



**Town of Falmouth Community Development Department**  
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## Memorandum

<b>Date:</b>	May 9, 2008
<b>To:</b>	Nathan A. Poore, Town Manager
<b>From:</b>	Amanda L. Stearns, AICP; Community Development Director
<b>Cc:</b>	Town Council Al Farris, CEO Ethan Croce, Assistant Planner
<b>Re:</b>	Commercial School Zoning Amendment

In the review and processing of the zoning amendment as passed at the Council's April 28<sup>th</sup> meeting, staff have realized that the effect of not adding the commercial school use to the other districts as proposed has had the effect of removing the use from those districts where it had previously been permitted.

"Commercial School" was previously defined and regulated as part of the "Private School" definition by naming a commercial school as a retail use. The amendment of that definition to remove the language regarding commercial schools and create a new definition necessitated the addition of Commercial School to the use lists for those districts where it was previously permitted under "Retail Use" in order to maintain the use in those districts where it was permitted.

The result of not adding the use to the use lists of the other districts is that commercial schools are now only allowed in the BP District as a Conditional Use. If that was not the Council's intention, a motion to reconsider may be an appropriate step.

If the Council intended to remove the use from the other districts, staff believes that the removal of the use from those districts is substantive in nature and would require a second public hearing.

Staff would be happy to discuss this in further detail at your convenience.