

**Town Council Special Meeting
Minutes
November 10, 2014**

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

Roll Call

All Councilors were present and answering roll call.

Item 1 Ordinance to amend the Zoning and Site Plan Review Ordinance to restore provisions for non-residential parking along Route One.

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

Item 2 Public hearing on an amendment to the Zoning and Site Plan Review Ordinance to create a Hat Trick Drive Special District.

Councilor King said the purpose of this amendment is to create a special zoning district so that the construction and design of Hat Trick Drive would be exempt from site plan review.

Public comment period opened; no public comment.

Councilor Hemphill noted that the Planning Board had some reservations about this process.

Councilor King explained that this road has been planned for quite some time. It will be laid out across four different, privately held parcels. If this amendment does not pass, each property would be subject to the entire site review process. She felt that would not be called for in this situation.

Chair Farber supported the amendment, but understood the Planning Board's concerns.

Councilor Mahoney asked for a summary of the special districts that have been created in this area, for historical context.

The order was scheduled for November 24.

Item 3 Order that certain described interests in real property be taken and condemned by the Town of Falmouth for public sewer purposes. (Please see attached Condemnation Order for specific details about said property.)

Chair Farber explained that the Town would be taking this land in order to do necessary work to the Mill Creek pumping station. The Land Trust will be compensated \$3000.00 for this land.

Public comment period opened; no public comment.

Councilor Hemphill said he is a member of the Land Trust Board; he felt both the Board and the Town were interested in improving the pumping station and the Board is interested in being cooperative in this process.

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

Item 4 Order to authorize the Town Manager to enter into a contract with Wright-Pierce to provide consulting services for the Route 100 Vision project, and to approve a supplemental appropriation and transfer in the amount of \$50,000 from the Town's West Falmouth Crossing Tax Increment Financing account for consulting services for the Route 100 Vision project.

Chair Farber explained the RFP process that led to Wright-Pierce being selected for this project. She said this amount includes \$5,250 for contingency funds and there are sufficient funds in the TIF account.

Public comment period opened; no public comment.

Councilor McBrady said there is a public forum on Wednesday from 6:00-7:30pm in council chambers for those who are interested; there is also a survey on the Town's website.

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

Item 5 Discussion about regulating commercial vehicles on town roads, including a discussion about Section 17-9 of the Town's Code of Ordinances which restricts commercial vehicles on Brook Road.

Chair Farber explained that a resident raised concerns at a recent Council meeting about an existing ordinance that prohibited trucks on Brook Road. There were signs posted on that road that were removed, and the resident wants them replaced.

Mr. Poore explained that in 2010 the signs on Brook Road were in disrepair. When the signs were removed, staff began to discuss whether they could legally enforce the ordinance. Last year, Mr. Poore explained to the resident that he had concerns about enforcing the ordinance as written, and that the issue needed to be brought to the Council. He has received requests to limit trucks on other roads in town as well. The Council could authorize enforcing the ordinance as it is written, amend the ordinance to address the section of Brook Road between Leighton and Mountain, or repeal it entirely.

Councilor Anderson said the ordinance has been in effect since 1979; he wondered what has changed, since they were enforcing it for 30 years.

Mr. Poore said that he wasn't sure how much it was being enforced. It came up a few years after he started working for the Town. He had been involved in a lawsuit around a similar ordinance at a previous town, so he was familiar with the law in this area. He felt the difference here was his interpretation of the law and his feeling that it was unenforceable.

Councilor Mahoney felt the ordinance covers the entire length of Brook Road, including the section controlled by the DOT. He wondered why it has changed to just the town portion.

Mr. Poore wasn't sure. He was also concerned that the ordinance only says "trucks". There are 14 different classifications for trucks, which also complicates enforcement.

Councilor King asked if the section of Brook Road that is controlled by DOT was a state aid road in 1979; Mr. Poore wasn't sure but he thought it was. It is now.

Councilor Goldberg felt it would be simple and that there was a reason the restriction was put in place in 1979. Since that time trucks have gotten bigger, and the area has gotten denser. He felt they could reaffirm the ordinance.

Councilor Anderson said he could understand treating the local section differently. He felt it was in the residents' interest to put the signs back up. He felt they should be able to limit commercial trucks on a residential road where there is a better alternative.

Councilor King asked how they would enforce the ordinance without being specific about “trucks”. Chair Farber felt it was usually classified by weight or axle. Councilor McBrady wondered if they would have to change the ordinance.

Mr. Poore recommended a clear definition of what trucks they are limiting, as well as being clear which section of the road would be limited. He could come back with a proposed ordinance amendment.

Councilor King asked which section would be limited. Councilor Mahoney said they would amend the ordinance to cover the section from Leighton to Mountain.

Chair Farber felt they would amend it in two ways; the length of the road that is covered and adding specification as to the type of trucks.

Councilor Mahoney wasn’t sure they want to encourage residents to petition the Town to limit truck traffic on their roads. He would only support this in recognition of the fact that this ordinance has been on the books for so long.

Councilor Hemphill wondered where they stop; what is to say that the residents on the DOT controlled section of Brook Road won’t come back and want their section limited as well.

Chair Farber wasn’t entirely sure what the problem is: the lack of enforcement of an existing ordinance, or an increase of truck traffic on a residential road. If it is about safety and traffic, limiting trucks doesn’t solve that, and it is not a unique concern. That concern is typically addressed in the bike/pedestrian plan, and in the road maintenance and repair schedule. She asked what they are trying to fix here.

Councilor Mahoney felt the issue is that there is an ordinance on the books. Unless they receive a legal opinion that the ordinance is illegal, he felt they should enforce it.

Councilor King pointed out that the resident that spoke cited safety concerns.

Councilor Goldberg felt this was about enforcing the ordinance. He pointed out that it would be easy to go down a road of plotting out allowable truck traffic, which isn’t something they want to do.

The general consensus of the Council was that the ordinance needs to be amended.

The Council directed staff to order signs for Brook Road.

Item 6 Order to create an ad-hoc Senior Citizen Advisory Committee to assist the Town Council with the development of a vision and plan for how the needs of the Falmouth senior citizen community can be met.

Public comment period opened; no public comment.

Chair Farber suggested the Appointments Committee consider representation from the Falmouth Food Pantry and the Human Services Committee in selecting volunteers for this committee.

Councilor Anderson wondered about putting a 6 month timeframe in the charge; Chair Farber felt that 6 months is pretty tight.

Councilor Mahoney pointed out that there are a lot of folks that are gone for the winter; having the committee operate over the summer would allow them to participate.

Councilor King wondered if the committee members would assess what is available in the community now, and develop a community support network.

Councilor Anderson felt there was a sense of urgency; he thought they could put a target date of September 1 for the committee’s recommendation in the charge. The Council agreed.

Councilor Anderson moved the order, adding the September 1 report date; Councilor Mahoney seconded. Motion carried 7-0.

Item 7 Discussion about future Council agendas.

Mr. Poore discussed items that are scheduled for upcoming council agendas.

Chair Farber reminded the public about the celebration of the new Veterans Memorial tomorrow, November 11 at 10:00 am.

Councilor Anderson said REAC is hosting a public input session tomorrow at 7pm at the library on the potential restriction of plastic bags.

Adjourn

Councilor Hemphill moved to adjourn, Councilor King seconded. Motion carried 7-0.

Meeting adjourned 7:55 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary