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August 22, 2012

Ms. Ellen Planer
Town Clerk
Falmouth Town Hall
271 Falmouth Road
Falmouth, ME 04105

Dear Ellen:

I am pleased to introduce, in accordance with Article II, Section 213 of the Town Charter, language relative to a proposed amendment to the Zoning and Site Plan Review Ordinance.

This amendment proposes to revise section 3.14.8 "Master Development Plan Time Limits" relative to the West Falmouth Crossing Planned Development District.

The amendment extends the time for substantial completion of any portion of the development from ten (10) to twenty (20) years from January 26, 1998 (the date of approval of the Master Development Plan).

Without this amendment, the Town Council's approval of the Master Development Plan expired in 2008. Currently, two lots in this project remain undeveloped. The Town recently received a project inquiry for one of these lots. A letter from the property owner is attached. The ordinance states that the Council may extend the time limits because market conditions.

The complete amendment language is attached to this letter.

I hereby ask that you place this item on the next available agenda for a public hearing and that you properly post notices and advertise for a public hearing as required by the Charter.

Sincerely yours,

Karen Farber

Karen Farber
Falmouth Town Councilor
Liaison, Economic Improvement Committee

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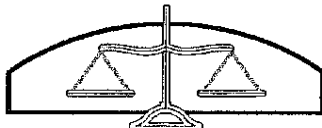
**DRAFT Zoning Amendment regarding Time Limits for
Master Development Plan at West Falmouth Crossing
For Introduction August 27, 2012
TOWN COUNCIL
Town of Falmouth, Maine**

**An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding
Time Limits for Master Development Plan at West Falmouth Crossing**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Zoning and Site Plan Review Ordinance be amended as follows.

3.14.8 Master Development Plan Time Limits

If the Town Council grants approval of a Master Development Plan, the applicant's legal rights, duties or privileges determined thereby, shall expire if the development is not commenced within two (2) years of the date on which approval was granted and shall expire as to any portion of the development that is not substantially completed within ~~ten (10)~~ **twenty (20)** years of the date on which approval was granted. The Council may extend these time limits upon showing by the applicant that additional time is needed due to required local, state, or federal permits or approvals, or because of market conditions. This provision shall be retroactive and shall apply to any master development on or after January 26, 1998.



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FACSIMILE COVER PAGE

TO: Jennifer Small, Malone Commercial Brokers	FROM: John Largay
FAX: 297 358-7918	FAX: : (207)942-3702
RE: Zone Hearing	TOTAL PAGES: 2
DATE: August 21, 2012	

MESSAGE:

Please see attached letter.

Thank you,

John

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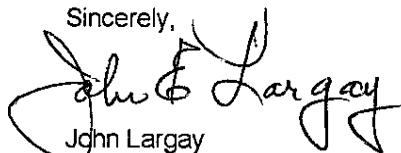
August 21, 2012

Town of Falmouth

To Whom it May Concern:

The West Falmouth Crossing Master Development Plan was approved on January 28, 1998. In accordance with Article 3.14.8 "Master Development Plan Time Limits" contained in the Town of Falmouth Zoning Ordinance, the Master Development Plan had a ten (10) year time limit on any portion of the development that was not substantially completed from the date on which approval was granted. Due to the recent down turn in the economy the complete development of all lots has not occurred within the 10-year time limit. Lots 3 and 7 of the Master Development Plan remain to be developed. We are seeking a zoning amendment to extend the 10-year timeline to 20-years on any portion of the development that was not substantially completed from the date on which approval was granted (i.e. 2018). We are requesting to be placed on the August 27th Town Council agenda for a discussion with the Council.

Sincerely,



John Largay