

Town Council Meeting Minutes August 26, 2019

The meeting was called to order at 6:01 pm.

Roll Call

All councilors were present and answering roll call.

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss legal rights and responsibilities with the Town Attorney pursuant to 1 M.R.S.A. § 405 (6)(E).

Councilor Cahan moved to enter executive session; Councilor Asherman seconded.

Motion carried 7-0.

The Council entered executive session at 6:02 pm.

The Council returned from executive session at 7:05 pm.

Pledge of Allegiance

Chair Kuhn led those present in the Pledge of Allegiance.

Item 2 Public Forum

Keith Noyes of Gray Road spoke on the lack of public comment opportunities at council meetings. He also expressed concerns related to the councilor compensation increase. He raised concerns related to the new mountain bike trail in Blackstrap Community Forest. He questioned the impetus for, process surrounding, and funding of the creation of the new trail. He described the trail as a professional downhill mountain bike trail which is un-manned, un-supervised, and anyone can ride it with any kind of vehicle. He has walked on the trail twice and was hit. He expressed concern that the Maine Trail Builders built the trail rather than Allspeed or volunteers. He also described the lack of trail maintenance. He described downed trees, pollution, poorly maintained streams, and tree roots. There is not enough parking in the lower parking lot. The other parking lot was also crowded. 50 or 60 people came through during the hour and a half that he visited. He is concerned that the trail is dangerous. He described the mountain at the head of the trail, sharp corners, and steep drop offs. He expressed concern that the proposed trail never came before the Council. The trail does not have guard rails or signage, and someone could get injured if one of corners deteriorates. The \$50,000 that was spend on the new trail could have been used to maintain existing trails. Mountain bike use damages the trails. He said there were 200 or 300 people using the trails on the Saturday and Sunday that he visited. He also expressed concern about the mountain bikers' speeds. Something should be done before someone gets seriously hurt.

Valentine Sheldon of Route 88 also commented on the Blackstrap Community Forest mountain bike trail. He submitted photos of the trail for display on the screen. He visited the trails the previous weekend. He appreciated the generosity of the donated funds to approve the trails. He thought it was wonderful that people were getting out and enjoying Falmouth and that people were coming to Falmouth to use the trails. He described flaws with the trails. The trails are solely for mountain bikes despite the fact the donation was

promised for multi-use trails. It is dangerous to walk on the trails. He was almost run over a couple times by mountain bikers. Town staff said that the Council was fully aware the funds would be used to create the mountain bike trails. He did not believe that residents were aware that the Town allowed an outside group to build mountain bike trails on taxpayer owned preserved land. Town staff also said that no permits were obtained because none were needed. It appears in the maps that a portion of the trails are in the shoreland zone; running right along the Piscataqua River. If a portion of the trails is in the shoreland zone, planning board approval and a written soil erosion and sedimentary control plan would be required. Natural and manmade drainage needs to withstand a 25-year storm and shall be stabilized with vegetation or lined with riprap. The drainage is inadequate. There is little to no signage which creates an incredibly dangerous environment and an enormous liability for the town. Town staff stated that the trails are safe and are typical. However, the New England Bike Association describes them as flowing but technically challenging with borderline free ride stuff. Free ride stuff is extreme and dangerous. The Association categorizes 15% of Falmouth's bike trails as difficult; the highest category. The trail is a huge liability for the town. In 2000, 259,000 lawsuits were filed regarding mountain biking accidents. He does not believe that the town knew what it was getting into it agreed to let Maine Trail Builders build the trails. It is a huge responsibility to have trails like these, groomed trails, because the town is now responsible for maintaining those trails and making sure they are safe. The responsibility is sorely lacking in oversight and planning. The Council has a moral and ethical responsibility to temporarily close the trails immediately. They are dangerous and someone is going to get very hurt. He thought the town needed to investigate whether ordinances were broken or ignored and, if so, action needs to be taken. A maintenance plan needs to be put in place and the Council needs to make sure that the trails are safe for the riders, hikers, the Town and especially for the environment considering that these new trails are right up against the river and drainage is lacking. He showed a photo of a portion of the Piscataqua River with trees falling in. He said this is presumably due to erosion. He is also in favor of enacting a fee to use the town's trails.

