

Town Council Meeting Minutes July 8, 2019

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

Roll Call

Councilors De Lima, Johnson, Cahan, Asherman, Chair Kuhn and Trickett were present and answering roll call.

Councilor Hemphill was absent.

Pledge of Allegiance

Chair Kuhn led those present in the Pledge of Allegiance.

Item 1 Order to certify the June 11, 2019 Election results.

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

Councilor Cahan moved the order, Councilor Asherman seconded. Motion carried 6-0.

Item 2 Public hearing and order relative to renewal of permanent food service establishment licenses for: Dockside Grill, Handy Boat Convenient Store, Shaw's, and Ricetta's.

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

Councilor Asherman moved the order; Councilor Cahan seconded. Motion carried 6-0.

Item 3 Public Hearing on an amendment to the Code of Ordinances Section 2-3 Boards, Committees, Commissions to create the Community Wellness Committee

Councilor Asherman said there was some feedback from the public that the municipality should not be doing anything 'spiritually.' He clarified that this is a broader context than the religious. Chair Kuhn added that under no circumstances is it envisioned that the Town would be providing any of those services; that would be in connection to a resource guide.

Chair Kuhn opened a public comment period.

Keith Noyes asked for clarification on Councilor Asherman's comment regarding the broader context of 'spiritual'. Councilor Asherman said that the term spiritual is meant to be taken in a broad context not as it relates to religion. Chair Kuhn explained that the term spiritual might mean that the Committee would provide a directory of resources that might contain a list of places to take yoga or study mindfulness.

John Winslow of Gray Road was not sure that this committee would provide a useful tool to the Council. The Committee's charge is not well defined, and it sounds like advertising for different entities. There is wellness in the schools, in the library programming; and in community programming. He does not believe that the Council needs to use staff time for this. He believes that the staff is stretched with staffing all the committees that the Town has already. He has concerns about the 'spiritual' wording as well because it is not defined in the language or the makeup of the Committee; there are no term limits for Committee members.

He believes that it is a feel-good project and not something that benefits the town. He does not believe that it brings good data or information back to the Council. He does not know how the Town will develop the wellness program. There are so many loose ends and unknowns that he cannot endorse the Town forming this committee. There are many organizations around town that provide this information already.

Chair Kuhn closed the public hearing.

Councilor Cahan supported moving forward with scheduling an order. She agreed that the Committee's charge is not well defined yet, but she believes that this is because it is not yet an established committee. She felt that the first job of the committee will be to define itself. There are so many different aspects it can follow.

Councilor Trickett lacked context for understanding the process that led to this proposal. He had questions about what staff resources it would require and what impact it would have on the budget. He would have a hard time voting for it without understanding it more. He was concerned about trying to draw the line between what constitutes as 'spiritual but not religious;' that could create conflicts. He questioned why that terminology was necessary or appropriate in the charge. He did not understand the need or potential impacts of this proposed committee.

Chair Kuhn explained the history of the Human Services Committee. Its main role has been to distributing monies from the Town to social service agencies that serve town residents. The Appointments Committee examined whether the grantmaking process could be improved and then looked more broadly at wellness in general. Their goal is to raise awareness of all the resources that are available in the community and to promote collaboration. She explained that the term 'spiritual' came about through an attempt to define the term 'wellness.' She had no problem removing the term 'spiritual' if it was an issue.

Councilor Asherman agreed that there is a wealth of services already available in town. This committee was not intended to provide services, but to provide a way for existing organizations to communicate with each other. They met with public safety, the school department and other organizations, and they wholly support this. Chair Kuhn added that law enforcement felt that this would be a very helpful resource.

Councilor Asherman clarified that the action for the current meeting was to schedule an order.

Councilor De Lima felt that there are a lot of resources, but not a lot of people are aware of them. She felt that having a committee that focuses on how to get the word out is a great idea. She liked the concept and wanted to learn more about it.

The order was scheduled for consideration at the July 22 meeting.

Item 4 Public Hearing on amendments to the Code of Ordinances to increase the membership of the Economic Improvement Committee.

Councilor De Lima said some of the FEIC members are not able to participate regularly, and there is difficulty with having a quorum. Members think by having a broader membership, they will have a better chance of reaching quorum at their biweekly meetings. Efforts will also be made to reach out to frequently absent members regarding their desire for continued participation.

Chair Kuhn opened the public hearing.

