

**LONG RANGE PLANNING IN FALMOUTH:
BACKGROUND INFORMATION AND A RECOMMENDATION FOR
CONSIDERATION**

From: Joe Wroblewski, Town Councilor, Chair, Community Development Committee
To: Town Council
Date: 8 February 2008

INTRODUCTION

The Town of Falmouth has long taken an ambitious approach to land use planning. The number and scope of the plans developed and implemented attest to the Town's dedication to careful and progressive policies. Much of the detailed study and development of those policies has been done by the Comprehensive Plan Advisory Committee (CPAC).

Our Town is at a crossroads on this issue. We continue to be ambitious in our desire to develop and implement our land use plans and ideas. Our work plan includes the implementation of the Route One Study and the Compact Development Study. Also underway is a comprehensive review and update of our ordinances which regulate our natural resources. We further desire to form a transportation committee, to study our facilities and our needs for facilities, and to bring affordable housing and economic development to Falmouth. An update to our comprehensive plan is in the formative stages as well.

Our planning department is fully staffed, but the roles of staff are not entirely clear. We also lack the volunteer citizen resources to move forward on all of these projects in a timely manner. We need to commit to and expand our volunteer land use planning resources (CPAC, and *ad hoc* committees), so that we may obtain the detailed study and analysis of our land use planning goals and ideas in a timely manner. At the same time, we must keep these efforts centralized, to some extent, so as to maintain the cohesion necessary for intelligent long range planning.

The purpose of this memorandum is to present to the Council background information on CPAC and long term planning in Falmouth and to also present some options, and a recommendation, for proceeding with long term planning.

BACKGROUND

CPAC Timeline:

January 1989: Council voted to create Comprehensive Plan Advisory Committee (see Code of Ordinance amendment 1-27-1989 and attachment A)

October 1998: Council officially designated Comprehensive Plan Advisory Committee as the “municipal planning agency” and the “municipal reviewing authority” for the purposes of 30-A MRSA Section 4301.

2001: Council adopts Comprehensive Plan 2000 (see attachment B)

2006: The Council hires Consensus Building Institute (CBI) to analyze the Town’s approach to both long term land use planning and the developer application process.

July 2007: Council adopts Consensus Building Institute’s (CBI) report including recommendation to reaffirm and refine CPAC role (see attachment C)

CPAC Membership:

7 members:

- 1 Planning Board
- 1 Board of Zoning Appeals
- 1 School Board
- 4 citizens

CPAC Charge (per Code of Ordinances, Section 2-72):

- Advise town council on specific actions the town should take to implement the comprehensive plan
- Recommend revisions to the plan as they may be needed.
- Research and designate appropriate or preferred areas for growth
- Design incentives to direct growth.
- Encourage the adoption of necessary
 - a. zoning and subdivision amendments and
 - b. capital plan revisionsto carry out the goals and objectives of the comprehensive plan.
- Give priority attention to
 - a. the development of a greenbelt/open space plan and
 - b. an impact fee system for fairly allocating the costs of development.

Past practices:

- As its name suggests, CPAC was formed as an advisory committee to the Council, to assist in developing and implementing Falmouth’s Comprehensive Plan.
- One of the tacit goals of CPAC was to bring a balance of perspectives to the discussion of planning issues by having people from different committees appointed to CPAC, as well as 4 citizens at large. In prior years, there was someone from the business or developer community on the committee. A recent

appointment fits that description, but the Council has not moved forward on further appointments.

- As an advisory committee, CPAC's projects needed and obtained, at their initiation, the approval of the Council .
- The Council subcommittee, Community Development Committee (CDC) was formed to work with and oversee CPAC and other land use planning projects

OPTIONS FOR CONSIDERATION

The Council has the authority to promulgate the land use policies of the Town, but the detailed work of analysis and developing these policies in the form of recommendations has been done primarily by CPAC. CPAC has also been responsible for the development of the Comprehensive Plan, with the direction and approval of the Council. The question facing this Council is whether to continue with this planning structure. The CBI report states that roles and responsibilities of Town's planning bodies should be clarified and that efficiencies and transparency in the development and implementation of the Town's long-term planning initiatives should be promoted. Listed below are various options, with the recommendations of the CBI report noted in red:

Option One: Replace CPAC

Without CPAC, the Comprehensive Plan and land use planning initiatives would be developed by any of the following options:

1. The Town Council
2. The Community Development Committee (CDC)
3. CDC-CPAC
4. *Ad hoc* Committees
5. A new Committee

Option Two: Retain CPAC

1. Retain CPAC membership with no changes and make two appointments (one appointment from the Board of Zoning Appeals) to CPAC to complete its membership, or
2. Create "CPAC plus" with the appointment of 5-7 *ad hoc* members to help with the work on the new comprehensive plan. (CBI recommendation)¹ and,
3. Revise CPAC as to membership, terms and charge. (CBI recommendation)
 - a. Reduction in required appointments:
 1. Board of Zoning Appeals member
 2. Falmouth School Board member
 3. Other
 - b. Expansion of required appointments:
 1. Town Council liaison representation
 - a. CDC Chair (CBI recommendation)

¹ CBI made this oral recommendation to the Council at its retreat last summer.

- b. Other CDC councilor(s)
 - c. Other non-CDC councilor(s)
 - 2. Large-property owner representative (owns 50+ acres? 100+ acres? Other?)
 - 3. Real estate developer representative (Residential? Commercial? Falmouth projects? Non-Falmouth projects?)
 - 4. Business owner representative (Falmouth-based business? Any business representative?)
 - 5. Conservation Commission representative
 - 6. *Ad hoc* Workforce Housing representative
 - 7. Open Space Committee representative
 - 8. Other
- c. Terms:
 - 1. Term length
 - a. 2 years
 - b. 3 years
 - c. No term length
 - 2. Term limits
 - a. one term
 - b. two terms
 - c. three terms
 - d. no term limits
- d. Charge: Refine the charge of CPAC (see above).
- e. Name:
 - 1. Retain existing CPAC name:
 - 2. Create new name

Recommendations as to CPAC:

CBI was specifically asked to recommend a “best practice” for developing long range planning policy at the municipal level. With this charge in mind, CBI went on find “that CPAC has provided long-term continuity and focus to planning in the Town that is relatively rare among New England communities.” They further recommended that while the Council should “simplify and reinvigorate” CPAC’s membership, the Council should continue to delegate, “with clear directions and within clear bounds” the development of the new comprehensive plan and other long term planning.

I recommend that the Council follow CBI’s recommendations mentioned above, and take the following actions as to CPAC and our land use planning objectives:

- 1. Redraft the ordinance creating CPAC.
- 2. Fill the final vacancy of CPAC.
- 3. Complete the natural resources review.
- 4. Create “CPAC plus” in anticipation of work on the new comprehensive plan.
- 5. Create *ad hoc* committees to work with planning staff to finish the Route One Study and the Facilities Study.

6. Begin comprehensive plan effort, which would include affordable housing and economic development components.
7. Implement future affordable housing and economic development policies pursuant to the new comprehensive plan.
8. Future comprehensive plans would be done by an *ad hoc* group, added to CPAC for that purpose, and would include other key representatives and members of stakeholder groups.
9. Future membership should include a person with a business/developer background. (Our most recent appointment to CPAC has that background).

Attachment A: Excerpt from Code of Ordinances

**PART II, CHAPTER 2, ARTICLE III, DIVISION 4: COMPREHENSIVE PLAN
ADVISORY COMMITTEE**

Sec. 2-70. Creation, appointment, terms, officers.

- (a) The town council does hereby establish a long-range planning committee to be called the comprehensive plan advisory committee.
- (b) The town council shall appoint a committee of seven (7) town residents made up of one (1) member of the city planning board, one (1) member of the board of zoning appeals, one (1) member of the Falmouth School Board and four (4) citizens of the town.
- (c) The initial committee shall consist of two (2) members appointed for one (1) year, two (2) members appointed for two (2) years and three (3) members appointed for three (3) years. Thereafter members shall be appointed for periods of three (3) years, and shall serve without pay.
- (d) The committee shall annually choose one (1) of its own members to serve as chairman.
- (e) The town council shall have the power to remove any member for cause, and shall also have the power to replace appointees who voluntarily leave the committee.

(Ord. of 1-27-89, Arts. I--III)

Sec. 2-71. Meetings; reports.

Meetings are to be called by the chairman. It is the responsibility of the comprehensive plan advisory committee to report as needed to the town council. It is further the duty of the committee to report to the town council publicly at least once a year.

(Ord. of 1-27-89, Art. IV)

Sec. 2-72. Powers and duties.

The comprehensive plan advisory committee shall advise the town council on specific actions the town should take to implement the comprehensive plan and to recommend revisions to the plan as they may be needed. It is the duty of the committee to assure recommendations are brought forth to the town council to provide for a continuing planning process so that the recommended actions of the comprehensive plan can be refined and implemented. The committee shall research and designate appropriate or preferred areas for growth and to design incentives to direct growth to those areas. The committee shall encourage the adoption of necessary zoning and subdivision amendments and capital plan revisions to carry out the goals and objectives of the comprehensive plan. The committee shall give priority attention to the development of a greenbelt/open space plan and an impact fee system for fairly allocating the costs of development.

(Ord. of 1-27-89, Art. V)

Attachment B: Comprehensive Plan 2000 – Implementation Strategy

Highlight = Status as of February 2006

	POLICY / ACTION RECOMMENDATIONS	TIME FRAME	RESPONSIBILITY
GENERAL			
1.	Prioritize among the following recommended policies and actions and establish a specific work program for implementation of this updated Comprehensive Plan.	Immediate	Town Council & Comprehensive Plan Advisory Committee
LAND USE			
1.	Continue development of the CommunityViz computer modeling as a tool for analyzing growth options and development patterns, and for engaging the public in an interactive planning process.	Immediate	Planning Department
2.	Conduct a master planning process of Falmouth in three sections starting with the central master planned growth zone, to develop master plans for the ten residential districts using an interactive planning process involving residents of the districts and a cross section of citizens. The ten State goals set forth in the State Growth Management Program will be considered in the development of these master plans.	Short-term	Comprehensive Plan Advisory Committee
3.	Adopt a master plan as an addendum to this Comprehensive Plan for each residential district to guide development patterns and the future location of streets and intersections, public utilities, subdivisions, open space, trails, greenbelts, public facilities, and bicycle/pedestrian linkages.	Mid-term	Comprehensive Plan Advisory Committee
4.	Review the zoning for the Route 1 and Exit 10 commercial areas to assure that these allow the type of planned nonresidential growth desired.	Mid-term	Planning Department
5.	Review and revise, as necessary, the zoning for the ten residential districts as the individual master plans are completed and adopted.	Mid-term	Planning Department
6.	Review and revise, as necessary, the subdivision and other land use regulations to implement the residential master plans.	Mid-term	Planning Department
HOUSING			
1.	Adopt flexible residential design guidelines to ensure that housing is appropriately designed for the density of development proposed under various master plans in different residential districts.	Short-term	Town Council & Comprehensive Plan Advisory Committee
2.	Reactivate the town's Affordable Housing Alliance and charge them with developing policies and proposals to address the need for affordable housing.	Short-term	Town Council
3.	Continue the Town's policy of making land available for non-profit affordable housing efforts on an individual lot basis.	Short-term	Affordable Housing Alliance & Town Council
4.	Consider making Town land available for affordable housing subdivisions and/or multi-family projects conducted by non-profit organizations.	Mid-term	Affordable Housing Alliance & Town Council
5.	Consider exempting affordable housing units constructed under town supported programs from impact fees.	Mid-term	Comprehensive Plan Advisory Committee & Town Council
6.	Identify a number of suitable locations for mobile home projects.	Long-term	Comprehensive Plan Advisory Committee
7.	Revise zoning and subdivision regulations to establish standards for mobile home parks consistent with State law.	Long-term	Comprehensive Plan Advisory Committee & Town Council

TRANSPORTATION

1.	Appoint the Falmouth Trails Advisory Committee as a standing committee and provide it with the resources necessary to implement the Town's Bicycle, Pedestrian, & Trails Master Plan. Participate in regional transportation planning efforts to increase utilization of the highway system and to provide long-range solutions to traffic congestion in Greater Portland.	Immediate	Town Council Planning Department & Public Works Department
2.	Conduct a study to lay out future road networks that improve east-west collector road travel and increases accessibility and route options for secondary roads.	Immediate	Public Works Department
3.	Commission a feasibility study for diverting commuter traffic onto the highway system as outlined in the Town's Turnpike Spur Report.	Short-term	Public Works Department
4.	Adopt an ordinance establishing limits on the creation of new driveways on arterial and collector roads to preserve roadway capacity.	Short-term	Planning Department & Public Works Department
5.	Amend the Zoning and Site Plan Review Ordinance to require driveway connections on adjacent commercial sites and pedestrian connections to adjacent sites, neighborhoods, and the public sidewalk system.	Short-term	Planning Department & Town Council Falmouth Trails Advisory Committee & Planning Department
6.	Amend the Subdivision Ordinance to require preservation of existing trails, construction of sidewalks, and interconnection with surrounding or proposed bicycle & pedestrian networks.	Short-term	Planning Department & Public Works Department
7.	Lobby the Maine Turnpike Authority and the Maine Department of Transportation to participate in and consider recommendations from a feasibility study that addresses changes in the toll highway system.	Mid-term	

PUBLIC FACILITIES

1.	Continue developing a proposal for a municipal swimming and a community/senior activity center.	Short-term	Pool Committee
2.	Develop a baseline description of an acceptable level of services and facilities. Estimate the current capacity of services and facilities and attempt to identify growth thresholds where expansion will be necessary.	Mid-term	Comprehensive Planning Advisory Committee & Planning Department
3.	Begin preliminary planning for the construction of a public safety building.	Mid-term	Public Safety Department
4.	Develop a proposal for the needed expansion of elementary school capacity that meets the community's educational needs in a manner that is consistent with the planned development of the community.	Mid-term	School Building Committee
5.	Study the need for a senior center to meet the social and recreational needs of the community's growing elderly population.	Long-term	Community Programs
6.	Consider joint-use arrangements and multi-purpose designs on all public facilities projects that will maximize limited resources and provide for flexible responses to changing conditions.	Ongoing	All Departments

PUBLIC UTILITIES

1.	Conduct a study of establishing designated sewer service areas, encouraging sewer extensions by developers and permitting higher densities when sewers are provided.	Short-term	Sewer Department
2.	Consider revising development standards to establish a two-step process for determining development density, establishing a base density for development on public sewers or private septic systems, and increasing or decreasing density from that base depending on soil suitability, design, and mitigation factors.	Mid-term	Planning Department & Sewer Department
3.	Explore options for upgrading the sewage treatment plant to address issues related to trace pollutants.	Mid-term	Sewer Department

POPULATION

1.	Explore establishing impact fees to help pay for the new school and municipal facilities needed to accommodate growth.	Immediate	Comprehensive Plan Advisory Committee & Town Council
2.	Adopt an interim cap on the number of building permits issued for new residential units while the Town completes its residential growth planning.	Immediate	Comprehensive Plan Advisory Committee & Town Council
3.	Identify the optimum residential growth rate for the community based upon the residential master plans and adjust the building permit limit accordingly.	Mid-term	Comprehensive Plan Advisory Committee
4.	Continue exploring approaches for expanding the supply of affordable housing in Falmouth (see Housing policies).	Mid-term	Affordable Housing Alliance & Town Council
5.	Tie the growth rate of residential units to implementation of the established goals and objectives to encourage the development pattern desired such as giving priority to development in compact growth areas or affordable housing.	Long-term	Comprehensive Plan Advisory Committee & Town Council
6.	Continue monitoring the rate of residential development and reassess the impacts of growth on the community, municipal and school facilities, and municipal and school services on a periodic basis.	Ongoing	Planning Department

LOCAL ECONOMY

1.	Continue implementing the Village Center Plan for the Route One Business District and review the Town's zoning and subdivision regulations to assure that they are consistent with the Village Center Plan.	Ongoing	Planning Department
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NATURAL RESOURCES

1.	Study the impact of camp roads on phosphorous loading in Highland Lake and explore ways to reduce nutrient export if these roads are shown to be a significant source of phosphorous.	Short-term	Conservation Commission
2.	Adopt a wetland protection policy to establish building setbacks and buffering requirements.	Short-term	Conservation Commission
3.	Undertake a program to educate homeowners on the maintenance of septic systems and to identify and correct malfunctioning systems with a focus on the Presumpscot and Piscataqua River watersheds.	Mid-term	Conservation Commission
4.	Continue to monitor the water quality in Highland Lake to assess the impact of the recently adopted Phosphorous Control Ordinance.	Ongoing	Conservation Commission

MARINE RESOURCES

1.	Revise the Town's subdivision and site plan review regulations to establish standards for the quality of stormwater runoff especially in areas that are directly tributary to marine habitats.	Mid-term	Public Works Department & Planning Department
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FARM AND FOREST USES

1.	Encourage owners of farmland and commercial forest land to continue to utilize available current use tax programs.	Ongoing	Assessing Department
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RECREATION AND OPEN SPACE

1.	Revise the subdivision regulations and zoning ordinance to encourage the use of conservation subdivisions that permanently preserve large portions of the site as open space.	Short-term	Planning Department & Town Council
2.	Pursue approval of an additional open space bond issue to allow the community to purchase or obtain conservation easements on key open land.	Short-term	Town Council
3.	Undertake a comprehensive, objective inventory of the Town's scenic resources.	Mid-term	Planning Department

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| 4. | Proceed with the development of Phase II of Community Park as funding permits. | Long-term | Community Programs Department |
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HISTORIC AND ARCHAEOLOGIC RESOURCES

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| 1. | Revise the Town'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 appropriate measures be taken in the design of a project to protect as necessary any identified resources. | Mid-term | Planning Department & Town Council |
| 2. | Protect the Town's archaeological and historic resources through regulation and education. | <i>Mid-term</i> | <i>Planning Department</i> |
| 3. | Inventory the Town's prehistoric and historic archaeological resources in partnership with the State Historic Preservation Office. | <i>Long-term</i> | <i>Planning Department</i> |

FISCAL CAPACITY

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| 1. | Monitor the fiscal impacts of growth and development and explore the use of impact fees to help pay for the facilities needed to serve new development. | Ongoing | Planning Department & Town Council |
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REGIONAL COORDINATION

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| 1. | Continue to work with the Soil and Water Conservation District and other towns to improve water quality in Highland Lake. | Ongoing | Conservation Commission |
| 2. | Continue to work with PACTS, Metro, and the other municipalities to improve the regional transportation network and expand bus service, regional trails, and bike routes. | Ongoing | Planning Department and Town Council |
| 3. | Encourage and work with the Greater Portland Council of Governments and regional municipalities to develop regional approaches for addressing the pattern of residential development and affordable housing. | Mid-term | Planning Department and Town Council |
| 4. | Work with Westbrook and Portland relative to the removal of the Smelt Hill Dam on the Presumpscot River. | Long-term | Planning Department |

Attachment C: Excerpt from 2007 CBI Study

RECOMMENDATION F: COUNCIL SHOULD REAFFIRM AND REFINE ROLE OF CPAC

PURPOSE

To clarify roles and responsibilities of Town’s planning bodies; to promote efficiencies and transparency in the development and implementation of the Town’s long-term planning initiatives; to alleviate tensions regarding CPAC’s role in the Town’s planning system

RATIONALE

CBI found that CPAC has provided a long-term continuity and focus to planning in the Town that is relatively rare among New England communities. However, CBI also found that past events and recent changes in Town staff have fostered a lingering sense of uncertainty and tension about the future role of CPAC. As the Town’s governing body, Council is responsible for the overall management of the Town, of which planning is one part. Given its broad agenda and time constraints and the able role that CPAC has played over the years, Council should delegate (with clear direction and within clear bounds) the task of Comprehensive Planning to CPAC, while using appropriate tools to assist, monitor and evaluate CPAC and its membership without “micromanaging” its process.

RECOMMENDATION DETAILS

- If Council is to reauthorize all committees (Recommendation B), CBI recommends that Council reauthorize CPAC to advise Council on Town’s Comprehensive Plan
- Chair of CDC serves as Council Liaison to CPAC
- CPAC and Council work together to develop a work plan for the next year, which would include preparing for next Comprehensive Plan development and implementation
- CPAC and Council discuss membership. CBI proposes that CPAC simplify and reinvigorate its membership, perhaps to include a business representative or developer. CPAC may not need all of the liaison members it currently has. Furthermore, CPAC should balance more effectively the expertise, institutional memory, and continuity of long-term members with the energy, new ideas, and new viewpoints of new members. For instance, Council might strive for a generally new membership to begin each Comprehensive Plan (5 to 7 years) with only a few long-term members remaining in place to provide experience and continuity
- After each comprehensive plan, CPAC membership is re-evaluated
- CPAC should only pursue projects beyond the scope of Comprehensive Plan only at the clear discretion and direction of Council

RECOMMENDATION IMPLEMENTATION

NEXT STEPS	TOWN RESOURCES NEEDED
Council authorization/re-affirmation	Council
Evaluate membership	Council with CPAC
Develop work plan, budget	CPAC with approval from Council
Develop timeframe for work on Comprehensive Plan in coordination with CBI recommendations	CPAC with Council