



**JOINT MEETING**

**BOARD OF SELECTMEN – CONSERVATION COMMISSION – PLANNING BOARD –  
ZONING BOARD OF APPEALS – WATER QUALITY MANAGEMENT COMMITTEE – EDIC**

SATURDAY, JANUARY 26, 2019 – 8:30 A.M.

FALMOUTH ACADEMY – MORSE HALL

7 HIGHFIELD DRIVE

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| <u>Board of Selectmen:</u><br>Susan L. Moran, Chairman<br>Megan English Braga, Vice Chairman<br>Doug Jones<br>Samuel H. Patterson<br>Douglas C. Brown<br>(Julian Suso, Town Manager and Peter Johnson-Staub, Assistant Town Manager) | <u>Conservation Commission:</u><br>Mary Schumacher, Chair<br>Jamie Mathhews, Vice Chair<br>Kristin Alexander<br>Courtney Bird<br>Stephen Patton<br>Mark Gurnee<br>Kevin O’Brien<br>Peter Walsh |
| <u>Zoning Board of Appeals:</u><br>Terrence (T.J.) Hurrie, Chairman<br>Edward VanKeuren<br>Kenneth Foreman<br>Gerald Potamis<br>Robert Dugan<br>(Noreen Stockman, Zoning Administrator)  | <u>Planning Board:</u><br>Jim Fox, Chairman<br>Pat Kerfoot, Vice Chair<br>Paul Dreyer, Secretary<br>Robert Leary<br>Pamela Harting-Barrat<br>Charlotte Harris<br>(Tom Bott, Town Planner)      |
| <u>Water Quality Management Committee:</u><br>Eric Turkington, Chairman<br>John Waterbury<br>Matthew Charette<br>Ronald Zweig<br>Stephen Leighton<br>Thomas Duncan<br>Virginia Valiela   | <u>EDIC:</u><br>Christopher Land, Chairman<br>Brooks Bartlett<br>Christopher Simmler<br>Michael Galasso<br>Paul Burke<br>Susan Moran   |

8:30 a.m. Open Session

**Development Issues**

• **Davis Straits Reset and Form Based Code**

T.Bott - Proposing to redevelop 88 acres in a waning biz center that involves many stake holders and property owners. Creating a form-based code framework and concluding in March 2019 bring to Town Meeting a year after that. We want to create a place where people can live and work within close proximity of each other.

J.Fox - Euclidean zoning adopted in 1925.

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J.Fox explained the different zoning types and form based code: Form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law.  
Presentation from Jim Fox.

S.Moran - This presentation has given me a much better idea of what form-based code is.

G.Potamis - How would the Staples building be integrated?

J.Fox - The parcel goes all the way down to the street. It's co-mingled. The plan is to incentivize them; they only have one level to rent. We want them to have two and three levels; it's done through financial incentives. It's being done all over the country and is not a new idea.

S.Moran does that mean tax breaks?

J.Fox - It might. An apartment building was built in New York for housing and was done with tax breaks.

D.Brown - we would implement in one section at a time?

J.Fox - yes it will be a tremendous amount of work. All those issues like parking are all done.

P.Kerfoot - I think this is a wonderful step forward. We have to go out and aggressively market this plan to the owners and occupiers of this property. We can't sit here and let our community die economically.

C.Harris - a local example is the Mashpee commons. The town of Mashpee is now working on adopting form based zoning. We are not inventing the wheel here.

J.Fox - we were challenged when we were doing the housing studies.

T.Bott - You have to involve the property owners. It is important to involve them in the process of developing the zoning.

S.Moran - I had a constituent say we should have put land aside for housing. At retirement age, folks want to downsize and they want less to take care of. How would this fit to serve that group

C.Harris - In a sense we did set land aside, but we paved it. A big part of this is to make it multi-use. Commercial below and residential above, or whatever is attractive for the developers. It would be for all ages. We need multifamily zoning and we need to encourage it.

P.Harting-Barrat - The whole concept of smart growth gives you transportation and facilities close by. Here it is trickier because it is so developed. If we don't get fast internet, we won't get young people here.

P.Kerfoot - There are some multi-use pieces of property. A Spring Bars Road project that is open space, and in theory housing. Getting that to happen took years. That lacks in this town. It has been done and we need to do more of it.

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G.Potamis - The future of infrastructure and how you plan ahead for it.

M.Schumacher - There would be permitting and to enforce the wetlands regulations. Developers are usually very familiar with the requirements and some are familiar with Falmouth's standards. It would be a good idea to think about that.

J.Fox - It's done in advance. We'd be coming to you to have the codes that you want in those areas. 90 per cent of the work is done in advance; it's almost nothing but administrative reviews. There's a special form based conservation code that you would help us write.

S.Moran - The concept generally, to have a process that lets developers know is incredibly important. It saves money and false starts. That would attract developers. We want to maintain Falmouth's essence

D.Brown - some of this area was a wetland. The future plan for that may not be to redevelop it.

J.Fox - Davis Straits plan that shows that area as being a park. We have a new vision with greens on either end of Main Street. People love living near the stores.

D.Brown - Perhaps it would involve tax breaks to get them to move.

- **Wastewater Planning Update**

Amy Lowell Wastewater Superintendent - More properties within the Little Pond have connected - not 100 per cent complete. Selectmen have held hearings that granted variances for a number of redevelopment projects. The wastewater system capacity is limited by the discharge permit for the plant. We do have some limitations within our system, particularly in the downtown area. The average flow in 2018 was 450,000 gallons per day. 63 per cent of the permitted flow. We are not at a critical point. The permitted flow is 710,000/day. Permit does require that when you reach 80 per cent, you provide the state with a plan of how you'll stay within the permit. I estimate the town would reach 80 per cent by 2021 based on the flow from the little pond service area. The main limitation to accommodating an increase in flow is the permit. In order to get the increase, we'd need to find another site for treated wastewater discharge. There are some collection limitations in the downtown area. We will need to be looking at when we will need to do some work in the downtown area.

S.Moran - if the plan doesn't anticipate the water needs, then it doesn't work. Great plans are thought of well ahead and include all the variables.

Erik Turkington - Five years ago DEP required a plan for the five south estuaries. The gist was to sewer Little Pond and try out all the different alternatives to deal with estuaries without sewerage. Now we have to report back with a new five-year plan. We will decide where we want the discharge site and how much sewerage that we want to do.

G.Potamis - The 80 per cent stage is not a moratorium, it is a planning stage.

E.Turkington - We think we can get to 10. You can put them into people's backyards as a supplement and you can get the majority of our estuaries not to be seweraged. It won't work for Great Pond where the level of nitrogen is so overwhelming.

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P.Kerfoot - what kind of target are you looking at for capacity at that discharge site?

E.Turkington - Each option will come with a capacity number. That will be the judgment call the town will have to make

A.Lowell - There is an implementation lag. We're not at capacity; we are within 20 per cent of it. We do have some additional time I don't expect development would occur immediately. There is some buffer to allow some growth.

J.Suso - These requests for variances are reviewed and the board can adjust the manner in which you agree. There need not be a concern that we are lacking in process and there are options. One that has not been recognized is collaborating with other communities and a waste dump at joint base Cape Cod.

C.Harris - It will be handy to have a prioritized list for developers.

S.Moran - we do have a list and we should publicize that more.

D.Brown - When we looked at it years ago, we needed multiple sites. The ocean outfall might be the ultimate site. I hope we can still keep it on the table

P.Kerfoot - what are we doing about the parking. Where are people going to be parking?

S.Moran - the cc commissions planning outreach is coming. Our roads and infrastructure are built for far fewer people than we have right now.

- **Main Street/Route 28 roadway reconstruction**

J.Souso - we are very well aware of the challenges. When we get taxed with 100k people, everything gets taxed. We are very limited in the downtown area and in parking there. That is something we continue to look at. We are looking at off-street parking alternatives and school parking in the off season. There is a tendency to schedule major events during this peak. Multi-level parking has been suggested, which seems like an easy solution. We would need it three months of the year. It's an attraction for things that are very unpleasant. It wouldn't be a 12 month need.

S.Moran - Possibility of a transportation committee again. It's about planned growth that keeps in mind the pleasant living that we have right now.

Charlie McCaffrey - the Cape Cod Commission updated the regional policy plan. The county commission approved it Wednesday. The regional policy plan will provide guidance. There commission is working on strengthening incentives to match the local and regional plans. The Charter Review Committee has identified about 40 areas where there might be improvements and revisions to the Town Charter. The Town Charter doesn't identify the LCP and there is no indication that these should be aligned and adhered to. Coastal Resiliency Action Committee has a study going on with the Woods Hole Group. It would be helpful to have the energy committee involved in this.

Other

- Status update on zoning recodification

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T.Bott - It's not a rewrite, it's reorganizing and renumbering the code. This has become a much more complicated job than the Town anticipated. We have a great team at an excellent price. The scope has been revised and extended. We hope to bring it to the April Town Meeting, but that has been pushed back to November 2019. Any change or deletions require a vote by the Town Meeting and approval from the Attorney General. Bob Mitchell suggested work be done by a committee not at a Planning Board meeting. Counsel has suggested a working group.