John Winslow of Gray Road did not think that increasing the number of members will fix the issue at hand. In his experience, the Town lacks a uniform structure for how all the committees are run. There is limited information on the agendas provided to the public before meetings and limited opportunities for public comment. The Appointments Committee should take a hard look at committee membership. Adding more people will not make committees more productive. If you miss a meeting you miss a lot; even with minutes. He felt the Town has too many committees, and it has gotten to the point that they are not productive. The Town is trying to improve public transparency and public dialogue. The only way to do that is to come

forward with an agenda that has things spelled out. Even tonight's agenda is lacking information. He felt that the proposed committee should be more of a communications committee, not a wellness committee. He would like to see the Council develop a uniform committee structure.

Chair Kuhn closed the public hearing.

Councilor Cahan felt it was a good point to have agendas that are more robust, especially since the Council has decided it is too expensive to record every meeting.

Councilor De Lima said when she served on the FEIC, the committee faced similar attendance issues. The FEIC drafted a plan and strategies. The current committee is still following that plan. She supported the idea of having standardized agendas. She felt the Appointments Committee should have a discussion when there is a prolonged lack of attendance. She felt that the desire to expand the committee membership is also aimed at creating a more inclusive group.

Councilor Trickett asked how the quorum requirement would be interpreted if the Council were to enact the proposed ordinance with the language 'up to 9 members;' would the quorum be based off of 9 members or the number of members sitting on the committee at the time? Chair Kuhn's understanding was that quorum would be based off actual members at the time. Other committees also have 'up to' parameters. Councilor Trickett questioned whether increasing the membership is the right way to address attendance, or if the FEIC should consider replacing members but, is willing to defer to the committee in terms of how it would best operate.

Town Manager, Nathan Poore confirmed that the language in the proposed ordinance clarifies that the quorum is the majority of those that are serving at the time.

Chair Kuhn supporting adding members to FEIC. She attributed some of the committee's attendance problems to the fact that FEIC members are business owners and that it is hard for them to make it to meetings. She felt that standardizing agendas is important and something that the appointments committee could address over this year. She suggested adding this issue to the Council's August retreat discussion.

Councilor Asherman pointed out that the committee has the authority to determine its meeting time and that it might make it easier for people to attend if they adjust it to schedules. Councilor De Lima said that FEIC has met from 4:30-6pm since its inception, and it is easier for members to remember.

The ordinance was scheduled for the July 22 meeting.

Item 5 Resolution to adopt the 2019 Falmouth Action Plan to Address Opioid Misuse.

Liz Blackwell-Moore, public health consultant, gave a presentation on GPCOG's project to help communities address opioid misuse and how Falmouth came to be selected as part of the pilot project. Opioid misuse was identified as a regional priority by the METRO Coalition in 2016. In 2017, GPCOG worked to draft a strategic plan to address the problem. The project model was to hold a workshop for municipal leaders and then help them draft an action plan. Falmouth's action plan started with a scan of policies and procedures that were already in effect, what gaps the planning group identified, the goals of the municipal leaders in the workshop, interviews with local resources, and feedback from the public at a public forum. There have already been improvements in the way the municipal leaders talk about substance misuse, improved connections between the Town and existing partners and between town departments, and the formation of new partnerships. Next steps for GPCOG include conducting similar action planning in other towns, pursuing funding to assist with regional approaches, and presenting the project to several groups.

Mr. Poore presented the draft action plan. It focuses on education and prevention. This plan is a starting point and coincides with the Town's existing resources without significant budget impacts.

Councilor De Lima asked about reducing stigma and how the community can feel more comfortable talking about the problem. Ms. Blackwell-Moore said language change is helpful to reduce stigma, but it is also helpful to bring it out into the open and make the problem more visible. Working with the Portland Needle Exchange and hosting conversations and events like showing a movie about recovery creates more space for people to talk about it. It will take all these types of initiatives to bring it to light. The language shift is a small piece. Young people make mistakes and it is about how do we find support for them early on and hold them compassionately accountable.

Councilor Johnson asked if it is mostly youth that are affected in these areas. Ms. Blackwell-Moore said the opioid crisis mostly affects middle-aged people, but since research shows that early use puts people at greater risk for a use disorder there are a lot of prevention efforts directed at youth. Councilor Johnson felt that the vaping problem is a good place to start; it is out there and is a big topic right now. It will get a lot of attention.

