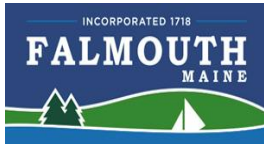


COMMUNITY DEVELOPMENT COMMITTEE
(Town Council Subcommittee)



Members

Dos Diaz
Sean Mahoney
Danielle Tracy

Staff

Ethan Croce
Adam Causey

Meeting Minutes

Monday, October 6, 2025 – 2:30 pm
Town Hall Large Conference Room

1. Call to Order

The meeting was called to order at 2:30 pm

2. Approval of minutes from 9/10/2025 CDC Meeting

Motion by Councilor Tracy to approve the minutes as drafted. The motion was seconded by Councilor Diaz and approved 3-0.

3. Discussion regarding Route One North/BP Zoning

Chair Mahoney summarized the background to the status of the Route One North zoning project. He said that last May, as the proposed amendment was getting ready for a final vote, some concern was expressed about the proposed building height of 65 feet. He said that the building height issue needs additional analysis and that the CDC has been tasked with bringing back to the Council a proposal for the full Council's consideration.

Councilor Tracy said she has familiarized herself with all of the background material to this item. She noted that this proposed amendment has been subject to numerous meetings where public comment was taken and that there has been a lot of detailed conversation over the past year about the amendment.

Chair Mahoney said the goal of the amendment is to implement recommendations from the Town's new Comprehensive Plan to allow and incentivize efficient mixed use development with a combination of commercial and residential uses. He said that a little bit more work needs to be done to develop a rationale for an appropriate building height that is supportive of this type of development along Route One.

Councilor Diaz inquired about the Legislature's recent imposition of a mandate for municipalities to allow 14 foot building height extensions for affordable housing developments. Mr. Causey thought that many developers would be unable or unwilling to utilize the affordable housing density and height bonus provision due to the State's requirements for deed restrictions and because many affordable housing developers would not choose to construct taller buildings over a certain height due to the more expensive costs associated with code and construction requirements for taller buildings.

Chair Mahoney commented that many mixed use buildings with commercial uses on the first floor need to have taller first floor ceiling heights than residential buildings. He wanted to allow for those taller ceiling heights in order to accommodate mixed use development.

Councilor Diaz wondered how the previous CDC arrived at a recommendation of 65 feet. Mr. Croce said the previous CDC generally wanted to provide a high degree of flexibility for developers to construct denser, economically viable buildings with varied architecture styles and roof styles. They also wanted to provide flexibility to allow for site specific characteristics, lots with small building windows, and a variety of tenant needs and preferences. The CDC also looked at zoning allowances in the Town's other zoning districts for comparison, and looked at existing buildings in town for context

Mr. Causey said the CDC discussed that allowing taller buildings accommodates the same building square footage in a smaller building footprint with less sprawl. Additionally, taller buildings allow more flexibility for infill development. This was determined to be important in an area along Route One that is constrained to a large degree by the existing built environment.

Chair Mahoney offered an opportunity for public comment.

Steve Woods said he is the owner of the Tidesmart business and property at 380 Route One. He said he was previously Chair of the Yarmouth Planning Board, Chair of the Yarmouth Town Council, and a member of Falmouth's Route One North Committee which studied potential zoning changes along Route One North several years ago. He said his parcel on Route One is about seven acres in size. He would like to develop his property further, perhaps for a mixed use development, but the current zoning does not allow much flexibility due to restrictive dimensional requirements such as large building setbacks, low building height, and limited land use type allowances. He supports the proposal to allow 65 foot tall building heights. This building height makes projects financially feasible with today's high construction costs and high labor costs. He thinks that the Planning Board process in Falmouth is rigorous enough to ensure responsible development. He mentioned that his property was originally half commercial use and half residential use but the residential use has since been converted to commercial use in a new building that, at the time it was built, was the only passive net energy producing building in town. He said the Council was trying to be thoughtful when it delayed its decision last Spring to vote on the ordinance amendment, but he is confident that the Planning Board process and design guidelines would protect the Town against an inappropriate design. He said the Town has been evaluating zoning changes on Route One North for over five years now and he said there is a time value for all of the long work on this topic. He said he appreciates all of the CDC's work and thoughtfulness on this issue.

