

# Town Council Meeting Minutes October 28, 2019

The meeting was called to order 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 Forum**

Chair Kuhn opened the public forum.

Valentine Sheldon of Route 88 expressed concern regarding the nine rejected applications for the two LPAC vacancies. He was one of the applicants who was rejected. He has interviewed twice for a seat on LPAC. The rejection letter said that none of the applicants possessed the qualifications necessary to sit on LPAC. He reviewed the applicants' qualifications. He said that most of the rejected applicants questioned the 2016 zoning changes. He described the questions that were asked in the interviews. He said that the second rejection email said that the Council had decided not to add anyone to LPAC or LPAC+ because it was figuring out how to review and update the comprehensive plan. He said that Councilors have approached residents to apply for LPAC. He described LPAC's recent meeting activity and said that they currently have a charge. He felt that the vacant LPAC seats had not been filled for political reasons. He said that multiple perspectives must be included on LPAC.

Mike Doyle of Portsmouth, NH and a writer for Falmouth Today Maine read an article that he wrote in April 2019.

Lee Hanchett of 21 Stone Ridge Road also expressed concern about the applicants who were not appointed to LPAC. He said that boards and committee appointments are not political appointments. He felt that LPAC and all other committees should represent diverse opinions. He felt that the Council desired to preserve the current composition LPAC and that current members were the same people who developed the 2013 comprehensive plan.

Amanda Henson of 4 Meadow Creek Lane said that she met with a group of people the prior day, some of whom were the rejected applicants. She reviewed the ordinances and there are no qualifications set forth for any of the committees other than being a resident of Falmouth. She felt that there has been a lot of divisiveness in the community and some of the people who feel frustrated are trying to sit at the table and share their opinions. She encouraged the Council to let them have a seat at the table. She felt that the situation could discourage people who had publicly disagreed on issues from applying to sit on committees because they feel that they would not be considered.

Keith Noyes of Gray Road expressed concern about the length of time that committee and board vacancies have been unfilled. The fact that the Town is paying a consultant to assist LPAC indicates that it is working on the comprehensive plan update. He expressed concern related to the re-appointment of members who fell below the attendance requirement. He agreed with Ms. Henson that the only qualification to sit on boards and committees is to be a resident of the Town. He felt that rejecting the nine applicants was discrimination. He wished that the Council would fill the vacant seats and work on the plans that it said it was going to work

on. He loves the newsletter, but it does not have any information about what the committees are doing or what is going on in the Town.

Jack Kaminski of 7 Mackenzie Lane representing Falmouth Woods Association said that he printed out the newsletter and minutes that are up for approval so that he could read them more closely. Three issues in two months of the Falmouth Focus is great. He liked the Town Council meeting synopsis in the third issue. He felt that the synopsis should be included in every issue. He expressed concern related to what he felt was a lack of respondents to the communications survey. He expressed concern regarding the responses to the survey questions on knowledge of Town business and satisfaction with the Town's communications efforts.

Bill McKenney discussed the 2016 zoning changes in the RA zone. He also expressed concern related to the applicants who were not appointed to fill the vacancies on LPAC. He discussed the emails that were sent to the applicants and the interview questions asked. He was concerned about what he thought was a lack of communication on the part of the Council. He expressed concern that prior information was not provided to the public regarding the affordable housing resolution on tonight's agenda. Affordable Housing should be publicly discussed with an opportunity for public comment. He urged the Council to immediately fill the vacancies on LPAC and the Zoning Board with the applicants who recently applied. He felt that would honor the diversity of viewpoints that Falmouth needs on such important town-wide matters and would be a positive step towards restoring harmony and respect.

Lisa Joy of Middle Road felt uncomfortable speaking with the Council because of the way she had been treated. She said that long-term residents used to speak and used to get involved but feel that it is no longer worth it. She did not feel comfortable in this community and felt that the Council can do a lot change that. She urged the Council to add the rejected applicants to LPAC. She recommended that the newsletter be put together by someone with a reporting background. She felt that people wanted articles on board and committee meeting updates and upcoming Council agenda items. She urged the Council to fill the LPAC vacancies as an act of good faith.

Chair Kuhn closed the public forum.

Chair Kuhn thanked everyone who spoke. She said that she would work to get stories in future newsletters about hot topic items. She provided a timeline of the events surrounding the decision not to fill the LPAC vacancies. In June 2019, the Council adopted a resolution to, among other things, begin planning for a comprehensive plan update. Falmouth's comprehensive plan was adopted in 2013 and the Council learned through several events over the last year that the plan and the resulting zoning might not reflect the current sentiments of the community. It is time to update the plan. The Council has been working actively to develop the plan to update the comprehensive plan. One of the most critical parts of the update process is how to engage diverse voices. If we do not have community buy in on the comprehensive plan, then it is useless. The Council has spent a lot of time in workshops working on questions such as what body will conduct the update, how the comprehensive plan will be updated, the timeline, and what staff or consulting support will be needed. In the meantime, LPAC has been in a holding pattern. LPAC does have an assignment that it is currently working on, but the Council did not want to give the Committee a full charge when it was not sure what direction the plan would take. At the October 17 workshop, the Council decided not to add anyone to LPAC because the Council is still in the planning process and it seemed unfair to ask volunteers to make a three year commitment when the Council is not sure what they will be working on. On October 18, the Appointments Committee decided to let applicants know a decision. An email was sent out. The wording of the email was unfortunate. It gave the impression that the recipients were personally unqualified. She apologized to anyone who had their feelings hurt by that email. On October 22, Councilor Hemphill tried to correct that impression and make it clear that no one was put on LPAC because it is being held in a limbo state while the Council determines a plan for the comprehensive plan update. The plan for the

comprehensive plan update will be presented to the public before it is implemented. Going forward, the Council should address the qualifications to serve on a committee and how the Appointment Committee evaluates that. When she served on the Appointments Committee last year, she was looking for qualifications related to the specific work of the committee and individuals who would work constructively on a committee. Neither of those criteria had anything to do with applicants' viewpoints. She very strongly favors a variety of viewpoints. That is one of the major reasons why it has taken the Council a while to develop the comprehensive plan update process.

Councilor De Lima said that as a member of the Appointment Committee she has no interest in political affiliations. It is important that the Committee selects applicants with diverse opinions who have interest in the work of the committee that they desire to serve on. She is looking for people who can be tough on the problems the Town is trying to solve but not necessarily tough on the people. These committees are groups of volunteers who are sharing their time and talents and she hoped that new members could add to that to create a better outcome. One of the guidelines in the Council rules is to encourage applicants to attend meetings of the committee that they are interested in joining. She felt that was important because until someone participates and understands the body of work, that work might not resonate with them. She felt it was important to provide applicants with a decision promptly. She apologized about the wording in the emails. She was putting pressure on the Committee to let the applicants know a decision.

Councilor Asherman said that he is aware that several the applicants for the LPAC vacancies had attended the committee's meetings and have added value to LPAC's work. That said, it is really about the Council trying to come up with an approach to looking at the comprehensive plan update; making sure that all the different constituencies are represented on the committee. The Council has not gotten there yet. He appreciates diversity and looks forward to putting together a process that is meaningful for the Town and an outcome that the community can be proud of.

Councilor Cahan said that the comprehensive plan update process should not be speedy. The Town should not be jumping into a comprehensive plan update. It should take time and it does take time. The Council wants to move the process along as quickly as possible, but it is trying to be conscious of doing it well and with as much community involvement as possible. If the plan is done correctly then it can be used to evaluate projects that come before the Council.

Councilor Johnson also serves on the Appointment Committee. The Committee has been successful, and he appreciates the time that the Committee members and staff have committed to the appointments process. The appointments process is lengthy, and it was necessary for some applicants to interview twice because the Committee membership turned over with the election in June. The Committee tries to be prompt with its responses.

The Council allowed additional public comment.

Keith Noyes spoke again on his concerns related to the unfilled LPAC vacancies.

Lee Hanchett expressed concern that messages, and documents being disseminated by Town Councilors and staff are not being edited before they are sent out. Councilor Hemphill said that he is responsible for the communication that comes out of the Appointments Committee. The first email slipped past and it was unintentional. His follow-up email attempted to address the error that was made in the first email.

Chair Kuhn clarified that the Council is not filling the vacancies on LPAC because it does not know what the future of LPAC is.

**Item 2 (Consent Agenda)**

- **Order to approve the minutes of the September 9, 2019 Town Council Workshop.**
- **Order to approve the minutes of the September 9, 2019 Town Council Special Meeting.**
- **Order to approve the minutes of the September 23, 2019 Town Council Meeting.**

Councilor Asherman moved the orders; Councilor Hemphill seconded.

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

Motion carried 7-0.

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

Councilor Cahan said that REAC and Kimberly Darling, Energy and Sustainability Coordinator, have created a pledge to recycle right. Residents can sign the pledge saying that they will do their best to recycle correctly so that when the waste arrives at the recycling facility it is not contaminated which saves the Town money. Committee members will be at the next two elections signing residents up and residents can also come to Town Hall to take the pledge.

Councilor Johnson said that the Conservation Commission has been working on several awareness campaigns. They are working on plans to possibly plant 200 trees throughout town in conjunction with the State of Maine Bicentennial.

Councilor Hemphill said that ecomaine had a successful open house at the end of September. There were many Falmouth residents there including several Councilors. Falmouth's recycling compliance has been improving steadily. ecomaine.org has a lot of information and tools for evaluating the recyclability of items.

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

Councilor Hemphill said that the Opportunity Alliance has requested the re-appointment of Collette Twigg-Rowse, a Falmouth resident, to its tripartite governing board. This is not something that went through the Appointment Committee but something that the Town has been asked to approve. Mr. Poore said that it is a different kind of appointment. It is not an appointment that can be advertised it is a nomination by the Opportunity Alliance. He read through the governing documents and decided that the Council needed to approve the appointment. A third of the board membership must have elected officials or their representatives. This person is being nominated as the Council's representative.

Councilor De Lima asked if the Opportunity Alliance offered programming in Falmouth. Mr. Poore said they serve clients who live in Falmouth and the Town contracts with the Organization to manage the general assistance program.

Councilor Hemphill said that were three new appointments to the FEIC and a re-appointment to the BZA.

Councilor Johnson moved the order; Councilor De Lima seconded.

Chair Kuhn opened the public comment period.

Valentine Sheldon of Route 88 said that the applicants for the LPAC vacancies were not looking to speed up the comprehensive plan update process. LPAC is currently working on important foundational work. There needs to be a diverse group of people on that committee now. If the Council wants to heal divisions in the Town, then it needs to appoint people who disagree. He expressed concern regarding the Appointment Committee meeting minutes. The minutes do not include votes or Councilor discussion regarding applicant qualifications.

Bill McKinney said that what the Council is saying is different than what it is doing.

Lisa Joy expressed concern related to her prior interactions with Councilor De Lima.

Councilor De Lima offered to have coffee with Ms. Joy. She did respond to the email that Ms. Joy referenced.

Chair Kuhn closed the public forum.

Councilor Trickett said that it would be helpful in the future to include appointees' bios with the appointment orders. It was important to him to know who was being appointed to the Town's boards and committees. Once someone is appointed to a committee, they will most likely serve the full term unless there are attendance issues or serious problems. Chair Kuhn thought that was a good recommendation.

Motion carried 7-0.

**Item 5 Introduction of an amendment to Sections 7-7, 7-8, and 19-128 of the Code of Ordinances relative to abutter notification requirements for Planning Board site plan and subdivision applications.**

Councilor Cahan said that the Community Development Committee reviewed the Town's abutter notification requirements for different types of development projects. In that review, the Committee looked at requirements from five neighboring towns and cities. The Committee felt that Falmouth's requirements were inadequate for minor and major subdivision applications and for projects that require site plan review. Those seem to have potentially larger impacts that might not be immediately recognizable. The Committee wanted to have a broader outreach for those. The Committee is recommending expanding the current abutter requirements to 500 feet for Planning Board site plan applications, 250 feet for minor subdivision applications, and 500 feet for major subdivision applications. The Committee recommends leaving the category called BZA other requirements as it currently stands with the notification requirement being to direct abutters only because these projects are typically smaller in scope and usually are only impactful to immediate neighbors.

Chair Kuhn said that these changes would relate to projects that do not require a zoning change. Projects that require zoning changes come before the Council and there is a built-in public process. This is for projects that people who live in the area might not otherwise know about. It would alert them of the opportunity to provide public comment on whether they believe the project fits with their community or neighborhood.

Ethan Croce, Community Development Director, said this would impact Planning Board projects where applicants could come forward under the existing zoning; projects that are allowed by right under existing zoning with no zoning change required.

Chair Kuhn asked Mr. Croce to explain the difference between a major subdivision and a minor subdivision and what triggers a Planning Board site plan review. Mr. Croce said that there are two categories of minor subdivisions: 1) have five lots or fewer and are on an existing public street and 2) involve the construction of a new private way that serves three or fewer lots. Anything that exceeds either of those two thresholds would

be a major subdivision. Site plan review is required for any commercial project that involves the establishment or a commercial use, the construction or enlargement of a commercial building or any non-residential building (including municipal projects), the establishment or substantial change of any area for parking or vehicular service associated with non-residential uses, establishment of any area outside for outdoor storage, etc.

Councilor Cahan added that the Waterview Overlay Zone has a notification requirement of 250 feet. The Committee thought that it would be a good number to replicate for minor subdivisions. Other towns had 200-500 foot and some direct abutter requirements. The Committee wanted to stay true to what the Town already had in place for other notification requirements. The Committee looked at Portland, Freeport, Cape Elizabeth, Scarborough, and Gorham. Most of them had some additional outreach other than direct abutter. Gorham was the only one that mirrored Falmouth's just direct abutter outreach.

Chair Kuhn said this is an initiative by the Council to increase public awareness and public engagement on development projects that could impact growth and density. Councilor Cahan said absolutely and early notification. The Committee did not want people to find out about projects when they already seem to be way down the road. The Committee wants them to find out at the earliest notification time provided.

Councilor Johnson said the way that this was written previously was for all abutters. To summarize the changes, 500-foot notification for major subdivisions, 250-foot notification for minor subdivisions, 500-foot for site plan review. This is significant because there has been a lot of discussion over the past 6 months about changes and impacts to zones like the RA district. Direct abutter is about 40 feet. For compact neighborhoods like the RA zone, 500 feet collects a lot of neighbors. This change will engage many more members of the community.

Councilor Trickett said Falmouth was an outlier when looking at surrounding towns. The Committee looked at what the other towns were doing and adopted the most expansive abutter notification in the broader community. The Committee believed that there are some significant relevant distinctions between minor subdivisions and major subdivisions which are reflected in the abutter notification rules in other towns as well. By updating the ordinance, the Council would be bringing it into community norms.

Chair Kuhn said this seems to be an important improvement. She asked if the Councilors agreed to move forward and schedule a public hearing? There was unanimous agreement.

A public hearing was scheduled for November 13.

**Item 6            Greater Portland Council of Governments (GPCOG) Metro Regional  
Coalition Council Resolution Regarding the Housing Affordability Crisis in  
the Greater Portland Region**

Chair Kuhn that the resolution was put forward by the Metro Coalition and is intended to be adopted by all the member communities. Seven communities are considering this resolution. Mr. Poore added that the Coalition's goal was to have communities decide whether they wanted to adopt the resolution before election day so that they could report out. Chair Kuhn said the Council is not required to act tonight. Councilor Asherman read the resolution into record.

Chair Kuhn said that the resolution is not committing to any development in any location or any specific number of units, as she understood. It is committing to incorporating an evaluation of affordable housing in the comprehensive plan and contributing to expanding the number of housing units in the region that are affordable to low- and middle-income populations by 10% no later than 2025. It also does not identify what affordable to lower- and middle- incomes means which is an issue.

Councilor Asherman added that the resolution does not commit the Town to 10% of houses being affordable to low- and middle-income populations. The Council is committing to the 10% goal for the region. Chair Kuhn said to that extent it is an aspirational statement. Councilor Cahan was confused by Councilor Asherman's comment. Before the last paragraph, there is a line indicating that Falmouth will adopt a 10% goal for Falmouth in its comprehensive plan. Chair Kuhn said that those two clauses seem to conflict. Councilor De Lima said she did not read the first clause that way. The Council would certainly be committing to increasing the housing stock in Falmouth. Chair Kuhn said the Council would be committing but to do it in a way that is consistent with the Town's land use planning processes and ordinances.

Councilor Hemphill said these are goals. The Council would be committing to making this a goal. It is a goal to the extent that the planning policies allow it.

Chair Kuhn said there is some effort and accountability there by requiring the annual reporting to say how Falmouth is contributing to the overall increase.

