Falmouth Planning Board  
Selectmen’s Meeting Room, Town Hall – January 5, 2021  
Virtual Meeting - 6:30 pm  
MINUTES  

Present: Pat Kerfoot, Chair, Charlotte Harris, Vice Chair, Paul Dreyer, Clerk/Secretary, Jim Fox, John Druley, Pamela Harting-Barrat, Robert Leary  
Also Present: Tom Bott, Town Planner; Michaela Shoemaker, Community Development Planner  

Chairwoman Pat Kerfoot called the meeting to order at 6:30 pm.  

In accordance with the Governor’s Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the January 5, 2021 public meeting of the Falmouth Planning Board shall be physically closed to the public to avoid group congregation.  

Alternative public access to this meeting shall be provided in the following manner:  
The meeting will be televised via Falmouth Community Television.  
Real-time public comment can be addressed to the Planning Board utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.  

Zoom Login instructions:  
Instructions and the meeting link for this specific meeting can be found at the following web address: http://www.falmouthma.gov/Planning  

Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.  
Additionally, public comments may be sent in advance of the meeting to planning@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.  
Applicants, their representatives and individuals with enforcement matters before the Planning Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Planning Board may contact the Planning Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the planning@falmouthma.gov so that they may be displayed for remote public access viewing.  

MINUTES: December 15, 2020; December 22, 2020  

MOTION by P.Dreyer/C.Harris to approve the minutes of December 15, 2020 and December 22, 2020 as printed.  
Voted 6-0-0
PUBLIC HEARING (continued)

Zoning Bylaw Recodification Spring 2021 Town Meeting

ARTICLE: To see if the town will vote to amend the Zoning Bylaw by repealing the existing “Chapter 240 Zoning” and adopting the recodified Zoning Bylaw as shown in a document on file with the Town Clerk, Planning Office and at Falmouth Public Library entitled “Town of Falmouth Massachusetts, Zoning Bylaw Town Code Chapter 240 Articles 1-14 dated November 2020”.

T.Bott – We are in the midst of working through the comments received from Attorneys Ed Kirk, Laura Moynihan and Bob Ament.
T.Bott read the most recent comments on bylaw codification.
T.Bott – Our consultants and Staff have been reviewing these comments and working through them.
P.Kerfoot – There are evidently substantial errors in here.
C.Harris – We did not want to make any changes in Phase one and correct incorrect statutory references. Our consultants have put in a number of hours to put together this matrix; and they have long ago used up the hours for which they have been paid. We have enlisted local professionals that have freely given their time. We want them to support this; but they have responded to us that they cannot. This is not ready to go to Town Meeting.
Town Counsel Frank Duffy – I agree that we have a lot of work to do here.
R.Leary – I agree this isn’t ready for Town Meeting yet. I would advise that we hold off.
P.Dreyer – We are still missing an Assistant Town Planner and that would be a huge help right now. We need that person. I think we have no choice but to delay this article at this time.
J.Druley – There was a tremendous amount of good work done here. We need to stop and fine tune what we’ve done here. They’ve done a great job so far; we have a very complicated set of bylaws.
P.Kerfoot – We should ask for a monetary article to pay our consultants for a continuation to finish Phase one.
F.Duffy - It’s only fair and totally appropriate to ask for a sum of money to complete the project.
All Board members agreed.

PLANNING BOARD DISCUSSION:
Warrant Articles for Spring 2021 Town Meeting: Zoning Recodification, Site Plan Review Bylaw Changes, Changes to Zoning Map, Funding for Phase 2 Zoning Bylaw

Michaela Shoemacker – The first change is that our current site plan calls for 1,000 square feet. We are suggesting a change to 500 square feet. Previously it was five parking spaces; we are changing to two parking spaces or a change to the layout or location of two or more parking spaces. We added in grading or clearing more than ten percent of a lot. We’ve added in a minor site plan review. The main difference is that option A would be the Town Planner granting Administrative Approval. Option B would be the Building Commissioner to authorize work.
R.Leary – I think it’s a good thing. I would opt for Option A.
J.Fox – I think there is a problem with the square footage. I would go back to the 1,000 square feet of roof area.
J.Druley – I would prefer Option B.
C.Harris – How minor is 2,000 square feet? That doesn’t sound minor. Where it says number of square feet or more of gross floor area; add ‘or roof area’.
P.Kerfoot – I think we should go with Option B; change Building Commissioner to Town Planner and add a and b from right above where redevelopment or alteration of a site or the interior building where such a manner of proposed site building function is anticipated to generate unreasonable visual and be an existing site that becomes a nuisance. These are contraindications that they can happen.

T.Bott – Rod Palmer has consistently said to me that they do permits, buildings, structures, but don’t necessarily do site plans. I think the Building Commissioner is more comfortable with site plan modifications coming to the Planning office.

M.Shoemacker – Following this are Waived Requirements. This would give a little more room to waive some of the requirements you have for Site Plan. I will remove the part about certified mail. You have two options. The 3 out of 5 should be 5 out of 7.

P.Kerfoot – I like Option B better than Option A.

P.Harting-Barrat – The simpler it is for people to navigate is better.

C.Harris – I agree.

M.Shoemacker – The next change was the addition of environmental.

T.Bott – We refer every application that we get in to the various departments. We may incorporate the Historic Commission as one of our referrals.

J.Druley – I have a hard time telling what a scenic feature is and if we have the right to determine that.

J.Fox – The Historic Commission has to sign off on a Building Permit. Site Plan Review is a whole other level. All the various departments have to sign off. They see it before we do.

P.Kerfoot - What we’re talking about excludes single family homes.

R.Leary – I thought the checklist we used to get was great; it was a quick and easy reference.

P.Kerfoot – The provision of adequate landscaping including the screening of adjacent residential uses provision of street, trees, landscape islands. We could put some of those together if you do a checklist for what we’re looking for on environmental protection.

C.Harris – I don’t know what’s gained putting them together.

J.Druley – We already do this and it’s already spelled out.

P.Kerfoot – I think a lot of these are not under our purview under Site Plan Review.

J.Druley – We already have a really fine Site Plan Review. I don’t understand why we need to complicate it.

P.Kerfoot – That is my feeling also. Cross this whole section out under Environmental.

C.Harris – Implementation and Completion of Plan; this is all existing.

P.Kerfoot – This is in conflict with 240-198. All of the rest of this is what we already have. We’ll put Minor Site Plan Review in; 1,000 feet to 500 feet; put Waived Requirements in Option B; lapse of decision from two to three years.

T.Bott – The cleaned up draft will come back to you next week.

Committee Reports

P.Dreyer – Transportation Management Committee presentation

NEXT MEETING: January 12, 2021

Meeting adjourned at 8:13 pm.

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