Mr. Poore added that initiatives like the Portland Needle Exchange are about creating safe spaces and providing opportunities for engagement. Spreading the word that there are people who care could open the door for someone who is struggling to ask for help.

Chair Kuhn said this is a comprehensive approach and is also a long-term commitment.

Councilor Cahan appreciated the collaboration between the school department, law enforcement, the Town and community resources. She liked taking away the disciplinary action and replacing it with supports and a positive solution.

Councilor Asherman read the resolution into the record.

Chair Kuhn opened the public comment period.

Melissa Shattuck of Weber Way spoke about her neighborhood. There are three homes on the street. In January, a 12-person sober house opened on Weber Way. Many of the residents were recently released from prison. This house was opened without any notice to the neighbors or the Town. There is a steady stream of traffic down the road, with men hanging out outside, smoking. She has seen residents clearly intoxicated walking down the street with all their belongings in the night in a snow storm, having been evicted for using substances. She has seen residents panhandling with inappropriate signs and behavior by residents that would appear to be associated with mental illness. The Town lacks ordinances to address this use; there are 12 people living in a two-bedroom single-family dwelling. She said the Town needs to notify neighbors, require residences to be certified, require owner-occupancy, improve guidelines surrounding what constitutes a boarding house versus a single family residence, and revise the definition of family to prevent impacts to the character of the existing neighborhoods.

Keith Noyes of Gray Road wondered why an effort is not being made to stop the flow of opioids coming into the town, or even the country. Doctors prescribe them left and right and stopping that would help a lot.

Chair Kuhn closed the public comment period.

Councilor Cahan asked about housing requirements and regulations. Mr. Poore said the limit is no more than six unrelated people in any residential dwelling, regardless of the size of the dwelling. The action plan includes standards for recovery homes, to ensure quality for the people in recovery, which will also improve integration into the neighborhoods in which they are located. Town staff have not looked at options for regulation in depth; there are complications with the Fair Housing Act. Town staff have been reviewing this since the Webber Way house opened; there are other recovery houses in town.

Councilor Cahan would like Town staff make a report to the Council on options for regulation.

Chair Kuhn asked about the status of the standards that the action plan states are being developed. Mr. Poore stated that the standards are being developed by the Maine Association of Recovery Residences. Ms.

Blackwell-Moore said the Association (MARR) does certifications across the state, but the state has not yet mandated that recovery houses be certified.

Councilor De Lima stated that what Ms. Shattuck has described is quite concerning.

Councilor Trickett said the State has not mandated standards, but he wondered if the Town could institute standards. Mr. Poore said staff have not reviewed that yet. The Council's approval of the action plan is the first step.

Councilor Asherman moved the resolution; Councilor Cahan seconded. Motion carried 6-0.

Item 6 Reports from Patricia Quinn, Executive Director of the Northern New England Passenger Rail Authority (NNEPRA), regarding NNEPRA's interest in investigating the potential for locating a train station facility adjacent to the West Falmouth Crossing development and Dick Rogers, representative of the West Falmouth Crossing Property Owners Association.

Chair Kuhn said this possibility coincides with efforts over the past year to partner with the MTA to locate a permanent park and ride facility at this property, as well as reviewing the overall master plan.

Patricia Quinn, of NNEPRA, a quasi-governmental agency created by the Maine Legislature to oversee passenger rail service in Maine, said NNEPRA is reviewing the possibility of placing a train platform at West Falmouth Crossing behind Hannaford. As they have expanded service and added more stops further to the north, they have noticed more people getting on the trains before they reach Portland. The Portland station is at capacity and they are looking at ways to reduce traffic around Portland. West Falmouth has access to a lot of roads. One of NNEPRA's initiatives is to market the Downeaster for regional travel options beyond travel to Boston. NNEPRA's request is to add consideration of passenger rail as an option to any review of the master plan of the area.

Councilor Cahan asked if NNEPRA had envisioned a timeline for the project. Ms. Quinn said they do not; they are not urgently pursuing, but it is an interesting idea and they would like to get some answers.

Councilor Johnson asked if the rail line behind Hannaford is being used for the Downeaster currently. Ms. Quinn said yes, there are currently ten trips a day that go by there. This would likely be a train platform not a full station.

Councilor De Lima asked about the ridership from Brunswick; Ms. Quinn said there are 65,000 to 70,000 riders annually using the rail north of Portland. Ridership from Brunswick and Freeport has increased by 35%; ridership from Portland has leveled off indicating that the addition of the Brunswick and Freeport stops has worked to divert traffic.

