

# **Town Council Meeting Minutes October 24, 2016**

The meeting was called to order at 7:00pm

## **Roll Call**

Councilors Kitchel, King, Hemphill, Farber, Svedlow and McBrady were present and answering roll call.

Councilor Ferrante was absent.

## **Pledge of Allegiance**

Chair Farber led those present in the Pledge of Allegiance.

Councilor Hemphill moved to suspend Council rules to hear an item before public forum. Councilor King seconded. Motion carried 6-0.

## **Item 1                      Presentation of an award from the Maine Association of Planners (MAP) for the 2016 Falmouth Bicycle and Pedestrian Plan as “Plan of the Year.”**

Carol Eyerman, President of the Maine Association of Planners, presented the 41<sup>st</sup> annual Plan of the Year award to the Town of Falmouth for the 2014 Bicycle and Pedestrian Plan. She spoke about the plan, praising its vision, scheduled annual reviews, and its outreach to the community for feedback.

Theo Holtwijk, Director of Long-range Planning, thanked the citizens of Falmouth for their feedback and input into the plan. The first action item of the plan was to form an informal stakeholder group. As of today, 60 people have said they want to be a part of that group and will be meeting soon.

Chair Farber thanked the Town staff, led by Holtwijk, for their work on moving this plan forward.

## **Item 2                      Public Forum**

No one spoke at public forum.

## **Item 3 (a)                      Order to approve the minutes of the September 12, 2016, Town Council Special Meeting.**

## **Item 3 (b)                      Order to approve the minutes of the September 26, 2016, Town Council Meeting.**

There was no public comment.

Councilor King made an amendment to the September 12 minutes.

Councilor Kitchel moved the amended minutes; Councilor King seconded. Motion carried 6-0.

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

Councilor Hemphill said ecomaine has a grant program to encourage and assist recycling programs. There is information available on their website, and the application deadline is approaching.

**Item 5**                                **Report from the Appointments Committee relative to filling various vacancies on Boards and Committees.**

There was no report.

**Item 6**                                **Order to appoint election workers for the November 2016 general election.**

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

Councilor King moved the order; Councilor Hemphill seconded.

Councilor Kitchel spoke about the integrity of the election process and commended the volunteers for their hard work and dedication.

Motion carried 6-0.

**Item 7**                                **Public Hearing and Order to approve a new victualer license for Purposeful Foods, 84 Falmouth Road, Falmouth.**

Chair Farber opened a public comment period.

Faith Varney of Falmouth Road asked for more details about the proposed business.

Chair Farber closed the public comment period.

Chair Farber explained that the application is for the production of nutrition bars and spices in the home. The applicant has a State home-processor license.

Town Manager Nathan Poore said the Planning and Codes Offices have been in touch with the applicant. Any retail sales at this location would require a whole different review at the planning level. Tonight's application includes production only and does not include any retail sales.

Chair Farber asked about the transportation of the prepared goods from the premises.

Ellen Planer, Town Clerk, said she didn't think the applicant is planning on having a very large operation. The applicant also didn't indicate that there would be any cooking involved.

Chair Farber asked if there are any limits on a home processor license in regards to production levels.

Amanda Stearns, Community Development Director, wasn't familiar with state licensing, but as long as the applicant is operating under the regulations of a home occupation by right, there are strict limits to how the business can be conducted. She listed some of these standards, and explained that, if the business expanded beyond those standards, it would trigger a more detailed review by Planning.

Councilor King asked if the applicant was aware of those standards. Ms. Planer said she is.

Councilor Svedlow moved the order; Councilor McBrady seconded. Motion carried 6-0.

**Item 8**                                **Public Hearing and Order to approve a new liquor license for Falmouth Premium Cinemas, LLC.**

Chair Farber said the license is issued by the State, but the Town's approval is required for them to receive the state license.

Chair Farber opened a public comment period. There was no public comment.

Councilor Kitchel asked for clarification on the type of business.

Ashley Taylor, general manager of the Cinema, said it qualifies as a restaurant. They had to add items to the menu in order to qualify as a restaurant so they could serve beer and wine.

Chair Farber pointed out that this is for beer and wine only, and not for spirits. She asked how the liquor would be sold.

Ms. Taylor said this area is under construction but the bar area would be separate from the concession stand.

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

**Item 9                                      Public Hearing on amendments to the Zoning and Site Plan Review Ordinance to clarify the Net Residential Area required for certain types of residential development.**

Councilor King explained that, when the omnibus amendment was passed in July, part of the amendment adjusted the amount of Net Residential Area required for certain residential uses. When the policy was translated to ordinance language, a portion of the requirements were inadvertently left out. This amendment rectifies the error.

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

Ms. Stearns said the Planning Board will hold their MRA hearing on November 1.

The order was scheduled for November 14.

**Item 10                                      Public Hearing of an amendment to the Code of Ordinances Div. II-2-3-12. *Economic Improvement Committee* to update the charge and membership of the Falmouth Economic Improvement Committee (FEIC).**

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

The order was scheduled for November 14.

**Item 11                                      Ordinance to amend the Zoning and Site Plan Review Ordinance Sec. 19-23.11 Master Development Plan Time Limits, in order to extend the Tidewater Master Development Plan an additional one year.**

Councilor Kitchel asked for a progress report prior to the expiration of the one year extension.

Councilor Hemphill said they have granted Tidewater LLC several extensions in the hope of getting a fully developed master plan amendment. Tidewater LLC has made considerable progress, and he and Councilor King are optimistic that the master plan will be completed within this 12 month extension.

Councilor Kitchel asked why they are prohibited from filing a site plan for the remaining Tidewater lots until the master plan is amended.

Ms. Stearns said Tidewater consists of 7-8 development sites; TF-2 and TF-3 are subject to specific development plans. Both the Council and the developer want to change the development plan for those lots, so they agreed to prohibit development on those sites until the changes are approved. Site TV-3, a commercial site on Clearwater Drive, is still available for development. In response to Chair Farber, Ms. Stearns said TF-2 is the "farmhouse site" and includes the original farmhouse and barn, both of which have deteriorated. TF-3 shares the gravel drive with TF-2 and is the site that was originally conceived to be the location of a 17 room inn.

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

**Item 12**

**Order to approve a supplemental appropriation of \$35,940 from the Route 1 North TIF for the Route 1 North Concept Plan project.**

Chris Wasileski, chair of the Route 1 North committee, said that, based on the results of the RFP process, they have selected a consultant for the concept plan. They had two finalists which were both very impressive.

Chair Farber opened a public comment period; there was no public comment.

Councilor Svedlow asked if this amount is comparable to the other concept plans they have done. Mr. Holtwijk said it is; Route 1 South was a little less, and Route 100 was a little more.

Councilor McBrady moved the order; Councilor King seconded.

Mr. Holtwijk pointed out that the project manager from VHB is a Falmouth resident.

Councilor King asked if there is a timeline for the project. Mr. Holtwijk said they expect to present a final report to the Council in May 2017.

Motion carried 6-0.

**Item 13**

**Resolution pertaining to the development of an update of the 2006 *Greening of Falmouth Plan*.**

Mr. Poore said LPAC originally suggested this, and it was included on the Council's workplan this year. Mr. Holtwijk brought LPAC and LMAC together, along with Council liaisons and staff, to discuss how they might go about developing an update to the *Greening of Falmouth*.

Chair Farber said members of the Conservation Commission and the Land Trust will be included in this effort as well. All meetings of this group will be public.

Chair Farber opened a public comment period; there was no public comment.

Councilor Kitchel praised the citizens of Falmouth for their commitment to the preservation of open space. Councilor King was pleased with the renewed commitment to this effort.

Councilor Svedlow asked if the ombudsman would be a part of this effort; Mr. Poore said it would be led primarily by Mr. Holtwijk with Bob Shafto working alongside as a consultant offering his expertise.

Councilor Hemphill moved the resolution; Councilor King seconded. Motion carried 6-0.

**Item 14**

**Order to authorize the Town Manager to execute an option agreement to purchase a parcel of land, located between Mast Road and Highland Lake.**

Mr. Poore said this parcel has been before the Council in executive session; the Council gave staff guidance in the negotiations and all parties are now in agreement with the option presented tonight. This includes 43 acres, 15 of which are a wetland. There is a gravel road that was constructed that has created a dam on the wetland; the Town will receive a grant to mitigate that wetland impact. The total cost of the project including the mitigation work, surveying, etc., comes to \$352,710: \$340,000 will come from grants and \$6050 from the seller, leaving a balance of \$6400 from the Town, mainly in in-kind work.

Chair Farber opened a public comment period.

Seth Blanchard of McDermott Way is an abutter to the parcel. He praised the McDermott family for keeping him informed. He asked if the cost included future trail building on the parcel, if this would change the classification of the existing road, and if there were any plans to construct a boat launch.

Public comment period closed.

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Mr. Poore said there are no funds in this proposal to build trails. Usually the Town can build trails for very little cost, and they often receive grants for those. There would not be any change to the road classification; town ownership of this land doesn't make it a public road. The Town will likely want to make sure there is access to the parcel across the road. There is no plan for any launching or boat access there; if someone wanted to carry a kayak all the way down they probably could, but there are easier ways to access the water.

Bob Shafto, Open Space Ombudsman, said there are no plans for trails or maintenance; that will come later with a management plan. This will be managed as part of the Suckfish Brook Conservation Area, and there are trails already built there. There are no current plans for a parking area or trails. He pointed out that the grant is still in the application stage; while he is confident that this project will rank highly, it isn't a slam dunk.

Councilor King asked if the deal is contingent on the receipt of the grant. Mr. Poore said they will execute this option, but the purchase is contingent on the grant. The deposit required by this option is refundable if the grant doesn't come in.

Councilor McBrady moved the order, Councilor Kitchel seconded. Motion carried 6-0.

### **Item 15**

**Order to approve the sale of approximately 3,065 square feet of property located at 22 Mill Road, such sale to occur based on the authority granted to the Town Council in Section 204.12 of the Town Charter and Section 16-43 of the Code of Ordinances; to waive competitive bidding, in accordance with Section 16-43 of the Code of Ordinances, based on unusual circumstances that the size of the property is too small to develop and the only likely purchaser is the abutting property owner at 22 Mill Road; and to authorize the Town Manager to execute and deliver a Municipal Quitclaim Deed substantially consistent with the terms of this order and materials presented at this meeting on behalf of the Town of Falmouth, and to execute and deliver such other documents as may be reasonably necessary to accomplish the transfer of the property.**

At the request of the applicant, this item was removed from the agenda.

### **Item 16**

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

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

The Council did not return from executive session.

Respectfully submitted,

Melissa Tryon  
Recording Secretary