

Town Council Meeting

Minutes

April 13, 2015

The meeting was called to order at 7:03 pm.

Roll Call

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

Councilor McBrady was absent.

Chair Farber moved to remove item 7 from the agenda; Councilor Hemphill seconded. Motion carried 6-0.

Item 1 Presentation and discussion regarding the Recycling Energy Advisory Committee (REAC) report on the status of the 2009 Green Ribbon Commission Report.

John Haley, chair of REAC, gave a presentation on the history of the Green Ribbon Commission report and the recommendations and goals listed in it. In reviewing the Town's progress on these goals, REAC determined that the Town's CO2 emissions have increased 6.5% instead of decreasing per the recommendations. He said that, since the first review was done in 2007, the Town has increased the sq. footage of municipal buildings by 23.6%, while making changes to use and fuel sources. He discussed some of the committee's plans to address the recommendations of the Commission's report, including drafting a handout to establish good home construction policy for builders. They have installed a cold climate heat pump at the Motz Community Center and use it as an educational tool for the public. They discussed an ordinance for LEED certified municipal buildings and another to allow wind power installations. They are exploring the potential for solar panels on municipal buildings. They are working on a business recycling program, an ordinance to require trash/recycling containers in public places, and a plastic bag ban. He asked for the Council's feedback on their preliminary work on an energy plan, including using 2012 as a baseline instead of 2007, modifying the goals and objectives, and the high priority recommendations.

Councilor Goldberg asked how the woodchip boilers at the schools were analyzed as part of the report and whether the school department has bought into this process.

Mr. Haley said there are some initiatives at the schools already. REAC has some involvement with the high school organization. There hasn't been a lot of collaboration at this time.

Kimberly Darling, Energy and Sustainability Coordinator, said there is some conflicting information on how much the wood chip boilers contribute to emissions. The presentation slide does not include the wood chip use. The boilers do not service the entire school department, but they are moving to that. Once they convert the entire campus to wood chips, they won't use any oil anymore.

Councilor Mahoney asked if this included vehicle use. Ms. Darling said it does not; they just reported on the buildings.

Councilor Mahoney asked for more information on changing the benchmark from 2007 to 2012.

Ms. Darling said there have been a lot of changes in the buildings since 2007. They felt they should use 2012 as a baseline since that was when the changes in the municipal building usage smoothed out.

Councilor King said the goal was to slowly reduce emissions, and that hasn't happened. Emissions have increased. She thought they should continue to have a reduction goal, but they should stick with the 2007 benchmark.

Councilor Goldberg pointed out that, while emissions increased 6.5%, square footages increased 23.6% in the same time frame. He felt that was pretty good. He wondered about analyzing emissions per square footage.

Mr. Haley agreed, but was concerned that this would create license to allow more emissions.

Councilor Mahoney said the efficiency per sq. foot has likely improved, but the 2007 benchmark was a total number. He also supported sticking with the 2007 level, because they want to see the real decline or increase.

Chair Farber would like to see emission usage per square foot by department. She thought that might help focus on where long-term improvements can be made.

Councilor Hemphill agreed, but there are very different needs. A wastewater pump station uses a great deal more energy than a classroom. He agreed that retaining the 2007 data would be useful.

Councilor King said monitoring is done by building; they would look at any improvements made to each building and see what effect it had with regards to usage.

Councilor Anderson agreed that they shouldn't change the goal. He felt a challenging goal would drive them harder than one that was more easily obtainable. He felt they should focus on the wastewater facility in the energy plan, since there is a lot of usage there. He thought exploring solar power was a good idea.

Town Manager Nathan Poore discussed the amount of energy necessary to run the wastewater system, including the pumps. He suggested that REAC meet with the Wastewater Superintendent and himself to discuss the baseline data.

Chair Farber spoke about the cost of obtaining LEED certification; you can have a highly efficient building without obtaining formal LEED certification. Councilor King would extend that to include renovations as well as new construction.

Councilor Anderson wondered about allowing residential installation of wind turbines. He wasn't sure about that recommendation.

Mr. Haley said they were primarily thinking about the Maine Audubon. He didn't think there was a need to have residential wind available everywhere.

**Item 2 Public Hearing on an amendment to the Code of Ordinance, Chapter 17-82.1
Wreckers and vehicle towing, in order to move the maximum rates for services
to a fee schedule.**

Chair Farber opened the public hearing; there was no public comment.

An order was scheduled for April 27.

**Item 3 Presentation of an Ecological Survey and Inventory Analysis by the Land
Management & Acquisition Committee (LMAC) and an Order to approve the
2015 Forest Harvesting Plan for Blackstrap Hill Community Forest.**

Ted Asherman, chair of LMAC, spoke about the history of the land management plans commissioned by the Council in 2013. Last year, LMAC brought harvesting plans for Wood Road and Blackstrap Hill to the Council. The Woods Road plan was approved in November 2014. At that time, the Council asked for an ecological survey of the Town. 94% of all town-owned conservation land is forested; of that 12% is young forest, 12% is mixed-age, and 76% is mature forest. There is no old age forest in Falmouth,

because most of Falmouth was farm land 100 years ago. The vast majority of forest in Falmouth is the same age (26-149 years old). The rest of Southern Maine is much the same, with very little growth in the young forest and old growth categories. LMAC's goal in managing open space is to broaden and flatten out the age ranges of the forest. At this point, they have no plans to manage or harvest 2/3 of the properties that they hold; those areas are planned to be kept forever wild. Their goal is not to harvest trees, but to improve the diversity of wildlife habitat. This would include both flora and fauna.

Aaron Svedlow, committee member and wildlife biologist, said there are a few things they can do to improve the conservation lands and wildlife habitat in town. There are a lot of areas in town where a field ends abruptly at the edge of a mature forest, called a "hard edge". Many species prefer a gradual transition area between the two, a "soft edge". The town also does not have a lot of sugar maple trees, and many of the beech trees are diseased. The harvest would seek to address these issues. 100 years ago the town had a lot of open habitat, and there are many protected species that rely on that. Balancing open habitat with forested habitat would allow them to help those species that are protected under state law.

Chair Farber asked about the 100 Acre Woods property. Mr. Asherman said it is included in the North Falmouth Community Forest.

Councilor Mahoney asked how much of the current mature forest they are proposing to decrease in order to make room for the new growth/open habitat.

Mr. Asherman reiterated that 2/3 of the properties would remain forever wild.

Bob Shafto, Open Space Ombudsman, said the goal would be to equalize the age of the forest across each category of growth, rather than have too much in one category.

Councilor Mahoney said the ability to manage the hard edge/soft edge areas is limited to certain areas. It is an important part of the plan.

Mr. Asherman spoke about the proposed harvesting plan for Blackstrap Hill. The plan proposed would impact an 80 acre portion, with less than 50 acres to be cut. It is a 500 acre parcel in total, between Town land and Land Trust property. All of it was pastureland in the past. The plan was endorsed by Andy Cutko of the Maine Natural Areas program and the Conservation Commission. Paul Larrivee, town forester, would oversee the harvest. He oversaw the cut on Woods Road this year, which went very well. He pointed out that the area directly on Woods Road that was cleared is not Town property; it belongs to the Historical Society who commissioned the clear cut in that area to create a field.

Councilor Mahoney spoke about touring the Blackstrap Hill property. There are opportunities to create that soft edge habitat. He visited the Woods Road property and the cut was very well done. He strongly supported the harvest plan.

Councilor King thought the job at Woods Road was a different kind of job than what is proposed at Blackstrap. She asked what this harvesting project would look like.

Mr. Asherman said there will be heavier cutting in the soft edge transition areas, but not all the cutting acreage will be transition areas. In most areas, they will be taking the older and poorer trees, leaving the higher quality trees.

Mr. Shafto said, like Woods Road, the machines will snake among the trees. It will still look like a forest, but there will be more open areas.

Councilor Anderson said the plan references 60-70 acres, but Mr. Shafto said 50 acres. He wondered about amending the plan to say 50 acres or less.

Mr. Shafto said it is hard to determine the actual acreage until they get on the ground.

Mr. Asherman clarified that the harvest would be limited to the areas indicated on the map shown in the plan.

Councilor Mahoney said the plan should be amended to include the map displayed to the Council, and with accurate acreage numbers.

Mr. Shafto said harvesting within the indicated area would be limited by the ravines and the trail.

Chair Farber spoke about how well the harvest on Woods Road was planned and carried out. Councilor Hemphill agreed. Councilor Goldberg and Councilor King expressed their support for the plan.

Councilor Anderson didn't support this; he felt the forests should be allowed to grow as nature intended. He would rather see all of the open space left forever wild.

Chair Farber opened a public comment period.

Dave Gagnon of Field Road spoke of his experience with managing forest land on his own property. He has a large diversity of wildlife, because he has managed small open areas in the forest. 30 acres of his property has gone its own course, and that area is a mess.

Public comment period closed.

Councilor Mahoney moved to approve the plan, amending the plan per Council discussion to reflect the correct acreage and updating the map as discussed. Councilor Hemphill seconded.

Motion carried 4-1 (Anderson)

Councilor King abstained. She couldn't wholeheartedly endorse the order.

Item 4 Presentation and discussion regarding a proposed amendment to the OceanView Master Plan.

Matt Teare, of Oceanview, explained that their proposal would require updates to their ESRD and RCOD zoning districts, moving the property line on the Village Green, and potentially using some of the TIF funds to improve the neighborhood. He spoke of the public-private partnership; part of the goal of development on the parcel was incorporating a civic use. Progress has been made with the auditorium at Lunt, the Town's activity center at Mason-Motz and the creation of the Village Green. He pointed out the highlights of their proposal. It includes heavy landscaping for the Village Green, including paths, benches and trails connecting different parts of the campus. These changes have been discussed with Community Programs, who have expressed an interest in a smaller playing field. They are also proposing to develop affordable senior rental living within the Plummer building. The central gym would be restored as a senior center. Restoring the gym would allow them to access historic tax credits and help keep the apartments affordable. They would also need to build a bigger addition on Plummer than previously envisioned, in order to build apartments with a double-lined corridor (a central corridor with apartments on either side). This would also allow them to get their unit count up to about 36. This addition would cross over the Town's current property line.

Councilor Mahoney asked about the area that would be on the Town property. Mr. Teare said it would be half of the building addition; he guessed it might be 1/8 acre.

Councilor King asked if the hip roof on Plummer is part of the original building; Mr. Teare said it is.

Councilor Anderson asked how much the proposed addition would impede on the size of the Village Green. He asked if the Village Green would be reduced as a result.

Mr. Teare said it would be reduced by about 10-15%. They are proposing this addition because they feel it is filling the specific mission of this parcel. If the Council doesn't agree, they can go back and do other things.

Chris Wasileski of Oceanview spoke about three parcels between Motz and Whipple Farm (170, 172, and 174 Middle Road) that Oceanview has purchased. They are proposing to build 15 detached, single family homes that would be part of their Schoolhouse Cottage development. They are projecting that their

current cottage plan will be fully sold and built out by the end of 2016. The owners of these three properties approached Oceanview about the sale; each of them either have rental tenants or are occupied by owners who want to become part of Oceanview. Developing these properties will complete the Oceanview mission. This would bring them to 48 cottage units in the RCOD. The proposed homes would conform to the overlay zoning and would be single-family scale. They anticipate that these wouldn't be built until 2017 or 2018. This proposal would move the previously approved road connector to Marion Way from Whipple Farm Way to Homestead Lane.

At Councilor Mahoney's request, Mr. Teare explained that the change in the road connector was at the request of their residents. Weathervane Way would dead end at a walking path, while establishing a loop connection within Oceanview. There would not be a connection to Middle Road.

Councilor Mahoney asked if it was the residents on Middle Road who didn't want a Middle Road connection or it was Oceanview residents. Mr. Wasileski said it was both.

Councilor Mahoney asked if there was restriction on the open space at Whipple Farm; Mr. Teare said there is a conservation easement.

Mr. Wasileski pointed out the sidewalk connection shown along Middle, which would connect Whipple Farm with Plummer. It would not be directly on Middle but would wind in and out.

Councilor Anderson said this is a walking path more than a sidewalk; he asked if it would be on Oceanview property. Mr. Wasileski said it would.

Councilor Anderson asked if there would be public access to it; Mr. Wasileski said there would. It would wind in and out of the right of way.

Chair Farber said the land there is quite steep, and there are gullies along the street. She asked if that is part of the reason to bring it up onto private land.

Mr. Teare said the vision is to create public sidewalks all the way around the block, with internal walking paths for residents. It's about making it aesthetically pleasing as well as moving it away from traffic.

John Wasileski of Oceanview spoke about the history of developing the sidewalk on Blueberry Lane. At the time it was the only sidewalk in town. Everyone uses it now. They don't want to establish a new Middle Road access in order to keep everything internally focused, and to keep it to two safe entrances. He pointed out that if the sidewalk is not directly adjacent to the road, it would be safer and not blocked by snow in the winter.

Mr. John Wasileski pointed out that the proposed cottages will be in keeping with the established Oceanview cottage developments in terms of design.

Councilor Mahoney asked about their plans if the Council was not agreeable to the property line adjustment at Plummer.

Mr. Teare said in that case they would probably put condos in the building. He said the apartments would likely be half market-rate and would have good synergy with the community center.

Councilor Anderson thought the rental properties were a private enterprise, not a civic use.

Mr. Teare said the Town has expressed interest in affordable, senior rental living space. They would need to have about 36 units, to make it a feasible project.

The Council confirmed that Councilor Goldberg and Chair Farber should continue to work with staff and Oceanview on the proposal.

The Council discussed the proposed timeframe. Chair Farber asked why they were proceeding with this plan as a fast pace. Mr. Teare said that this process takes a few months, and the Planning Board process takes a few more. Their goal is to start the project before next winter; they don't want the building to sit empty.

Item 5 Presentation and discussion regarding a proposal from Habitat for Humanity to construct affordable housing on land owned by the town and abutting the Police Station.

Godfrey Wood, Executive Director of Habitat for Humanity of Greater Portland, gave a presentation on their proposal. They want to build a housing development for middle income residents on town-owned property behind the Police Department. He spoke of the need for affordable housing in Falmouth. They propose to build 25 homes: 15 Habitat program homes, and 10 community builder homes. The community builder homes would be for-profit and would help keep the development affordable. He discussed the design of the homes. Habitat would take charge of the construction, management and advertising of the development and the Town would contribute the land and maintain the road and sewer system. He discussed the site, showed pictures of the homes they are currently building in Freeport, and discussed upcoming projects in Greater Portland. They would propose a homeowners association for the Falmouth development with strict guidelines for maintenance and upkeep. He discussed how they finance the sale of the homes and who would be eligible to buy one.

Chair Farber asked who the Town would give the land to, and whether the conservation portion would stay in the Town's hands.

Mr. Wood said he thought the conservation portion would stay with the Town; the rest would be transferred to Habitat as the developer, until the homes were sold.

Councilor Mahoney wondered if Habitat would remain involved in the Homeowners Association (HOA).

Mr. Wood said they would stay involved until 50% of the homes were sold. It is difficult to run a HOA.

Councilor Anderson asked if there was any monetary value to the Town to maintaining a conservation easement on the land.

Councilor Mahoney didn't think so. He asked if conservation land would be required.

Mr. Wood said they don't want to develop that back portion; the soils are bad.

Mr. Poore pointed out that this would need to be developed as a conservation subdivision and some open space would be required.

Councilor King wondered how much land they would give them for the project. She didn't think they would need to give them the whole thing but maybe just enough for them to have enough to get subdivision approval.

Mr. Poore thought that might be the case. If the Town took the required open space for the subdivision, they would get it back anyway.

Councilor Hemphill wondered about public access to the open space. Mr. Wood said it didn't matter to him.

Councilor Hemphill said there isn't much contiguous space to this project.

Chair Farber wanted to know the market value of the property and whether there was any other potential municipal use of the parcel.

Councilor Mahoney asked if there could be a preference for Falmouth employees or current residents.

Mr. Wood said they wouldn't discriminate, but agreed that this is a Falmouth project.

Councilor Anderson wondered what happens when the initial homeowner sells the home. He wondered if the affordable aspect is only good for the first generation of homeowners.

Mr. Wood agreed that it is a struggle. He proposed a limitation on additions and additional structures on the properties. The size of the homes would keep them affordable.

Councilor Goldberg asked if they have to be owner-occupied; Mr. Wood said that would be in the covenants and restrictions.

Councilor Goldberg asked if these homes are typically young families. Mr. Wood spoke about the homeowners in the Freeport properties; they are all ages and types of families.

Item 6 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 to enter executive session; Councilor King seconded. Motion carried 6-0.

The Council did not return from executive session.

Item 7 Discussion about future Council agendas.

This item was removed from the agenda.

Adjourn

Respectfully submitted,

Melissa Tryon
Recording Secretary