Councilor Trickett asked if NNEPRA works exclusively with Amtrak or if it could partner with a regional transit authority. Ms. Quinn said the only service in Maine right now is the Amtrak Downeaster; if there were another service in the State it would fall under their purview. Councilor Johnson asked for clarification on the trip time from Falmouth to Portland. Ms. Quinn said it is eleven minutes from behind Hannaford to Portland.

Chair Kuhn asked if it was NNEPRA's goal to have a platform in every town on the rail line. Ms. Quinn said no. This location made sense to them due to its closeness to I-95 and commuter stress on I-295.

Councilor Cahan asked if there was a way to partner with more transit options at this location, such as the bus. Ms. Quinn said they are always interested in collaboration; they are still early in the process.

Councilor Cahan asked if any of the stations have a bike or scooter share program, or bike lockers. Ms. Quinn said they do not. All the stations along the Downeaster route except Portland are owned and operated by the communities where they are located. Most of the stations have transit connectivity but none currently

have bike or scooter share programs. NNEPRA is looking at increasing the capacity for bikes on the trains by adding new equipment.

Dick Rogers, property manager for West Falmouth Crossing Property Owners Association, said the owners are open to exploring the possibility. He spoke with executives from Hannaford and they are open as well. He spoke about the current park and ride, which was intended to be temporary. They are interested in finding a more permanent location for it. The master plan would need to be revisited.

Councilor Cahan asked if the Association has discussed scooters. Mr. Rogers said they are supportive of anything that helps the community, but parking is heavily restricted by the master plan.

Chair Kuhn asked if the Council decides to revisit the master plan whether there would be any other uses that the Owners' Association would like to consider. Mr. Rogers said they have discussed infill development; there some areas that are very underutilized such as a large green space between Gorham Savings Bank and the new dental office.

Mr. Poore said the Council discussed the master plan a year ago when the MTA offered the Town a grant of \$10,000 to hire a landscape architect to study the location; the Council voted to accept the grant at that time to consider all of the potential use options. It was a good plan then, but it has not taken off; maybe the slow start was a good thing because the train was not part of the project at that time. It seems like there is more motivation now. The Town needs to approach its consultant about the addition of the proposed train platform. He said there could be another ask of the Council for funding based on an expanded scope of work. There needs to be a robust public engagement process moving forward.

Councilor Cahan supported investigating this further and appreciated that NNEPRA presented their idea early in the process. She is interested in investigating how to connect different modes of travel together ("first mile, last mile"). Councilor Johnson agreed and pointed out that if this is a draw to get people to come to Falmouth, it wouldn't have any impact on schools; it is positive growth.

The Council supported staff moving forward on the study.

Item 7 Update on the status of recently arrived asylum seekers in Portland.

Chair Kuhn said the Town has not contributed any money, goods or services to help with the situation. If that were to be discussed, it would be discussed at the Council level with public comment. Currently all the critical needs at the Expo have been met, due to the generosity of individuals and organizations. The City of Portland has provided a list of non-profit agencies that are providing services to the asylum seekers if residents of Falmouth would like to make personal cash contributions. The long-term problem is to find more permanent housing for the asylum seekers. GPCOG is working on a host family program to connect people who are willing to invite individuals or families into their homes for a short time. Those interested can email hothomes@gpcog.org. Falmouth was asked to consider providing in-kind assistance either through a staff member or volunteer to manage volunteers at the Expo. Mr. Poore said the Town has informed the City of Portland that it has identified staff members who could assist on a short-term basis and staff have reached out to local community leaders to also spread the word. If any Falmouth residents have volunteer coordination experience and would like to help, they can contact Town staff. Councilor Johnson asked for clarification on the scope of the volunteer coordinator's role. Mr. Poore said that the volunteer coordinator would be coordinating volunteers specifically for the expo.

Councilor Trickett ask when the asylum seekers must leave the Expo. Mr. Poore was not sure when, but their stay at the Expo is a short term arrangement.

Councilor Trickett wondered if there has been any discussion of what happens if more people arrive after the Expo is not available. Mr. Poore said there was no news that there was a known or expected influx of asylum seekers, and usually the City receives word if people are heading there. There are already extensive waiting lists for affordable housing for asylum seekers in Greater Portland.

Councilor Trickett asked for clarification that there is a period during which asylum seekers are not able to work; 6 or 7 months at least after they have applied. The expectation is that they will need housing and they will not be able to pay for it. Chair Kuhn thought there was an effort at the State level to open some funds, but there is a gap period between when asylum seekers apply for asylum and when they can obtain work permits.

Item 8 Three-year review of the Town's Rate of Growth Ordinance.

Chair Kuhn said the State mandates communities that have enacted a rate of growth ordinance to review that ordinance once every three years in order to maintain the growth caps.

Mr. Poore stated that the State only requires that the Council review the current ordinance; there is no action needed. He explained that this conversation is just to keep the existing ordinance; this would not prevent the Council from having a deeper conversation about growth caps later. He explained that the data supplied to the Council for this item reflected a higher number of dwelling units than was reported during the LPAC RA analysis. Part of the 29-unit discrepancy was due to 18 rebuilds; the remaining 11 will very difficult to reconcile due to software issues.

Councilor Cahan did not want to lose the existing caps but wanted to make sure the caps are part of the larger discussion, including an analysis of each type of housing. Councilor Asherman agreed that a larger discussion was needed later in the summer or fall.

Councilor Trickett said the state statute requires the Council to determine whether the rate of growth ordinance is still necessary and how the rate of growth ordinance may be adjusted to meet current conditions. He felt this language was more substantive than just having a discussion; it required a determination, maybe more than one. He said the Council needs more accurate data. He wanted to see if they could do some careful reconstruction to reconcile the numbers. Falmouth is a small enough town that 10-20 buildings is material. The rate of growth ordinance and the growth caps are tied to the comprehensive plan and the Council cannot deal with it on an isolated basis. He did not think the Town's growth caps function the way the statute envisioned. Due to the exemptions, Falmouth effectively doesn't have a growth cap. He would like more input from staff on whether the current cap conforms to the statute.

Chair Kuhn recognized the consensus of the Council that looking at the growth caps is a priority and suggested that they discuss how to address it at the Council retreat.

Mr. Poore would raise Councilor Trickett's questions with staff and the Town Attorney before the retreat.

Councilor Trickett proposed that the Council make a formal determination that the growth cap is still necessary tonight. Chair Kuhn clarified if he was suggesting a resolution. Councilor Trickett proposed a resolution that the Council has reviewed the available data and determined that the rate of growth ordinance is still necessary and that the Town's growth caps remain as they currently are. Councilor Cahan asked for clarification if, for point of order, the resolution would need to be an emergency resolution due to the short deadline and not offering public comment. Chair Kuhn said she was reluctant to pass an official resolution without any opportunity for input unless the Council feels that it is necessary for compliance. Mr. Poore said that he is not necessarily concerned with a lapse; if the Council decided to do a resolution at the next meeting. The only time that the Council would be in trouble with the ordinance is if they started enforcing it and were challenged by a developer. The Council could suspend the rules and pass an emergency ordinance, but he does not feel that the Council is at risk if it chooses to wait until the July 22 meeting. Chair Kuhn stated that she would rather not suspend the rules barring an emergency.

The Council discussed how to proceed. Options included 1) not passing a resolution and assuming that this discussion was sufficient to meet the statute requirement while also assigning growth caps as a work plan retreat topic, 2) waiving the rules to pass a two-part resolution tonight; officially determining that the Council

wants to keep the current rate of growth and committing the Council to develop a plan within a certain period of time or 3) scheduling a resolution for July 22; to allow for public comment.

Mr. Poore said he has not heard anyone in the public argue for raising or eliminating the cap; this is about holding steady with the current growth cap. People will want to have the larger conversation. Councilor Johnson added that the growth cap has not changed since 2003. He agreed with Mr. Poore's point about not hearing public support for eliminating or raising the cap.

Councilor Cahan moved to suspend Council rules to put forth a resolution complying with the statute language requirements that the Council has determined that the growth cap is necessary and the Council will have a public check-in at its October meeting on the status of a town discussion and plans for the growth cap. Chair Kuhn clarified that the check-in would be by October but possible earlier.

Mr. Poore suggested that the Council put forth an order rather than a resolution.

Councilor Cahan withdrew her motion.

Councilor Trickett moved to suspend Council rules section 11 in order to act in compliance with the Maine Growth Management Act, Title 30-A §4360 under rule 16F. Councilor De Lima seconded. Motion carried 6-0.

Councilor Trickett moved for a resolution, "Falmouth's rate of growth ordinance is still necessary under the Maine Growth Management Act, based upon its review of residential and permitting data over the last ten years and the report of staff, and, further resolve that the Council will, in the coming months, continue to look at the rate of growth ordinance in the context of broader issues related to the comprehensive plan and overall growth and density issues." Councilor Asherman seconded.

Councilor Trickett moved to amend the proposed resolution to add, "the Council further resolves to hold a check-in and public meeting by the end of October." Councilor Cahan seconded. Motion carried 6-0.

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

Amended resolution carried 6-0.

Item 9 Discussion about a request from Lee Sotiropoulos, representing Falmouth House of Pizza, to amend the BP zone or change the district boundary to accommodate a restaurant and brewery at property located at 356 US Route 1.

Lee Sotiropoulos of Twin Ponds Drive, representing his parents, the owners of Falmouth House of Pizza, explained that they received an eviction notice from their location at the Falmouth Shopping Plaza. They tried to find another location in town, and this was the only available property. The piece of property is located at 356 Route 1 in Falmouth. It is four properties away from the boundary of the VC-1 district. The owners' hope is that the Council will guide and support them in creating a restaurant and brewery at the location.

Councilor Cahan asked whether the owners' goal is to manufacture beer there to send out, or just to supply the restaurant. Mr. Sotiropoulos said they were planning to focus on the restaurant side and create the beer for the restaurant initially. They would be open to expansion in the future.

Councilor De Lima asked about the owners' timeline for starting work. Mr. Sotiropoulos said they would be ready as soon as they could get approval.

Councilor De Lima felt the Council must have a broader discussion about how zoning is conducted in town. She said that she thinks it will take some time for the Town to figure out what it wants for growth and development.

Councilor Asherman said that he supports the idea of FHOP continuing and having a brewery, but the Route 1 North Committee had a lot of recommendations, and the Council has not acted on them. The Council must ask for the owners' patience as it goes through the process of the broader discussion; if they push this through before that, he did not think it would go well.

Councilor Trickett was curious about the challenges to finding a location in Route 1 South. Mr. Sotiropoulos said they tried to find a new location immediately, but Route 1 in Falmouth is essentially locked up with other businesses and restaurants. There is a non-compete clause with Ricetta's in the Village Plaza. This location at 356 is the only one they found; it looks like the BP zone is the only place to expand for restaurants. Councilor De Lima said that the owners' finding will be an important consideration for the work that will be done around the Town's vision for commercial development around the Route 1 corridor.

Chair Kuhn wondered why there were not opportunities in Route 1 South for infill development. Mr. Poore said that is probably up to the property owners, whether they want to allow new construction. The non-complete clauses are also a challenge.

Councilor Cahan said they would have to analyze the impact of this kind of change on the BP zone.

Councilor Trickett served on the Route 1 North Committee, and there was not consensus on what to do with the area, but a lot of it was informed by the vision for Route 1 South; that it would be a different, but complementary, set of uses.

Councilor Asherman agreed; the Council needs to look at that area in a comprehensive way. It made sense to him to have a restaurant to serve the businesses in that area, but that is a conversation they need to have.

Councilor Johnson asked if the property they are looking at is the same size, or are they looking to expand. Mr. Sotiropoulos said they were looking at expanding, and to have a stand-alone building so that they could own it.

Chair Kuhn pointed out that the Council had discussed developing a process to review and evaluate requests for zoning changes. Councilor Asherman felt it was supposed to be any large project that comes before the Council, not just zoning changes.

Councilor Trickett thinks that Council approval for real estate is something it can isolate and complete. He is concerned with picking up any aspect of the broader issues around land use, zoning, etc. before the August retreat. The Route 1 North Committee's recommendations would not have supported this proposal, but the Committee's work was informed by the comprehensive plan. That was before the broader conversations about the comprehensive plan and growth. It may be that the Route 1 North proposal is stale. If the comprehensive plan is in question, he would be hesitant to try to isolate out making policy decisions about zoning; at least before the Council is able to discuss how it is going to approach the broader issues.

Councilor Cahan said she is supportive of asking CDC to work on a plan for reviewing large development proposals. She agrees that the Council needs to have a robust discussion about the broader issues. The August retreat will be a starting point.

The Council asked the CDC to begin work on drafting a process to evaluate and review zoning requests. They did not move the request from Mr. Sotiropoulos forward.

Item 10 Introduction of amendment to the Official Zoning Map to rezone the property at 168 US Route One (map/lot U51-001-C) from RB to VC2.

Chair Kuhn explained that this is to correct a mistake made when the zone was changed in 2016. Mr. Poore said that was correct; it was a mapping error that placed the boundary of the new VC zone in the wrong place.

Councilor Asherman said all the research and documentation support that this was a scrivener's error at the time of the amendment.

Councilor Trickett asked if there are any other properties that also need to be corrected. Mr. Poore said staff have done a thorough look at the boundaries and this is the only property that needs to be fixed. Justin Brown, Code Enforcement Officer, said that is correct.

A public hearing was scheduled for August 12.

Item 11 Discussion of LPAC's current assignment to study zoning in the RB and RD districts as it relates to two- and multi-family dwellings.

Councilor Asherman explained that the prior Council asked LPAC to review the dimensional standards in RB and RD related to two- and multi-plex dwellings, based on the assumption that these types of dwellings would be addressed in RA. The result was that the dimensional standards in RA were rolled back in entirety. The concern was that if the zoning changed in RA as it related to two- and multi-family, there might be a rush with in RB and RD to develop these kinds of dwellings if the door was closed to them in RA, but that does not seem to have developed. He asked if the Council wished LPAC to continue looking at a finite issue while the Council reviews broader issues and before they meet to develop the workplan. He did not want them to spend a lot of time on something that is no longer a Council priority.

Councilor Cahan wanted to be preventative to protect RB and RD from unintended consequences. She would still like to have some preventative measures in place, even if it is just for LPAC to analyze what is currently happening, and for staff to monitor the situation and bring it to the Council if it becomes an issue. The Council should also make it clear to developers that the Council will be watching the zone and if the Council becomes concerned then it may pull back. Councilor Asherman agreed.

Councilor Johnson would like to see what has been built in the last couple years in those districts.

Becca Casey, chair of LPAC, asked whether the Council felt the committee should present the data for public feedback as part of this work. Councilor Asherman wondered whether they wait for feedback as part of the broader issue.

Chair Kuhn was concerned that they are going to have a lot of work for LPAC after the retreat, and this issue may not be at the top of that list.

Councilor Trickett would like to hold off; the big question for him is whether the values reflected in the comprehensive plan are consistent with the Town's current values. He wanted that to be informed by robust public input. He said they should be careful how they frame the questions they ask the public. He did not want to move forward with gathering public input on an isolated issue when the larger question is what people want the town to look like. Councilor Asherman asked Councilor Trickett if there was anything that LPAC could be doing now such as data gathering. Councilor Trickett thinks a good start would be to have a good set of data.

Councilor Cahan would like to see an analysis of businesses, how and what has changed since the comprehensive plan was implemented, including location, number, and type. She wanted to see what the Town is attracting; and what is successful that the Town is attracting.

The Council asked LPAC to continue data collection but to hold off on public engagement until the Council is sure what the priorities are. Councilor Asherman said LPAC could also start thinking about and analyzing data that could inform a comprehensive planning process.

Councilor Trickett suggested that LPAC look at the comprehensive plan objectives and think about what kind of data would help to determine whether they had met those objectives.

Mr. Poore said that visioning and inventory are a large initial step in a comprehensive plan process. He sees a partnership between LPAC and staff moving forward.

Chair Kuhn felt that evaluating the comprehensive plan is appropriate for LPAC and LPAC+. The Council agreed.

Chair Kuhn raised a procedural issue that Councilor Asherman was assigned as liaison to LPAC, but LPAC's description states that the liaison should also be a member of CDC. She thought that the purpose of that rule is to make sure that CDC and LPAC are communicating and running on parallel tracks. She was concerned that they were careful to balance out assignments at the organizational meeting and this might create a burdensome workload on the three members of CDC based on their other assignments. She suggested that they could make Councilor Asherman an alternate to CDC.

Chair Kuhn and staff will review this and, if a change is required, it will be added to the next agenda.

Item 12 Order to go into Executive Session pursuant to the Laws of Maine to discuss the acquisition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).

Councilor De Lima moved the order; Councilor Cahan seconded. Motion carried 6-0.

The Council entered executive session at 10:36 pm and did not return.

Respectfully submitted,

Melissa Tryon and
Marguerite Fleming
Recording Secretaries