



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

Memorandum

Date: October 30, 2012
To: Town Council
From: Amanda L. Stearns, Community Development Director
Cc: Nathan A. Poore, Town Manager
Ethan Croce, Senior Planner
Justin Brown, Code Enforcement Officer
Theo H.B.M. Holtwijk, Director of Long-Range Planning
Re: November 14 Workshop - Changes to the Tenant Space Amendment

In order to give the public the opportunity to react to the most recent version of the proposed amendment and to provide feedback to the Council on or before November 5, I am distributing the most recent version of the amendment.

Based on the discussion at your October 10 workshop I have made several revisions to the amendment. My revisions include changes that were based on a meeting with Mary Costigan of Bernstein Shur, representing the owners of the Falmouth Shopping Center. Mary indicated that she will most likely have some additional requests for changes that would broaden the use of developed sites. The list below provides a summary of the changes made.

1. Throughout the amendment provide consistent language to describe “ground floor tenant area.”
2. Delete the specific exemption for Map/Lot U52-002 and add a generic one. The result is the same but it is preferred to not name specific projects in an ordinance. The section is moved below the section referring to reconfiguration. (new 3.6.3.)
3. Restructure the language regarding exemptions of existing nonconforming tenant area and add some clarifying language stating that all existing nonconforming areas are exempt (3.6.2.b) and that nonconforming spaces can be reconfigured without limitation provided that they do not exceed the original nonconforming square footage (3.6.2.c.(2)).
4. Clarify that ground floor area is the first floor area of any tenant space. This was in response to the request to clarify that there is no limit to other floor use. (3.6.2.d(3)).

It is understood that the main purpose of the workshop is to allow opportunity for the Council to discuss the “reconfiguration” options in the amendment. I have provided a summary of what the amendment as currently written would allow. It is based on a fictitious building with three tenant spaces that would become non-conforming with the adoption of a 50,000 square foot ground floor limitation.

The spaces currently existing include one at 55,000, one at 65,000 and one at 75,000. The 55,000 and 65,000 have second floors and are adjacent to one another.

1. These three spaces could be occupied and reoccupied without limitation in their current configuration.
2. The upper stories of the spaces could be combined and occupied by a single tenant.
3. The upper stories could be combined with one of the first floor spaces and occupied by a single tenant.
4. The three spaces could be reconfigured within the existing building footprint provided that in the end, there were only three nonconforming spaces and that they did not exceed the original square footage of the nonconforming spaces.
5. A second floor could be added to the space with 75,000 and the resulting 150,000 square feet could be used by a single tenant.
6. The building footprint could be modified to enlarge or reconfigure spaces that are conforming. For example, a 25,000 space could be enlarged to create a 50,000 space.
7. The building could be enlarged to provide additional tenant spaces that are in compliance with the 50,000 limitation on the first floor.

I am including in this correspondence the latest version of the ordinance and a letter from Bill Plouffe, Town Attorney, regarding the necessity for additional public hearings.

This information will be published in the Council packets prior to the November 14 workshop.