



Town of Falmouth Community Development Department
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Memorandum

Date: November 8, 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 on Amendment for Tenant Area
Limitations – Review of Proposal from Mary Costigan

I have reviewed the letter dated November 5, 2012 from Mary Costigan and offer the following comments:

1. The proposal suggests increasing the area limitation for reconfiguration of existing nonconforming space from the current area for any given nonconforming space to 80,000 square feet. This would allow for the expansion of the current non-conforming spaces by 11% (current Shaw's space), 31% (Morong Service and Foreside Fitness and Tennis) and 57% (vacant Shaw's space).

This increase moves away from the current vision for village scale, walkable development in the SBI District. The expansion could result in longer expanses of storefront with no functional fenestration or customer entrances which compromise the pedestrian experience as well as allowing expansion away from the street, perpetuating the suburban shopping center form. The village vision is intended to encourage new development on a street or an internal street.

Ms. Costigan suggests that increasing the limit to 80,000 would allow the Shopping Center to market to certain national retailers that would not be able to locate with the current tenant area sizes. My internet research shows that most stores listed in her letter typically occupy much smaller spaces, with most stores occupying less than the current nonconforming areas.

There is no guarantee that any size limit will prohibit certain stores. The purpose of the ground floor area limitation is to foster a village design, not prohibit certain retailers.

2. Recommended change to Section 3.6.2.c.(1) now suggests that conforming spaces could be expanded to become nonconforming. This section intentionally only addresses nonconforming spaces. Conforming spaces have no restrictions on expansion as long as the expansion remains conforming.
3. The addition of a new Section 3.6.2.c.(2) contradicts the previous section (1), allowing any and all spaces to be **reconfigured and expanded** to 80,000 square feet. This section also permits the squaring off or physical expansion of the building footprint to accommodate a larger nonconforming area.
4. The addition of a new Section 3.6.2.c.(3) would require any and all renovations of any space to be reviewed under the various Design Guidelines. Currently this applies only to any renovated space greater than 10,000 square feet. The purpose of this section may have been to clarify that such expansions and renovations such as the one depicted in the Hyland Associates illustrations would be subject to site plan approval and review under the Design Guidelines. This is already addressed in Section 9.2 of the ordinance.
5. It is agreed that all references to tenant space should be changed to tenant area for consistency. Mary found a few instances that had not been changed.