Councilor Trickett asked what would happen if Council did not adopt this resolution in terms of GPCOG; how does GPCOG benefit from Falmouth adopting the resolution and what does the broader community lose if the Council does not adopt this resolution? He sought context surrounding how the resolution came before the Council and what the objective is in the broader community. Councilor Johnson said that Maine and Greater Portland are facing workforce shortage challenges. It is not just about the jobs that need to be filled but also housing and the transportation. This goes along with contributing to the region. It is aspirational. It is goal oriented to align the Town with the needs of the region. If we want Falmouth to be the bedroom community that it is part of that has to do with the fact that Portland is next door. If we want the Portland area to continue to succeed, we need those jobs to be filled by qualified people and there needs to be affordable housing for people who are starting their careers and hopefully continuing their careers in Portland. Chair Kuhn said when she thinks about affordable and workforce housing it is about people being able to stay in Falmouth in a lower cost setting as well as workforce housing. It is not only servicing people who are not here already but also making the community a place where people can live and thrive and stay.

Councilor De Lima moved the resolution; Councilor Johnson seconded.

Chair Kuhn opened the public comment period.

Lee Hanchett expressed concern that residents did not find out about this item until the agenda was posted. He said that signing the resolution would be making a big commitment. He felt that the resolution in its current form reads like a marketing piece. He felt that the Council would be putting itself in danger by agreeing to the resolution. He felt that the only affordable housing that will work in Falmouth will be subsidized housing. He felt that market is not going to allow the Town to build anything but subsidized housing. He said that subsidized housing will result in higher taxes. He was concerned that affordable housing is not included in the growth cap. He desired to see data to support the resolution. He felt that was different than other Maine municipalities. He felt that the Council needed to present data indicating that there is a crisis.

Valentine Sheldon of Route 88 asked why this resolution was not mentioned in the Town newsletter? He also expressed concern that creating affordable housing would result in increased taxes. He felt that affordable housing was an important and pressing issue but one that was incredibly complicated. He was concerned about how the Town would pay for and implement increased affordable housing. He said that residents needed more information regarding funding and implementation before the Council committed to the resolution. He expressed concern that residents were not informed of the resolution before the Council agenda was posted. He expressed concern that the goals of the resolution might not make sense for

Falmouth. He urged the Council not to adopt the resolution until all impacts had been evaluated and residents had been given the opportunity to weigh in.

Lisa Joy expressed concern regarding the Council committing to the goals of the resolution before the comprehensive plan update had been conducted. She felt the resolution should be vetted through the comprehensive plan process. She felt that there should not be a commitment date on the resolution.

Jack Kaminski of 7 MacKenzie Lane agreed with the prior comments. He said that the structure of the resolution might be confusing and might discourage residents from reading it. He asked a question about the potential state gas tax reference in the September 9 workshop minutes. Councilor Cahan provided clarification that the minutes were not clear and that it is a potential state gas tax not a municipal gas tax.

Scott Walker of 8 Rogers Trail said that the resolution is a wonderful idea, but it will never work in Falmouth. The base cost of land is high. Requiring developers to sell a percentage of the lots in a development would take the profitability out of the development. The Councilors brought up good questions/issues regarding the resolution goals. He felt that houses could not be built for \$100,000 with the cost of materials. The cheapest that a house could be built is a \$150 per square foot and that would be very basic. A 10% goal is never going to be attainable in the Town unless the Town starts subsidizing. He felt that nothing would happen if the Council did not sign the resolution but that it would be used against the Town by developers and other communities if the Council did sign it. Councilor Cahan asked if as a developer Mr. Walker had done mixed use developments? He had not built mixed used developments. Councilor Cahan asked if he knew how much individual units in a mixed-use development would cost? Mr. Walker said that a basic two unit would be in the \$150 per square foot range. He said that multi-units and subdivisions become expensive because of the sprinkler requirements. There are a lot of things that have made the cost of building expensive.

Bill McKinney felt that it was evident that the resolution is not clear and that there is a degree of ambiguity in what is being committed to. He was concerned about how increased affordable housing would affect existing residents. He felt that quantitative analysis should be conducted before the Council committed to the resolution.

John Winslow asked if the Council could read an email sent by Bob Cheney that afternoon. The Councilors said that he or another resident could read the email, but that they could not read it into the record. Councilor Trickett suggested that the email be attached to the meeting minutes. Mr. Winslow urged the Council not to sign the resolution. He was concerned about the taxpayer implications and other unintended consequences. He felt that the number one obstacle to residents being able to age in place was increasing property taxes. He felt that the cost of public education and student loans were driving forces in why younger generations were priced out of housing. He said that the resolution did nothing to address the cost of public and higher education. He feared that the Council was looking for a reason to take him off LPAC. He felt afraid that if he expressed a dissenting view during Council meetings that he could lose his seat on LPAC.

Todd Kelly of Sulky Way in Falmouth felt that the resolution should be tabled so that it could be further considered. He expressed concern that the goals of the resolution would impact his ability to subdivide his land to give to his children.

Andrea Ferrante of Greta Way felt that the resolution came up suddenly. She felt that it was important to wait to see what the comprehensive plan brings. She said it was tragic to hear that long-term residents were struggling to be able to stay in the Town. Ensuring that residents can remain in the Town is going to take strategy. She did not like the resolution because it felt like the motivation was coming from the wrong place. She would rather have a more substantial motivation to do something like this. She agreed with prior comments about adopting the resolution without ample opportunity for public comment. She felt that there

was a lot of misinterpretation going on. She wished there were more ways to unify and that it would be a big piece of the vision and values process. She felt that diversity and different opinions are welcome on every committee that she has served on. She agreed with Councilor De Lima's comment that people being hard on people is difficult to tolerate on any committee because it makes it impacts productivity. She looked forward to finding ways to unify and for people to stay in the town and not feel so burdened.

Chair Kuhn closed the public comment period.

Chair Kuhn asked if any of the Councilors felt strongly about moving forward with the resolution tonight? She offered other solutions: 1) slow the process down and reschedule the item for a time when additional information could be offered; perhaps a representative from GPCOG could present or 2) the Council could say to GPCOG that the Town is in the middle of reevaluating all of its land use policies and doing a lot of work around community engagement and this is not the time to do this even though individual councilors wanted to find ways for seniors to stay in place and to support workforce housing.

Councilor Trickett agreed with the opening portion of the resolution because it addresses real issues. He did not want to minimize what GPCOG is trying to do. He did not read the resolution as committing the Town to anything and he did want to sign anything that was meaningless. If the Council wants to do something concrete like revisiting the Habitat for Humanity project, he would be interested in considering it. He supported Chair Kuhn's second suggestion. He felt that there is an affordability crisis in Falmouth, and he would like to see more affordable housing in Town. He did not think the resolution did anything to get the Town there. It felt easy to misinterpret because it is written in a way in which it is almost designed to not mean anything. He did not think that the Council should be signing on to something like that. That is not to say that he would not like the Council to do concrete things to make housing more affordable in Falmouth.

Councilor Cahan thanked those who provided public comment. She said that when she hears affordable housing she thinks about the two projects that came before the Council: 1) the Falmouth Center that had mixed use above businesses that intended for seniors and 2) the Tidewater project plan to add affordable housing above the businesses. She is not opposed to the Council supporting increased affordable housing in the region because the Town must attract young people to repopulate the workforce. The Council committed to doing this comprehensive plan, so she does not want to commit to a quantitative goal. She would like to go back to GPCOG and say that the Council is supportive of affordable housing in the region, but it must go to the community first and go through the process that it has committed to. The Council will want to talk about affordable housing, and it hopes to have some conclusion from that process, but it cannot commit to a specific number until that is done.

Councilor Asherman said he would agree with Councilor Trickett's approach; Chair Kuhn's second approach to address affordable housing as part of the comprehensive plan update. He added that the Council heard a lot about affordable housing and comparing it to what a house costs to build. He asked Nathan Poore to describe the existing affordable housing. Mr. Poore said there is the Avesta Blackstone property with around twenty units, the Plummer School property with around thirty units, and federally subsidized units at several developments in town including Foreside Estates. Councilor Asherman said that he did not think building affordable housing was impossible going forward, but he thought it made sense to consider it as the Town moved forward with the comprehensive plan.

Councilor Hemphill said he knew that this resolution is important to the Metro Coalition. Falmouth is an important member. He would like to see the Town develop a resolution to commit to improving affordable housing on a scale like this, but he did not think now is the time to quantify it. He supported Chair Kuhn's second option.

Councilor De Lima agreed with a lot of what had been said already. She appreciated the public comments. She felt that some of the elements of the resolution would eventually make their way into the comprehensive plan update. She desired to get through the comprehensive plan update process before considering the resolution.

Councilor Asherman said that it may be acceptable for the Council to make some sort of a commitment that it would consider affordable housing as it moves forward with the comprehensive plan but not make any quantifications. Chair Kuhn added a 1A option of developing a resolution that reflects the intent. Councilor Asherman added that the Council could find out from GPCOG if that is even necessary. Councilor Cahan added that the Council could say that it would come back to the idea of a resolution after the Town has completed the comprehensive plan update.

Councilor Johnson agreed with Councilor Asherman's comments. He felt that when the Council gets into the details of what does affordable housing look like it will need to bring some of the facts to the table; some of the ideas that Councilor Cahan presented and some of what was heard from the public about the types of affordable housing that could be possible. He wants to consider both viewpoints.

Chair Kuhn said she thought the Council had consensus on the second option that the resolution felt premature and not providing solutions that would solve the problem. However, she thought that most of the Council wanted to see ways to explore providing affordable housing in Falmouth.

Councilor De Lima withdrew the motion; Councilor Johnson seconded.

The motion to withdraw the motion carried unanimously.

**Item 7            Order to go into Executive Session pursuant to the Laws of Maine, 1 M.R.S.A. § 405 (6) (C), to discuss poverty abatement.**

Mr. Poore said that typically when there is an executive session at the end of the meeting no action is anticipated. Staff erroneously made that assumption with this agenda. He thought that there was a possibility that the Council would take action so staff recommended that the Council add the opportunity for an order immediately after the executive session that would approve or deny the application. Typically, the Council would end the broadcast after entering executive session and then come back in public meeting but not necessarily in broadcast mode for the decision on whether to approve the poverty abatement. The order is written to protect the state statute mandated confidentiality of the applicant and the location of the property. To place the order on the agenda, the Council needed to unanimously vote to waive the rules to add it.

Councilor Trickett motioned to waive the Council rules and add the order to the agenda; Councilor Cahan seconded.

The motion to suspend the Council rules carried 7-0.

Councilor Trickett asked if the broadcast could continue until the Council returned from executive session? Mr. Poore said that would be arranged.

Councilor Cahan motioned the order to enter executive session; Councilor De Lima seconded.

Motion carried 7-0.

The Council entered executive session.

The Council returned from executive session.

Councilor Trickett moved the order to approve the poverty abatement; Councilor Johnson seconded.

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

Motion carried 7-0.

**Adjourn**

Councilor Cahan motioned to adjourn; Councilor Hemphill seconded.

Motioned carried 7-0.

The meeting adjourned at 9:40 pm.

Respectfully submitted,

Marguerite Fleming  
Recording Secretary

**Email from Bob Cheney**

Submitted on Monday, October 28, 2019 - 4:30pm

Name: Bob Cheney

Email: [bchene@yahoo.com](mailto:bchene@yahoo.com)

Address, City, Zip: White Rock Drive

Phone:

Organization:

Who would you like to contact: All Council Members Please include any questions or comments:

My parents are now 83 and 88, residents of Falmouth for sixty years and prime candidates for the Town's 'aging in place' policy. Their tax bill is approximately 20% of their total retirement income. The recent zoning changes of 2016 were intended to increase affordable housing, support 'aging in place' for senior citizens among other benefits. The rezoning increased density in already crowded neighborhoods by employing smaller lot sizes and 'flag lots'. In addition, an elderly housing development expanded which is exempt from housing caps. Multi-family units increased and short term rentals were promoted by relaxing rental duration.

The upshot of this poorly planned rezoning has stressed existing infrastructure and failed to create affordable housing.

The 2016 zoning highlighted the disconnect between long-term planning and reality. How do affordable housing and increased density offset the increased load on town services? How does it support 'aging in place'? Do new additions to the tax base balance out the potential increase in services and infrastructure costs? Do they result in decreased or increased tax rates?

The Metro Regional Coalition Council Resolution is up for discussion and votes this evening. What effect will this resolution have on Falmouth residents, present and future? How does this benefit the citizens of Falmouth? How does it further the Town's long-range plans? Will it generate another knee jerk zoning change analogous to 2016?

Please do not use the same assumptions used to create the 2016 rules. Please gather current and projected data on the impact of proposed changes. Please reach out to town residents for their input. Please do not commit to future resolutions without evaluating the impact.

Bob Cheney

White Rock Dr.