact fee, while an older couple with no children has to pay. He supported looking at life cycle costing of homes.

Hugh Smith asked for input from the CPAC members.

Joe Wroblewski supported the open space impact fee. Parks and open space are critical to a healthy community. He would not apply an impact fee to housing additions. He also supports the lower growth cap.

Lissa Robinson expressed concern about the potential shift of development to other towns on the growth cap.

Peggy McGeehee pointed out that multi-family housing is not limited.

Lissa supported open space impact fees but she is concerned about the impact on housing affordability.

Hugh Coxe supports the site plan amendment for space renovations. He expressed concern that CPAC has not been involved in the process. He thinks the current circuit breaker approach on growth is important, but sees no reason to lower the cap further. The town will inevitably need a new elementary school, and he is concerned with manipulating the real estate market. He likes open space but thinks the major decisions on land acquisition should be a matter of public referendum rather than a fee for entering the town.

Hugh Smith shared that the site plan issue is a no-brainer. He also thinks the cap should not be lowered. Landowners are in a compromised position already per the regulations, and this would be another burden on them. He supports the impact fee for open space and recreation because of what the community gets from those types of facilities.

Vicki Swerdlow supports the site plan review amendment and opposes the lowering of the growth cap. She supports open space impact fees.

John Crowley supports the site plan amendment, wants the current circuit breaker of 100 units to remain, as no good arguments have been made to lower it. He opposes the impact fee because it is a hidden tax.

Katherine Boyer, a member of the public who came in late, indicated her support for the open space impact fees as a component of public private partnerships. Open space should be accessible to all residents, not just those who can afford to buy large land tracts. This would help landowners be fairly compensated for their land. She thought the growth cap could be fair to landowners if compensation were granted.

George Thebargue will forward his notes on the Town Council.

FTAC Reformulation

Tom Williams explained the current discussion about splitting the responsibilities of FTAC on trails and on-road facilities. The trails issue needs new leadership. Portland Trails creates new trails, while our goal is to preserve existing ones, and a Portland-based group might intimidate landowners. Portland Trails is not interested in getting involved in Falmouth land politics.

Lissa Robinson thought the goal should be to elevate public awareness as much as it is contacting individual landowners. She suggested that CPAC brainstorm on people in the community to lead the trails issue.

Tom is going to approach people interested in trails before he leaves the issue.

Joe Wroblewski pointed to the need for a roads committee to deal with sidewalks and bike lanes.

Tom recommends that FTAC become a single-issue group focused on trails with broad representation from constituency groups.

The changes will shift supervisory responsibility to the Council as opposed to CPAC.

The Falmouth Land Trust is burned out and isn't committed to developing public access as a mission.

The CDC will discuss this issue at a meeting on Tuesday the 18th.

Residential Master Plan

CPAC discussed the desire of some SAC members to talk about the issues rather than diving right into the computer modeling again. CPAC wants the process to be democratic but is concerned with "speech-making" that has too much influence over peoples' ideas. People are being given plenty of opportunity for input in the small