

# **Town Council Special Meeting**

## **Minutes**

### **January 14, 2019**

The meeting was called to order at 6:05 pm.

#### **Roll Call**

Councilors Svedlow, Kuhn, Ferrante, King and Hemphill were present and answering roll call.

Councilor Asherman was absent.

Councilor Cahan arrived after roll call.

#### **Item 1            Public Forum and Council discussion on a proposed mixed-use development at the Falmouth Shopping Center property and Turnpike Spur Ramp area by 122 PTIP, LLC and 20 Thames Street, LLC.**

Chair Hemphill said the developer sent information to the town today with further explanations regarding their intentions about traffic, infill at the turf fields, sound, and the residential component of the mixed-use development.

Attorney Dick Spencer, of Drummond Woodsum, facilitated the public forum.

The Council heard testimony from 35 members of the public.

Concerns raised included:

- The timeframe: a development of this size and rate is uncommon for the history of this town. It is difficult for the town to move forward so quickly with such a large development and keep the same feel. People need time to adjust and feel the growth.
- There was concern about the pace of the review of this project. Councilors and residents need enough time to understand what is being proposed. There was concern that the impact of the development is not clear and that potential impacts have not been fully assessed
- A desire to protect the quality of life in this quiet community.
- Multiple people were concerned about the impact on traffic, both on Route 1 and Route 88; there was concern about a need to widen Route 1 as a result of the development. Others were concerned about the traffic impact of removing the spur infrastructure.
- Several people were concerned about stormwater and environmental impacts, mentioning the Nature Preserve, water quality in Mussel Cove, the potential impact on brook trout in Mill Creek, impacts on the estuary and the possibility of the infill having toxic chemicals in it.
- Burden on the wastewater treatment plant.
- Noise and light were mentioned several times.
- Parking.
- Concerns about the developer were raised by multiple people, including: the reputation of the developers; that the developers have only committed to the sports complex and not further development even though much of the development seems in line with town planning and vision. The developer doesn't understand the goals of Route 1 zoning. The proposed "Plan B" is more in keeping with current zoning, but some of the uses proposed are conditional. The developer knew the zoning when he bought it.
- Changing existing zoning to accommodate new uses, especially the soccer fields. One was afraid of unintended consequences with this plan. One person said sports complexes were not envisioned for the VC district in the comp plan.

- There have been lots of deliberate conversations about what would happen on Route 1 in the past years including prohibiting big box stores and the traffic. Didn't feel putting this off for a couple years would be that huge an impact.
- The viability of the rest of the development after the soccer fields are built.
- Concerns about the sports facility were raised by multiple people. It was stated that these facilities are typically located in rural or industrial areas. This type of activity does not support the local community. The sports complex would not be in keeping with the goals of a village center.
- Buildings directly along the road with taller height limits.
- Mitigation only lessens impacts after the fact.
- The TIF district has flaws and includes \$2 million of credit enhancement to the developer. The outdoor sports fields would only generate a few thousand dollars in property taxes, as opposed to the taxes paid by the adjacent residential properties. The funds in the TIF district would only address problems the development itself creates.

Speakers voiced their opposition to the development:

- Several people stated their opposition to changing the zoning. One didn't believe the town should rezone to allow an elite soccer complex. Another said zoning change should follow the submission of all the studies. No impact studies have been done to ensure that this will not negatively impact the town residents.
- Several people felt the town would not get anything in return for changing the zoning laws for this project. This would only benefit the brokers, developers, and the out of town people coming to the sports complex. One argued that the Comp Plan and zoning supports local businesses and the local community, but the proposed development is designed to bring people from out of town.
- Several people opposed the size and scale of the project. One observed that this development is larger than the Maine Mall. The town would need to support that, probably with more residents. A six-story building is massive; this development has proposed two, along with 4 and 5-story buildings. Scale of this project makes no sense.
- Multiple people mentioned the changes to traffic, noise and light as a basis for their opposition.
- Several spoke about the developer, saying the developer does not have best interests of town in mind; that he has taken a confrontational approach and has not provided the information requested by the Council. They felt the developer is looking to capitalize on the appeal of Falmouth, which the residents have created.
- Multiple people observed that there is no guarantee on future development and they had no confidence that the rest of the development would be built after the soccer fields. One called it a trojan horse to get the Seacoast complex built.
- Some people argued that development is not needed. One said the touted amenities like sidewalks and gazebos are not wanted nor needed; another that the current shopping plaza serves the needs of the town already.
- There was opposition to the removal of the interchange with the spur.
- There was opposition based on the concern that runoff into the water will impact the water quality in the creeks and Mussel Cove.
- Several people pointed out the number of speakers that strongly oppose the development and the soccer fields.
- Several people were unhappy with how this process had been handled to date. Comments included that the Council has let this get out of hand without engaging the public; that historically the Town would not go seek development but would welcome proposals and review them with the goal of ensuring that development fit the character of the town and this has not been followed with this development.

- Multiple people said that this is not a good project for Falmouth and that this is not the character of Falmouth. They spoke about how this didn't fit with the vision of Falmouth and/or Route 1 as a village center. One stated that there is no vision here. Others said that a private, for profit soccer complex is not in keeping with a village center. The current zoning says Falmouth wants new buildings that are in keeping with a village scale landscape. None of this development fits with the goal of a village center. Other Seacoast properties are not attractive nor conducive to town center activities. Seacoast would be a detriment to the area. The proposed development will negatively change the Foreside, Route 1 and the entire town. It would urbanize the area, creating an extension of Portland.
- Several people wanted a master plan developed for the property.
- There was opposition to a TIF district for the property.

Some speakers highlighted benefits they saw in the proposed development, including:

- Favoring growth in Falmouth, expanding economic base and providing housing.
- The positives of Seacoast United in the lives of children. They are not bad people to try to expand their business and make money. This is only a couple fields.
- Bringing opportunity to the town and bringing people to town to spend money.
- The Shaws plaza is greatly undeveloped. One speaker was happy someone wants to put money into the property, though they were unsure what this will look like.

Some speakers supported development along the Route 1 corridor, stating:

- Shopping center has been dormant for years due to lack of vision. Glad someone has come forward with a vision for development at this site.
- 295 and Route 1 will provide safe access to the site and DOT will scrutinize the plan to make sure it will be sufficient for traffic. Trust the professionals to review the plans with regards to stormwater runoff.

In response to a question from the audience, Chair Hemphill said MaineDOT has agreed that to allow the spur interchange to be developed. The developer would have to remove the infrastructure and build an at-grade interchange.

Town Manager Nathan Poore said DOT is most interested in getting the infrastructure improved. This would mean less bridge infrastructure for the DOT to maintain.

Chair Hemphill closed the public forum. He announced that the Council will hold a workshop discussion on the comments made at the forum at its next meeting on January 28 at Town Hall.

Councilor Ferrante said she has a dilemma; there is a lot on this plan that is allowed under current zoning, including the soccer fields.

Councilor Cahan asked if staff could provide a feasibility analysis of the proposed plan B at the next meeting.

Councilor King said the line between BP and VC1 is a historical artifact. It is left over from zoning created in the 1980's. Previous Councils felt this was a large area that would take special treatment, including possibly a master plan. The line was not placed deliberately or with thought in regards to current zoning. The Council has the opportunity to make the development more of what they want by being involved in the process, perhaps with a master plan, or rezoning and a master plan.

Councilor Svedlow saw his role as representing the public but is also aware of personal property rights and the right to develop under zoning. He supported a master planning process for this project.

Councilor Cahan felt the main themes tonight were concerns with traffic, the fields, and the rate and size of the development.

Councilor Kuhn felt a lot of the scale and size of the development is already permitted in the VC-1 zoning. The property owner has a right to develop according to the zoning. She has also researched the origin of the VC-1/BP zoning line and agreed that it was not intentionally placed there. She thought there was benefit in merging the zoning on this whole property. She heard the concern and would like more information on the traffic. She heard concerns about what benefit there is in this for Falmouth. People don't get excited about TIF funds or a pavilion. She thought there is a disconnect here.

Councilor Cahan left the meeting.

### **Item 2                    Discussion about the future of solid waste and recycling collection.**

Mr. Poore gave an overview of a presentation from ecomaine which explored the future of solid waste collection and whether it was feasible to continue with manual collection, or whether it made sense to move to an automated system with carts and a truck replacing the pay as you throw system. Mr. Poore said staff is requesting the ability to review the economic feasibility of an automated system, and what the economic impacts would be on residents. An automated collection system is more efficient, safer, addresses the labor shortage, and the carts do a better job of containing waste. Cumberland is interested in going out to bid for a regional, automated collection system with Falmouth. There would be less local control, there may be costs to some residents, and there are some concerns about the size of the carts.

Councilor King asked if the trucks would be owned regionally or by the regional entity. Mr. Poore said they would go out to bid for private contractors initially. In the future, it could be a regional entity.

Councilor Svedlow was interested in seeing some more numbers and then going back to the public for input. Councilor Ferrante agreed.

The Council supported more research followed by public education and a new survey.

### **Item 3                    Discussion about purchasing 40 acres of land abutting the Falmouth High School property.**

Mr. Poore explained that this parcel, located at the corner of Woodville and Field roads, is undeveloped and vacant. A portion of it is flat and developable and abuts the high school property. There is a deep drainageway with a steep slope that would be difficult to cross with a road, which would complicate any connection to Field Road. The seller is looking at selling a portion of the property to the Town and the remaining to a developer to build 5-6 homes along Field Road. Approving the purchase and sale agreement would allow for an appraisal to be done; there are protections in the agreement for both the Town and the seller pending the appraisal. Purchasing this property is part of long-range planning for future expansion of the high school.

Councilor Ferrante asked how much of the 40-acre portion could be built on. Mr. Poore described the section of the parcel that would be available for future school facility needs. He thought it was about 10 acres. It is contiguous to both the school and Land Trust property. They would need to get permission to cross the CMP easement area.

Councilor King asked if they would know that they had permission from CMP before they approve this. Mr. Poore said yes.

Councilor King asked if they could sell the property for development if they determine in the future they don't need it. She asked if there is a way to maintain a right of way to the road and not create a landlocked lot.

Mr. Poore said the infrastructure to cross the gorge would be prohibitive to build. Also, zoning would prohibit a right of way from being built that close to the intersection at Woodville Road. They could grant access to it across the Town property.

**Item 4            Update and discussion regarding the Town Council annual work plan.**

Mr. Poore spoke about the amount of work that has been done so far this year.

The Council asked to schedule a mid-year workshop in February or March to review the workplan.

**Adjourn**

Councilor Svedlow moved to adjourn; Councilor King seconded. Motion carried 5-0.

Meeting adjourned at 9:27 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary