

**Town Council Special Meeting
Minutes
October 15, 2014**

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

Roll Call

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

Councilor Mahoney was absent.

Item 1 Order to authorize the Town Manager to execute a lease agreement with AT&T to replace the current public safety communication tower behind Town Hall with a new mono pole tower that will upgrade public safety communications and allow for up to three cellular carriers, including AT&T, to locate antennas on the tower.

Public comment period opened.

John Winslow of Gray Road supported improving communications facilities. This seems like a win-win situation.

Tuck Irwin of Watts Farm Way asked that the Council consider whether Verizon would be able to use this tower in lieu of the tower that they had proposed for Field Road.

Public comment period closed.

Councilor Hemphill asked about the monopole design and whether there would be external antennas hung on the pole. The renderings of the proposed tower showed no antennas, just the pole.

Town Manager Nathan Poore said the 20 foot wide antenna that will be on top is not on the rendering. Other than that, this is a stealth design, and all the other antennas will be within the pole.

Councilor Anderson asked if that would be true for all the carriers that can use the pole. Mr. Poore said any co-locators would also be a stealth design and would be within the pole.

Councilor Anderson wondered if the 30% fee to the Town would be a disincentive to other carriers.

Mr. Poore said he understood that AT&T would try to get market rate for the co-locators and the town would get 30% of that, not in addition to that. This is a common agreement for towers.

Barry Hobbins, representing AT&T Wireless, explained that one carrier cannot discriminate against another. They would have to negotiate a fair market value for the lease. The Town's 30% position is not a surcharge. The structure they propose will only have the one external, public safety antenna. He said there are significant gaps in both voice and data coverage in Town and this will help fill that gap.

Councilor King asked how co-location would work.

Mr. Hobbins explained that the type of equipment would depend on what the carrier needed for service but everything would be internal to the pole. They will have an area within the building for their equipment, and space outside for their generator.

Chair Farber stated that all abutters within 750 feet were notified of this meeting.

Councilor King moved the order; Councilor McBrady seconded.

Councilor Anderson asked if this tower will improve both data and voice coverage.

Ernesto Chua, engineer for AT&T Wireless, said it is a combination of capacity and coverage. There will be areas of overlap that will improve capacity, and other areas where this tower will provide coverage.

Motion carried 6-0.

Councilor McBrady moved to allow a public forum period, in recognition of an error on the posted agenda leading to confusion for a member of the public. Councilor King seconded. Motion carried 5-1 (Farber).

Chair Farber opened a public comment period.

John Winslow of Gray Road spoke about the library referendum. He argued that the bond numbers on the referendum only show the debt service; there is no disclosure of the increase of operating expenses due to the expansion. He said that architects receive a bonus for designing LEED certified buildings. Many states, including Maine, have banned LEED certification for state-funded buildings. He urged people to vote no.

Public forum closed.

Item 2 Presentation from the Land Management & Acquisition Committee (LMAC), introduction of the Town Forester, and an Order to approve the 2015 Forest Harvesting Plans for Blackstrap Hill Community Forest and Woods Road Community Forest.

Jed Harris of LMAC explained that the order is to execute the harvesting management plans that were approved for these properties in 2009 and 2013. They are looking at a selective cut at the Woods Road Forest, primarily behind the transfer station. They are not going to touch the old-growth forest in that parcel. They want to introduce age diversity and species diversity to that parcel. They also want to do a cut at the Blackstrap Hill Forest, again to improve diversity of the forest.

Paul Larrivee, licensed forester, discussed his background in forestry. He explained that education and outreach to the community is very important prior to any harvesting. He has tried to tailor the harvesting plans to consider the recreational users and abutters of the parcels. He discussed the details of the harvesting plan for Woods Road. The area they proposed to harvest is a 36 acre section south of the power line corridor; it is labeled compartment B. Compartment A is 100 acres and contains all the recreational trails; no harvesting is proposed for this section. It will be left as it is to serve as a deer wintering yard. Compartment B will be managed to provide browse for the deer. Scott Lindsey from IFW has a copy of the proposed plan and has expressed comfort with it. The harvest would be a worst-first, selective cut that would allow for browse and food to grow for white-tail deer. It is important for the ground to be frozen while they do this cut due to the soil types in this area.

Councilor Hemphill said they identified two harvesting yards on the plans, and wondered if the one behind the transfer station was the preferred site.

Mr. Larrivee said it would be a good site but they have to discuss the truck traffic before they decide.

Councilor King asked about the amount of wood product they will remove.

Mr. Larrivee said the timber in this area is low-quality, mostly hardwood, and uniform. He would expect that this would be mostly pulp wood from trees that are decaying. All trees will be painted prior to harvest. This cut will improve the quality of the stand as well as improve the browse for deer. They will not remove every tree in decline; some will be left for current and/or future snags for wildlife. He estimated 25 loads would come out of these 35 acres. There are about 12 cords per load. He said they will chip some wood on site, and would sell that as well.

Councilor Anderson asked how much will be coming out overall. Mr. Larrivee said his estimate included biomass as well. Out of the 25 loads, maybe 10-15 would be round wood. He can't equate chips with cords.

Councilor Anderson felt this was a significant harvesting operation. Mr. Larrivee said it is a thinning operation.

Councilor Anderson asked how they determine what to take out and what to leave. Mr. Larrivee explained that the goal is to have diversity in the stand when they are done; they don't want to take all of any one species.

Councilor McBrady asked about the entrance sites and whether they have spoken with Public Safety about the truck traffic. Mr. Larrivee said they would have that discussion and would clearly sign the entrance. They would likely have 1-2 trucks a day.

Chair Farber asked about the land in the 35 acre parcel in terms of wetlands, vernal pools, etc.

Mr. Larrivee said it is forest land but the soils are poorly drained, so harvesting in the summer is not a good idea. They need winter conditions with a snowpack. He said it can be a challenge to make sure they have a good freeze, contractor availability, and good market conditions all at the same time. He hasn't observed any wetlands on the lot so far, but when he marks the trees he will flag any of those areas and they will be buffered.

Chair Farber said they had some problems with wetlands when they harvested Hadlock in the past.

Councilor Hemphill said he has been in the Woods Road Forest several times; he felt the wet areas are easily discerned.

Councilor Goldberg asked him to estimate how many trees/acre there are in the forest, and how many would be removed. Mr. Larrivee estimated that they would remove a third of the trees that are in there now. It is difficult to do an average since no trees will be removed from the wet areas.

Councilor Anderson said he was shocked by that number.

Mr. Larrivee said that IFW has required that this site be managed for deer habitat every 10 years. He has met with Kelly Bowland from US Fish and Wildlife on how to create browse and early successional forest for the deer; to do that they have to harvest some trees to create sunlight in the forest.

Mr. Larrivee discussed the proposed harvesting in Blackstrap Hill Community Forest. He has proposed 60 acres of harvesting on this 234 acre parcel, 154 acres of which are forested. This would be an improvement harvest, to promote the health of longer term, late successional species; it still has some early successional species in it. This would lend itself to a whole-tree harvesting operation. These recommendations are consistent with the 2009 management plan. The access road would need some work in order to get equipment in there, but he is proposing this harvest for the winter as well, to take advantage of frozen conditions. This would be an individual tree selection harvest. He felt the chipping would leave the site cleaner and more user-friendly for those that recreate on the site. They will build temporary crossings over some brooks, but will not build any permanent crossings. They also many need to cross some of the trails on the site and he would work with the snowmobile club on that. The

harvesting might remove some of the trees along the edge of the field, which would provide some good habitat and make mowing the field easier.

Councilor McBrady asked where the loading sites would be. Mr. Larrivee said they would be in the field and indicated the location on the map.

Mr. Larrivee spoke about the harvesting equipment that they would use for each of the harvesting operations.

Councilor McBrady asked what happens if the weather doesn't cooperate, especially if they had already started. Mr. Larrivee said they would suspend the operation, even if that meant waiting until the following winter. His business is all by direct-referral, so he is committed to leaving a clean site.

Councilor Anderson asked the amount of trees that are proposed to be removed from Blackstrap.

Mr. Larrivee said in this harvest they are targeting the smaller trees that have been overtopped by the larger, older trees. If they do nothing, those trees will die and fall. Good forest management is meeting the need of consumers today without jeopardizing the needs of consumers in the future. He said the volume of this harvest will be lower, since the trees being removed will be smaller. He guessed that it would be about 20% of the existing trees.

Councilor King asked about the financial benefit to the Town of this project and whether there is a proposed net gain for the Town.

Mr. Larrivee said they would pay the Town per ton of product. It is hard to predict what the market will be, but he thought the Town would receive \$70-\$100 per load of chips, \$250-350 per load of hardwood pulp, and \$1200 per load of mat logs after all the costs came out. He would never recommend a harvest that cost money for the landowner. He thought they could use an estimate of \$200 per acre, net.

Councilor McBrady wondered if it made sense to scale back the harvest at Woods Road if people were uncomfortable with the amount of trees proposed to be removed.

Mr. Larrivee said that any changes he makes will have to go back to IFW, since their goal is to improve the conditions for deer. IFW wanted to harvest some of the 100 acre parcel as well, to manage the hemlock area. He steered them away from that, in consideration of the Town's recreation goals.

Public comment period opened.

Daniel Hildreth of Thornhurst Road, former chair of the Conservation Commission, asked what the Council is trying to do with the forested public lands. He said that foresters have a certain perspective; what he is hearing is that the primary goal of managing these forests is for the economic benefit to the Town. He thought these lands were obtained for their conservation and recreation value. He thought they needed to hear from a forest ecologist.

Bob Shafto, Open Space Ombudsman, said that southern Maine has a lot of even-aged forests that grew up from abandoned farm land. Woods Road Forest has some of the oldest trees in the area, 80-100 years old. Promoting late successional forest is a goal of their management plans. Woods Road was acquired in 1987 when The Woodlands was developed; the Woodlands had to purchase the 100 acres to mitigate a deer yard they destroyed. The parcel came with a DEP order that it had to be harvested once every 10 years to maintain the deer yard. As far as he knows that has only happened once since then. DEP could force the Town to harvest in there, since the taller trees are not good habitat for deer. The compromise is to harvest the 30 acre parcel. Mankind has impacted these forests in the past by harvesting for high-value trees, leaving low-value trees behind. They want to encourage age and species diversity in the forests, so that they are more resilient and promote ecological diversity.

Dave Gagnon of Field Road said if the property had been managed or cared for, they wouldn't have to take so much out of it now. On his property he has acre after acre of stunted pine that are worth nothing and don't even provide good habitat. They have to clean up these forests in order to move forward with good management.

Public comment period closed.

Chair Farber asked what IFW will do if the Town does not take action in Woods Road. Mr. Shafto said IFW has the power to enforce this 1987 agreement. They have the power to levy fines or force the Town to comply.

Mr. Poore said, when the Town asked IFW to allow them to take on the responsibilities on the property, the argument to IFW was that the Town would be more likely to follow the agreements on the management of the property.

Councilor Anderson wondered if there was a way to be less dramatic with the harvest and still meet the requirements of the agreement.

Mr. Larrivee said what he proposed in the plan was to provide browse for the deer and stay out of compartment A. He has to open the canopy and get sunlight on the ground to do that. He tried to take both IFW's requirements and the Town's use of the parcel into account. It might not be as high as a third, but he has to show IFW that they are meeting the requirements. Scott Lindsey from IFW will be on site when they start this harvest.

Councilor Goldberg agreed that a third sounds dramatic, but he pointed out that there are a lot of trees, and they are densely packed. Centuries ago forests weren't like that, trees were more spread out and Native Americans managed them both to provide habitat for wildlife and to make it easier to hunt. Years ago Falmouth was all open fields. It all grew up at once when the farmers left, and now all the woods are about the same age and that isn't healthy.

Councilor King asked if the deer yard at Woods Road is active. Mr. Shafto said he has seen deer in there; he didn't know how active the winter yard is but they can find out this winter. Regardless, DEP has mandated that it be managed as such, no matter how it is used.

Chair Farber wondered if creating the browse would draw the deer into the woods and out of backyards.

Mr. Shafto said absolutely; deer come into backyards looking for food.

Councilor King asked what the ecological cost of the harvest is. It seems to be speeding up the natural process.

Councilor Anderson wondered if they were interfering with the natural process instead of speeding it up.

Chair Farber said they have only looked at this through the lens of harvesting; she would like to have an opinion from an ecologist, at least on Blackstrap. She was okay with proceeding with the Woods Road plan since they are obligated to do that.

Councilor McBrady agreed, but would like another opinion on Woods Road as well. Councilor Anderson agreed.

Councilor Hemphill said the current problem is that they have some unhealthy forests that have not been managed properly. They have an obligation to improve the health of the forests. They have thought hard about these plans and designed them to improve the quality of the properties, both for recreational opportunities and wildlife habitat, not for economic benefit. There is no public access to the property on Woods Road where the proposed harvest would take place. This plan is better than what they could be forced to do. Hadlock is dramatically improved from what it was.

Councilor Goldberg agreed. He pointed out that the trees are renewable; they will continue to grow after the harvest and what will come back will actually be better.

Councilor King moved to investigate getting the opinion of a forest ecologist.

Councilor King withdrew her motion.

Councilor Anderson moved table the order, until such time as they can obtain the perspective of a forest ecologist. Councilor McBrady seconded.

The Council discussed a timeframe for the item to return to the agenda.

Chair Farber moved to amend the motion to ask for a report from a forest ecologist by the regular November meeting. Councilor Goldberg seconded.

Motion carried 6-0.

Amended motion carried 6-0.

Item 3 Order to authorize the Town Manager to apply on behalf of the Town for State financing assistance, under the provisions of the Recreational Trails Program (RTP), for the upgrading of approximately one-quarter (1/4) mile of trail at the Woods Road Community Forest to comply with the US Forest Service Trail Accessibility Guidelines and the construction of a trailhead parking area for North Falmouth Community Forest at the end of Oxford Way.

Mr. Shafto said the Town has received four of these grants previously. This will fund a parking area and a handicap accessible trail section. The Town contribution would actually be closer to \$3000, since the cost estimate for the parking lot was higher than anticipated. In the past, the Town has met the 20% local share with volunteer labor, but these two projects are both contractor work.

Councilor McBrady asked about the handicap trail. Mr. Shafto said it is 4 feet wide and made out of a material suitable for wheelchairs. This section of the trail is very flat so it is ideal for this.

Councilor Goldberg asked if the parking lot would be in the hammerhead; Mr. Shafto said no, it will be in the woods at the very end of the road. They don't want people parking in the hammerhead.

Public comment period opened; no public comment.

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

Item 4 Report from the Appointments Committee regarding a proposed ordinance amendment for the Harbor Committee.

Councilor McBrady explained that the committee decided, after several meetings, to leave the ordinance as it is. This will leave Handy Boat without a member, and leave the committee down one member, but in the future Handy Boat could regain their voting status on the committee should they employ a Falmouth resident.

The Council was comfortable with that recommendation.

Item 5 Public Hearing on an amendment to the Zoning and Site Plan Review Ordinance to restore provisions for non-residential parking along Route One.

Public hearing opened; no public comment.

An order was scheduled for November 10.

Item 6 Order to create an ad-hoc Community Park Connector Committee to develop a plan for a trail connection between Community Park and the Falmouth Schools Campus.

Councilor Hemphill said the concept of connecting these two parcels has been considered for a while but a trail connection is not safe due to the railroad crossing. The Council made this a priority at their 2014 retreat. Councilor Mahoney, Councilor Hemphill, and Mr. Poore met and drafted a charge for a committee to develop a plan to create a safe railroad crossing to allow for a trail connection.

Public comment period opened; no public comment.

Councilor McBrady asked about past discussions with the railroad regarding a crossing here. Mr. Poore said staff spoke with the railroad two years ago; they were amenable to the concept plans.

Councilor Anderson asked what kind of staff time would be needed to support this committee.

Mr. Poore said the goal of the committee would be to draft a feasible plan for the connector, including suggestions for fundraising, in a short time frame, six months or so, with a report out to the Council by next spring.

Councilor King wondered how costly this project would be. Mr. Poore said there have been some preliminary cost estimates, which were over \$1.5 million. There has been some debate on whether that was an accurate estimate.

Chair Farber recommended removing the councilor from the membership of the committee, clarifying instead that the committee would have a Council Liaison. She also wondered about increasing the membership to 8 or 9 people, to allow the appointments committee some flexibility.

Mr. Poore recommended changing the language to “up to 9” while leaving the quorum at 4.

Councilor Anderson pointed out that there is no timeframe in the charge and he wanted to see one.

Mr. Poore suggested “a report to the Council on or before June 30, 2015”; the Council agreed.

Councilor Hemphill moved the order with the amendments to the charge as follows: changing the membership from seven to “up to 9”, removing the council representative from the membership list, adding a council liaison instead, and requesting a report to the Council on or before June 30, 2015; Councilor Goldberg seconded.

Councilor Anderson asked what the cost would be of gathering cost estimates. Mr. Poore said staff already has a full report from Gorrill-Palmer, including cost estimates.

Councilor King asked how long the committee would remain in effect. Chair Farber felt the committee would be done once the report is delivered. An ad-hoc committee dissolves once the specific task is completed.

Chair Farber clarified that there is no allocation of funds associated with this order.

Motion carried 4-2 (Anderson, McBrady).

Item 7 Introduction of an amendment to the Zoning and Site Plan Review Ordinance to create a Hat Trick Drive Special District.

Mr. Poore explained that under current zoning the Hat Trick project would require full site plan review. This would require the entire Walmart property to be brought up to current zoning standards. Public streets are not subject to those zoning standards. This project would likely not happen without this zoning amendment.

A public hearing was scheduled for November 10.

Item 8 Discussion about future Council agendas.

Mr. Poore discussed items scheduled for upcoming agendas. There will be a public forum on the Route 100 visioning project on November 12 and another public forum on the Comprehensive Plan project on November 13 at 6:00 pm.

Adjourn

Councilor Anderson moved to adjourn; Councilor King seconded. Motion carried 6-0.

Meeting adjourned 9:45 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary