

Town Council Meeting Minutes October 26, 2020

Chair Kuhn began the meeting at 7:00 pm.

Roll Call

All Councilors were present and answering roll call.

Pledge of Allegiance

Chair Kuhn led those present in the Pledge of Allegiance.

Item 1 Public Comment Period.

Chair Kuhn opened the public comment period.

Nancy Lightbody thanked everyone for making the Virtual Community Supper a success.

Scott Walker of 8 Rogers Trail expressed disappointment about the discussion of the Stone Ridge Road, Rogers Trail, and Hilltop Trail street acceptance application at a prior Council meeting. He said his neighborhood has been working on the street acceptance process for two years and has spent tens of thousands of dollars. He disappointed that the agenda item did not allow for public comment. He expressed concern that the Town had reached the year's building permit cap. He expressed concern that the two large developments under construction would consume all next year's permits.

Jack Uminski of 7 Mackenzie Lane expressed concern about low voter turnout in prior municipal elections and asked how the Council planned to increase public engagement.

Jenny Ellis of 4 Hedgerow Drive said that she appreciated the Town officials and volunteers' efforts to move Falmouth forward. She said in recent years she had noticed vitriol that as seeped into local politics. She felt that it did not feel like the town and is depressing. She said that councilors are regularly attacked, and it is difficult to respond. She thanked the councilors for standing up for this and persevering with their commitment to the Town. She felt that most constituents appreciate the councilors' efforts and do not buy into these antics.

Meredith Schwerdt of 199 Gray Road asked why Falmouth does not have its own post office.

Chair Kuhn closed the public comment period.

Chair Kuhn said the discussion on the Stone Ridge Road, Rogers Trail, and Hilltop Trail street acceptance application did go quickly at the end of a long meeting which is why it was added to this meeting. She said staff could look into the building permit question. She said historically Falmouth has some of the highest voter participation in the state. She said it would be great if the Vision and Values process spurred increased participation. She said she had looked into the Postal Service issue. She said that the Postal Service has decided that Falmouth is close enough to Portland that it does not need its own service center beyond what is available at Shaw's.

Councilor DeLima thanked all the volunteers who helped with the Virtual Community Supper.

Councilor Johnson agreed with Chair Kuhn's comments about voter turnout. He would like to get post-election statistics.

Councilor Asherman thanked Nancy Lightbody and all the volunteers who coordinated the Virtual Community Supper.

Item 2 (Consent Agenda)

- **Order to approve the minutes of the September 14, 2020 Town Council Town Council Special Meeting.**
- **Order to approve the minutes of the September 30, 2020 Town Council Meeting**

Councilor DeLima motioned; Councilor Asherman seconded.

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

The motion carried unanimously.

Item 3 Report from staff, Council committees, and Council liaisons regarding updates on assignments and projects.

Councilor Cahan said the Community Development Committee met on October 19 to get an update on the draft keeping of animals ordinance amendments and to discuss the Route 100 recommendations. She said the Ordinance Committee would be meeting on October 27 to discuss short-term rentals. There will be a presentation from Host Compliance, a short-term rental activity monitoring company.

Councilor Asherman said that LMAC has been focusing on Pine Grove. He said the Committee is planning a field day at Pine Grove on November 10. He said that members of the public are invited to join.

Councilor Johnson said PACPAC held a tour of the Town public spaces last week. He said this is a great way for community members to look at the great resources in the Town.

Councilor LaFond said that he met with Ashley Krulik, the new Energy and Sustainability Coordinator to review the agenda of the last REAC meeting. That agenda will be moved forward to the November REAC meeting. They discussed the landfill solar array and a program to recognize businesses working to reduce their carbon footprint.

Councilor Cahan said that the Wellness Committee had its first meeting. She said it is a great group of excited volunteers.

Chair Kuhn said that more than 60% of registered voters have already voted in Falmouth. She said absentee ballots are available at Town Hall. She suggested that voters return their absentee ballots to the drop box outside of Town Hall. She said that voting will take place on Election Day at the High School. She said that the Ordinance Committee has capacity to add reviewing the paper street acceptance policy to its work plan. There was consensus to forward the matter to the Ordinance Committee.

Mr. Poore said that Town Hall would be open for extended voting hours on October 30. He said updated election information would be posted on the Town website. He said by the end of that day nearly 69% of registered voters had requested absentee ballots.

Item 4 Report from the Appointment Committee and order regarding various vacancies on Boards and Committees.

Councilor Johnson provided biographical information on the two individuals being recommended for appointment.

Councilor DeLima motioned; Councilor Johnson seconded.

Chair Kuhn opened the public comment period.

Lee Hanchett of 21 Stone Ridge Road read definitions of conflict of interest. He expressed opposition to Ashlan Oberholtzer's recommendation for appointment to the Planning Board.

Jack Uminski expressed concern that John Winslow was not recommended for appointment to the Planning Board.

John Winslow of 253 Gray Road agreed with the prior speakers' comments. He felt that there was potential for Mr. Oberholtzer to have a conflict of interest on the Planning Board.

Valentine Sheldon of Route 88 expressed opposition to Mr. Oberholtzer's recommendation for appointment to the Planning Board. He felt his occupation as a real estate agent was a conflict of interest.

Bob Hunt of Foreside Road expressed opposition to Mr. Oberholtzer's recommendation for appointment to the Planning Board. He also expressed concern that Mr. Winslow was not recommended for appointment to the Planning Board.

Scott Walker of 8 Rogers Trail expressed concern about Mr. Oberholtzer's recommendation for appointment to the Planning Board.

Chair Kuhn closed public comment.

Chair Kuhn said that there has been no violation of the conflict of interest policy by any member of the Council.

Councilor Asherman asked if there have been people in the real estate business on the Planning Board in the past. Chair Kuhn said yes.

Councilor DeLima asked for clarification on the number of vacancies on the Planning Board. Councilor Johnson said that Mr. Oberholtzer is being recommended for appointment as an alternate member. He said there are two alternate vacancies.

Councilor Asherman asked when an alternate becomes a voting member of the Planning Board. Chair Kuhn said moving someone from alternate to regular member requires a vote of the Council. Councilor Johnson described a recent situation in which an alternate member stepped in for a regular member.

Chair Kuhn reviewed the Planning Board conflict of interest policy.

Councilor Trickett asked whether the Appointments Committee discussed potential conflicts of interest during Mr. Oberholtzer's interview. Councilor Johnson said all Appointments Committee interviews last 15 minutes. He said the Councilor Trickett's questions did not come up. He said that Mr. Oberholtzer and the aforementioned developer work for two different branches of Re/Max. He described the questions that the

Appointments Committee asks during interviews. He said none of Mr. Oberholtzer's answers raised red flags. Councilor Trickett asked about progress on developing a training for board and committee members. Councilor Johnson said that has been discussed at the Appointments Committee and that staff and the committee chairs will work on the initial approach. Chair Kuhn asked if conflict of interest was covered in the Planning Board orientation. Ethan Croce, Community Development Director, said yes.

Councilor Cahan asked for clarification about what would happen if a member of the Planning Board did not have a conflict of interest at the time of approval but later benefited from a project. Mr. Croce said if there was no conflict at the time of the vote that would not be a conflict of interest. Councilor Cahan said other municipalities have a time frame after approval where members cannot benefit from projects. She suggested looking into that for the future. She thought so long as there is a good balance on the Planning Board that it was good to have different perspectives on these projects.

Councilor De Lima said she viewed Planning Board members with occupations involved with planning as a strength. She was interested in the time guidelines that Councilor Cahan mentioned. She was confident that Planning Board members knew when to recuse themselves.

Councilor LaFond said that a person's profession alone does not indicate a bias and may indicate that they have a good working knowledge of the issues that may come before the Planning Board.

Councilor Trickett said that it is not accurate that being a relator is not a conflict of interest. He said he was interested in the question of what constitutes a real conflict of interest and the extent to which members adequately understand the issue before they join. He felt that pointing out the conflict of interest policy was not sufficient training. He felt that the Council should hold board and committee members accountable and was interested in time guidelines that Councilor Cahan mentioned.

Councilor Asherman appreciated the discussion. Chair Kuhn agreed.

The motion carried unanimously.

Item 5 Update on the Community Vision and Values project.

David Beurle, Future iQ CEO, reviewed the project timeline. He said that the large-scale community survey will be the first chance for people to weigh in on their thoughts about the future. He said that a discussion board had been posted to get community input into the design of the survey. He reviewed themes from the portal comments. He said the survey will be structured in three different parts. He described next steps and the timeline for the survey. The survey will be launched in mid-November and will be kept open for a month.

Erin Cadigan, Education and Outreach Coordinator said that a postcard will be mailed to every resident, there will ads in the Forecaster, press releases will be sent to the Forecaster, everything will be posted to the homepage of the website, e-alerts will be sent through news and announcements, and there will be social media posts.

Mr. Beurle said that Future iQ will continue to post topics on the discussion board.

Chair Kuhn added that there will be staff outreach to various community organizations. She said a new discussion topic will be added to ask people if they want to volunteer to serve as community connectors.

Councilor Asherman about the plan for reaching people who do not have technology access. Ms. Cadigan said that there have been print ads in the Forecaster. Chair Kuhn said that people will be able to call and request a paper copy of the survey.

Councilor Johnson suggested a change to the portal landing link on the Falmouth home page. Ms. Cadigan will make the change.

Councilor Cahan agreed with Councilor Johnson's suggestion. She asked about the timeline for providing input on the survey questions. Mr. Beurle said that the deadline for input on the survey questions was the end of the week. He said that the survey would be drafted the following week for review at the next Council meeting. Councilor Cahan asked if the timeframe could be highlighted on the portal.

Chair Kuhn opened the public comment period.

John Winslow of 253 Gray Road suggested placing a link to the 2013 Comprehensive Plan on the portal. He agreed with Councilor Cahan's comments about making the Vision and Values Project information more visible on the website.

Amanda Henson of Meadow Creek Lane agreed with Mr. Winslow's suggestion to add a link to the comprehensive plan to the portal as well as the zoning laws and town ordinances so that people understand what is involved. She hoped that the deadline would be extended if comments were not received from a good demographic of the Town. She felt that fewer people might be picking up the Forecaster due to the pandemic and thought that a postcard would be helpful. She suggested creating a demo of the portal.

Valentine Sheldon of Route 88 thanked the Council for allowing residents to have input on the survey questions. He expressed concern about the number of discussion board comments per number of residents and suggested extending the deadline to participate. He expressed concern with the security of the online forum and whether commenters were actual residents of Falmouth. He said that there was no way to divide comments by demographic. He expressed concern about the timing of the project during the pandemic and election season.

Lee Hanchett of 21 Stone Ridge Road felt that the project was off to a good start. He said there were a lot of thoughtful responses to the discussion board and he was amazed at the similar vein of thought.

Andrea Ferrante encouraged the Council to extend the deadline until the end of January. She asked for a description of the other project participation opportunities.

Bonny Rodden of 10 Shoreline Drive said she was very impressed with 67 responses. She felt it was obvious that the people responding are real people. She asked what would be done to protect the security of the survey responses.

Chair Kuhn closed the public comment period.

Councilor Trickett suggested that going into detail about the survey security plan might be counterproductive. Chair Kuhn asked Mr. Beurle how real of a problem was cheating. Mr. Beurle said he had never detected cheating. He said values and vision is not a controversial topic. He thanked the individuals who provided public comment.

Councilor DeLima asked what the challenge would of extending the response deadline. Councilor Trickett said there is flexibility here but that the project team felt that eliminating the sense of urgency may reduce participation. The said that at the end of the month-long period the Council could decide to extend the deadline.

Councilor Asherman said that the notion is that this survey is the result of the whole process and that everyone has to weigh in on the survey preparation. He said that the survey is the starting point for a lot more community input and much more robust input. Chair Kuhn added that the essential tensions in the community that we would want explored in survey are already on the discussion board and are starting to show up as repeats. She was open to extending what needed to be extended but was more inclined to extend the survey response deadline. She thought it was a good idea to get the project timeline on the website.

Councilor Trickett said the end of this engagement with Future iQ is hopefully a vision statement. He said the goal is to capture broad areas of consensus that can be distilled into a statement. He said this is not the only survey and that there would be focus groups and a think tank.

Councilor LaFond thanked everyone who had responded so far and the callers for their suggestions on how to make this as open and inclusive of a process as possible.

Item 6 Introduction of ordinance amendments to Section 19-40 of the Code of Ordinances to provide certain allowances for the keeping of animals in the RD and HL zoning districts.

Councilor Cahan provided background information on the proposed amendments. She said the Highland Lake Leadership Team was not opposed to changes to allow poultry but had concerns about the larger animals that would be newly allowed due to their struggles with water quality. The CDC is now recommending moving forward with amending RB to have the same animal allowances as RD but only allow the allowances for poultry in HL. This would allow the Highland Lake Leadership Team time to do further analysis and make recommendations on additional animal allowances.

The public hearing was scheduled for November 23.

Item 7 Order to accept Paddock Way, Kilarney Way, and Cavendish Road as public streets.

Nathan Poore, Town Manager, reviewed the list of streets that have been accepted since 2009 and the streets that have expressed interested in applying for street acceptance. He said that few of the streets that have been accepted since the 2010 connectivity policy have actual vehicular connectivity most have trail and open space access. He described the accepted streets with vehicular connectivity. He said that the Stone Ridge Road, Rogers Trail, and Hilltop Trail application was similar to the Paddock Way, Kilarney Way, and Cavendish Road application and the Alpine and Sylvan Drive application in that there is the potential for access to other open space properties. He said Seaside Way is different in that it connects two public streets. He felt that the procedure is flawed and that we need to do a better job getting applicants before the Council early in the process. He said that the applicants spend a lot of money and the Council changes over the course of the application review process. He recommended that all these roads should be strongly considered for acceptance because they came into this under current policy and looked at past practices. He suggested that if the Council wants to look at adopting new policies and ordinances that these applications be grandfathered in under the current review process. He said that the Council could put a moratorium on new applications. His discussed how it is expensive for the Town to accept new roads.

Councilor DeLima asked for clarification on the amount that the streets under review would add to the Town's operating cost. Mr. Poore said the four active applications add up to two miles of road for an added cost of \$60,000. He said that the annual average cost per mile estimate is \$30,000. Councilor DeLima asked if the School Bus route was factored into the estimate. Mr. Poore said he would have to ask the School Department how it impacts them. Councilor DeLima felt that the cost to the School Department was an important consideration.

Councilor Asherman said he would like to know the School Department's criteria for whether school buses will go into to dead-end subdivisions. He asked whether the accepted streets with trail connectivity had actual connectivity or anticipated connectivity. Mr. Poore said that would require research. Councilor Asherman felt it was a hard stretch to consider a trail that leads to nowhere but might lead somewhere in the future connectivity. Mr. Poore said his concern is about the message that the applicants received from the Town.

Chair Kuhn felt that the applicants were in a tough spot. She said the criteria for evaluation is not clear. She thought that a putting a moratorium in place while the policies and ordinances were reviewed made sense.

Councilor Trickett expressed concern about the cost of accepting streets and the precedents set by prior acceptances. Councilor Cahan agreed with Councilor Trickett's comments.

Mr. Poore said he reviewed the as-built plans for the subdivision the prior Friday. He noticed several culverts in the neighborhood that extended a couple of feet beyond the right-of-way. He said that in two cases there is an existing drainage easement but in several other cases the structure is beyond the right of way. He said that staff and the Town Attorney are not finding easements for those cases. He said that these easements are needed for the future. He said that the Town Attorney is coming up with options to address this quickly. He recommended giving more time on this to resolve drainage issues and have it come back to the Council for final approval. He recommended not formally tabling the item but not taking any action on it tonight. He asked if the Council thinks there is any indication that it may not approve this even with the drainage easements that it provides guidance at this meeting.

Councilor DeLima asked why it was the Town's responsibility to identify the drainage easement issue. Mr. Poore said it slipped through the cracks for everyone and that it was not something that an individual resident would be aware of. Councilor DeLima felt some of this responsibility is on the residents' part. Mr. Poore suggested that the Town could look at the subdivision ordinance and whether there should be a standard for developers to create these easements during the subdivision approval process.

Chair Kuhn opened the public comment period.

Steve Durst of 12 Rogers Trail said that the actual variable cost of adding additional streets will not be \$30,000 per mile. He said that the additional cost will be the additional time that it takes and the repair cost but the infrastructure time is already there. He said that they understood that there was a procedure for accepting new streets but that the possibility of acceptance was a factor in their decision to move to their subdivision. He said that if the applicants had been told from the beginning that connectivity was a limiting factor, he would not have supported the application. He said there are a lot of streets that are public streets but are not interconnected.

Anne Lento of 16 Paddock Way said that the applicants were given a checklist and now issues had arisen in the final hour. She felt that paying the same mil rate of taxes while not living on a public street was difficult. She said that they spent the spring as a staging area for gas installation project on Winn Road. She said that their street provided connectivity to the Town Forest.

Michelle Draeger of 25 Paddock Way said she felt like they had been working on their street acceptance application almost the entire time she has lived there. She said that it was important to their neighborhood not to have children boarding buses on Winn Road. She was disheartened to have application grouped in with the other applications because this application had been before the Council for six years. She said that they had been this close before only to have a last-minute issue arise. She described the benefits of accepting their streets. She said she was willing to help with the policy review process.

Scott Walker of 8 Rogers Trail said that his subdivision was in contact with the Town during the development process. He felt it was important not to have children boarding the bus on main roads. He also discussed the use of their neighborhoods for staging infrastructure projects.

John Winslow of 253 Gray Road expressed concern that developments approved by the Planning Board were not properly inspected. He said he would not expect residents to know what drainage easements were needed.

Lisa Saulter of 18 Paddock Way said that her neighbors had been on top of trying to meet every deadline. She expressed concern about increased traffic on Winn Road. She said her house directly abuts the trail system.

Marjorie Getz of Old Powerhouse Road felt that when people buy homes, they have an inherent responsibility to understand what they are buying. She felt that the Town was taking a measured approach to this. She disagreed with the comment about paying the same mil rate even though their road is private.

Chair Kuhn closed the public comment period.

Mr. Poore said that the inspections had nothing to do with the drainage easement issue. He said that the as-built plans are very close to the design. He said the designed culverts would have still needed a drainage easement in many locations.

Chair Kuhn suggested that the Council hold over this item until the easement work is dealt with.

Councilor Trickett suggested that the councilors take a straw poll regarding interested in approving the street acceptance with the drainage easement issues resolved. Councilors Asherman, Johnson, Kuhn, LaFond, and Cahan were interested in moving this forward to street acceptance. Councilors DeLima and Trickett were inclined to reject the application.

Councilor Trickett said he felt conflicted on this. He was struggling with the fact that the Council keeps approving streets under the existing policy.

Councilor LaFond said that councilors' votes in the straw poll did not bind them to taking the same direction in the final decision.

Item 8 Order to accept the proposed Warranty Deed from Paddock Way, LLC for "Open Space 1," being approximately .81 acres as shown on the Paddock Way subdivision plan.

Nathan Poore, Town Manager, said staff asked the developer to separate out this item because staff did not see value in accepting this property. However, there is one double culvert abutting the property, so he wanted to hold off on making a negative recommendation until it is determined whether it is needed for drainage easements. He said that if the property is not needed for drainage easements staff would not recommend accepting it.

The Council had consensus to hold over Item 8.

Item 9 Discussion about an application to accept Seaside Way as a public street.

Justin Early, Town Engineer, provided background information on the application.

Bob Kline of 47 Seaside Way said this is a homeowner driven application. He said that the road is 550 feet long and would only be an incremental cost of \$3,000. He said that Seaside Way is between Underwood Road and Amerescoggin Road and is heavily used as a cut through. He said that Seaside Way's application meets all the criteria in the 2010 connectivity policy. He provided a history of the subdivision and said that it integrates well with the surround neighborhoods. He said the core samples exceeded the specifications for any road being laid down at this time. He said that their road has survived thirteen freeze/thaw cycles without any damage to the road. He said that they are asking for a waiver of the defect guarantee.

Councilor DeLima asked about the implications of the narrower right-of-way for snowplows. Mr. Kline said the road width is around 28 feet. He said Amerescoggin Road and Underwood Road are the same width. Mr. Early said a smaller piece of equipment is used to plow the whole area.

Councilor Trickett asked whether the ordinance allowed the Council to waive the requirements. Mr. Poore was not aware of anyone ever asking for it to be waived so it would need to look at it further. Councilor Trickett said he saw the public benefit of this application. He did not see the public benefit of the eyebrow and suggested modifying the application. Councilor Asherman also did not see a public benefit to including the eyebrow. He felt that this application met the connectivity criteria.

Councilor Johnson planned to vote in favor of this road and the prior application and likely the next application on the agenda. He said that Seaside Way was a perfect example of connectivity and fits within the neighborhood. He viewed the loop as a feature like a cul-de-sac. He felt it enhances the community easements and how is that going to be handled.

Councilor Asherman asked who would be responsible for the maintenance of the landscaped island. Councilor Johnson said the neighborhood association owns the island and the property behind it so they would continue to maintain it. Mr. Poore said easements had been granted in the past with cul-de-sacs, so they are not the Town's responsibility.

Councilor De Lima read the portion of the connectivity policy regarding emergency vehicles. She said she could see emergency vehicles using Seaside Way to cut through. She thought that school bus routes were a different issue. She felt that the movement of emergency vehicles was important, and that Seaside does provide that connectivity. She asked staff to provide documentation addressing each of the connectivity criteria when reviewing future applications.

Mr. Kline felt it would be awkward to leave out the eyebrow. He said there are two agreements that have already been drafted and approved by the Town Attorney, a pole lighting agreement and one for the eyebrow garden.

Councilor Asherman said his understanding was that the Town had no jurisdiction over the school bus routes. Mr. Poore said he would ask Geoff Bruno for a copy of the policy.

Councilor Trickett said it checking in with the schools might be part of addressing these items.

Councilor LaFond asked about the authority for the waiver of the fee. Mr. Kline was not sure.

Chair Kuhn said in considering the cost benefit this is the application that is most in compliance with the guidelines. She felt that it met the connectivity criteria and was inclined to support it. She asked staff to look into the question on the waiver.

A straw poll was unanimous to continue to move the application forward.

Item 10 Discussion about an application to accept Stone Ridge Road, Hilltop Trail, and Rogers Trail as public streets.

Nathan Poore said that staff had not reviewed the response packet that was submitted on the day of the last Council meeting as staff were under the impression that the Council desired to pause the application review. He said most of the issues address in the response packet are likely resolvable if the parties can come to agreement and the expense is manageable. He asked the Council to consider whether is connectivity achieved with this proposal. Mr. Early said that the application seemed nearly complete. He said in lieu of street connectivity the applicant is proposing pedestrian connectivity with the dead ends. There is potential for trail connectivity but there is no current trail connectivity. He said there is an existing point of access to open space between Rogers Trail and Hilltop Trail. Lisa Magnacca, Town Attorney, said that only a high-level review had been conducted to date. She said there is a provision that expressly prohibits the public from accessing the open space through the property off Stone Ridge Road.

Councilor Trickett asked for clarification on the current access points to the trails. Councilor Asherman said in Suckfish off Mast Road. Councilor Trickett asked for clarification that there was not access to the trail system from Blackstrap. Mr. Early said that was correct.

Councilor Johnson said no two street acceptance applications are going to be a like and each presents their own unique benefits.

Chair Kuhn said this application seems like the Alpine Drive and Sylvan Drive application which the Council had expressed interest in moving forward. She said it was difficult to be making different decisions on similar situations with similar concerns.

Councilor Trickett said that every time the Council accepts a street it is imposing a cost on taxpayers. He stressed the importance of thinking about the cost benefit analysis.

Chair Kuhn opened the public comment period.

George Rogers, the developer, said that the Planning Board had advised him to build the roads to standard so that he could apply for street acceptance. He said that the subdivision has connectivity with the Stone Ridge Road horseshoe. He described the Skillins easement and his donation to the Land Trust. He is there is a connection with the Land Trust property. He described the different trails. He said that three of the hammerheads go into large, wooded areas. He expressed concern with school bus boardings on Blackstrap Road and being able to coordinate Town and private plowing.

Chair Kuhn asked for clarification on the location of the current or possible trail connection. Mr. Rogers described the location of the connection on the map.

Scott Walker of 8 Rogers Trail said that the neighborhood was offering up a 49-acre parcel. He said it was a beautiful trail. He said making the connection was a matter of the neighborhood lifting an easement. He said there are fifty resident and numerous children who live in the neighborhood and it is already well used by the public. He said Mr. Rogers went above and beyond in developing the subdivision. He felt that waiving the defect guarantee for Seaside Way would set a bad precedent.

Councilor DeLima said did not understand Amanda Stearns, Open Space Manager's recommendation. Mr. Poore said that there were public access limitations that are correctable. He said additionally the trails that are in the 50-acre parcel are not held in perpetuity and that securing easements would make them more

permanent. Mr. Poore described the location of the trails in discussion. Councilor Asherman wanted more detail on the connection with the Land Trust property.

Councilor Cahan expressed concern about the cost of possibly accepting all the applications under consideration. She wants the Town to create a policy that did not have as much wiggle room. She was concerned that the Town would be taking on more than it could afford.

Chair Kuhn reminded the Council that at the September 30 meeting this application was the least far along and suggested that it could be paused during the policy development process.

Councilor Asherman felt that this application should be paused until the Council develops a policy. Councilor Trickett agreed. He felt that there was some internal confusion.

Mr. Rogers said the application is complete and asked the Council to consider it.

Will Haskell with Gorrill Palmer clarified the location of the potential trail connectivity. Chair Kuhn asked for clarification on the location the easement that Mr. Rogers was talking about turning over. Mr. Haskell identified a parcel at the end of Rogers Trail that the applicant is proposing to turnover the Town so that the road could be extended in the event another subdivision was built. He said there is another piece of land at the end of Hilltop Road that the applicant is proposing to turnover to the Town for the same purpose. He also pointed out a drainage easement that would be turned over to the Town.

Scott Walker of 8 Rogers Trail described what was required to file a street acceptance application. He said his neighborhood had spend nearly \$50,000. He felt that his neighborhood was offering a significant benefit to the Town. He said that half of the subdivision is in a preserve and that Mr. Rogers maintained the rural feel in creating the neighborhood.

Chair Kuhn closed the public comment.

Chair Kuhn did not feel ready for a straw poll.

Councilor Johnson was in favor of hearing more about the application.

Councilor DeLima said she was not feeling that the application was hitting the major points for street acceptance. For future applications, she wanted to see whether the application met each of the connectivity criteria very clearly laid out.

Councilor Cahan did not know that she could vote in support of it but had not made up her mind completely. She did not want to tell the committee do go out and spend more time and money.

Councilor Asherman said he was on the fence. He did not see a lot of benefit of the Stone Ridge Road easement. He said it has the possibility of permanent connectivity, but it is currently only connectivity to their own easement with revocable licenses

Chair Kuhn said the Council had given tentative approval to Alpine Drive and Sylvan Drive and they are in a similar situation. She felt uncomfortable making different decisions on applications with similar situations. Councilor Asherman agreed.

Councilor LaFond expressed concern about giving an indication without having all the information.

Councilor Trickett agreed with the other councilors. He was leaning towards no but felt that the meeting materials provided did not provide a complete picture. He asked for a more considered staff consensus view on the value of the trail access. He suggested that the applicant reaching out to Skillins about a more permanent agreement because they more value they can add to the public the better.

Chair Kuhn said she was hearing a lack of confidence in moving forward with a straw poll. She suggested putting the application on hold for some time. She suggested that the applicant could come back with ideas about greater public benefit and staff could think about how this could be teed up a little more robustly for the Council. She said in the meantime the Ordinance Committee could begin the policy review. Mr. Poore said that the Council had raised questions about the public value of the trail connectivity. He said that staff had also identified gaps and issues. He recommended that the applicant provide a proposal on how they would achieve connectivity. Chair Kuhn said that would be consistent with the process for the Alpine Drive and Sylvan Drive application. The Council agreed. Councilor Cahan said she wanted the neighborhood to know that there are doubts and questions so moving forward is their decision. Councilor DeLima agreed.

Adjourn.

Councilor Cahan motioned; Councilor DeLima seconded.

The motion carried unanimously.

The meeting adjourned at 11:48 pm.

Respectfully submitted,

Marguerite Fleming
Recording Secretary