



Town of Falmouth Community Development Department
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Memorandum

Date: March 5, 2009
To: Nathan Poore, Town Manager
From: Amanda L. Stearns, Community Development Director
Cc: Ethan Croce, Senior Planner, Al Farris, CEO
Re: Overview of Route 100 Zoning

As requested, Al Farris and I have been researching the history of the zoning in this area of town and the evolution of businesses that have outdoor storage of equipment or sales area. Unfortunately, records are not complete. Based on our initial phase of research we draw the following summary:

Overview and History

1. VMU (Village Mixed Use) and CO (Corridor Overlay) appeared first in the April 1988 Zoning Ordinance. VMU covers generally an area south of the CMP powerline and north of Leighton Road. It generally is about 1000 feet deep but in some areas on the east side of Route 100, follows the Piscataqua River. The CO District runs from the Portland line to the Cumberland line and is defined as 1,000 feet deep from Route 100. The result of these two districts is that almost the entire VMU is covered by the CO District.
2. Many uses were already established along Route 100 during previous zoning designations. As the zoning maps have not been located for specific periods of time it is difficult to begin to determine what the status of many uses might be. Some are non-conforming, others may have been expanded without permits, others expanded or established with permits and others established illegally. Preparing this history would be extremely time consuming and unproductive at times.
3. VMU is a base district and regulates uses, lot dimensions, residential density and setbacks. CO adds several other uses and specifically adds standards to land uses in the overlay.
4. The two districts were simultaneously amended in 1991 when Day Care, Vet Clinics and Public Utilities were added, in 1996 when Elderly Boarding Home and Outdoor Eating Area were added and in 2005 when Personal Wireless Facilities were added.
5. The Exit 10 Design Guidelines were created with the West Falmouth Crossing Master Plan Development District in January 1998 and were added as a requirement for site review in the CO District in June 1999.

Existing Land Use Policy

1. Land use policy for the area is in essence established by these three regulatory pieces as well as the current Comprehensive Plan. Since the Comprehensive Plan is an advisory document it will not be discussed here.
2. Use – The VMU District establishes uses in the area and provides primarily for residential, business, service and municipal uses. Outdoor storage and sales are permitted as a primary use in our ordinance and are not permitted in this district.
3. General Site Design – The regulations in the CO District dovetail with the VMU and allow some additional mixed use options and have additional design standards including the number and location of curb cuts, sign number and size, landscaping borders along Route 100, and separation of buildings.
4. Site Design, Exit 10 – The adoption of the Exit 10 Design Guidelines for projects requiring site plan review were adopted in 1999, and increase design standards for overall site design, architecture, public space, landscaping, lighting and signage.

Existing Uses

1. As explained above there is a variety of uses currently located in the District that do not meet the current ordinance requirements. Depending on how and when the businesses were established, permitted and expanded over time, they may be non-conforming (lawfully established under a previous version of the ordinance or established prior to zoning), eligible for but not approved, or illegal.

Proposed Work Plan – The purpose of this work plan would be to:

- add options in the district to accommodate reasonable outdoor storage while respecting the policy of the design standards and abutting property uses,
- evaluate and institute a regulatory scheme to bring existing businesses into conformance as is reasonable and within a reasonable time frame, and
- ultimately to reevaluate the land use vision and policy for the Route 100 corridor in total.
- Timeframe to complete first item will depend on the completion of current projects.