- Discuss efforts to improve coordination of community development-related functions

C.Land, EDIC - One of our goals is we need to help figure out what the obstacles are. One of our ideas was to have a one point person to figure out how to facilitate growing or moving companies and how to make it easier.

D.Brown - we will need a whole section delineating form-based code?

T.Bott - typically form-based code is a district. It would be the prevailing regulations for that area.

P.Kerfoot - How will someone know about the EDIC function being served? People typically come to Town Hall. How would this be coordinated?

C.Land, EDIC - we are sort of independent yet integrated. Once we create the position that would be part of working with the Town. How we build it will be part of the challenge of that person's job.

S.Patterson - we are not looking at how much the internet has allowed people to have home based businesses. That critical communication piece is weak here in Falmouth.

Jim, Route 28 Committee - This is the time to put the infrastructure in place

C.Bird - there doesn't seem to be much sense of urgency about this. It is critical to the future of this town.

D.Brown - we are working on it. It is happening, it's just not happening fast enough. Comcast has been underbidding them. There is group of people in Woods Hole that are mobilizing with OpenCape.

J.Suso - We have attempted to bring in a Community Development Coordinator, and twice town meeting has denied that position.

S.Moran - we have to continuously look at what we can do better.

- **Recommendations to improve process at Falmouth Town Meetings**

Presentation

D.Brown read a list of suggestions.

S.Moran our job as policy makers is to make sure that the policies are efficient.

# DRAFT

T.Bott - To improve communications is getting things done early. We are inviting Town Meeting members to the hearings. You will receive another Email after the hearing is closed with a link to the recording. It will include the articles and you will be able to see the meeting from home. Setting the warrant 10 days after the closing of the articles makes it practically impossible to have a hearing process. We are pushing information out to folks. We are happy to hear your suggestions.

D.Brown - is there a way to adjust the timeline so we are not in a rush?

J.Suso - There is some limited latitude for adjustment. We can move one week or we abandon April Town Meeting.

C.Harris - We were all embarrassed by last Town Meeting and we have tried to make the language a lot clearer. The explanations are clearer and less bureaucratic. How it is communicated will make an enormous difference.

S.Moran - This is something that we all share.

P.Kerfoot - a lot of the problem is that the hearing is held after the publication of the warrant. If anything comes out of a hearing, we are forced to change it on town meeting floor. We need to have meetings before the warrant.

P.Harting-Barrat - No one reaches out until right before Town Meeting. I think there are too many town meeting members. I think it would be interesting to see having one Town Meeting open to the community.

S.Moran - would that be in the charter review process?

J.Suso - That would be a fundamental change to the charter. I think that's a discussion for a different forum.

E.Turkington - I don't see much merit in that idea We have trouble getting people to join Town Meeting now.

John - I would hope that we would consider restricting the amount that people can speak. I think we are underutilizing the precinct meetings. We should take attendance and publish it in the Enterprise.

J.Druley - It would be nice if some town meeting members would show up to the meetings rather than wait until the end and being confused.

V.LoweIT - my goal is to make the planning board more successful. The Planning Board is doing well with outreach. They owe it to Town Meeting to say why they support a petitioner's article. You can't over explain zoning.

S.Moran - I read everything I get, but I do like to read it in advance.

G.Potamis - You may want to consider a larger venue for the upcoming zoning meeting. It's difficult to type in the space they give you for an online article. You cannot paste in text for a petitioner's article. January is too early.

D.Jones - We need to have a certain amount of days before the election so we can't move the April Town Meeting.

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K.Foreman - the context of the zoning articles is always a challenge. People don't see the full context. Maybe we could email the full sections pertinent to particular changes. There are too many people getting up too many times on every article. We need a limit on debates.

S.Moran - Please follow up with an email or in writing on these process suggestions.

P.Hargraves - we typically get half of the people showing up to our Precinct Meeting. I appreciate the emails with the details of what's added and changed. That is what people need to be educated. I hope you will consider applying that to every other department's articles. Petitioners often feel they are not especially welcome and they don't use the resources at their disposal to present their voice at Town Meeting. If we enable the voice of people with something to say, we would have a much better process. We should coach them on how to go about dealing with their issue.

Judy Fenwick - I would recommend a town meeting handbook to educate and enable.

P.Kerfoot - a suggestion for an ombudsman.

**Adjournment - Meeting adjourned at 11:01 am.**

Respectfully Submitted,  
Paul Dreyer, Clerk/Secretary  
Sheri Theroux, Recording Secretary