

**Town Council Meeting  
Minutes  
January 26, 2015**

The meeting was called to order at 5:58 pm.

**Roll Call**

All Councilors were present and answering roll call.

**Item 1                                    Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).**

Councilor Goldberg moved the order; Councilor Mahoney seconded. Motion carried 7-0.

The Council returned from executive session at 7:00 pm.

**Pledge of Allegiance**

Chair Farber led those present in the Pledge of Allegiance.

**Item 2                                    Public Forum**

Brian Dench, an attorney representing David and Carrie Costello of Marigold Lane, spoke on behalf of his clients in support of an extension of the Tidewater Master Plan. They wanted to make sure that the Council and Tidewater, LLC carried out the plan as originally approved, especially for TV-4, which was originally limited to commercial office space. He said the Town and the developer would need to demonstrate a need for that change based on land use considerations, not on convenience or economic advantage. He pointed out that there is a lack of Class A commercial office space in Falmouth. His clients' property is closest to this site; they will be looking right at it, and they were promised a commercial office building. He asked if the Town and the developer should go back on the promises made in the original plan. The use of the site for a commercial office building would be much different than a full-scale restaurant.

Clifford Gilpin of Heron Point, president of the Homeowners Association (HOA) for Tidewater Farm, discussed the history of the Tidewater master plan. A prize-winning report on compact development set the stage for this development. He thought the Town should identify what is most valued in the existing Tidewater neighborhood and what should be preserved.

Tom Mundhenk of Marigold Lane, a member of the Board of Directors at Tidewater Farm, said he enjoys places like Rivalries and looks forward to them coming to town, but he opposes the proposed location. A restaurant on that corner is not what he bought into when he bought his property. He said people have to be able to rely on what is in the public record; for this lot that is a limitation of "commercial office use" only. All the property owners in Tidewater understood that this lot was going to be an office building. He asked them to think twice about changing it.

Tom Emery of Foreside Architects, representing the HOA, argued that a restaurant on TV-4 is unsuitable because it is a small, stand-alone parcel, with limited floor area. TV-2 and TV-3 are different, and restaurant use is allowable on those lots. The Design Guidelines state that TV-4 is supposed to serve as a

gateway, facing TV-3 to serve as an anchor. The current proposal shows 2/3 of the parking necessary for the restaurant has to be provided on other sites. He was concerned with the impact of that on TV-3.

**Item 3 (a)                      Order to approve the minutes of the December 8, 2014, Town Council Special Meeting.**  
**(Consent Agenda)**

**Item 3 (b)                      Order to approve the minutes of the December 22, 2014, Town Council Meeting.**  
**(Consent Agenda)**

Councilor King moved to approve the minutes; Councilor Mahoney seconded. Motion carried 7-0.

**Item 4                              Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.**

Councilor McBrady said there are openings on BAR, BZA, Harbor Committee, Library Board, PACPAC, Planning Board, FEIC, Connector Committee, Route 100 Committee, Senior Citizen Advisory Committee, and the Zoning Committee, and encouraged people to apply.

**Item 5                              Report from Council Committees and liaisons regarding updates on assignments.**

Councilor King said CDC and LPAC met jointly this morning to review the comp plan recommendations. There will be a public outreach meeting February 26 at the elementary school in the multi-purpose room at 6pm. All Falmouth property owners are invited to attend. Materials will be posted to the website prior to the meeting.

Chair Farber said the library has issued the RFP for the detail design for the renovation/expansion project. There will be an RFP issued for construction management in early March after an architect is chosen.

**Item 6                              Order to approve a supplemental appropriation and transfer in the amount of \$22,400 from the Open Space Reserve Fund for stewardship fees payable to the Falmouth Land Trust, and for the baseline documentation of three donated easement properties associated with North Falmouth Community Forest.**

Chair Farber opened a public comment period; no public comment.

Town Manager Nathan Poore explained that this is for three properties in the northern end of Town that were purchased with grant money; this is the only out of pocket expense for these properties.

Councilor Hemphill thought this is based on a recommendation from LMAC. He said the stewardship funds are for management of the land in perpetuity.

Councilor Goldberg asked about the annual amount for stewardship on these parcels.

Analiese Larson, of the FLT, said that would vary by property based on the trails and bridging. It could be \$2000/year. Easements are forever, and when they take one, they take responsibility for the land forever. She spoke about the six components of their stewardship program. They hold baseline documentation on all their properties. It records the conservation values of the property; ensures they are in compliance with the IRS; describes what the property is, how it is to be used and how it is to be conserved; operates as evidence in the future if there is litigation; provides a foundation for future monitoring; and it enables





