

March 18, 2014

Theresa Pierce
Chair, Falmouth Town Council

Dear Chair Pierce and members of the Falmouth Town Council:

Thank you for the opportunity to present this proposed rezoning of a portion of the property located at 206 U.S. Route One to permit the continued operation of Walmart's outdoor garden center.

As you know, Walmart decided last year not to pursue its planned store expansion plan, which would have relocated the outdoor garden center and would have included the development of Hat Trick Drive. Despite the decision not to move forward with the full expansion, Walmart would like to continue to use and operate the same portion of the property as a garden center and pallet storage area in a manner which was previously approved and operated now that the company has decided not to expand the overall store. We have met with Town staff to review the plans and who has suggested that a rezoning of the garden center area may be the appropriate mechanism to accomplish this goal.

Simultaneously, the Town has engaged Walmart and Falmouth Plaza, LLC in initial discussions regarding the development and potential cost-sharing of Hat Trick Drive. Walmart has provided initial plans of Hat Trick Drive for the Town as part of those discussions, the most recent version of which is attached to this letter.

Walmart received approvals and operated a seasonal garden center and storage area on the property for the last three years. Prior to the 2013 amendments to the Falmouth Zoning and Site Plan Review Ordinance, the property was located in the Suburban Business 1 District (SB1), which allowed as a conditional use the outdoor sales and storage of equipment and materials without a size limitation. The company received conditional use approval for the garden center and storage area from the Board of Zoning Appeals on April 27, 2011, and received three one-year site plan approvals for such use from the Planning Board on May 3, 2011, April 3, 2012, and March 5, 2013.

The 2013 zoning amendments re-designated the area that the property is located on to the newly created Village Center 1 District (VC1), which allows, as a permitted use, outdoor retail display between 100 and 2,500 square feet as an accessory use. The company's existing garden center is larger than what is now allowed in the new VC1 District; they would like to continue to operate the garden center as it has been previously approved.

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We have attached a proposed site plan and proposed zoning plan of the outside garden center area for your initial review; it is substantially similar to what the Planning Board had previously with a few changes based on staff review, including the following:

- 1) Adds more landscaping along the Clearwater Drive and Hat Drive portions of the property;
- 2) Adds a sidewalk and pedestrian lighting along Clearwater Drive; and
- 3) Adds new decorative fencing along the pallet storage section to provide additional screening.

Please also see the attached proposed zoning amendment document and a letter to the community development director outlining compliance with applicable sections of the zoning and site plan review ordinances.

Sincerely,
James W. Sewall Company



Aaron Shaw, PE
Senior Project Manager

Enclosures

Cc: Nathan Poore, Town Manager
Amanda Stearns, Community Development Director
Philip Saucier and Joan Fortin, Bernstein Shur
Holly Malloy, Falmouth Plaza, LLC