Amanda Henson, resident of Meadow Creek Lane, said that she frequently walks and bikes all around town and that some days cars come very close to her. She said one of the goals is to make Route One more walkable, but she is concerned that if the Town allows more housing in the area that there will be traffic problems. She said she recently had to sit through two

cycles of the traffic light at Route One and Depot Road. She thought that the pressure on Route One is increasing and she does not want Route One to become like Route One in Saugus, Massachusetts. She wondered if it would be feasible to look at Route One North in different sections to restrict development near the Falmouth Nature Preserve.

Lisa Joy, Middle Road resident, said the 65 foot building height allowance for the Village Center Districts was developed by only three people in this conference room and maybe also a developer. She believed that there was going to be outrage over the VC building heights. She thinks that the residential voice of the Town is not being heard. She also thinks it would be bad if the Town restricted public comment on issues. She said that the Route One Design Guidelines were discarded for the southern portion of Route One when the Village Center Districts were created but that they are still in effect for Route One North. There is no mention of the style of housing that people want to see. She said there are good examples of 45 foot tall mixed use buildings, including an example on India Street in Portland and the Longfellow Hotel in Portland. She said you can make a beautiful flat roofed building at 45 feet in height. She said that Yarmouth has a beautiful aesthetic. The Design Guidelines speak to having peaks on buildings, but three people in this room decided to allow 65 feet in height with no guidelines and no particular architectural style in the VC Districts. She said the citizens petition made a declaration that is important because there will be another petition if the Town goes with a 65 foot building height along Route One North. What is being left out of the discussion is that three people can make a decision without any public input and throw away the Design Guidelines. If buildings are hidden from Route One, like the Tidesmart building, and you allow 65 feet in height that is fine, but people have told the Town that they do not want flat roofed, nontraditional buildings to the Cumberland line. She said there will be another referendum unless thought is given to the style of buildings and their placement in relation to Route One.

Chair Mahoney clarified for the record that the three members of the CDC have never been, and will never be, the ones approving any ordinance changes. The approval of ordinance changes requires the review and approval of the full Council and that review and approval process always requires public hearings where public comment is taken. The very reason the CDC is back here now discussing this zoning amendment is because of public comment that was received at previous public hearings in May regarding this change.

Bob Klein, Seaside Way resident, thought that the School Board is going the wrong way with their policy saying that the public cannot be recognized at any committee meeting. He recalls three issues regarding previous public comment received at the May Council meeting: Building height, design guidelines, and a comment about differences between the east side and west side of Route One and about how nearby residential communities could be impacted by a 65 foot tall building adjacent to a property line.

Councilor Diaz wondered how to reconcile the results of the citizen referendum with the proposed increase in building height along Route One North. He said he isn't sure if people were thinking Route One North was included in the referendum. He asked about the Planning

Board's application of the Design Guidelines and whether they are advisory. Mr. Croce said the text of the Guidelines are the regulating aspect of the Guidelines and that the images are only visual clues. He said that the Guidelines are requirements of site plan review but provide a certain amount of flexibility to property owners and to the Planning Board in applying them to projects.

Chair Mahoney clarified for the record that the referendum for 45 foot building heights was only targeted to the Village Center Districts and not to the BP District in Route One North that is the subject of this proposed amendment. Chair Mahoney said the question is how do you respect the Town's existing and planned infrastructure investments along Route One, and respect the Comprehensive Plan's encouraging denser mixed use development in the growth area, and respect all of the other desires of the community. Chair Mahoney said, at the May Council meeting where the amendment was last discussed, there was a proposal to go with a 55 foot building height. He wondered if pitched roofs could still be accommodated at this height.

Mr. Croce relayed his experience of administering and applying the Design Guidelines. The Guidelines are mandatory and not merely advisory. He thought the broader community generally seemed supportive of the buildings produced by the Design Guidelines and he struggled to recall any complaints about building design until the first 65 foot tall building was constructed.