John Winslow of 253 Gray Road also commented on the Blackstrap Road Community Forest Mountain Bike Park. On November 14, 2018 the Council passed a resolution to accept over \$50,000 to become stewards of a town administered trail development fund. This was voted on and accepted with no public presentation. Over the past summer, the construction of a ¾ mile extreme mountain bike course with an elevation drop of 325 feet or more was completed. It was over 340 cubic yards with no plans and no permits. Anything over 16 cubic yards requires a permit from the Code Enforcement Officer. As far as he knows, no permits were issued. No maintenance schedule or procedures; no idea of unintended consequences. The trail was constructed parallel to existing trails with the use of a small excavation skid steer on public land that prohibits the use of motorized vehicles. There are now several miles of mountain bike trails in this mountain bike park and it is advertised as a mountain bike destination by the New England Mountain Bike Association. He has walked several miles of the trails. He was one of the founding members of the Stone Rail Club. These trails would not have existed without the Club's due diligence. He has observed trails going through wetlands and areas of high erosion on steep slopes. He was concerned by the photo presented by Mr. Sheldon of the downed trees near the river. He has observed significant erosion around the river. He asked the Town to bring in a soil engineer along with an environmental consultant to write up a synopsis of the existing trail system. The Town required that he hire a soil engineer and environmental consultant to construct a driveway to his home. Why is the Town not requiring these measures for trails on town owned property? The resolution said nothing about any of this. He is also said that he is disappointed by Blackstrap Forum and Gray Road Closure mailing. The closure was listed as the second item on the mailer and the detour map was not included on the back.

Lee Hanchett of 21 Stonebridge Road said the citizens of Falmouth are still waiting for some action on rolling back the 2016 zoning changes for RB and RD. Tuscan Way is underway already. 18 families will soon be clustered on a six-acre parcel. He and others living on Blackstrap Road and Brook Road know how the traffic will be affected with an additional 36 cars in the area. They also know that Tuscan Way does not fit in with the simple elegance of Brook Road. There is also the issue of what happens if the community septic

system fails. How many hundreds of gallons of potentially raw sewage might end up in the Presumpscot? The 2013 comprehensive plan emphasized placing new home construction where infrastructure was or could be easily be made available. There are no sewers west of I-95 and there is no plan to his knowledge to put them there. Why does nearly half of the designated growth zone called RD end up where there will be no sewers? Is it not time for the Town to be consistent with what it says and what it does? Following the moratorium on two and multi-family dwellings at the beginning of 2018, the Council decided to increase the minimum square footage per dwelling unit provisions for RB and RD partially in response to the original Tuscan Way proposal. Somehow the Council forgot that the minimum lot size needed to be altered as well in the case of multi and two-family dwellings for those two districts. It is correct for RA and Farm and Forest, but it is not correct for RB and RD. In fact, the ordinance is a contradiction. As an example, in the RD district the maximum residential density per dwelling unit for two-family homes is currently listed as 30,000 square feet. This is the maximum residential density per dwelling unit. The minimum lot size is also listed as 30,000 square feet. In fact, the minimum lot size should be two times 30,000 square feet or 60,000 square feet if you intend to have two families living in the two dwelling units on that lot. It is contradictory. It needs to be corrected. Maybe these errors can serve as a place holder for the Council to remember to correct all the mistakes made in RB and RD with the opportunity to cram as much housing as possible. With RA now removed, we can expect to see the same problems occurring in RB and RD. Are we going to have to wait for another disaster like RA before we roll back the zoning for RB and RD?

Fred Masciangelo of 6 Fox Run Road is a long-time member of LMAC and has been instrumental in building trails. He said that previous comments about the danger of the Blackstrap Road Community Forest mountain bike trails are only in the eye of the beholder. The construction of the trails was done in a manner aimed at enhancing enjoyment for mountain bikers, trail runners, and hikers and to allow sustainability so that they can be there for a long time. There is typical erosion on trails. If they are built so that they go straight down the side of the mountain they will erode. If trails are built in a winding pattern, water does not run down and it will not erode the trails. Minor erosion is going to happen; blowdowns and erosion along the river. The way the trails are constructed have sustained them for at least the twenty-two years that he has lived on Fox Run Road. If they trails were not built the right way and if there was not the stewardship of the bike shops and community volunteers then the attractiveness of the trails would have waned and people would not have come out but they come out because they are well maintained and fun to ride. Mountain bikers are a smart group of people. If they ride a trail and it feels dangerous to them then they will not ride it again. He does not think anyone has been killed in Maine from riding a mountain bike too fast. It is like skiing. If someone approaches a trail and the trail looks scary to them, they will not go down it. There are always go arounds; people can get off their bikes and walk. He has been a mountain biker for 25 years and you get hurt sometimes but the trails are not the cause of that; it is due to the rider. He thinks to look at the trails as dangerous is a different way of looking at trails. Trails are there for enjoyment. It brings a lot of recognition to Falmouth that it has been a steward and has been able to go out and take open space and constructively build trails so that maximum use for the public is available and they can enjoy the open woods as opposed to having them be big tracks of land that people do not use. These trails are not scary. He encourages the Council to go out there and walk them. He has never heard of someone being hit hiking on a trail by a mountain biker. Mountain bikers must be courteous because if they hit someone, they will get hurt too. This new trail is interesting. It is new; it is different but by no means is it a menace to society. The trails are a gem; it is part of the reason why he volunteers. There are blowdowns on trails, but mountain bikers will move the limbs. There are a lot of trail races in Falmouth because it so fun to run the trails. He offered to give tours of the trails to anyone who is interested.

Chris Carleton owner of Allspeed and Maine Trail Builders. Allspeed started volunteering before Maine Trail Builders was established about ten years ago. Allspeed is very involved in the mountain bike community and wanted to give back and get involved. Mr. Masciangelo helped connect Allspeed and the Town. The partnership has worked well over the last ten years or so and Allspeed and the Town have built a lot together. In response to some things that were said earlier, danger is very backwards in his opinion. These trails were

constructed around beginner user level. This is happening all over the country. There are all types of municipalities, land trusts, and federal land where people are getting together and figuring out ways to fund different trail projects. Is this a different project than we have seen before? Yes, it is machine built. In the ten years that they have been building trails, they have found that machine building is much more sustainable in the long run. They can create a smooth surface that does not erode, control water, control skidding and erosion from tire treads. These trails are certainly not built to be dangerous or extreme. They are built with the sole intent of beginner level uses. Were they built with mountain biking in mind? Yes, the mountain bike community funded these trails 100%. Considering the trail danger from a mountain bike perspective, two trails were constructed for this project. One was a climbing trail up to the outlook at the top of Blackstrap under the powerlines. Prior to construction of that trail, there was no easy way to the top. Additionally, there was no easy way down. They built a low-level grade switch back all the way to the top; same on the way down. It is the same trail. There are much more extreme trails that exist out there, but they have been there much longer than these trails. The intent with these trails was to create a trail that would be easier than the existing trails to use. The other trail built on the side of the hay field may have looked very different than a traditional trail but it is built with low level user intent. They hosted beginner level clinics for a co-ed group, a children's group, and a women's group. They were teaching people how to ride mountain bikes on this trail. It is not a difficult trail. Anyone can ride it. He referenced a video of several children enjoying riding the trail. The Town did not have permission from the parents to show it. They have considered long-term maintenance. They believe that the machine building process is more sustainable. They have worked with Town staff and intend to take care of these trails.

Jamie Nonni representing New England Mountain Biking Association. The Association has between 350 and 400 members. The scene in the Greater Portland area has been very hot lately with many new members joining. These types of trails are going in across the country. The Association has volunteers to help build the trails; the Association brings together a group of people who are willing to do anything to help mitigate trails, make them safer; maintenance. These trails are beginner but the trails that were there prior were far more dangerous in his opinion. They were excited about the way the new trails were constructed because they allowed people to safely learn how to ride down the trails. A risk of the sport is that people could get injured, but riders are in control of their own safety. He was not sure how the trails could be made safer. They are about as safe as they can get. The Association could assist the Town in installing additional signage and/or bringing volunteers in to make more people aware. It is a very extreme stance to shut the trails down. Mountain bikers will just use existing trails which are more dangerous.

Eric King has been a volunteer trail builder under Bob Shafto and Amanda Stearns for the last ten or fifteen years. He pointed out that the photo presented earlier of the tree limbs falling into the river is of the River Trail. The River Trail is nowhere the two new trails. The River Trail has been there for fifteen or twenty years. The first machine-built trail that was built this summer was designed as a multi-use trail. Two people can walk side by side up the trail and it was purposely not built with berms on the down so that people would not get a lot of speed on the down. The other trail, the flow trail, is a skills trail. When he has visited the trails there have been young kids riding. A bigger person can generate more speed, but most kids will not have a problem.

Sean Kelly of 9 Sulky Way. He supports the mountain biking community but wishes that they had gone through the permitting process. He expressed concerns about mountain bikers failing to abide by posted signage.

Chair Kuhn closed the public forum.

The Council took time to respond to concerns expressed regarding the Blackstrap Road Community Forest Trails. Chair Kuhn said that the Council took resident comments regarding the trails very seriously and, within 36 hours, most of the Council had walked the trails. She said that, in talking with members of the mountain bike community, she agrees that danger is in the eye of the beholder. When she and Councilor Johnson visited the trails, they saw a four-year-old riding the trails as well as more advanced cyclists. Danger

is tough; Town Landing is dangerous; the river is dangerous. The Town does not have a lifeguard at all these places. It is up to the user to ensure their safety. The Council has been ensured that the Town does not face liability. The Council will make sure that any permits that were needed were complied with. The Council can also take advantage of the offer to install more signage. There are signs there indicating that it is a one-way downhill trail. She thought it seemed clear. Maybe the signs could be made bigger or brighter; move obvious to users who are inexperienced and unfamiliar with the area.

Councilor Hemphill appreciated hearing both perspectives on these recreational offerings. He is a mountain biker. He has been on the flow trail more than a dozen time. It is fun and easy to do. He thought most mountain bikers have a very good sense of what skill they possess and what rate of attack they use to ride on these trails. It is very safe, very well constructed and he thought it was a tremendous access. Historical trails like the one depicted in the earlier photos along the Piscataqua River have a lot of very natural erosion that has nothing to do with human use whatsoever. There are plenty of safe and well-marked walking trails out there. He thanked the biking community and residents for keeping the for keeping the Council on its toes about all of this.

Councilor Asherman said that he and Nathan Poore went out one afternoon and walked the flow trial. He is a downhill skier and looks at the trail like he does downhill skiing. If someone wants to go fast down the trail, they probably can but he would have no problem going down the trail. On the other hand, as a couple of the speakers talked about, some of the unimproved trails are pretty sketchy. He would not ride down some of those trails. They are much more dangerous than the new trail. He would have no problem riding the trail and he does not consider himself a mountain biker.

Councilor De Lima agreed that it was good to hear both perspectives on the issue. She thinks it is an incredibly positive sign that people are taking advantage of these resources. It is a good problem to have. It speaks to the attractiveness of the trails but also to people choosing wellness and getting off the couch. Regarding user fees, she regularly walks Back Cove and several Portland trails. She was not sure that charging a user fee would send the right message when the Town is encouraging wellness and for people to get outdoors. She congratulated all the trail volunteers. Her point of view is that the Town should not have fees and should be delighted that people are taking advantage of these resources.

Councilor Asherman added that he was out at the trails earlier in the summer when the switchback trail was being built. He has been involved with building trails in Falmouth for more than ten years and has helped lay out 30 or 40 miles of trails in town. He was impressed by the job that was being done on the uphill trail. There are no trails in this Town that are as well built as the uphill trail from the perspective of erosion management, wildlife management, everything. The people who built it are educated in what they are doing; they followed a regiment; it was inspected regularly. He frequently sees erosion on trails that go straight down. The switchback trails going up are a tremendous enhancement to the area. He is excited that people of all ages are out there using the trails.

Councilor Cahan was incredibly thankful for all the volunteers that work on all the Town's trails. It is amazing to her that people put in so much time and Falmouth's trails are amazing. She was excited that Falmouth has multi-use trails especially the mountain bike trail. One of the things she values about Falmouth is that residents do not have to have a lot of money to join a gym to stay fit and get outside and be healthy. She would hate for the Town to create a socio-economic divide where only people with higher incomes can afford to have a healthy lifestyle. If the Town starts charging fees for the trails, then there will be people who will not be able to use them. She would not want to create that situation.

Item 3 (Consent Agenda)

- **Order to approve the minutes of the July 8, 2019 Town Council Special Meeting**
- **Order to approve the minutes of the July 22, 2019 Town Council Meeting**

Councilor Asherman moved; Councilor Johnson seconded.

Chair Kuhn opened the public comment period; there was not public comment.

The motioned carried 7-0.

Item 4 Report from staff, Council committees and Council liaisons regarding updates on assignments and projects.

Councilor Hemphill gave the reminder that ecomaine is holding an open house at their facility on Blueberry Road in Portland on Saturday, September 28. There will be breakfast, tours, recycling bin give-a-ways, and children's activities.

Councilor Asherman said that LPAC has been meeting throughout the summer; discussing the types and formats of data that would be used to analyze the current comprehensive plan and that could be used to enhance it or develop a new comprehensive plan.

Councilor Cahan said that Greater Portland Metro will be increasing its fares and incorporating a different kind of fair payment system. The fair payment system will be delayed. Metro was hoping to begin that system late Fall or early Winter but now it looks like it is going to start around February. Metro's electric buses will likely arrive in Winter 2020. Its goal is to become zero emissions. This is its first step towards that.

Nathan Poore said that the Town sent out a notice to e-alert subscribers that day regarding upcoming road construction projects. There will also be an in-depth conversation with Jay Reynolds, Public Works Director, at the September 23 Council meeting. Mr. Poore reviewed the list of current and upcoming projects. The Town mailed a notice to all households west of Winn Road about the Route 100 closure the week of September 9. There is more information on the Town website. The closure is required for a major culvert replacement just north of Mountain Road. The detour schedule and maps are also online. Chair Kuhn asked Mr. Poore to provide more context for the closure. Mr. Poore said the bids went out for the project to not have any closures but, this June, DOT started talking with the contractor and the Town about a potential closure required because of the complexities of that culvert. It is specially designed to serve as a fish passageway, and it is also very deep so really the only practical and efficient way to do it was to close the road. DOT did not make a final decision or give the Town a date until a couple weeks ago. There has been some constructive feedback that the Town can let the public know even when something is being contemplated if it is a big deal. He has taken that feedback in mind. We do not have to have all the final answers. We can provide status updates even if we are not sure what is going to happen. That was good constructive feedback. Nevertheless, that portion of Gray Road will be closed the week of September 9. EMS, public safety, school bus routes, etc. has been coordinated.

Item 5 Report from the Appointments Committee and order regarding various vacancies on Boards and Committees.

The appointments committee met on August 1. He reviewed a clarification on board and committee participation rules. A letter was sent to all board and committee members outlining the rules for participation. They essentially state that a member of a board or commission who fails to attend at least 50% of all meetings during the preceding twelve-month period or who fails to attend four consecutive regular meetings shall be deemed to have resigned from the board or commission. There have been some issues and some people who have not paid attention to this so the Appointment Committee felt that it was worthy to remind all committee members that this is an expectation that will be more formally observed going forward. We hope that it will be better understood and that will allow people to choose to go to meetings or to step aside if their participation level does not meet the minimum expectations. He presented order 28-2020; recommending for appointment Lindsay Dumais to the Library Board of Trustees to fill an unexpired term ending on

9/30/2022 and recommendation for re-appointment Susan Gilpin on the Conservation Commission extending her appointment to 12/31/2020 and William Lunt, III to the Economic Improvement Committee to 12/31/2020 and Sandra Lipsey to the Long Range Planning Advisory Committee +.

Councilor Hemphill opened a public comment period.

Keith Noyes asked for clarification around the LPAC+ member re-appointments. Mr. Poore explained that this particular action is to re-appoint people who missed more than four meetings in a row or 50% of meetings in the last twelve months. This is not a new appointment for a new term. Councilor Hemphill added that there were only three people who formally fell into the category of violating the rules. They have been given a warning because it was felt that these rules were not made clear enough and some people were not aware of it. It was decided to give these individuals a chance to continue their terms on these committees.

Valentine Sheldon was glad that the Appointment Committee decided to enforce the rule. He asked about the status of two members of LPAC. He felt that LPAC's work would be compromised if members were in violation of the rule. Councilor Hemphill said that staff scrutinized the attendance records and there were only three individuals who fell into violation. Mr. Sheldon said he would check again. Councilor Hemphill suggested that he check with the Clerk's Department. Mr. Sheldon asked what the Council will do if it determines that someone is in violation. Councilor Hemphill said that the Appointments Committee has decided to offer the three people who were out of compliance reappointments so the same method would be used if anyone else was determined to be out of compliance.

Councilor De Lima moved the order; Councilor Trickett seconded.

Councilor Johnson sits on the appointments committee. He said that it was nice to see the history. He is impressed by the number of applications that the Committee receives. The Committee encourages residents to apply to sit on boards and committees. Chair Kuhn added that the application link is on the website.

Motion carried 7-0.

Item 6 Public Hearing and Order to approve a new liquor license for JP's Bistro

Councilor Trickett moved the order; Councilor Asherman seconded.

Chair Kuhn opened the public comment period.

Willie Audet of Merrill Road said that Falmouth is lucky to have one of the top restaurants in Portland move to the community. He has known the owner for many years and eats at the restaurant often. His family brings visiting guests there. The owner runs a top-notch operation. The food is out of this world. Falmouth is truly getting one of the best restaurants. He hoped the Council could support the license and get the owner on his way to opening very soon.

Chair Kuhn closed the public comment period.

Councilor Cahan said that she was excited to have another good restaurant in town.

Councilor Asherman agreed with Mr. Audet's comments. He eats at the Portland location several times a year and is thrilled about the new Falmouth location.

Councilor Hemphill agreed.

Chair Kuhn asked when the restaurant is expected open? John Gagnon, owner of JP's, responded late October.

Councilor Johnson added that while he is sorry to see Hugs depart, it is nice to know that there was quick interest in filling the space and that the public was interested in another restaurant. He is excited that JP's is coming in. The food scene continues to grow in Falmouth.

Motion carried 7-0.

Item 7 Order to authorize the Town Manager to use additional Municipal Revenue Sharing funds to reduce the FY2019/2020 property tax rate; and report from the Town Manager and Finance Director on the proposed tax rate for FY2019/2020.

Nathan Poore said noted the correction there is a typo in the agenda item description. It says that it is 28 cents lower than what Town staff project. It should be 18 cents lower than projected. All the supporting documentation that is attached does state 18 cents. Town staff discovered some double counting of the personal property tax that afternoon so it will likely be 13 cents instead of 18 cents. If the Council takes action to use the state revenue sharing money to reduce taxes, it will still be lower than what was projected. If the Council chooses not to act, it will only be 9 cents lower. The money would go into unassigned fund balance. Staff's recommendation is to use the money for tax relief.

Councilor Cahan moved the order; Councilor Asherman seconded.

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

Councilor De Lima asked whether the tax bills for November had already gone out. Mr. Poore said no; this period is called the tax commitment. The bills will go out in the next two or three weeks. He said that if the number changes between now and then he would send the Council and update and it would be communicated to the public.

Chair Kuhn said she would prefer that the money go back to taxpayers. Councilor Cahan added that it is an easy item to support.

Motion 7-0.

Item 8 Order to approve a memorandum of understanding (MOU) with the Falmouth School Department that will grant rights to the Town of Falmouth, Town Council, to access land owned by the Town of Falmouth over property controlled by the Falmouth School Department.

Mr. Poore said that the Council desired an agreement with the School Department to provide additional access that would give the town more options. He and Councilor Asherman met with the School Board during their executive session three weeks ago and they agreed in concept to the MOU. He and the Superintendent signed off on waivers with the attorney because the attorney represents both the Town and the School Department. The attorney drafted the MOU that is in front of the Council tonight. The most significant term is that the School Department does not want to be hurried to make any decisions. If the School Department has not decided within three or four years, they do not want to give up their property for something other than school purposes. That is why there are three five-year options for the School Department. If after those fifteen years go by, they have not met any of the requirements for renewal, the access would be available to the Town for anything in addition to school use. That seemed reasonable at the time. There was also a late amendment suggestion that came in today that changed, "The Town will require vehicular access" to "The Town may require vehicular access." They also changed language to be consistent so that the School Department is referred to as the School Department throughout the document. There was a suggestion that would allow the green space to be an allowed school use as far as developing the site. The Council's intent of purchasing the property was not for open space. If the Council approves it tonight, the School Board is scheduled to approve the MOU the Monday after Labor Day which will still stay within the deadlines for the purchase and sale agreement.

Councilor Trickett asked about the access plan map in the agenda item attachments. There are three potential access corridors to the property. He asked about the yellow box, "limited potential for access due to

subdivision plan proposing lots in proximity to intersection.” He asked if it was a new issue? He understood that the proximity to intersection issue was raised before but was not sure about the subdivision plan. Mr. Poore said it is not a new issue. The engineer brought it up as a possible option to negotiate with the seller but there are issues of being too close to the intersection. The access plan is an all-inclusive. What the Town is proposing is the blue shaded area, the red shaded area, and access off Field Road. Councilor Trickett clarified that they were talking about the blue arrow not the proposed red easement? Mr. Poore said it is the red area. Councilor Trickett clarified his question asking if there is a potential issue with the red shaded area? Mr. Poore said yes but he thought if it was a municipal or school use it is not an issue. It only becomes an issue if it is a non-Town use. Councilor Trickett asked if that was because of the proximity to the intersection? Mr. Poore said yes. Council Trickett asked if that was a State issue? Mr. Poore said it was a Town issue. Councilor Asherman added that was his recollection as well. Council Trickett asked if a future Council could address it because it is a Town restriction? Mr. Poore responded absolutely. Councilor Trickett said that it was not a binding restriction if the Town itself decided that it wanted to try to develop the land for some other use. Mr. Poore said that was correct.

Councilor Asherman moved the order; Councilor Cahan seconded.

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

Councilor Cahan said that she is thankful that the Town provided the School Department up to fifteen years. She would not want to rush the Department on spending taxpayer money on something that they did not absolutely need.

Councilor Trickett said that he thinks it is an important issue. He commended Yown staff who have done a good job protecting current and future taxpayers.

Councilor Hemphill thanked the Town’s real-estate consultant.

Motion carried 7-0.

Item 9 Resolution stating the intent of the Merrill Property acquisition.

Councilor Asherman moved the resolution; Councilor De Lima seconded.

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

Motion carried 7-0.

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

Councilor Asherman moved the order; Councilor Hemphill seconded. Motion carried 7-0.

Adjourn

Chair Kuhn provided the reminder that school will be back in session next week so please drive carefully.

Councilor Hemphill moved the motion to adjourn; Councilor Johnson seconded. Motion carried 7-0.

The meeting adjourned at 8:24 pm.

Respectfully submitted,

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Marguerite Fleming
Recording Secretary