

Melissa Tryon

From: Ethan Croce
Sent: Thursday, May 08, 2014 9:11 AM
To: Melissa Tryon; Amanda Stearns; Nathan Poore; Ellen Planer
Subject: MRA Public hearing - May 6, 2014 Planning Board meeting - Garden Center Special Overlay District

At its May 6, 2014 meeting, the Planning Board, acting as the Town's designated Municipal Reviewing Authority, held a public hearing on proposed amendments to the Zoning and Site Plan Review Ordinance relative to establishing a Garden Center Special Overlay District.

The following public comment was received at the meeting:

Clifford Gilpin, 18 Heron Point Road, President of the Tidewater Homeowners Association would like to see the Walmart area on Clearwater Drive included in the Route One infrastructure improvement program. He stated that the landscaping required in 2011 for the temporary outdoor sales and storage area along Clearwater Drive has not been maintained by the store. Most Route One businesses take their landscaping seriously. He is disappointed with Walmart's response to buffering in the proposed plan and believes a more substantial buffer should be required, especially given the store's proximity to the residential development at Tidewater.

Susan Gilpin, 18 Heron Point Road, said that both visual and auditory buffering is important next to a residential district. The plans show too much asphalt and not enough buffering. The VC District ordinance provisions speak to orienting service areas of commercial sites like this adjacent to residential uses. The VC standards require an opaque, year-round buffer with noise reduction measures. This proposal would exempt the property from having to meet those standards and she does not believe an exemption should be granted.

Elizabeth Andrews, 11 Heron Point Road, said Walmart has not maintained their picket fence nor their landscaping that was required. The area looks unsightly and dissimilar to the rest of the Route One commercial area. Simply adding a few more trees to the buffer area is not sufficient. She would like the Council to require a berm and more trees to create a hedge effect and to create a true auditory and visual screen. She does appreciate the proposed sidewalk extension.

Planning Board deliberation and vote:

Jay Chace said he finds it difficult to make comments to the Council regarding site specifics because the Planning Board was not asked to review the proposed buffering plan. He thinks it is important that there is a body, like the Planning Board, that reviews the ordinance regulations so that the abutters, residents, and developers have a clear expectation regarding process for development review.

Tom McKeon agreed and requested that the Council address the concerns of the neighbors regarding adequate buffering.

Jay Chace stated that Outdoor Retail Display is an allowed use in the VC District and the District was just adopted last year after being extensively vetted by the community and the public review process. He believes that unless the Council wants to re-examine the validity of the 2,500 square foot Outdoor Retail Display limitation in the entire VC district, the Council should reconsider how they are approaching this. Otherwise, this ordinance amendment creates an unfair competitive advantage in the marketplace. If the Council wants to take these types of re-zoning actions, the Council should consider implementing a contract zone provision to allow these types of proposals.

Chris Hickey thinks the proposal is generally reasonable, but his main concern is exempting the developer from Site Plan Review. He thinks there is a reason why quasi-judicial boards are responsible for reviewing, in a deliberative fashion, these types of matters. He does not support this proposal for that reason alone.

Tom McKeon moved to recommend that the Council adopt the proposed ordinance with the condition that the project either be required to come before the Planning Board for Site Plan Review, or that the Town makes certain that the concerns of the neighbors regarding landscaping and buffering are addressed and comply with the VC standards. The motion was seconded by Bernie Pender.

Jay Chace stated that he will not support the proposed ordinance because he believes the project should be required to have Planning Board Site Plan Review.

Chris Hickey stated that does not support the proposed ordinance because he does not like the precedent of exempting selected projects from Site Plan Review. He believes that all projects should have a competent review by a town board that addresses and protects the interests of residents, the Town, and developers.

The motion passed 3-2. (Chace, Hickey)

Regards,
Ethan

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