



Town of Falmouth
Community Development Committee
Draft Meeting Minutes – February 2, 2010
Town Hall, Large Conference Room

Council Members Present: Bonny Rodden, Chair, Teresa Pierce, Will Armitage

Staff Present: Amanda Stearns

Others Present: Bill Gardiner, Lynn Foley, Scott Carew

The meeting was called to order at 6:05 p.m.

1. Minutes

The minutes of November 12, 2009 were postponed to the next meeting.

2. Review of Council Presentation on Natural Resources

Bonny introduced the discussion by recapping the discussion of councilors after the presentation on January 25th. There were very few comments, with Tony Payne asking to look at possibilities of compensation the loss of value to landowners. The public was critical that LPAC had not looked at the economic impact of the proposal in enough detail.

The following is a summary of the comments:

- Do we look at cost benefit to town and property owner? Do we look at all zoning regulations and amendments in terms of economic analysis? If you look for one amendment do you look at all?
- Concern over the how the combination of the Resource Conservation Overlay District and the new amendments would affect property and the ultimate development potential. Could look at the Woods Road (workforce housing) site in context of the RCZO and see how many units would be supported and see if the added restrictions would reduce the number.
- Lots of good things in the proposal but needs to be looked at in context of RCOD base of development. The Comp Plan is being looked at and beyond adopting the state standards the town should put the brakes on charge the Comp Plan update with clarifying this issue.
- Could give LPAC direction as part of Comp Plan, tell them what we want them to address.
- A lot of compromises have been made since the policy was adopted in 2007. If we were to throw the proposal out we would lose a lot, including creating less protection than we have now.
- Keep what we have now, upgrade to state standards where relevant and keep the administrative work. We would send this back to Amanda for revisions. as what to do keep what we have, upgrade wetlands.
- Economics is an important issue. Need to be mindful to assure that property taxes can continue to grow. We tend to look more at residential development than commercial development.

- Is there an issue with the compensation piece? General consensus was no. It is more the overall loss of development potential.
- Two suggestions were made regarding loss of value, the first to establish wetland preservation zone to function like the tree growth program. This would minimize the value placed on preserved areas, and minimize taxes.
- Staff explained how the current program works.
- How does the town consider compensating for lost value? Tony Payne's suggestions is to compensate the property owner if they voluntarily protect the resources above and beyond the regulations, so rather than increase the current regulations, reward people for going beyond. The compensation would be paid from the open space fund.
- Staff explained the relationship between the RCZO, conventional zoning and addition of NRR amendments. Net buildable area calculations and net buildable density are not affected by the increase in regulation.
- Concern about how much flexibility is built into the system and the reliance on the Planning Board to administer.
- Would it help to remove the area of concern? It could go a long way.
- One way to address economic value would be to look at some properties and evaluate what you would be giving up.
- Not interested in looking at compensation
- Should always balance value given up with ultimate expense to the town and overall determination of how much bigger we want to grow as a community.
- We should look at what might come out of the current proposal.
- Suggestions included removal of the 750' area of concern, compensation in some form, notice to abutters, make all commercial lots exempt
- Would be nice to see density on the east side of town with a large stretch of wildlife and open space corridor through to the west.
- Should protect resources that are contiguous to other protected properties. Maybe this could be accomplished through transfer development right and increased minimum density.
- Should recommend the administrative changes and bring in line with state regs.
- Concern over the current exemptions and the new exemptions, whether a significant number of lots currently restricted would become unrestricted. This allowance was to compensate for stricter regulation on higher quality resources.
- Maintain current regulations for regular vernal pools, mirror the state for significant vernal pools and remove the area of concern.
- For wetlands restriction staff will make a list of questions for committee to answer regarding wetlands, especially for wetland of special significance

In summary, the committee agreed that the proposal contains a lot of good work, as much should be preserved as it reasonable to get a Council vote. This would include preserving the administrative changes, maintain current level of protection for resources unprotected by the state and mirroring the state regulations for all other resources. Staff will generate a list of questions to determine in more detail areas to modify. Specific decisions made are to remove the area of concern, allow a commercial lot exemption fully exempt including future lots, and remove the abutter notice provision.

Falmouth Shopping Center:

Mark Eyerman will have report ready by the 22nd. The committee feels this report can go directly to the Council.

Public Input

Bill Gardiner – If the state is overworked then staff will have more work. Would this cause more expense for town to enforce the regulations?

Lynn Foley – very aware of impact to developers – as individual land owner forced to think about protecting development rights today rather than waiting to see what happens.

Steve Carew – Appreciates efforts of the committee. He is a Johnny come lately, watched council meeting and has concerns about the economic compensation and economic impact. Impact should determine whether it is important. There was not time and effort put into economic impacts.

Future Meetings:

February 16 – cancel, school vacation week

February 23 – Wrap up NRR for a March 8th introduction.

March meetings – Route One

Committee adjourned at 8:45 p.m.

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