

**Town Council Special Meeting
Minutes
May 12, 2014**

Roll Call

Councilors Anderson, King, Orestis, Goldberg and Farber were present and answering roll call.

Councilor Pierce was absent.

Councilor Mahoney arrived late.

**Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss the
Town Manager's annual performance review, pursuant to 1 M.R.S.A. § 405 (6) (A).**

Councilor Orestis moved the order; Councilor Goldberg seconded. Motion carried 5-0 (Mahoney absent).

**Item 2 Orders to approve the FY15 School Department Budget as required by M.S.R.A.
Title 20-A §1485, §1486 §2307.**

Councilor Orestis moved the order; Councilor Goldberg seconded.

Public comment period opened.

Mark Finch of Allen Ave Extension asked the Council to deliberate on the Common Core standards coming down from the federal government. He spoke about the possibility that Common Core would create a database of all students and teachers. He was concerned that the federal government would tell the Town what to do and how to spend their money on schools.

Public comment closed.

Motion carried 6-0.

**Item 3 An Order regarding the Budget Validation Referendum question to be placed on the
June 10, 2014 ballot.**

Councilor Mahoney moved the order; Councilor King seconded.

Public comment period opened; no public comment.

Motion carried 6-0.

**Item 4 Order to sign the June 10, Budget Validation Referendum and Municipal Official
Election Warrant M.R.S.A.30-A §2551.**

Councilor King moved the order; Councilor Orestis seconded.

Public comment period opened; no public comment.

Motion carried 6-0.

Item 5 An Order to approve the FY15 Sewer Department and Fleet Maintenance Department Enterprise Budgets.

Town Manager Nathan Poore explained that these are the two budgets that are outside the municipal budget. The Sewer Enterprise budgets are funded by user fees. There is a small increase in expenses, but this is the seventh year without a rate increase. The Fleet Maintenance budget is an internal service fund where each department contributes a portion of their budget for vehicle use. This is a \$223,000 budget, showing a 1% increase over last year.

Public comment period opened; no public comment.

Councilor King moved the order; Councilor Goldberg seconded. Motion carried 6-0.

Item 6 Presentation from the Information Technology Director on the new Town of Falmouth website.

Jennifer Phinney, Information Technology Director, gave a presentation on the new Town of Falmouth website www.falmouthme.org and the work that was done to design it. Town staff was tasked with this project in the 2011/2012 Council workplan. The new website is a Drupal website which provides more flexibility. The navigation menu is based on statistics gathered from the most popular pages of the current website, and the fixed header bar allows users to navigate the site more easily. The new site will officially launch on May 13, 2014.

Item 7 Presentation from the Public Works Director about road maintenance and infrastructure improvement projects scheduled for the 2014 construction season.

Jay Reynolds, Public Works Director, discussed the planned construction projects for the 2014 construction season. The Route 1 infrastructure project broke ground this morning. Blackstrap Road reconstruction between Hamlin and Cohasset Way has been put out to bid with a planned July 1 start date. This project includes drainage and shoulder improvements. Hurricane Road will receive ditching and drainage upgrades and some of it will be completely rebuilt. Leighton Road will be repaved between Falmouth and Gray Roads in June. Annual paving is scheduled for: a section of Woods Road; Middle Road between the Turnpike overpass and Falmouth Corners; Leighton from Gray to Brook; and Casco Terrace (though this may be delayed due to the natural gas project). The railroad crossing project is going through permitting and design, but they expect it to commence this year. Maine Turnpike Authority plans to work on their overpass on Falmouth Road this summer. Summit Natural Gas's expansion will begin this year.

Councilor Mahoney asked about the natural gas expansion.

Mr. Reynolds said the utility's intention is to stay off the road as much as possible. In those instances where they must cross the road, they plan to do an underground bore to avoid opening the pavement.

Councilor Mahoney pointed out that many people do not know that the Town's right of way extends beyond the pavement. He thought some public outreach would be a good idea. He asked about the area on Leighton Road where the railroad leaves materials and whether that can get cleaned up. Mr. Reynolds said that is in the railroad's right of way; the Town has asked to have that cleaned up in the past and can try again. Councilor Orestis asked if the Town could clean up that area; Mr. Reynolds said the Town would need permission to enter the railroad's property to clean that up.

Vice-Chair Farber asked if the Hurricane Road would see shoulder work; Mr. Reynolds said they are planning to widen the shoulder, but not by much. They want to maintain that as a rural road, and not widen it too much.

Item 8 Update from the Wastewater Superintendent on current wastewater analysis and design work and an Order to authorize the Town Manager to execute an agreement with Wright-Pierce Engineers to prepare a West Falmouth Sewer Master Plan.

Pete Clark, Wastewater Superintendent, said since the treatment plant upgrade in 2008, they have done a number of studies. As part of a 2009 assessment of pump stations and key lines, one recommendation was to do a comprehensive sewer evaluation survey of the area of Town west of I295. That study noted certain bottlenecks in the system and that there is a lot of recent and projected growth in that area.

Chris Dwinal of Wright-Pierce gave a presentation on the current wastewater infrastructure, recent studies and upgrades to the system, an analysis of future needs and the impact on rate payers. This is a well-maintained system in great repair, with 28 pump stations and 41 miles of underground gravity sewers and force mains. It was constructed in 1971, and received a \$7 million upgrade in 2008. This system serves both Falmouth and Cumberland and treats 1 million gallons every day. After several studies, it has been determined that either 925 new homes or 11 developments like West Falmouth Crossing could be added. Cumberland owns half of that remaining capacity. He explained how rainwater can have a huge impact on capacity. A review of infiltration has revealed four areas that should receive additional investigation. In the near future the system needs a sewer master plan, which will cost \$90,000-100,000; an upgrade to the Mill Creek pump station at \$6.1 million; and an ongoing infiltration and inflow study and removal process. The current sewer rates are lower than the state average, and lower than all bordering communities. He estimated a 7-8% increase in rates as a result of the Mill Creek and force main improvements This would put the rate at the state average.

Councilor Mahoney moved the order; Councilor Anderson seconded.

Public comment period opened; no public comment.

Vice-Chair Farber clarified that this order is to authorize the Town Manager to execute an agreement; the funds for this project would come from the Wastewater budget.

Councilor Anderson asked about the timing and how this project coordinated with the Route 100 project.

Town Manager Nathan Poore said it is perfect timing.

Councilor Anderson said the work of the Route 100 committee may help to determine what is needed in terms of infrastructure.

Mr. Dwinal said they have included time for input from committees both at the beginning and the end of the project. They estimate that the process will take 1 year to complete.

Motion carried 6-0.

Item 9 Public Hearing on an amendment to the Zoning and Site Plan Review Ordinance to accommodate the construction by Casco Bay Hockey Association (CBHA) of a covered ice rink, locker rooms and bathrooms at Village Park.

John Veilleux, president of CBHA, spoke about the recent changes to the proposed plan. They want to be a good neighbor to the residents around them. They will remove the existing row of trees, and plan to replant them. They have extended the metal siding along the Lunt Road side, both to protect the players from wind and to mitigate any noise and light impact on the neighbors. They will also plant a double row of evergreen trees along that side.

Vice-Chair Farber asked about the sound testing that was done on-site.

Mark Tracy, a Falmouth resident, used a decibel meter to measure the sound of children shooting pucks in the rink. They found that you can get a 70 decibel range from shooting pucks, which is less than a referee's whistle which comes out at 80 decibels. Yelling and screaming was higher. General noise in the area measured at 50-55 decibels.

Vice-Chair Farber opened the public hearing.

Susan Gilpin of Heron Point Road wondered how far apart the trees are that will buffer the sound.

Kevin Kaserman of MacCabe Road said his children are a part of the CBHA and it is a great organization. He spoke of the economic benefit of the program, with participants buying food and equipment in town. He supported the project.

Mike Lalibertie of Cornerstone Drive has a child who participates in the organization. He spoke of the importance of ice time. This would be great for the community, as the participants would support the local businesses.

Darren Barton, Falmouth High School's hockey coach, said his children participated in the program and spoke of the benefit to his high school players who participated. He thought rehabilitating that rink would be a benefit. He supported the project.

Andre Clement of Timbrook Road spoke of his and his family's involvement with the CBHA; it was a great program. More ice time will allow more flexibility for the local school teams. He supported the new rink.

Danielle Tracy of Hamlin Road, president of Falmouth Ice Hockey, said her organization fully supports the rink project. She said they could use more ice time. Family Ice is maxed out for good ice time for students. This would benefit Falmouth kids, middle school, high school, boys and girls.

Fran Norris of Studley Street has two children in the program, and is a coach. They have been talking about additional ice for 5 years and thought the timing was perfect with the Hat Trick Drive and Route 1 projects. He spoke of the off-season benefits of the upgraded site and how it could be used for other programs. He supported the project.

Public hearing closed.

Councilor Goldberg asked about noises other than pucks, whistles or buzzers that might come from the site.

Mr. Veilleux said they are not planning a buzzer or PA system; they do plan on a scoreboard in the future. A referee may blow a whistle. He argued that the rink as it exists today is completely outdoors. If the Town could maintain it for regular use, there would be much more noise than what they will get from the planned structure, which will have a roof and trees. The fans will be within the warm room, which will also keep the noise down. Wetland tests have shown that they have to move the rink 20 feet or so away from Lunt Road; the rink is around 100 feet away from those residences already.

Councilor Goldberg pointed out that the residents around Legion Fields or Community Park deal with fan noise during the summer and fall.

Councilor Anderson pointed out that the current process will bypass the typical approval process at the Planning Board. He asked about the proposed treatment on the Lunt Road side of the building.

Mr. Veilleux said the metal siding will be continued from the roof edge to the ground for most of that side of the building. There will also be a windscreen and a double row of evergreens on that side.

Councilor Anderson wondered how reliable the noise test was, and whether it accurately replicated the speed of a puck coming off the ice.

Mr. Tracy said they used a sport-court type of plastic that kids use in the summer to simulate ice, and he held the microphone up against the boards.

Mr. Veilleux said the old boards are rigid and designed for outdoor rinks. The new boards are a softer material and will likely be more sound-absorbent.

Councilor King asked how the building is being altered to avoid the wetlands and whether that will impact the green space.

Steve Blais, of Blais Civil Engineers, said they had Boyle Associates continue the wetlands work they had done for the Town in the past. They will fill a little bit of wetlands, but will only need a Tier 1 permit. He reviewed this with Lucky D'Ascanio, Director of Parks and Community Programs, to estimate the impact on Town use of the green space. He didn't think it would be a huge effect. They tried to put it directly on top of the current rink, but when the wetlands were delineated, they went right to the bank. They would have to pay a significant amount to the DEP to mitigate the wetlands impact if they left it in its current place.

Councilor Mahoney agreed that avoidance is always the first choice.

Councilor Orestis asked about the treatment of the back of the building and whether there is any noise or light mitigation on the back.

Mr. Veilleux said there will be wind mesh material in the 16 foot tall opening in the back. They need that to be open for the airflow for the enclosure, both in the winter and summer. That side of the building only has one residence that is even remotely close to it.

Councilor King spoke about the Planning Board's MRA hearing. She said that, while the Planning Board wants to see this happen, there is a question about what happens to the site review process and the ability for citizens to file appeals of this project. She felt it would be helpful for the Council and Board to be proactive in considering projects that are asking for relaxed zoning.

Mr. Poore said currently, if someone wants to appeal a Planning Board approval, they can appeal directly to Superior Court. They have 30 days to do so. The only way to appeal this project would be to appeal the zoning itself, and not the project. This zoning would not allow a direct appeal of the project itself. A citizen could appeal the building permit if it was not consistent with the zoning.

Vice-Chair Farber asked about noise limits in the ordinance and where the operating hours would be controlled.

Community Development Director Amanda Stearns said site plan review is outlined in the zoning ordinance; this particular portion of the ordinance allows the Planning Board a great deal of latitude in applying the standards, including light spill and impact on abutting properties. This is a commercial site that abuts a residential neighborhood; this type of site would be subject to certain buffering standards under zoning, though she felt the current vegetation would likely meet or exceed those standards. Abutters concerns would typically be brought before the Planning Board, who could then seek out mitigation for those concerns. There is no specific decibel limit that is listed in the ordinance. The Council has the authority through the lease agreement to entertain limits on operating hours, when the lights can be on, etc.

Councilor Mahoney said the amendment refers out to the proposed plan as what is being approved. Any changes to the plan would have to go through the normal site plan process.

Ms. Stearns said that is correct. While the initial approval is through the Council, any substantive changes to the plan would have to go to the Planning Board. The amendment is written so that every standard in the current zoning has to be met except those that are specifically waived.

Vice-Chair Farber wondered if they wanted a full staff review of the project, and whether they should put specific language in the amendment.

Ms. Stearns said staff has done some review; the plans submitted to the Planning Board had not received full staff review but they will prior to final approval. An official site plan, approved by staff, would be part of the final approval of the amendment language.

Councilor Anderson pointed out that this facility would be subject to the noise ordinance, which refers to horns, screaming, etc. He wanted to be sure that there would be no extra leniency for the site just because they are in a commercial zone.

Ms. Stearns said she thought the Police would respond if they received a complaint about noise at the rink. She felt that they should plan for expected noises, instead of relying on the noise ordinance. She felt the planned improvements will mitigate noise, as will controlling the hours of operations. She encouraged them to address these concerns up front.

Vice-Chair Farber wanted something in writing about buzzers and horns, defined hours of use, and a full staff review of the plan.

Mr. Veilleux said they had no problem with those. They intend operating hours of 7am-10pm; they have worked with staff already and will continue to do so; and he had no issue with a prohibition on buzzers and horns.

Councilor Mahoney stressed that this is a unique situation; the Council is not in the business of doing site plan reviews. This is an opportunity to upgrade a failing asset and not business as usual.

An order was scheduled for May 28.

Item 10 Public Hearing on a proposed Limited Development Agreement between the Town and Casco Bay Hockey Association regarding the construction of a new ice rink on property owned by the Town and commonly know as the Village Park Ice Rink.

Mr. Poore presented the proposed ground lease agreement; an updated version was handed out to the Council. Changes were made after a meeting held this morning and he discussed those changes. There is one remaining issue between Family Ice and CBHA regarding the status of the rink; he was confident that it would be worked out prior to May 28. Final review by the Town Attorney is pending the Council's review tonight.

Vice-Chair Farber opened the public hearing.

Tom Majerison, representative of Casco Bay Arena, which will be the holding and management company that will run the rink, has been reviewing the contract and said it is close to final. This is the right location for this rink.

Bill Welch is a former CBHA coach and his kids played with CBHA; he spoke as a board member of Family Ice. Family Ice had a long list of concerns and issues; he thanked CBHA for listening to those and Town staff and Councilors for listening and trying to address them. Family Ice does not oppose this project. The work that has been done has made sure that these two facilities can operate cooperatively and not competitively. Family Ice has only wanted certain protections to ensure the continued viability of their facility and that it can continue to operate as it is. The most recent draft of the lease puts those protections into place for today. Family Ice's only remaining concern is what happens in the future. The parties to the lease can change it if they want to, so they request that, if any changes are considered in the future, that Family Ice would be brought into the discussions to the extent that any proposed changes impact them.

Public hearing closed.

Councilor Mahoney pointed out that section 7C might be in conflict with the zoning amendment, which requires that any subsequent changes to the plans go to the Planning Board for site plan review.

Mr. Poore said this section speaks to the use of the property.

Councilor Mahoney felt it was important that any changes to the facility go to the Planning Board for site plan review.

Councilor Goldberg felt the first stop for changes should be the Council. Mr. Poore pointed out that the Planning Board requires proof of right, title and interest for a site plan application. Coming to the Council would grant CBHA that.

Councilor Anderson felt this was designed to grant Family Ice the assurance that this rink would never become an enclosed facility that would compete with their facility.

Mr. Poore said the language states that it is "subject to all applicable codes and ordinances". He felt that protected them.

Councilor Mahoney was comfortable with the Town Attorney's review of that section. Vice-Chair Farber agreed.

Councilor Mahoney asked about the LWCF impact on this site.

Parks & Community Programs Director Lucky D'Ascanio said she contacted Mick Rogers at the State and the Town received a letter on March 31. They were required to hold a public hearing and send him the final plans. After she asked, Mr. Rogers clarified that this is in full compliance.

Mr. Poore said this is Town property and the Town had some capital monies set aside for improvements on this property within the next 5-10 years. A joint meeting with CBHA, Walmart and the Town last week revealed that CBHA felt that they needed to design the parking improvements but not build them out immediately. Those improvements do need to be built out. He thought they would ask the Town to contribute to those improvements and asked the Council for their thoughts on that.

Councilor Anderson asked if that contribution would be above what the Town has in the capital plan.

Mr. Poore said they likely have excess money in the capital plan for the lighting and the stormwater. He thought the balance would be closer to zero if they wanted to consider the sidewalks and parking lot as well. There is \$80,000 in the capital plan to replace the rink lights in 2017.

Councilor Mahoney asked about changes that have been made to the stormwater plans. Mr. Poore said they are in process with the design.

Councilor Mahoney thought they should be considering stormwater improvements for the lot as well.

Ms. Stearns said the rink would require underdrains; the initial design included tying that into stormwater improvements to the parking lot since there are drainage issues in the existing lot. The revised plans dated May 1 changed that proposal and deal strictly with the new stormwater requirements to capture the roof and redirect it so that it doesn't impact the existing stormwater issues in the parking lot. Staff are discussing those changes with Mr. Blais now.

Councilor Mahoney said the current plan is neutral to the existing condition; Ms. Stearns said that is correct.

Mr. Poore said that the Town was planning to put money into the property eventually; the stormwater improvements would improve the longevity of and add value to the parking lot. The Town will be using it 7 months out of the year. He recommended that the Town take care of the lighting, the stormwater, and the islands, but that CBHA take care of the pedestrian amenities, since it is their use that is triggering those.

Councilor Goldberg said they don't know what those numbers might look like. Councilor Anderson agreed but he felt a modest contribution is a small price to pay for the greater benefit they will receive from the project. Councilor Orestis and Councilor King agreed.

Councilor Mahoney asked if the TIF would cover the stormwater improvements; Mr. Poore said it would. The improvements he recommended would be covered either by TIF or capital improvement funds.

Item 11 Order to authorize the Town Manager to execute a Limited Development Agreement between the Town, Walmart and Falmouth Plaza, LLC regarding the construction and maintenance of Hat Trick Drive.

Councilor Orestis moved the order; Councilor Goldberg seconded.

Mr. Poore said several residents have raised concerns about landscaping of the area, at both the Council and Planning Board. They have time to discuss the landscaping plan relative to this area at a later date.

Motion carried 5-0 (Orestis absent).

Item 12 Ordinance to amend the Zoning and Site Plan Review Ordinance to establish a special overlay district for the Walmart Garden Center.

Councilor Anderson moved the order; Councilor King seconded.

Mr. Poore said he met with Joan Fortin, a representative from Walmart, and several residents to walk the site and review the landscaping. Since then Walmart has revised the landscaping plan, adding additional landscaping, filling the swale, and adding a berm to protect the plants from road salt. They have also added a riprap basin near the culvert inlet. Town staff needs to review the proposed changes. He felt these changes would help get close to what the residents want, though their stated preference was for a solid wall of vegetated buffer.

Joan Fortin of Bernsten Shur said they worked to meet the ordinance requirements as much as possible, while still meeting their needs. Since receiving feedback from the residents she has worked with the engineer to amend the design. The drainage ditch will be filled, with a berm on top to protect the plants. There will be 7 fir trees in the back, 5 red maples in the front, and 34 shrubs of different types. The landscape architect was trying to conform to the current zoning as much as possible to make it an attractive screen; it is not designed to be a complete wall between the road and the building. She pointed out that, where Hat Trick Drive comes out, there will be additional screening between Walmart and the residents. That was a Town project and would not be installed this spring, but as a Town project they can add more trees there if they want. She provided the Council with a detailed list of the number and types of vegetation that would be installed.

Councilor Mahoney asked why this project is not going through site plan review.

Mr. Poore said this project has been in the works since 2000; it was most recently reviewed as part of the Walmart expansion plan. Walmart had been carrying a temporary permit for the garden center but then merged it with their expansion plan. Once they abandoned the expansion plan, they couldn't carve out the garden center. The timing issue has to do with the garden center's operating season and the negotiations around Hat Trick Drive.

Ms. Fortin said everything would have been fine if the expansion had gone through. This store is heavily dependent on the operation of the garden center. Going for site plan review on the garden center would have opened the entire site for review, which wouldn't have been feasible.

Vice-Chair Farber asked why they didn't do a contract zone for this property; Mr. Poore said the Town's ordinance does not allow for contract zoning.

Councilor Mahoney said the garden center can't operate without this change; Mr. Poore said that was correct.

Councilor Mahoney asked if the Planning Board was aware of the circumstances that brought them to this point. Mr. Poore said they were.

Councilor Mahoney understood the concerns raised by the Planning Board; he was concerned by this approach since this site wasn't unique like the hockey rink.

Councilor Anderson said this is not the perfect way to do this. While he didn't like it, in this instance he felt it was the right approach for the Town.

At Councilor Mahoney's question, Mr. Poore clarified that the zoning they approve tonight refers out to the landscaping plan. Any changes to it would have to come back to the Council for approval. He said the landscaping as designed addresses some of the residents' concerns, but it does not create a solid buffer.

Vice-Chair Farber asked about the main focus of the amendment.

Ms. Stearns said there are two pieces: first, the size of the proposed garden center doesn't meet the limits of the district; second, once you trigger site plan review by the Board, it requires the entire site to be reviewed under current zoning. It wasn't economically feasible for Walmart to do that.

Vice-Chair Farber asked if the proposed landscaping plan meets the requirements for the zone; Ms. Stearns said not quite. There are not many modifications beyond the landscaping shown on the site plan approved by the Planning Board for the expansion: they added the sidewalk, pedestrian lighting and street trees along Clearwater, as well as a more defined crosswalk.

Vice-Chair Farber asked what is lacking in this plan to meet the VC-1 requirements. Ms. Stearns said she has not reviewed it yet. There are specific requirements in the district for commercial properties that abut the street.

Vice-Chair Farber felt there are a lot of ways in which this property will not meet the zone; Ms. Stearns said this is correct. That is why this is designed as an overlay zone, which will expire as soon as the property owner converts the site to something that has to go to the Planning Board. This is extremely limited, allowing only this and not allowing it to convert to anything else outside of zoning.

Councilor Goldberg pointed out that the landscaping, while not perfect, is better than is what is out there now. Without the garden center this Walmart is not viable and may move elsewhere. Walmart predates the neighborhood. He felt this was a significant improvement.

Councilor Anderson pointed out that this is necessary for Walmart to continue the garden center the way it has been; this is not allowing an expansion. In return for this approval, the residents are gaining improved landscaping and the Town will gain Walmart's participation in the Hat Trick Drive project.

Ms. Stearns said Walmart is not operating the garden center this year as they have been in years past, since they do not have a current approval.

Mr. Poore suggested that any approval be conditioned on final staff approval of the proposed changes to the swale.

Vice-Chair Farber was inclined to add a condition that they meet the VC-1 standards for buffering.

Councilor King moved to amend the ordinance, adding a condition that the stormwater treatment and landscaping buffer be reviewed and approved by Town staff; Vice-Chair Farber seconded.

Councilor Anderson wasn't sure what they were asking the staff to do.

Mr. Poore said the stormwater is easy; the Town Engineer can review the design and make sure it works. The landscaping is harder; he asked what the Council's expectation is on the landscaping.

The Council discussed the proposed amendment.

Councilor King withdrew the amendment. Vice-Chair Farber withdrew her second.

Councilor Mahoney moved to amend the ordinance, that the landscape and buffering comply with the VC-1 standards or meet the concerns expressed to the Council and Planning Board by residents; Vice-Chair Farber seconded.

Councilor Orestis asked what they would have to do to meet the standard, in time and effort.

Ms. Fortin didn't see a clear landscaping standard in the zoning; there is no list for "x" number of trees, but there is a streetscape standard. She felt they can meet that. She said that while Ms. Stearns referenced a 10 foot wall, she didn't think that would comply, they are not proposing that, and they don't think it would look good. The neighbors have requested more landscaping and they have done that.

Councilor Anderson called the question.

Motion failed 1-5 (Anderson, King, Orestis, Goldberg, Farber)

Vice-Chair Farber moved to amend the ordinance, to add the condition that the Town Engineer review and approve the stormwater as shown on the site plan dated May 7, 2014; Councilor Anderson seconded.

Motion carried 6-0.

Councilor Mahoney supported the comments and concerns raised by the Planning Board.

Vice-Chair Farber moved to amend the ordinance by adding the condition that the site plan dated May 7, 2014, shall be brought into compliance with the landscaping and buffering standards of the VC-1 district; Councilor Mahoney seconded.

Councilor Anderson asked what those standards are.

Ms. Stearns said there are two standards: the first is specific to outdoor retail display and that requires a solid fence to screen the outdoor retail area. That fence can be up to a maximum of 10 feet in height. There are also general streetscape standards; those do not require a specific number of trees, but speak to the types of vegetation. She said the item that is out of compliance is the 4 foot white picket fence; to bring that into compliance would require a solid 4 foot fence. The number of deciduous trees proposed is in excess of what the ordinance requires. Evergreens would provide a more solid screen. In response to Councilor Anderson's question, she confirmed that compliance with the standards might result in less vegetation than is what is currently proposed and a fence that is much higher than what is there.

The Council discussed the proposed amendment.

Vice-Chair Farber called the question of the amendment. Motion failed 4-2 (Mahoney, Farber).

Amended ordinance carried 4-2 (Mahoney, Farber).

Councilor Anderson moved to adjourn, moving the remaining agenda items to the next meeting.
Councilor Orestis seconded.

Motion carried 4-2 (Mahoney, Farber).

Item 13 Order to authorize the Town Manager to execute an Easement and Relocation Agreement for a natural gas pipeline.

Item 14 **Discussion about a possible revision to the Riverpoint Bridge replacement project scope of work based on information that was not available at previous meetings, such information is related to conservation and protection of the property, financing, and current land management and future maintenance needs related to the care of the property.**

Item 15 **Discussion about future Council agendas**

Item 16 **Order to go into Executive Session pursuant to the Laws of Maine to discuss and consider the acquisition of real estate rights for a parcel, pursuant to 1 M.R.S.A. § 405 (6) (C).**

Adjourn

Meeting adjourned at 11:00 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary