



Town of Falmouth Community Development Department
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Memorandum

Date: April 9, 2011
To: Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Nathan A. Poore, Town Manager
Re: Explanation of amendments to the Zoning and Site Plan Review Ordinance regarding calculation of net residential area to clarify the amendments approved January 2011

The purpose of this amendment is to clarify the treatment of existing nonconforming lots due to size and lots that are approved with reduced lot sizes under the Resource Conservation Overlay District.

The previously approved amendment addressed the calculations for new lots created, but did not address the treatment of nonconforming lots due to lot area and lots that are approved by the Planning Board with reduced lot area.

The unintended consequence for lots created under Section 3.13, Resource Conservation Overlay District is that lots in Farm and Forest could not be reduced to the full extent allowed, to 20,000 square feet with 50% of the lot required to be buildable area regardless of the lot size. Without the amendment the lots may only be reduced to 40,000 square feet with 100% of the lot required to be buildable.

For lots not meeting the current ordinance requirements due to lot size the amendment would render many lots unbuildable. The amendment would allow these lots to be buildable as was permitted prior to the amendment.