

Open Letter to the Falmouth Town Council

05 November 2012

Dear Councilors,

In follow up to my last letter, dated 31 October, in which I offered a 5-point plan for this Council to help foster a pro-business environment in Falmouth that will move the Route 1 project forward, and encourage vibrant economic growth and prosperity, I now write to offer a specific action plan designed to move the SB-1 Zone forward:

1. Address existing code deficiencies that will stimulate the growth of existing businesses.
2. Engage in positive zoning guidelines that will attract new businesses to Falmouth.
3. Create economic incentives to attract business investment and growth in Falmouth.
4. Foster a public-private partnership to tackle the infrastructure requirements along Route 1 that will be the underpinning and catalyst for the project.
5. Engage Falmouth's business community and citizens to participate in the economic development arena.

At the outset, between the State's intentions to begin its reconstruction efforts, for Route One through Falmouth, and the need for a Town referendum to address independent infrastructure costs, it is no secret that *time is of the essence*, so please know that I and other members of the business community stand ready to assist in every effort to streamline the necessary processes.

It is my view that the clearest common ground among stakeholders, government, residents and the business community at-large, is a shared desire to implement the years of studies and recommendations for SB-1. As such, it is necessary to collectively embrace a unified approach to our methods, processes and procedures in effort to secure timely, broad-based results.

I endorse the designation of an *ad hoc* task force charged with the exclusive responsibility of drafting a single SB-1 comprehensive zoning plan commensurate with the impressive amount of work that has already been done to date. The *ad hoc* task force should be comprehensive in its composition of interests and expertise, with representatives from the Town Council, Planning Board, ZBA, and other vested stakeholders (including business owners and citizens) working together to help realize the collective vision for economic development along Route 1.

In keeping with the timing challenges and finite responsibilities, this committee should have a limited existence and given a hard deadline for its work as defined by the time requirements for referendum and/ or State groundbreaking. In other words, the aim is to implement a comprehensive set of "positive" zoning ordinances, applicable to SB-1, ready for action by the Council, within the first quarter of 2013, to facilitate the years of effort thus far, take full advantage of the Route One repaving, and capitalize on private investment opportunities.

Items requiring immediate attention include, but are not limited to:

- A. **Remedy Route One Right-of-Way.** Negotiate with the State to remedy the non-uniformity of the State's right-of-way along Route One, that has a disparate impact upon neighboring businesses along this critical thoroughfare, i.e. Signage – many signs along Route One are non-conforming and/ or are required to be "set-back" to such an extent that they are rendered ineffective, whereas a neighboring businesses' sign may be subject

to far less scrutiny and/ or much closer to the road, given the State's non-linear right-of-way.

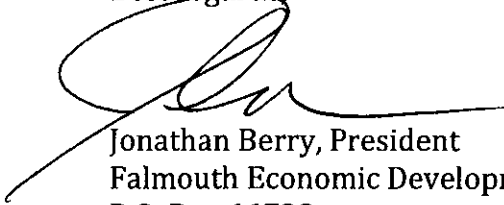
- B. **Embrace Proactive & Positive Zoning.** Bring existing commercial properties into conformity. There is presently an odd consequence of conflicting ordinances that creates greater flexibility for a commercial developer to "tear down and rebuild" structures along the Route One corridor – which, in certain limited circumstances, is desirable – however, existing small business owners that neither desire nor can afford the full expense of a tear down and rebuild (or the concomitant disruption to their business) are subject to ordinances which stymie investment and beautification efforts. In other words, our Code of Ordinances should better recognize the distinctions between encouraging and regulating future growth, while promoting and fostering small business owners seeking to further invest in our community. In any event, to the extent possible, regulatory efforts should affirm, in the clearest terms possible, what is permissible.
- C. **Reward Business Investment.** Exempt existing small businesses from certain ordinances deemed to be unduly burdensome, particularly when proposed improvements relate exclusively to cosmetics and/ or are relatively small in scope. A quick jaunt through the SB-1 district reveals a number of structures that are dated, in architectural design, and/ or have been re-purposed and are lacking consistent aesthetic appeal. Any small business owner committed to embracing the design standards of SB-1 and/ or meeting the market demands of the community should be encouraged to further the collective effort as seamlessly and inexpensively as possible. Additionally, a variety of incentives should be instituted to attract new businesses to invest in Falmouth, as a whole.
- D. **Streamline Permitting/ Approval Processes.** If the efforts described herein are successful and a clearly articulated set of ordinances are in place, then all but a relatively small portion of projects should be pre-permitted and/ or capable of breaking ground via an inexpensive and timely "staff-level approval" process.
- E. **Infrastructure and Development Standards.** The catalyst to this effort will come from re-paving Route 1, and as part of that process, investment in critical infrastructure requirements will be necessary and come before Falmouth voters for approval in 2013, in the form of a referendum. The infrastructure and development standards should compliment this effort and must enjoy broad-based support, in the community. This effort will require a public-private partnership to draft and implement.
- F. **Progressive Footprint and Design Standards.** Immediate passage of Progressive Footprint and Design Standards that include simplified and fee-reduced pre-permitting and partial pre-permitting processes within established footprint guidelines will encourage and expedite business investment and economic prosperity along Route 1. Specifically, and in keeping with the current discussion of an SB-1 "village atmosphere," a complete set of design standards whereby new commercial development proposals, up to 30,000 square feet, would be pre-permitted, under a zero-setback formula, increasing the likelihood that current and future commercial property owners would invest in the Council's vision. Similar to these smaller scale projects, proposed commercial

development proposals between 30,001-60,000 square feet, should have a graduated set of clearly articulated positive design standards, together with a streamlined "staff-level approval" process. Thereafter, any unforeseen projects that would bring a unique opportunity to Falmouth would be subjected to a more rigorous set of design standards, subject to full Planning Board approval. Under this approach the combined effect of the ordinance structure encourages and rewards smart growth, but does not render the possibility of unforeseen and unique opportunities impossible leaving open the possibility for the "right" partnership, when and if it presents itself.

I am pleased to present this comprehensive plan that addresses a timeframe, task force and a comprehensive approach to realize the economic development that the business community shares with our past and present civic leaders. We have a unique opportunity right now to build upon our community's tradition of excellence, and to become a premier economic destination.

Thank you for your time. Please feel free to follow up with any questions or concerns.

Best regards,

A handwritten signature in dark ink, appearing to read 'Jonathan Berry', with a long, sweeping horizontal line extending to the right.

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