



Town of Falmouth Community Development Department
271 Falmouth Road
Falmouth, ME 04105
☎ 207.781.5253
📠 207.781.8677
💻 www.town.falmouth.me.us

Staff Review

Date: September 16, 2008
To: Nathan Poore, Town Manager
Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Ethan Croce, Senior Planner, Al Farris, CEO
Re: Tidewater Master Planned Development District
Master Plan Amendment to TV2 to add Garages

The applicant requests a Master Plan Amendment under Section 3.18.13 of the Zoning and Site Plan Review Ordinance (ZSPRO) for the addition of two buildings to be used as garages for the approved residential units. The amendment process for the Tidewater Design Guidelines is not detailed in the ZSPRO.

The original Master Plan and Tidewater Village Design Guidelines were approved by the Council as separate documents. Staff suggests that this approval process be used on the amendments to provide consistency in the approval process.

The amendment includes:

1. Amendment of the Tidewater Master Planned Development Master Plan (the plan itself is amended to show the location of the garage units and the plan notes are amended to correspond with the Design Guideline amendments)
2. Amendment of the Tidewater Village Design Guidelines

The following excerpts from the ZSPRO apply directly to this amendment request.

3.18.13 Master Development Plan Amendments

Any amendment to the Master Development Plan, other than a “Minor Revision”, as defined below, must first be approved by the Town Council before becoming effective. The approval of an amendment to the Master Development Plan, other than a Minor Revision, must comply with the same procedural requirements set forth above for the approval of the original Master Development Plan. A Minor Revision is any proposed change to a Master Development Plan that does not significantly expand the overall square footage of the improvements or the number of dwelling units in the project, change the use of any portion

of the project from one type or category of use to another type, or modify any conditions that may have been placed upon the project by the Town Council in approving the original Master Development Plan. A Minor Revision may be approved by the Planning Board.

3.18.9 Master Development Plan Procedure

The Town Council shall hold a public hearing on a proposed Master Development Plan within forty-five (45) days, but not sooner than twenty one (21) days of the submission of a Master Development Plan. At least ten (10) days prior to the hearing, the Council shall notify by mail the owners of all property abutting the property covered by the Master Development Plan. For the purposes of this section, the owners of the property shall be considered to be the parties listed by the tax assessor for the Town of Falmouth as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Council. – Abutters have been notified as required and the hearing has been posted according to the Charter and practice of the Council.

3.18.10 Master Development Plan Findings and Conditions

In approving Master Development Plans under this provision, the Town Council shall find that the proposed development is consistent with the purpose of the Tidewater Master Planned Development District and the Town's adopted comprehensive plan. Prior to approving a Master Development Plan, the Town Council may request reports from the Town Planner, Fire Chief, and Public Works Director containing their recommendations as to the development proposal. The Town Council may consider attaching conditions to the zoning approval including:

- a. Limitations on the number and types of permitted and conditional uses; - The applicant's request is self-limiting to garage use, 8 units and 2 buildings with a maximum of 1,200 square feet.
- b. Restrictions on the scale and density of development; - The garages are one-story with a proposed hip roof. The proposed garage units increase the coverage on the TV2 site by 433 square feet as indicated by the applicant.
- c. Conceptual design and layout of buildings or other improvements, including buffering; - The Council may approve the conceptual layout and architecture. The Planning Board routinely requires the project be reviewed by a landscape architect to assure conformity with the Tidewater Village Design Guidelines.
- d. Time frames for commencement and completion of public infrastructure; - The amendment does not require or include any public infrastructure
- e. Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects; - The Planning Board Site Plan approval process calls for performance guarantees and inspection fees.

- f. Preservation of open space and buffers, and protection of natural areas and historic sites; - The location of the garage units is substantially of the same size and location as the approved paved parking.
- g. Provisions for reservation or dedication of land for public purposes; - not applicable.
- h. Contributions toward the provision of municipal services required by the development, including, for example, infrastructure improvements such as roads and sewers, and specialized maintenance needs arising from the rezoning; and, see Item e. above
- i. Provisions for enforcement and remedies for breach of any conditions or restrictions.