Councilor Tracy worried about consideration of the Route One North amendments being solely focused on building height. She does not want the Town to stand still and thinks the Town has to move forward in some fashion. Doing so will help encourage businesses that residents want to see, will help with the tax burden and to pay for capital improvements, and help with creation of housing. These are all important considerations that should be part of the conversation beyond just building height. She mentioned the difficulties that municipal and school employees have in finding housing near Falmouth and how many employees have to live far outside of town to find housing opportunities. She believes Falmouth has a strong Planning Board and a strong review process. A singular focus on building height is doing a disservice to the broader conversation about land use, planning, and development. She feels like an inordinate amount of time could be spent going down a rabbit hole on this topic and thinks the discussion would be better served by a bigger conversation. If Falmouth wants to be a community that has more great amenities, like restaurants and businesses, then these broader conversations need to be considered. The hope is that if the Town focuses on directing growth to the growth areas, then the Town can better preserve other areas of the community that have a more rural character.

Chair Mahoney asked if there was any known basis for distinguishing between the east and west side of Route One. Mr. Croce said this is the first time that direct question has been posed, and he is hesitant to offer anything pretending to be a complete response because the question probably warrants a more thoughtful answer. But his first blush reaction is that both sides of Route One could equally benefit from the same zoning flexibility and opportunities

proposed in the amendments. He thought it is always good practice to identify whether there is a problem that needs solved, and wondered what the problem is that you would be solving for by creating a new and different regulatory regime with different allowances on different sides of Route One.

Councilor Diaz said that building height is an issue and that it will ultimately be important to rationalize why a particular building height is being proposed. He said he is mindful of the development in VC1 being a precedent and informing the town's choices about Route One North, and he is mindful of the referendum. He said he has heard concerns about height, guidelines, and traffic. He wondered if there can be a compromise and recalls hearing from several people during the election that they do not care as much about building height as long as the development looks OK. He wondered about a compromise concept where building height is a certain amount but with allowances to go taller contingent upon having a pitched roof. Mr. Croce said that very concept was discussed a year ago by the previous CDC. The concept was ultimately discarded by the CDC but it could be reinvigorated. Councilor Diaz asked if staff could produce a map showing the relationship of existing residentially zoned residences in relation to the BP zoning district setbacks and the Shoreland Zone. This would help identify potential impacts to adjacent areas.

Chair Mahoney thought that the BP District's current building height of 39 feet is not tall enough if the Town is going to adhere to the Comprehensive Plan's goals of encouraging more development in the growth area. 39 feet does not allow for the greater density called for in the Comprehensive Plan and does not allow for more different and diverse housing options. He thought that the Town needs to land on some number between 39 and 65 feet. He said that visuals always help and asked if the committee could get visuals of different buildings to show, for example, what 55 feet looks like. He also suggested pulling visuals of the aforementioned Longfellow Hotel in Portland. He thought it would be helpful to hear from developers about what different building heights mean from their perspective. Councilor Diaz said visuals are easier for people to interpret than words and would also like to see the details for the Mint Salon building on Clearwater Drive.

Chair Mahoney asked if there were other portions of the amendment that CDC members had questions on. Councilor Diaz inquired about the ordinance language regarding the affordable housing density bonus. Mr. Croce said those affordable housing provisions are mandatory as they were imposed by the Legislature a couple of years ago with their adoption of "LD 2003".

Chair Mahoney asked for a summary of what some of the biggest changes in the proposed amendment are. Mr. Causey said one of the biggest changes is the proposed prohibition on self-storage uses. Self-storage buildings were considered to not be the highest and best use of land along Route One and there was a desire to prevent their further proliferation. One of the other big changes proposed is the introduction of residential uses to this area of town where housing is currently prohibited. Another proposed change is a change to the growth cap where the proposal is to reduce the town-wide cap for development outside of the Town's

growth districts. Mr. Causey said the Town will eventually be having additional discussions in future years about further reducing growth allowances outside of the growth areas.

The CDC's next regularly scheduled meeting is on Wednesday, November 12 at 8:00 am. Chair Mahoney asked if it would be possible to meet earlier. The CDC agreed to meet on October 29th at 2:30 pm. Chair Mahoney said the CDC can, for now, tentatively keep its regularly scheduled November 12 meeting date. Depending on how things go at the October 29th meeting the November 12 meeting can be cancelled or delayed to a later date as warranted. Chair Mahoney thought that an amendment might be able to be brought back to the Council as early as November 24.

4. Adjourn

Motion by Councilor Tracy to adjourn. The motion was seconded by Councilor Diaz and approved 3-0. The meeting adjourned at 4:00 pm.