



## Long Range Planning Advisory Committee (LPAC)

Thursday, May 9, 2019  
Draft Meeting Minutes

### Attendance

Name	Present	Name	Present	Name	Present
Breana Gersen <i>Chair</i>	-	Rich Jordan <i>Planning Board</i>	✓	Claudia King <i>Council Liaison</i>	-
Becca Casey <i>Vice Chair</i>	✓	Sandra Lipsey <i>LPAC+</i>	✓	Theo Holtwijk <i>Staff</i>	✓
Dimitri Balatsos	✓	Sam Rudman <i>LPAC+</i>	✓		
Paul Bergkamp	✓	John Winslow	✓		

Others attending: Keith Noyes, Sid Thorne, Peter Kennedy, Ethan Croce (Staff), Ted Asherman (Town Councillor)

Becca started the meeting at 5:30 pm.

#### 1. Establish Quorum

The committee observed that a quorum was present.

#### 2. Review of Meeting Materials

Theo provided an overview of the materials prepared for the meeting. There were two revised memos as well as red line comments on each from Dimitri. In addition, there were two handouts on RB and RD that had been shared at the prior meeting. He had not yet prepared the draft meeting minutes of the 4/25 meeting and they would be ready for review at the next meeting.

#### 3. Public Comment

Keith Noyes inquired as to whether it was resolved whether or not LPAC+ members can vote. Becca said that there has been a determination that they can vote.

#### 4. Review of revised Draft LPAC Info Statement

The committee reviewed the revised draft LPAC info statement. Sandra thought that a strength of LPAC is how collaborative the committee is in working with other town committees and town entities. She suggested incorporating the words "collaborate with" somewhere in the draft statement. She also thought that data gathering and education were important components of LPAC. Paul agreed that LPAC's output is typically bounced off other town entities to ensure that LPAC's work was not occurring in a vacuum.

John thought that the document should clarify that LPAC works at the will of the Council and thought that LPAC did not typically go back to the Council for requests to take on tasks. Becca said that the draft

language was largely taken from the ordinance and that there have been occasions where the committee has requested assignments.

Sam thinks it was confusing to suggest that LPAC proposes projects. He also thought the last two bullet points were confusing. Sandra recommended that the word “annual” be placed in front of the words “work plan” in the second to last bullet. Committee members generally agreed it would be OK to summarize the second to last bullet to say “LPAC assignments are at the direction of the council.” Sam suggested that the language read something like “LPAC works collaboratively with all interested parties and stakeholders to produce recommendations to the Council, which ultimately makes decisions.”

Becca agreed to take the points raised and incorporate them into another revised draft version of the document for future LPAC review. Theo provided Becca with some suggestions from Erin Cadigan on an earlier draft and suggested that Becca have Erin review a copy of the next draft.

Paul asked if the structure of a committee like LPAC was unique to municipalities in Maine. Theo said that some communities have a comprehensive plan committee that only works on developing and amending the comp plan. Other communities have only a planning board to work on these types of items. Some communities have comprehensive plan implementation committees.

## **5. Review of revised Draft Council Report on Committee Suggestions for Communication, Education, and Outreach**

Becca reviewed the revised draft document she prepared and said that she tried to make it less dense. Sandra wondered who the recipients of this document were intended to be. Committee members thought the recipients were the community at large, including residents, business owners, citizens, etc.

John suggested adding verbiage about “creating dialogue with the community.” He said that dialogue was important because it implied a back and forth, which is what he felt had been missing. He suggested incorporating the terms “community” and “dialogue” into the draft.

Sid Thorne suggested trying to reinforce the concept that it’s important for people to offer input during the policy development phase and not to wait until after policies have been adopted and then request that those policies be undone.

Sandra generally liked the tone of the language in the draft because it did not sound punitive. She thought the Council was asking “how can we communicate better?” She thought that residents were the targeted group for the memo. She said that the town had done a great job of building up ways of communicating, but that it was not working anymore. Dimitri suggested adding some verbiage under the Opinion section that referenced the phrase “create opportunities for dialogue.”

Sandra lamented that the Town did not have a mechanism to correct misinformation that gets circulated in the community. She felt that when the Town does not correct misinformation and inaccurate data it encourages people to think that the misinformation and inaccurate data is correct. Paul said that the repetition of misinformation was a commonly employed political strategy in today’s day and age of messaging. Sandra said the Town lacked a mechanism to politely correct misinformation in the moment. Paul said that there is specialized training and a special skill set involved in that work. Sandra stated that public officials seem to feel disempowered from speaking out against misinformation. She reiterated that there was no mechanism to speak back to untruths. She thought a

goal should be to not put on the record information that one knows is erroneous. Gagging the Council to not respond to misinformation had not worked. Sam said there was no one in today's day and age that was immune from experiencing this problem. He felt that is why professionals get paid a lot of money to do this work. Sam suggested adding a bullet point to the draft document: "LPAC has experienced an inability to respond to information that is not correct." Sandra thought that was good language.

Councilor Asherman said that the Council recognized this issue and clarified what he believed the Council's request was of LPAC. He thought the Council was only looking for take-aways LPAC had from its own meetings and experiences. He said that the Council was not asking LPAC to come back with solutions for the Town's communication efforts as a whole. Rather, the Council was only looking for LPAC's take-aways. He said, what did LPAC observe that could enhance its role?

Paul wondered, in light of Councilor Asherman's comment about honing in narrowly on LPAC-specific experiences, if the current draft document was too broad. Councilor Asherman said that general observations from LPAC were also fine to offer, but it would be helpful to get specific observations LPAC had on its own experiences. The Council would not be voting on LPAC's summary, he said, rather, the Council was just taking it as input.

Sam said in a rational world there were basic facts people should be able to agree on. His experience in speaking with people was that many times people do not understand the context of the facts presented. Educating people takes a lot of time, in his opinion. Sam said a challenge has been not being able to explain a complicated subject in a simple way.

John thought that sometimes the message needed to be very simple. For instance, he said, many people don't know what zone their property was in. Sam said one thing to do could be to distinguish in outreach materials whether property owners were located in a zone being affected.

Sandra recalled the recent LPAC/Council elementary school forum where a member of the public had expected to have 10 minutes of time to show his own video based on feedback received at a prior public meeting. She said that the offer to be able to show the video was then taken away by the Council at a later date. She noted that there were a lot of upset people at the forum due to the absence of the video presentation and due to the format of being broken up into small groups. Councilor Asherman said that meeting was originally slated to be LPAC's meeting until a huge groundswell of feedback from the public came in that indicated a desire to comment on zoning town-wide and not just zoning in RA. It became confusing as to whose meeting it was and who was setting the ground rules. Theo thought that this topic was of such interest that it was of Council interest too. He said that most of the time the Council let LPAC do its assignments with more autonomy. This assignment seemed so politically charged, he said, that councilors felt compelled to be close to it and began attending LPAC meetings. One other unique thing about the RA project, Theo said, was that the Council felt an urgency to deal with the issue within an abbreviated and fixed timeline. He stated that LPAC typically did not have such a controversial project combined with a fixed deadline. He noted that in this case there was no luxury of time to create an ideal process.

Becca said perhaps LPAC could have pushed back and said to the Council "that is not going to work" or "let's schedule two separate meetings" or "let's skip this component of the meeting." Sam said it was important to be clear about the process that is communicated to citizens and to stick to it.

Paul thought it might be beneficial to define roles and responsibilities moving forward. He said that LPAC does research but public forum/communication is what someone else does. He felt that perhaps LPAC could stay out of the fray of organizing forums and let the Council deal with that.

Sam said if LPAC does not get buy-in on its tasks it is a problem. He felt that there needed to be agreement on the most basic and fundamental concepts, such as “is growth inevitable?” He stated that if you get community buy-in on these concepts then that is much better. He did not think anyone in attendance at the recent LPAC meeting at the church actually looked at or cared about the proposal developed by LPAC. He felt that everyone’s mind was made up to ask for a full zoning rollback.

Sandra said the public sometimes doesn’t understand that property owners have rights to build within existing ordinances with or without zoning changes and that the Town can and will grow just by people developing their properties within the code. Rich said the Planning Board was getting some interesting input on the David Chase residential application off Gray and Mountain Roads where the developer is proposing a project under standards that have been in existence for decades. The table of land uses in the VMU District did not require commercial use, but some people were still claiming foul because the application does not include commercial use. Theo wondered if this meant that the foundational element (i.e. the comprehensive plan) needed to have an extra thorough examination as to whether it still suited the community. He said that the Town thought it had that with the current plan, and that the foundation for that document was “we are going to continue to grow, but how and where.”

Becca said that Falmouth was in a different place now than eight years ago what the growth in Portland and the region that had occurred. She believed that Falmouth had not changed that much compared to many surrounding towns and that was an important context. She felt that it was not necessarily true that the comprehensive plan was wrong, but rather that it might be time to revisit the plan in the current context. Sam said one idea could be to take a general/foundational concept and throw it up on the website for citizen feedback. One example could be posing general questions like “is growth inevitable?” He felt there was a need to stimulate citizen interest in a way that would get participation.

Becca agreed to work on a revised draft communication document.

## **6. Begin Review of Residential B and D Standards for Two Family and Multi-Family Uses**

Rich did not believe that LPAC was ready to have a discussion on, or conduct analysis on, the RB and RD Districts. He thought that the RA District issues should be resolved first by the Council. Rich thought that a better use of LPAC’s time would be to identify lessons learned to help inform how things could be done better in the future. Sam said the first question for him before tackling any RB/RD assignment would be “what is the problem that you are trying to solve?”

Councilor Asherman said there was a notion on the part of some that the pending changes contemplated for the RA District would result in pushing development to other parts of town like the RB and RD Districts. He said that, unlike with the RA project, the Council did not set a specific deadline for the RB/RD work. He acknowledged that things were up in the air right now with the RA amendments and that this could impact the direction on the RB/RD issue.

Rich said he was hesitant to put a lot of effort into developing lot dimensional recommendations for the RB/RD. He said that if the problem identified was a concern about growth shifting to the RB and RD then the Council should simplify things and just use the pre-2016 ordinance standard and make two-family and multi-family housing a conditional use in RB and RD and then address the overall zoning in a

more thoughtful and comprehensive manner later.

Sandra said that during the last comprehensive plan update LPAC kept the growth cap numbers that were in place at the time. Sam said that the growth cap could be evaluated in the context of the next comprehensive plan update. The growth cap related to financial viability of the town, traffic impacts, and school impacts. Sam agreed with Rich that the easy answer was to rollback RB and RD and then have a town-wide dialogue about where the town wanted to go with growth. If growth was inevitable, then the Town should determine what the appropriate rate of growth was. Rich said LPAC needed to know what the problem was before creating solutions. He said that with the RA district, the Council recognized the problem based on public input, then assigned the task to LPAC. Rich said that LPAC's solution for the RA District fixed the problem that was given to it. There was evidence, he said, that none of the so-called "objectionable" RA developments would have been allowed under LPAC's RA proposal. At the end of the day, however, he noted, nobody cared about that fact and nobody cared about the actual proposed fix of the problem.

Councilor Asherman said it was sometimes difficult to discern specifically what people were most concerned about. Sam believed that a certain faction of the community would oppose anything that allowed any more growth and would oppose any changes other than more strict growth caps until people could agree on what the basic facts were. He thought that the dialogue at this point in time should be on the large concepts and that there needed to be agreement from the community first that would lay a foundation for more specific, detailed work. That way, he said, when LPAC undertook its assignments the committee did not need to have a constant argument with the community about the bigger picture concepts.

Keith Noyes said he had attended a lot of meetings and believed that the only people in town who want growth are people who profit from growth. Sam posed the question of what does "too fast" mean in the context of growth in town? Keith Noyes said people did not want growth because the town's infrastructure could not handle it. Sam said that some context needed to be set around growth and that it was important that there was some degree of agreement developed on that context. Sandra wondered if the best use of LPAC's time at this point might be to discuss "how is the best way to approach the next comprehensive plan and what are the key ingredients for doing so?"

Rich said important pieces for him would be process, repairing dialogue, and generally avoiding what had happened over the last 18 months. He said that what should not be done was going back and laying blame on past events that had transpired. He asked how do we work toward consensus for the next 10 years? He was worried about the pattern of ordinance corrections. Between the correction to multi-family and two-family density, and now the correction to the RA amendments, he was concerned about a pattern of changing the rules on the community and pulling the rug out from under property owners.

Sandra thought LPAC could suggest forming a new LPAC group and have it tasked with the assignment of looking broadly at how to put together the next comprehensive plan. Councilor Asherman said he could not speak for the Council, but said it was very possible that the Council would go in that direction and start with a clean slate.

Sandra said that if LPAC's energy for the next 60 days was placed on concepts on how to gather public information and how to engage the town that would be a good use of the committee's time. She stated that there was a need to figure out how to gather public information on key concepts. She added that one could create a forum a month with one topic and do that several months in a row. Becca said that

in order for LPAC to do an RB/RD exercise comprehensively the committee felt it needed to go to a higher level. She said that LPAC could not do another zoning correction exercise again without getting a better picture of the context of this. Councilor Asherman thought that if the Council accepted LPAC's recommendation for RA district over the rollback option, then maybe it showed that it made sense for LPAC to continue.

Theo noted that the Council directed LPAC to conduct the RB/RD zoning work and he wanted to make sure that there was a clear way to communicate LPAC's thoughts on this matter back to the Council so that the Council could consider LPAC's thoughts and re-direct communication, as necessary, back to LPAC. He said that this communication was important to ensure that LPAC would not be not be accused of going against the Council's direction. Councilor Asherman noted that the Council did not provide LPAC a specific deadline or timeline for the RB/RD assignment, nor did the Council indicate that the RB/RD work should be a priority over LPAC's communication work, so he believed it would be OK for LPAC to focus on the communication assignment for now. He said that he would report back to the Council that LPAC's current focus was on the communication task and that LPAC was waiting to see what happened with the direction of the RA amendments before moving forward with the RB/RD assignment.

Sam suggested asking Erin Cadigan to attend the next LPAC meeting since her focus was on communications.

#### **7. Other Business**

There was no other business.

#### **8. Set date and agenda for next meeting**

The committee agreed to meet again on May 23 at 5:30 PM. The committee will review the revised draft memos on LPAC and Communication.

#### **9. Adjourn**

The meeting adjourned at 7:45 PM.

Draft Minutes prepared by Ethan Croce and Theo Holtwijk, May 17, 2019