

# **Town Council Meeting Minutes March 28, 2016**

The meeting was called to order at 6:00pm.

## **Roll Call**

Councilors King, Hemphill, Anderson, Goldberg, Kitchel, and Farber were present and answering roll call. Councilor McBrady arrived late.

## **Item 1                      Discuss the draft findings and next steps concerning the West Falmouth (Workshop)              Sewer Master Plan.**

Town Manager Nathan Poore explained that “West Falmouth” for this purpose is the area of town west of I-295, a significant geographic portion of town. There are capacity issues at 4 pump stations and at Middle Road, and they anticipate future development. The plan seeks to determine existing infrastructure bottlenecks, possible future sewer flows, necessary upgrades, and prioritize recommendations. He discussed some of the work performed to date. The Council is asked to consider whether the plan is in keeping with the comp plan and the Route 100 plan, if the plan is good facility management, and whether the financing of the plan is reasonable. Some areas of town have been excluded due to the cost; he estimated that including these areas would double the cost of the project at least. They have determined that there is little or no excess flow capacity in the current system. There are bottlenecks and some pump stations are reaching the end of their expected life. In some cases capacity can be created with little or no extra work. He reviewed each of the proposed projects in the system, the current capacity issues, upgrade needs and estimates of cost. The projects identified as near term will create collection system capacity to handle 600-900 new units in the study area, which would address the collection capacity increase for 40-50 years; they would cost approximately \$4 million. This investment will resolve existing capacity issues, upgrade infrastructure that is up to 35 years old, and serve future growth in the growth areas. The town could consider financing options including increasing impact/connection fees to help defray the costs. He discussed the next steps for the Council as well as the proposed schedule. He said the system was partly funded by federal and state dollars when it was originally built in the 1960's and 70's. There are subsidized federal sewer loans that the town might be able to use for this project.

Councilor Kitchel asked the accepted life expectancy of the pump at a pump station.

Pete Clark, Wastewater Superintendent, said pumps generally last 12-20 years.

Councilor Kitchel asked the materials of the existing pipe versus the newer, 15 inch pipe. Mr. Clark said the replacement would be PVC pipe; the existing pipe is asbestos cement, which becomes fragile the older it gets and can crack. He thinks the PVC pipe would have a longer life expectancy.

Councilor King asked about problems during storm events at the Falmouth Road station. Mr. Clark said leaking manholes, poor joints, sump pumps, and foundation drains all contribute to flow issues during storm events. It's hard to quantify a smoking gun with that issue.

Councilor King asked if the anticipated needs in that area are taking storm water into account. Mr. Clark said yes, the pipes and pumps are sized to ensure they have enough infrastructure to handle the peak.

Councilor King asked if this was a combined system; Mr. Clark said no, the peak they see is all incidental; there are no deliberate stormwater connections in the Falmouth system.

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Councilor Anderson asked if rerouting the system away from the Woodlands system would impact the residents in those neighborhoods. Mr. Clark said he didn't believe there were any residential properties that would be impacted by a new line along the power line. Rerouting the system would relieve the capacity at those two stations and allow them to function as they were designed.

Chris Dwinal of Wright-Pierce said bypassing that whole area allows them to avoid having to upgrade those two systems, which were only designed to handle the flows from the neighborhoods.

Councilor Anderson thought this plan was only to study upgrading the current system, and not the extension of the Route 100 system. He felt that extension was separate.

Councilor Farber asked how long they have to make a decision on the extension of Route 100; she thought they had longer to discuss it. Mr. Poore thought they have until the end of April to make that decision.

Councilor Farber didn't think they have had enough conversation on sewer extension on Route 100, including public input.

Mr. Poore said they have put off discussions on Route 100 extension pending the results of this study, and the answer of whether these upgrades were driven by that expansion. He discussed the impact on ratepayers of that upgrade.

Councilor McBrady arrived at the meeting.

Councilor Farber asked the impact of the expansion on a homeowner that will now have access to sewer that didn't before. Mr. Poore said homeowners will have 10 years to convert, but ultimately they will have an obligation to join the system.

Councilor Farber asked what that would cost. Mr. Poore said it was not a complicated connection; it would probably cost less than \$2000.

Mr. Dwinal said once a line is installed in the street, it would be the responsibility of the homeowner to complete the connection to the line.

Mr. Poore summarized the goals for the next month, to review the expansion of the Route 100 system and determine the financing options.

### **Pledge of Allegiance**

Chair Goldberg led those present in the Pledge of Allegiance.

### **Item 2                      Public Forum**

Mike Doyle of Shady Lane spoke about a lawsuit he filed against the Town some years ago, and a new lawsuit he intends to file against the Town in the next 30 days.

Brian Downey of Surrey Lane spoke about his concerns regarding the zoning amendments that are being introduced.

**Item 3 (a)                      Order to approve the minutes of the February 8, 2016, Town Council Special  
(Consent Agenda)          Meeting.**

**Item 3 (b)                      Order to approve the minutes of the February 22, 2016, Town Council  
(Consent Agenda)          Meeting.**

Councilor Anderson moved the consent agenda; Councilor Kitchel seconded. Motion carried 7-0.

**Item 4                      Report from Council Committees and liaisons regarding updates on assignments.**

Councilor Kitchel reported that the Tercentennial Committee has held two public forums to gather ideas on celebrations. They took that input and have winnowed it down but there is a lot of work remaining.

**Item 5                      Order to amend the charge of the Tercentennial Committee in order to add one additional member.**

Councilor McBrady explained that the Appointments Committee had two high school students that expressed interest in serving on this committee. The Appointments Committee recommends increasing the membership of this committee from 7 to 8 residents to accommodate both applicants.

Public comment period opened; no public comment.

Councilor King moved the order; Councilor McBrady seconded.

Councilor Farber suggested increasing it to 9; typically they have an odd number on a committee, and that would give them a buffer to add another person if someone else had interest. Councilor McBrady and Councilor King supported the suggestion.

Councilor Farber moved to amend the order and increase it to 9 members; Councilor Hemphill seconded. Motion carried 7-0.

Amended motion carried 7-0.

**Item 6                      Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.**

Councilor McBrady gave the report and their recommendations for appointments.

- Board Of Zoning Appeals –Regular Member: Erin Mancini
- Planning Board – Alternate Member: Bruce Kaplan
- Ad-Hoc Route 1 North Committee: Paul Burlin
- Ad-Hoc Senior Citizen Advisory Committee: Herbert Hartley
- Ad-Hoc Tercentennial Committee: Maria Kuhn, Candice Powers

Councilor King moved the slate of appointments; Councilor Anderson seconded. Motion carried 7-0.

**Item 7                      Public hearing regarding:**

- **proposed amendments to the West Falmouth Crossing Tax Increment Financing District, and**
- **the June 14, 2016 referendum question authorizing \$6,500,000 of the Town's Bonds to finance a portion of the cost of the Route 100 Infrastructure Project to be supplemented by funds provided by the Maine Department of Transportation and funds from the West Falmouth Crossing Tax Increment Financing District.**

Theo Holtwijk said the Route 100 project started in the fall of 2014. He provided a handout showing the results of a public forum held at that time, asking what improvements people would like to see in the Route 100 area. The top categories were (in order): bike and pedestrian improvements, intersection improvements, commercial development, and sewer improvements. The proposed scope of work would fix safety at the Mountain/Falmouth/Leighton Road intersections, rebuild Route 100 from Leighton to the Libby bridge, add

bicycle lanes from the Portland town line to Libby bridge, add continuous sidewalks, improve existing and add new street lighting, extend public sewer, add new street trees, add a median at TD Bank/Irving, and build a river access trail at Mill Road. He showed conceptual designs of the intersection improvements, the added median, and the proposed sidewalk extensions. He discussed the location of required tree removals, the installation of new street trees, and explained that this project will not have underground power installed. He showed the projected area of the river trail. The project was reduced in scope from the original proposal by removing upgrades to the section of road from Winslow Farm to Hurricane Road. This was due to cost; that section alone was projected to cost \$4 million. The total project is now estimated to cost about \$11 million; \$12.3 million including interest costs. They anticipate \$4 million from DOT, \$1.8 million from the West Falmouth TIF, and the remaining from general obligation bonds. He discussed the package they will send to the State for the TIF amendment, which includes a list of the projects that are funded or earmarked to be funded by the TIF. Many of the projects that were included in the original list are now under the umbrella of the infrastructure plan. He spoke about several new projects that were added to this list; having them on the list does not obligate them to spend the funds or do the projects listed but allows them to do them in the future if necessary or desired. He asked whether the Council would like Town staff to develop an information flyer to distribute to voters, similar to one developed for the Route 1 project. The anticipated project schedule, assuming favorable bids, includes construction commencing in the Fall of 2017 and continuing for one year.

Councilor Kitchel asked what properties are included in the West Falmouth TIF.

Mr. Holtwijk said the TIF includes the commercial properties immediately north of the 95 interchange and those located at the Hannaford plaza. It also includes several open space properties, which they are asking the state to remove to open up TIF capacity in other areas.

Councilor McBrady supported the information flyer. Councilor King agreed; this is a complicated issue and any work to help people understand it would be good. She pointed out that commercial development was rated as the #3 on the list generated by the public; that type of development would seem to require public sewer.

Councilor King asked what is happening to the geographic boundaries of the district. Mr. Holtwijk said there are no requirements to amend the boundaries; they have to amend the district to extend the term and to amend the development program. They see this amendment as an opportunity to change the geography by removing the open space areas; they are not proposing to make the district any bigger at this time, though they might consider that later if there were to be a large commercial development in the future. They could also create a new district if development were planned. Currently the town has 140 acres of remaining capacity for TIF development; the state allows no more than 5% of the total acreage of the community to be placed in TIF districts, with no more than 2% in any one district.

Councilor Anderson asked how close they are to the financial capacity limit; Mr. Holtwijk said they are at 2.5%; the maximum limit is 5% of valuation based on the base value; they are closer to the geographic maximum.

Councilor Anderson said fundamentally this project is about improving the roads and safety. His question is how to finance the sewer piece; he was leaning toward having the users fund the sewer system more than the taxpayers.

Councilor Kitchel asked if they are still under obligations to the original developer; Mr. Holtwijk said the credit enhancement agreement with Mr. Berman will run the length of the original TIF district, so there are about 15 years left. For the 5 years of the extension, all the TIF funds will come to the Town. He said he will include the agreement fees in the costs of the TIF in the future.

Mr. Poore wants to review whether the sewer portion can be phased, if they can project the number of people that might connect to the sewer in the future, whether there is the possibility of a split between the

town and ratepayers, what is the split among the ratepayers, and how they notice a public hearing on that part of the project for the April 11 Council meeting.

Councilor Farber wondered about a mailing to affected property owners about the public hearing on the sewer extension. Councilor King agreed. Mr. Holtwijk thought that would be 30-40 current properties.

Mr. Poore said the proposed flyer will be drafted and ready for the Council to review at the April 11 meeting.

Councilor Kitchel asked about the hookup fee; Mr. Poore said it is currently \$2000. Councilor Kitchel asked if the fee is higher for commercial; Mr. Poore said commercial is a different formula and takes fixtures and usage into account.

Public hearing opened; no public comment.

**Item 8                                      Order to schedule the Public Hearing for the referendum regarding the Route 100 Infrastructure Project in accordance with M.R.S.A 30-A § 2528 (5).**

Public hearing opened; no public comment.

Councilor Farber felt the question was unclear as to the source of the \$6.5 million and that the cost of the bonds would be carried by the TIF; Mr. Poore said he would review the form of the Route 1 referendum to see how they did that then.

Councilor Farber said it is the intent of the Council that the cost of the bonds would be carried by the TIF, in a manner similar to what they did with Route 1.

Councilor Anderson clarified that they are voting to schedule the public hearing and not to approve the referendum language; he felt that still needs some work.

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

**Item 9                                      Public Hearing on an amendment to the Zoning and Site Plan Review Ordinance to permit off-premise signs in the Business Professional District where egress to a lot is located off-premise.**

Public hearing opened; no public comment.

An order was scheduled for April 11, 2016.

**Item 10                                      Public Hearing on an amendment to the Zoning and Site Plan Review Ordinance Sec. 19-23.11 Master Development Plan Time Limits, in order to extend the Tidewater Master Plan Development District an additional six months.**

Public hearing opened; no public comment.

An order was scheduled for April 11, 2016.

**Item 11                                      Public Hearing on an amendment to the Zoning and Site Plan Review Ordinance to remove the sunset provision for minor site plan review, to amend the thresholds to clarify certain items, and to increase the maximum building footprint for any one application from 500 to 1,000 square feet.**

Public hearing opened; no public comment.

An order was scheduled for April 11, 2016.

**Item 12**

**Introduction of a series of zoning amendments to implement Year 1 Comprehensive Plan strategies as identified by the Town Council.**

Councilor King said this package of zoning amendments is designed to meet the residential growth goals of the 2014 comprehensive plan. She discussed growth areas, which have or will have infrastructure, are close to amenities, and have denser development. She discussed the CDC's process on this project to date.

Councilor Hemphill discussed the rural/growth boundary map approved by the Council in 2015 and the areas included in each type. Their goals were to maintain the rural character and limit residential growth in the rural areas, offer opportunities for compatible growth in the growth areas, and to provide opportunities for a range of housing types and to increase conformity of existing housing in the growth areas. In the rural areas they make one change to the Farm & Forest District to simplify Accessory Dwelling Unit (ADU) requirements and approvals; make limited changes to the Highland Lake RB District, including adding ADUs, eliminating multi-family and giving it a new name (HL); establish a yearly rural area cap of 26 single family (town wide cap including two-family of 65), and establish a yearly rural area cap of 8 accessory dwelling units (town wide cap of 20). For the growth area, they enable growth compatible with existing neighborhoods by lessening dimensional standards; provide opportunities for a range of housing types by simplifying rules regarding accessory dwelling units, two-family and multi-family units; and simplify the process to enhance existing lots by increasing the number of existing conforming lots through lessening dimensional standards.

Councilor Farber discussed the proposed changes to the RA district. Their goal is to increase conformity and the opportunity for infill. CDC is proposing to reduce the dimensional requirements for a single-family homes, two-family homes, and multi-family homes by reducing the minimum lot size, minimum lot width, minimum side, front and rear setbacks, and the required net residential area, and to eliminate the minimum unit size. They are not proposing any changes to the current building height limits. She pointed out that most of the properties in the RA district have access to public water and sewer. Multi-family homes would be limited to up to 6 attached units per building. Housing types allowed in the RA, RB and RD districts would include single-family homes, single-family homes with an accessory dwelling unit, two-family homes (two attached units), and multi-family homes (up to 6 attached units). She gave an example of a current, non-conforming parcel; as a result of the proposed amendments it would become conforming and it would be able to be converted to a two-family unit. They are proposing three residential growth districts: RA, RB and RD. The goal of this is to create a transition of density from the densest development in the east (RA) to less dense development in the west, more rural part of town (RD). This also reflects access to infrastructure. They are also proposing to rezone the area around Highland Lake to become its own district, to reflect its unique nature; currently it is RB. They want to remove the opportunity for multi-family development in that area.

Councilor Hemphill discussed the proposed zoning district changes, identifying areas that would be changed. He explained the growth cap recommendations: they would impose a town-wide cap of 65 single and two family dwellings, 26 of which can be in the rural area; a town wide cap of 24 multi-family dwellings, with none allowed in the rural area; and a cap of 20 accessory dwellings, 8 of which can be in the rural area. He discussed some additional recommendations impacting the approval of accessory dwelling units.

Councilor King summarized the recommended changes; the overall town-wide growth cap is being maintained with an emphasis on development in the growth areas. They are reducing the dimensional requirements in growth areas to increase infill development, reduce nonconformities, and increase opportunities for growth. The three districts are designed to create a transition from the densest development in the east to the rural areas in the west. There are no proposed changes to the Farm and Forest district.

Councilor McBrady asked about changes to the Resource Conservation Overlay District and how that impacts these.

Councilor King said that was implemented in 2005 in an effort to increase open space in a housing development. Councilor Farber said that reviewing this district was part of LPAC's workplan. The lowest lot

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size available in an RCZO development is not as small as a lot allowed under the proposed RA minimums. This adjustment would make the RCZO consistent with the proposed changes.

Community Development Director Amanda Stearns said the RCZO would remain intact; it allows for reduced lot sizes, though the density remains the same as the underlying zone. Currently that lot reduction only goes down to 20,000 sq. feet for lots on septic and 10,000 for lots on sewer. The recommended amendments would allow lots in RA to go to 10,000 for all lots; if they do not change the overlay to match that, then lots in the overlay would be required to be 20,000 even though lots in the district could be lower.

Councilor Anderson wondered how they know they are allowing growth in the growth areas without changing the character of existing neighborhoods.

Councilor Farber said just because they open the door doesn't mean the opportunity will be taken. There are many lots in RA that are greater than 20,000 sf that only have one house on them. The neighborhoods in RA have diverse sized lots; they are not homogenous. These numbers are based on a study of existing neighborhoods.

Councilor King pointed out that these are minimum dimensional standards; if the market wants bigger lots, people will build bigger lots. She wondered if his concern related to rate of growth, how fast things could change.

Councilor Anderson said that was a part of it, building multi-family units is another part. It's hard to both offer these opportunities and also ensure that 10 years from now these neighborhoods would be similar to what they are today.

Councilor King pointed out that compatible doesn't mean there won't be any change. She said the growth cap would ensure that the character wouldn't change fast, if it changed at all.

Councilor Anderson said this is a lot of change, and a lot for the public to digest. He wondered how they move forward and make sure the public is aware and informed of the magnitude of the proposed changes.

Councilor King said they decided that it was important for these amendments to go together; it would be difficult to approve them in separate phases.

Ms. Stearns gave a brief review of the proposed amendment language.

Councilor Farber pointed out that an accessory dwelling unit goes along with the primary dwelling on the deed. A two-family unit does not have to; each unit could be sold separately.

The Council discussed the next steps. Councilor Farber wondered about holding a separate, televised workshop meeting for the Council to dig into the specifics.

A public hearing was scheduled for April 25.

### **Adjourn**

Councilor Farber moved to adjourn; Councilor King seconded. Motion carried 7-0.

The meeting adjourned at 9:42 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary