



Town of Falmouth Community Development Department  
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## Memorandum

**Date:** September 20, 2012  
**To:** Nathan A. Poore, Town Manager  
**From:** Justin Brown, Code Enforcement Officer  
Ethan Croce, Senior Planner  
Amanda L. Stearns, Community Development Director  
**Cc:** Theo Holtwijk, Director of Long-Range Planning  
**Re:** Review of Section 3.14, West Falmouth Crossing Master Planned  
Development District

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As requested, we have researched the zoning of the West Falmouth Crossing Master Planned Development District as it pertains to the effect of an expired Master Plan. The District is regulated under Section 3.14 of the Zoning and Site Plan Review Ordinance, West Falmouth Crossing Master Planned Development District.

The District and Master Plan were adopted January 26, 1998 by the Town Council. The District was approved first with the Master Plan approved immediately thereafter as the District had to exist in order for the Council to be authorized to adopt such a plan. The District was approved as a base district and therefore no underlying district exists. Section 3.14 indicates that the Town Council *may* approve a plan to guide development.

The Master Plan as approved covers all development on the site. It was amended by the Town Council on March 26, 2001 to accommodate certain flexibility for the development to the TD Bank project. This amendment also included a provision requested by the developer to clarify Section 3.14.8, Master Development Plan Time Limits.

The Master Plan expired on January 26, 2008. Without a renewal of the Master Plan, all of the current development may become non-conforming as many dimensional standards are relaxed with the Plan. These include setbacks, lot width, lot coverage and height limitations.

Without an approved plan, the standards of Section 3.14 continue to apply. The following list indicates where standards vary when a Master Plan is approved. In all cases, the approval of a Master Plan gives the developer more flexibility in design. The Master Plan also includes additional restrictions for development that are not covered under the zoning.

- 3.14 – Uses remain the same with the exception of those listed under Item 9 which are only allowed if a Master Plan has been approved.

- 3.14.A - These dimensional standards mirror the standards in the adjacent MUC District. Without a Master Plan all lots are subject to lot width, coverage and setback requirements more stringent than under the Master Plan with the exception of setbacks for corner lots.
- 3.14.2 – All development, whether on an approved Master Plan or not, must be consistent with the Exit 10 Design Guidelines.
- 3.14.3 – Signage for development without an approved Master Plan must meet all requirements of the Zoning Ordinance, Section 5.11 – 5.20 as well as those under Section 3.10, Route 100 Corridor Overlay District (CO). With an approved Master Plan the Planning Board may determine the number, size and location of signs.
- 3.14.4 – Once a Master Plan is approved, all development covered under the Master Plan must be in conformance with the Master Plan
- 3.14.5 –7 – These sections address the adoption of a Master Plan.
- 3.14.8 – Please see comments above and Theo Holtwijk’s memo in your packet for information regarding the adoption of the time limit.
- 3.14.9 –This section addresses public improvements (all have been constructed)
- 3.14.10 – Provides for amendments to the Plan. Major amendments are approved by the Town Council and Minor Revisions are approved by the Planning Board.
- 3.14.11 – Indicates the change in zoning if the owner has not filed applications to the Planning Board within 180 days of the adoption of the district or if the developer abandons the project. Neither of these conditions occurred therefore the District remains in effect.
- 3.14.12 – Height limitations may be increased with an approved Master Plan. (This occurred in 2001 for the TD Bank development.)