



## Long Range Planning Advisory Committee (LPAC)

Thursday, May 23, 2019  
Meeting Minutes

### Attendance

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

Others attending: Keith Noyes, Ethan Croce (Staff), Erin Cadigan (Staff), Ted Asherman (Town Councilor)

Becca started the meeting at 5:30 pm.

### 1. Establish Quorum

The committee observed that a quorum was present.

### 2. Review of Draft Minutes of April 25 and May 9, 2019

Dimitri pointed out a typo on page 3 of the April 25 minutes - The need to capitalize the "C" in Cape Elizabeth. Dimitri moved to approve the April 25 minutes as amended and the May 9 minutes as drafted. Sandra seconded the motion. The minutes were approved by those in attendance at each meeting with a vote of 5-0. (Karen abstained)

### 3. Other Business

Becca discussed the issue of start times of LPAC meetings. LPAC has traditionally been meeting at 6:00 pm but, recently, accommodation has been made for John who requested an earlier meeting time. Becca said that Breana is coming off her maternity leave and has indicated that she cannot be at meetings earlier than 6:00 pm due to her work schedule in Augusta and that she said she would resign from LPAC if meeting times are being changed to be earlier than 6:00 pm.

John suggested that LPAC only meet once a month instead of twice of month. He feels meeting twice a month is not necessary and can be unproductive. He believes LPAC has not accomplished anything for the past four meetings. He is willing to invest his time in the committee, but he wants it to be constructive time. Becca said this is an unusual and different time in Falmouth and thinks that LPAC is taking a step back in response to public interest.

John thinks having a set goal and meeting once a month would be more productive than meeting twice a month. He also thinks that LPAC's role should be defined by the Council, not by LPAC, and that it's unnecessary and unproductive for LPAC to hash back and forth what the committee's role is. Karen said

that a few LPAC meetings ago she was in attendance and understood that the rationale behind drafting a document about “what LPAC is” wasn’t to establish LPAC’s charge, but to provide a description of the committee to help LPAC communicate to the public in language that made sense to the public. It was, she said, about “how do we communicate to the broader public about LPAC’s role, who is advisory, who is the decision maker, etc.” She noted that the Council also asked LPAC to reflect in general what LPAC has learned through its experiences. This second document is a reflective document.

Dimitri echoed what Karen said and believes that LPAC has been productive. The committee is in a transition period, he said, and is waiting on its next charge from the Council and that LPAC needs a mandate from the Council on what is expected. Dimitri would prefer meeting at 5:30 pm only once a month for up to three hours, recognizing the need to be flexible based on what tasks are before the committee.

Councilor Asherman said the Council asked LPAC for two things: feedback on communication and input on RB and RD districts.

Sandra said that LPAC works by consensus. The advantage of this is, she said, that there are different points of view around the table. She acknowledged that LPAC listens to every voice and that that can slow things down. She does not like the idea of a three-hour meeting. She also feels that Breana should be able to come to meetings and if she can’t come at 5:30 pm then the meetings should continue to be held later as they traditionally have been.

Sam pointed out that LPAC used to meet at 7:00 pm. He suggested that LPAC stick with meeting at 6:00 pm. He has trouble making a 5:30 pm start time and he wouldn’t understand why the group should start at 5:30 pm if the Chair cannot attend. Sandra said the advantage of two meetings is that it allowed LPAC to create subcommittees that met and could then report back to the larger group as occurred during the development of the last comprehensive plan. Becca agreed with Sandra.

John said that, in the interim, since the Council’s two charges to LPAC, the Town has hired a communications staff person and LPAC hasn’t talked about RB and RD zoning. He questioned whether it was appropriate for LPAC to be creating subcommittees.

Sam said during the comprehensive plan development process LPAC+ had 15 members. He noted that they broke themselves up into sub-groups to divide up the groundwork to tackle the various chapters of the plan.

John said this is why he feels there needs to be both a comprehensive plan advisory committee and a zoning advisory committee. The first committee is long-term thinking and the second is shorter-term thinking. He thinks part of the problem is that the town is trying to accomplish two separate issues with the same committee and he doesn’t think that functions well. He used the analogy of people who develop engineering plans and people who carry out actual construction plans. Those two groups have different skill sets and different approaches.

Becca said one facet of LPAC is its efforts at collaboration, and she said LPAC has, and will continue to, pull in people with different expertise representing other necessary/important backgrounds.

Karen said John’s suggestion is a suggestion that he could bring to the Council.

Karen made a motion for LPAC to meet twice a month at 6:00 pm on the second and fourth Thursdays of the month. Sam seconded the motion. Karen thinks that LPAC may sometimes only need to have 30-minute meetings and may sometimes cancel meetings if there is not enough work to do. She has faith that the Chair of the committee can make that determination. LPAC members voted 5-1 (John opposed) to support the motion. John said he believes that the timing of the LPAC meetings – 2<sup>nd</sup> and 4<sup>th</sup> Thursday of the month - does not sync up well with the timing of Council meetings.

#### **4. Review of Meeting Materials**

Theo reviewed the meeting materials and called out the two RB/RD handouts which were also distributed at a previous meeting.

#### **5. Public Comment**

Keith Noyes asked for clarification on the nature of the data in the RB/RD permit handout. Theo said this handout captures projects “enabled” by the July 2016 zoning amendments through the end of 2018. Staff are waiting for further committee direction as to what it believes it needs for additional information.

John asked how many accessory dwelling units the Town had issued.

#### **6. Review RB and RD Zoning Standards for Two Family and Multi Family Uses**

Sam asked what the committee was doing and what the problem was with the RB and RD districts. He questioned the appropriateness of LPAC working on RB/RD zoning if it was not clear what the problem was that the committee was asked to address. He thought that LPAC was waiting on additional direction from the Council on this topic. Becca thought LPAC was directed to work on the issue until directed otherwise by the Council. Sam said LPAC previously discussed the critical importance of not moving forward with RB/RD zoning until obtaining an answer to the question: “What is the problem in RB/RD?” He believes LPAC needs to know that before getting too far down the road. Becca said the first question really should be: “Is there even a problem in RB/RD in the first place?”

Karen recalled discussions that occurred leading up to the adoption of the July 2016 amendments, including the fact that there is less infrastructure in RB and RD. She said that at one point CDC looked at creating a tiered regulatory structure depending on whether you have either water, sewer, both, or neither, however, concerns were expressed about the overly-convoluted nature of that approach. CDC felt OK moving away from that tiered approach due to the belief that septic system requirements would help regulate lot size and building placement. With community septic systems, buildings can be placed closer together, which had been done with the Tuscan Way project, which had raised concern. This may be one of the perceived problems in RB and RD she said. She said that one analysis could be to re-look at the growth and rural boundary lines in RB and RD in the context of natural features like rivers if people think there is a problem there. One of the big changes related to RB and RD was the upzoning of some land that was previously Farm and Forest and the downzoning of other land into Farm and Forest. Many of the “enabled” buildings on the RB/RD permit chart were enabled due to this zoning boundary change. She had heard no complaints about the Highland Lake district. Finally, Karen observed that there seems to be less urgency around working on RB/RD and more time to define whether there is a problem in RB/RD in the first place. She suggested that LPAC consider scheduling four listening sessions for people in RB and RD as a different model for the committee.

Councilor Asherman said the Council’s charge to LPAC was narrower than that and was only to review dimensional standards for two family and multi family housing in RB/RD and whether those housing

types should be conditional or permitted uses. Ted said the charge to LPAC could change after the Council meeting on May 29<sup>th</sup>.

John indicated he would like to see accessory dwelling units (ADUs) and two family dwellings changed back to conditional uses. He said it took 30 years for Falmouth to close loopholes that were created after Falmouth adopted zoning. He thinks that there are now loopholes around the creation of flag lots and ADUs. He said the only difference between a two family dwelling and an ADU is square footage and thinks people are abusing the ADU provisions. As a permitted use, ADUs no longer require notification to abutters. He said every time you change zoning you create the potential for new loopholes.

Sam stated that a review and analysis of ADUs is not part of LPAC's current charge from the Council.

Theo commented that some members of the committee seem to feel that there may be other issues to discuss in RB and RD beyond the narrow charge of the Council.

Councilor Asherman said LPAC should only address what it has been tasked with. If LPAC thinks another issue should be brought to light, then it is okay for LPAC to bring that to the Council's attention. John thinks that the loopholes he mentioned should be brought to light.

Sam thinks the committee may be getting out ahead of public sentiment. He thinks it is important to slow down, take a step back, and get feedback from the public to derive what the issues, if any, are.

Becca wondered how to do that. Becca thought a zoning map would be helpful to look at.

John thought a map with a public water and sewer overlay would be helpful and perhaps open space areas and shoreland zoning too.

Theo mentioned a public water system study the town completed that identified how much of the growth area was served by public water and looked at where public water in the growth area could be extended cost-effectively.

John suggested that the focus should be on areas that have not yet been developed. Theo said when the growth area boundary was created the committee looked at existing zoning, water, sewer, and neighborhood clusters in an effort to draw a broad, fluid boundary. The CDC then made the growth area boundary more specific by following property lines.

Becca wondered if the comp plan's "potentially developable land" map is a good overlay to use and wondered if the Town's GIS consultant could update that map. Theo thought that if LPAC is focused on RB/RD then it should just focus on that piece of the equation and not the entire town.

Karen stated that she is worried about putting a focus on the concept of defining "developable land." She said that this is not a black and white definition and some developed land can accommodate additional infill through lot splits. Karen said that the map doesn't take into account built properties that could be built on further. The committee felt that a map showing existing lot sizes may help to get a better feel for that possibility.

John asked if LPAC should involve itself in the environmental impacts of where growth is allowed. He said that there are algae blooms in Casco Bay and Highland Lake and the Falmouth Country Club sewer

project cost the town millions of dollars. He wondered if community septic systems should be allowed. He thinks there are more issues to consider than just dimensional standards. He thinks a map showing the RB and RD areas would be helpful with an overlay of open space areas, shoreland zoning, lot lines, sewer and water. Theo said Judy Colby George can show which lots are vacant and which have something built on them. Sandra said the 2013 comp plan maps could be brought in as well to refer to. Theo pointed out that if the committee decided to include shoreland zoning on the maps, one can still develop in the shoreland zone except in the Resource Protection (RP) zone where development is largely restricted.

Sandra said if there are going to be public meetings those should be held soon. Theo said the Town has done a West Falmouth sewer master plan and a water study. He said for the sewer study the consultant looked at each lot to see what the potential might be. Sandra said a link to the Wright Pierce studies would be good. Dimitri thought future meetings could include discussion around advising people about future topics of discussion at public meetings. It was agreed that this would be part of the meeting planning.

## **7. Review of Revised Draft LPAC Info Statement and Revised Draft Council Report on Committee Suggestions for Communication**

Sandra made a motion to approve the document titled “What is LPAC and what does it do”. Karen seconded the motion. Sam suggested that the last line be re-worded to say “The Town Council decides whether to accept, reject, or modify any recommendations from LPAC.”

Dimitri recommended the second sentence could reference “volunteers with diverse backgrounds” instead of “a balance of backgrounds”, and to say “one of whom is one member of the Planning Board.”

Sandra suggested adding to the end of the document “This informational statement was endorsed by LPAC at its May 23, 2019 meeting.”

Erin said “ad hoc” is not a word familiar to a lot of people and suggested removing it from the first bullet. She also recommended adding the word “town” in front of the word “council” in certain instances and in front of the word “comprehensive plan”.

Sandra moved to accept the document titled “LPAC to Council re: Town communication. The motion was seconded by Becca. Discussion commenced on the review of this document. A recommendation was made to replace “CLP” with “comprehensive plan.”

Erin suggested replacing the phrase “vulnerable environment” with “highly charged environment” in the third paragraph. She suggested rephrasing the opening statement under “opinion” to say “...effectively and consistently, and to create followership over time.”

The group discussed some modifications to the final bullet including reference to avoiding public confusion and the importance of defining staff, committee, and council roles and responsibilities.

Sandra lamented that there has not been a mechanism to empower Councilors to speak back in the moment to misinformation. She felt that when erroneous data is presented there is an opportunity to correct that data. She felt that this called for empowerment in the moment. She was advocating for a shift in the Council’s response when that were to occur in the future.,

Sam said the danger in speaking back is that it often results in a never ending back and forth which ultimately is not productive and prevents things from getting done.

Sandra believed that the LPAC forum in March should have had a focus and not allowed people to focus in an open ended way on whatever issue they wanted to discuss. She hoped that at the next forum the committee would allow the public to speak and have the committee respond, as needed. She also hoped that the Council would develop the necessary tools to manage communications, that there would be no more forum take-over, and that focus was needed. Sandra mentioned that if people were given two minutes to speak, there should be a way to cut them off if they went too long.

Sam moved to approve both draft documents as amended. Sandra seconded the motion. The motion was approved 4-0. (John and Karen had left the meeting and were absent for the vote.)

**8. Set Date and Agenda for Next Meeting**

The next meeting will be scheduled for June 13 at 6:00 pm. Erin will try to attend the next meeting as well but likely cannot arrive until after 6:45 pm. Some of the 2013 comp plan maps and the two previously referenced studies will be provided for the meeting so the committee can review them. The committee will also discuss public outreach details including what the committee would like to know from the public.

**9. Adjourn**

Meeting adjourned at 7:34 pm

Minutes prepared by Ethan Croce and Theo Holtwijk