

Town Council Meeting Minutes April 27, 2015

The meeting was called to order at 7:00 pm.

Roll Call

All Councilors were present and answering roll call.

Pledge of Allegiance

Chair Farber led those present in the Pledge of Allegiance.

Item 1 Public Forum

No one spoke at public forum.

Item 2 (a) Order to approve the minutes of the March 23, 2015, Town Council Meeting.
(Consent Agenda)

Item 2 (b) Order to authorize the Town Manager to execute a quit claim deed for Map U33 Lot 020 Block 001.
(Consent Agenda)

Item 2 (c) Order to authorize the Town Manager to execute a quit claim deed for Map R04 Lot 047.
(Consent Agenda)

Item 2 (d) Order to authorize the Town Manager to execute a quit claim deed for Map R04 Lot 048.
(Consent Agenda)

Item 2 (e) Order to authorize the Town Manager to execute a quit claim deed for Map R04 Lot 051.
(Consent Agenda)

Item 2 (f) Order to set FY16 real and personal property tax due dates.
(Consent Agenda)

Item 2 (g) Order to appoint election workers for upcoming elections.
(Consent Agenda)

A public comment period was opened; there was no public comment.

Councilor Mahoney moved the consent agenda; Councilor Hemphill seconded. Motion carried 7-0.

Item 3 Report from Council Committees and liaisons regarding updates on assignments.

Chair Farber announced an open house at the Mason-Motz Activity Center on Sunday, May 3 from 1-3pm. The public is invited to attend.

Councilor Hemphill said the Town's trail closure is being rescinded tomorrow; the snow has finally melted and everything has mostly dried out. He said they can always use more volunteers to work on the remaining wet spots.

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

Councilor McBrady gave the appointments committee report. He moved to appoint the slate of appointees; Councilor Anderson seconded. Motion carried 7-0.

Item 5 Order to schedule the Budget Validation Referendum's (BVR) statutory budget meeting to be held on Monday, May 11, 2015, as required by M.R.S.A.1485 & 1486.

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

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

Item 6 Order to approve the FY16 Municipal and School Department Budgets in accordance with the Town of Falmouth Charter, Article 5, Sec 502.

Councilor Anderson supported the entire budget. He commended the municipal side of the budget for reducing its impact on the mil rate. He didn't like the increase in the school budget, which will increase the tax rate, but he understood it was necessary.

Chair Farber appreciated all the hard work that went into the budgets and pointed out that the schools are some of the town's biggest assets. Councilor Mahoney agreed.

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

Item 7 Order to approve the FY16 Sewer Department Enterprise Budget.

Town Manager Nathan Poore said the Finance Committee unanimously recommended this budget. Expenses are up 1%, and revenues are able to meet those without a user fee increase. While this is the 6th year without an increase in fees, several capital projects are planned for the next few years. He projected an increase of 6-7% in a few years.

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

Chair Farber explained that this is separate from the municipal budget; it is paid for through user fees.

Councilor Hemphill moved the order; for a budget amount of \$1,932,772; Councilor McBrady seconded. Motion carried 7-0.

Item 8 Presentation by the Falmouth Conservation Commission of their proposed invasive species control plan.

Nancy Lightbody, chair of the Conservation Commission, spoke about the work to eradicate invasive plant species in Town. She discussed the negative impacts of the plants and why they need to be removed. She described their efforts to date to educate the public about these issues, and said they now want to ramp up those efforts. They would like to broaden their education efforts by using media outlets such as newspaper and local TV ads. They have suggestions for ordinance amendments that would encourage developers to eradicate invasive plants on their properties. Finally, they want to hire an eradication company to remove invasive plants along the roadsides.

Chair Farber mentioned that the costs associated with the eradication plan are already incorporated in the FY16 budget.

Councilor Goldberg asked for more information on the eradication method they plan to use.

Sarah Boudreau, member of the Conservation Commission, discussed their meeting with Jeff Taylor of Vegetation Services, Inc. She said Mr. Taylor would use a spray, but he is dedicated to using the least amount of pesticide necessary. He designed his own special nozzle to be as exact as possible, and his team pays attention to the weather and the neighbors. Any toxic chemical they would be using would be in small amounts. After the spraying the native plants typically come back by themselves.

Councilor Hemphill also attended the meeting with Mr. Taylor, and said the pesticide application would be done at walking speed and would be very carefully controlled.

Councilor Goldberg asked when this work would be done.

Ms. Boudreau said it would be done in late summer. The plants need to have enough leaf on them, as that is how the pesticide is absorbed into the plant.

The Council will hold a workshop on the proposals for policy changes at a later date.

Item 9 Report from the Ordinance Committee regarding disposable shopping bags.

Councilor Hemphill said the Ordinance Committee is recommending that the Council monitor the recently instituted bag fee in Portland and that they ask REAC to continue their education program.

Councilor Anderson wondered what they are going to try and learn from Portland and how long it might take. He would like to see this move more aggressively.

Chair Farber said when the Ordinance Committee met the Portland ban hadn't taken effect. She didn't think it needed to take a long time, but she felt they could use their experience in Portland to inform how they do it. She wondered how far citizen education could take them.

Councilor Goldberg also wanted to see how the Portland ban works first; they are changing the rules for Falmouth businesses and consumers and asking people to change their behavior. He wanted to see if people change behavior and to what extent. There are several different methods they can take, and seeing what happens could help them determine what to do.

Councilor Anderson said REAC is ready and willing to do what they are asked to do. Their recommendation was to institute a fee, mirroring what Portland did, with education prior to the fee taking effect. After a year of the fee, the ban would take effect. He didn't think they would get anything out of education, if the public doesn't know that action will follow. He said they have heard that the public wants this, and pointed out that the two big grocery store chains have embraced the ban in Portland. He wasn't sure what they gain by waiting and wondered what they expect to learn that they don't know already.

Councilor Mahoney understood the desire to be cautious with a big change, but he thought the Council supported action on this issue that at least mirrored what Portland has done. He thought they could move forward on an ordinance that looks like Portland's. He thought they could evaluate what is going on in Portland without delaying work on their own ordinance.

Councilor Hemphill said there was no decision to delay it for a long period of time, only for a short while to see what happens.

Chair Farber suggested they set a date for a draft ordinance to come to the Council in September.

Councilor King spoke about the importance of the education of the public and wondered if that would be incorporated in the ordinance itself. Chair Farber suggested that the ordinance committee focus on ordinance language, but that they ask REAC to draft a detailed roll-out plan to educate the public. She said it is hard to get public input until they have concrete ordinance language. Councilor Anderson thought they could get input earlier and felt that input could help the Ordinance Committee direct their focus.

Councilor Hemphill pointed out that REAC held a public meeting, and there was general support expressed. REAC suggested possible ordinance language in their report, and the Committee can start there with staff.

Councilor King said the report included some outreach ideas. She wondered if they are asking REAC to hold off on those activities or move forward with them.

The Council agreed with a plan to hold a public hearing in the summer, with an introduction of ordinance language by the end of August, a public hearing in September and a vote on the ordinance in October, with an effective date on January 1, 2016.

Cathy Nichols of REAC said the big question is what scope this ordinance would have. Portland's focus is on larger stores that sell food. She wondered if their outreach should be focused on larger businesses or on small businesses.

Chair Farber said the Ordinance Committee would have to discuss that issue. She suggested that the Council might workshop this issue if the Ordinance Committee needed it to do so.

**Item 10 A report from the Long-Range Planning Committee and the
Community Development Committee on implementation of the land
use strategies in the 2013 Comprehensive Plan.**

Councilor Anderson explained that the comp plan divided the Town into two types of areas: recommended growth areas and rural areas. The goal is to allow the right kind of growth in the right kind of areas, while maintaining the town's rural character. He said the CDC has four recommendations for the rural areas; 1. Finalize the growth/rural area boundaries; 2. Place annual residential growth permit caps on new single family units in the rural area; 3. Encourage conservation developments in rural areas; and 4. Clarify zoning language relative to accessory units in the rural area. He showed a map that refined the boundaries between growth and rural area. For the growth caps, he explained that they recommended maintaining the current single family town wide cap at 65 units/per year, while overlaying a new cap so that only 26 of those units (40%) could be located in the rural area. They discovered that this actually mirrors current practice from the last few years. They suggest continuing to encourage conservation development in the rural areas, while weighing open space in those areas more heavily. They are recommending that accessory units be allowed in the current manner, with some clarification on the allowed sizes for accessory apartment.

Sam Rudman, chair of LPAC, spoke about the growth areas. They are recommending 1. Change the rules to allow improvements or expansions of existing homes and infill development; 2. Enable accessory dwelling units; 3. Make compatible multi-family housing more feasible, and 4. Rezone current Farm and Forest lots that the CDC placed in the growth area. They sampled several neighborhoods, and found that, in the RA and RB districts, there were high levels of nonconformities. They are recommending increasing density and reducing lot sizes to reduce nonconformities and create more flexibility in lot layout. They made specific recommendations for rezoning certain sections, and suggested a new zoning district, called RB2. Some parcels that are currently zoned Farm and Forest were moved to the growth area by the CDC, and he discussed their recommendations for rezoning those parcels. He discussed proposed changes to

accessory dwelling units: keeping the current standards, having no minimum or maximum size, but it cannot be greater than 100% of the main dwelling; allowing the CEO to permit them if they are 75% or less of the main dwelling, with BZA approval for units larger than 75% or more than 1000 sf. They would also require the property to be owner-occupied at the time of the approval. They recommend allowing multi-family units, including duplexes, by right. No special approvals would be necessary though certain standards would apply.

Councilor King discussed the next steps. If the Council approves the policy recommendations, the ordinance work would be referred to CDC and staff. While the Council worked to review the recommended zoning amendments, the committees would draft a list of tasks for Year 2 of implementation. She summarized the recommended amendments: a growth cap in rural areas, changes to accessory dwelling units, multifamily setbacks in growth area, creating new districts in the growth area, and changing lot density/sizes/setbacks for the new districts in the growth areas.

Councilor Mahoney asked about any feedback they received on the rural area caps. Councilor Anderson didn't remember any feedback on that change. It didn't reflect a change in policy from recent development trends.

Councilor King pointed out that there are exceptions to the cap, including Oceanview. There are 250 designated, developable lots that are already in the books and are located in the rural area. They can be developed per the zoning and density that were in effect when they were approved.

Councilor Mahoney supported the recommendations for accessory dwelling units.

Chair Farber asked for an explanation of whether correcting nonconformities will encourage growth or streamline the process of improving lots.

Mr. Rudman said streamlining the process was one of their charges. They also heard from residents that wanted to do projects on their property but couldn't. Their goal was to bring 75% of existing properties into compliance.

Chair Farber pointed out that those properties in the Waterview Overlay District would still have to go before the BZA. Mr. Rudman said that is correct.

Theo Holtwijk, Director of Long-range Planning, said part of LPAC's mission was to encourage growth in the growth area that was compatible with the existing neighborhoods. Making these changes will allow more effective development that is in character with what is there. Lots are a lot smaller, and houses are a lot closer, in these neighborhoods than the current zoning allows because these homes predate the current zoning.

Chair Farber wondered how encouraging conservation development in the rural areas would change what is there now. Councilor King said encouraging a focus on open space and conservation development in the rural area would lead to developments that might contain few lots and more preservation of open land.

Chair Farber was comfortable moving forward with the amendments for the growth cap, accessory dwelling units, and setbacks for multi family units, but wanted more information on the changes to the zoning districts.

The Council discussed next steps. They agreed on CDC moving forward on the recommended next steps.

Item 11 Order to accept a Wayfinding Signage Plan for the Town of Falmouth as recommended by the Community Development Committee and authorize an Appropriation of \$10,750 from the Route One South, Route One North, and West Falmouth Crossing Tax Increment Financing Districts for Phase 2 services by LandWorks.

Mr. Holtwijk explained that, at the Council's request, the Town hired a graphic designer to review signage in town including locations they would like to direct people to, possible locations for signs, and renderings for proposed signs. The CDC is recommending a two phase approach. Phase 1 would occur in the coming fiscal year and would focus on 6 gateway signs and replacing the directional signs, some of which are more than 30 years old. The proposed appropriation would be for LandWorks to prepare a bid package and review the incoming bids. The project is proposed to be funded from the TIF districts. He showed renderings of the new signs. They have identified about 24 different locations that people would be directed to by these signs, including the library, historical society, town hall, schools, activity center, public works, open space locations, Route 1 businesses and West Falmouth businesses.

Chair Farber opened a public comment period.

Erin Mancini of Longwoods Road spoke about town signs that she saw in Massachusetts that included the date of town meeting and suggested something similar for Falmouth.

Public comment period closed.

Councilor Goldberg pointed out that the graphic design on the signs is not intended to be a logo or brand for the town.

Councilor Mahoney had some hesitation around the estimated cost of the project.

Councilor King said that was the idea of splitting it into two phases; phase 1 would replace what they have currently, and then they could expand later. That would also allow them to determine whether it was too many signs.

Mr. Poore said the cost is driven by the number of signs. The quality of the signs and the installation of the signs also contribute to the cost. The town currently has around 20 signs; they are proposing 64 signs.

Chair Farber wondered if the cost of the signs would be significantly less if the graphic on the bottom were removed. Councilor Goldberg didn't think it would.

At Councilor Anderson's questions, Mr. Poore explained that they would bid out both phases at the same time, but phase 2 would be as a bid alternate. They would have separate costs for each phase.

At Councilor Mahoney's questions, Mr. Poore and Mr. Holtwijk confirmed that wayfinding was included in each of the three TIF's, but the amount available was only enough to fund the study.

Councilor Goldberg moved the order; Councilor King seconded.

Councilor Mahoney said he wouldn't vote for the plan due to his concerns with the cost. He appreciated all the work that has gone into it.

Councilor Anderson supported phase 1, but would wait to see the costs for phase 2. He was less comfortable with that phase. Councilor Goldberg agreed.

Councilor King pointed out that, if they were unsure about phase 2 signage, they should make sure that the phase 1 signs can stand on their own without their phase 2 counterparts.

Mr. Holtwijk pointed out that, by accepting the report, they are not necessarily agreeing to install every sign included in the report.

Mr. Poore suggested adding language to the order “to accept a wayfinding signage plan, as recommended by the CDC and including an implementation plan as recommended by the CDC”.

Chair Farber moved to amend the order, to include the language above. Councilor Goldberg seconded. Motion carried 7-0.

Amended order passed 6-1 (Mahoney).

**Item 12 Ordinance to amend the Code of Ordinances, Chapter 17-82.1
Wreckers and vehicle towing, in order to move the maximum rates for
services to a fee schedule.**

Councilor Hemphill moved the ordinance; Councilor McBrady seconded. Motion carried 7-0.

**Item 13 Order to adopt a fee schedule for maximum rates for wrecker and
vehicle towing services.**

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

Mr. Poore clarified that the rates were recommended by Police Chief Edward Tolan.

Councilor King moved the order; Councilor Anderson seconded. Motion carried 7-0.

**Item 14 Order to go into Executive Session pursuant to the Laws of Maine to
discuss and consider the disposition of real estate rights, pursuant to 1
M.R.S.A. § 405 (6) (C).**

Councilor Goldberg moved the order; Councilor Hemphill seconded.

Councilor Anderson said he received an email from a resident, who questioned whether it was appropriate to enter executive session for this issue.

Chair Farber explained that Oceanview came to the Town two weeks ago with a more formal request for their development. At that meeting, there was interest on the Council of exploring a proposed real estate transaction.

Mr. Poore said this is no different than when the Council meets in executive session to give bargaining guidance to staff for open space purchases. No action will be taken outside of a public meeting.

Motion carried 7-0.

The Council entered executive session at 9:57 pm and did not return.

Adjourn

Respectfully submitted,

Melissa Tryon
Recording Secretary