



COMMUNITY DEVELOPMENT COMMITTEE (Town Council Sub-committee)

Members

Ted Asherman
Claudia King
Aaron Svedlow
Hope Cahan (Alternate)

Staff

Ethan Croce
Kimberly Darling

Meeting Minutes

Monday, October 22, 2018– 5:00 pm
Large Conference Room, Town Hall

1. **Call to Order**

Chair Asherman called the meeting to order at 5:00 pm. Councilor King is not in attendance but alternate CDC member Cahan is.

Councilor Asherman said that resident Fred Chase requested the opportunity to speak to the CDC to express his opinion on the residential density issue that LPAC will be studying over the upcoming months. Mr. Chase said he is not supportive of the residential growth district (RD District) that was created west of the Maine Turnpike. Much of this area was previously zoned RB, which allowed for one dwelling unit per 40,000 square feet, but portions of the area were formerly zoned Farm and Forest, which only allowed one unit per 80,000 square feet. The zoning for this area was changed to a new RD District which allows one dwelling unit per 30,000 square feet. He thinks this is too dense for an un-sewered area and is also concerned about impacts to Meader Brook near the Westbrook border. He would like to see the zoning revert back to what it was prior to July 2016.

2. **Approval of 9/17/18 and 10/10/18 Meeting Minutes**

Motion by Councilor Cahan, seconded by Councilor Asherman, to approve both sets of meeting minutes. The motion was approved 2-0.

3. **Discussion with Representatives from Highland Lake Leadership Team on Proposed Ordinance Concepts Related to Highland Lake Water Quality**

Dennis Brown and John MacKinnon are present and are both members of the Highland Lake Leadership Team (HLLT). Mr. Brown provided a brief history of the creation of the HLLT and its efforts around improving water quality in Highland Lake. He said that the HLLT's Ordinance Subcommittee was formed to look at regulatory/ordinance issues in Windham and Falmouth. He said that several changes have already been approved in Windham and that Falmouth's regulations were generally in better shape than Windham's. There are, however, four regulatory changes that HLLT is recommending for Falmouth. These four recommendations were distributed to the CDC prior to the meeting and Mr. MacKinnon described those four changes as follows:

- Photograph all the lake shorelines for baseline for shoreline development:

Mr. MacKinnon said the intent would be for someone to photograph, from a boat, all of the shoreline of the lake to show a baseline condition and then, every few years, do another round of photography for comparative purposes as a means to identify structural and vegetative violations. The Portland Water District and the Lakes Environmental Association is apparently using this technology along portions of Sebago Lake and water bodies north of Sebago. Mr. Brown said this is a GIS based camera linked into Google Earth that only costs around \$200.

Councilor Asherman wondered if this would raise privacy concerns. Ethan mentioned that there would be limitations on how this data could ultimately be used, especially with vegetation clearing, since the photographs will not be able to identify where property lines are located. Kimberly Darling suggested that it may be worth exploring whether the Lakes Environmental Association could partner with the towns on conducting this work.

- Require 3rd Party Review of all major developments within great pond watersheds.

Mr. MacKinnon said that Falmouth already has been doing these reviews to some extent. Ethan verified that the ordinance requires third party reviews of erosion and sedimentation control plans and, by practice/precedent, the Planning Board requires reviews of all stormwater plans. Mr. MacKinnon said the intent here would be to make the requirement for third party reviews explicit for all Planning Board projects for both stormwater and phosphorous. They are also recommending that the towns determine the qualifications reviewers must possess and develop a specific scope of work for conducting the reviews. Councilor Svedlow said DEP has third party qualification standards for larger developments but isn't sure about smaller projects. He said that Falmouth Planning Board member Rich Jordan is a wetland scientist and erosion control professional and might be a good resource.

- Establish manure policies for both Towns

Mr. Mackinnon said that State regulations for manure storage/usage do not get invoked unless you have 50,000 pounds of manure or 50 horses. Since even a few large animals can produce manure that causes significant phosphorous export to the lake, HLLT is recommending that a local ordinance be adopted that is triggered for properties with five or more large animals. They are requesting regulations around manure storage and for field paddock areas. He said that the Rand horse farm on Babbidge Road in Falmouth has 40 horses and is below the State's threshold. HLLT has been monitoring the tributary near this farm and has identified the farm as the single biggest source of phosphorous into the lake. The manure pile is adjacent to wetlands which flow into McIntosh Brook. Councilor Svedlow inquired about what regulations the town has. Ethan said that the town's standards around manure use/storage are only invoked if you are within the Shoreland Zone. Mr. Brown said that grant money is available to mitigate the cost of these types of improvements but only after adoption of a watershed management plan for the lake which will likely not occur until 2020.

- BMP inspection discussion for both subdivision BMPs and 319 grant BMPs to determine status and whether maintenance is recommended

Mr. MacKinnon said the HLLT has learned that stormwater BMPs constructed with EPA 319 grants are not required to be inspected and that DEP is not diligent in ensuring that stormwater

BMPs for development projects are inspected every five years as required. This means that BMPs might not be functioning as intended and could be harming the lake's water quality. HLLT is recommending that the towns put procedures in place to make sure that some periodic review of these facilities is conducted. They would be happy with even a five year inspection requirement. Ethan described Falmouth's threshold for post-construction inspections for projects with over one acre of site disturbance.

Mr. Brown said that Highland Lake has not experienced the same algae bloom this year as it has in the previous three years. They do not know why this is but they may have some scientific results in by December that might shed some light on this. There will be a public forum in March to share what has been learned. Councilor Cahan wondered if someone from Minnesota has been contacted since they have been experiencing blooms and have been exploring putting additives in the water to combat the blooms. Mr. Brown said that some similar things are being done on East Pond outside of Waterville. He said that Highland Lake has high levels of aluminum which binds phosphorous and keeps it from escaping/recirculating.

Mr. Brown mentioned that he neglected to include a fifth requested regulatory proposal in his memo to the CDC. They are requesting to lower the allowed phosphorous budget for Planning Board projects down to 0.20 lbs/acre to be the same as the Town of Windham. If a project requires DEP approval then projects are automatically required to come in under DEP's threshold, but the HLLT would like to capture smaller projects that do not require DEP approval.

4. **Temporary Sign Ordinance Discussion**

The CDC decided to defer the temporary sign discussion to a future meeting since Councilor Ferrante was in attendance to speak to the prior CDC's work on Route 100 zoning.

5. **Route 100 Zoning Discussion**

Councilor Ferrante referred the CDC to the tabular summary of work completed to-date on the Route 100 zoning amendments by the prior CDC. Councilor Ferrante thought that the CDC should get up to speed on all of the recommendations put forth by the Route 100 Vision Plan and by the prior CDC. Councilor Svedlow said he has a high degree of trust in the previous CDC's work. He is inclined to be comfortable with the prior CDC's recommendations and is mostly interested in focusing on the six issues that were left unaddressed by the prior CDC.

Councilor Ferrante and Ethan briefly described the six outstanding issues that the prior CDC did not complete, either due to time or otherwise, as follows:

- Item DS5 – (Institute maximum, instead of minimum, structural setbacks)

Councilor Ferrante said that Route 100 is different than Route 1 and that the Route 100 Committee had a desire to provide flexibility and not require existing buildings (or expansions thereof) to be brought to the street to meet the maximum setback requirement. Ethan said the Route 100 Committee's recommendations contemplated adherence with the maximum setback

for all new structures but the prior CDC proposed loosening that proposed maximum setback requirement to exempt single-family and two-family residential buildings.

- Item DG1 – (Incorporate flexibility for reuse of existing structures during Site Plan Review)

Councilor Ferrante said this recommendation came from the Route 100 Committee without much specificity provided but she recalled that the concern was that an existing building like the truck center should not be required to make architectural improvements to come into conformance with the Design Guidelines if the building is being re-purposed as a different use. Ethan said that if that was the concern then this item could probably be considered addressed since, unlike with the Route One Design Guidelines, the Exit 10 Design Guidelines do not require existing buildings being renovated to comply with the architectural standards.

- Item AM1 – Update access management rules to strive for shared access driveways and lot interconnections where possible

Councilor Cahan believes that the concept of internal driveways is important. Councilor Ferrante believes that leniency should be allowed to not require internal driveways and to only include in a site design if appropriate. Ethan said that the now-former Village Center Design Guidelines contained verbiage about the importance of internal driveway connections. One “soft” regulatory approach would be to carry over similar language to the Exit 10 Design Guidelines to highlight to developers and the Planning Board the Town’s desires for connections and to allow the Planning Board the flexibility to determine whether an internal connection is warranted based on the specifics of any given development site.

- Item PU5 – (Evaluate landscaped buffer strip along Route 100)

Ethan said that the prior CDC proposed loosening the landscaping requirements for sites where buildings are located within 10 feet of the street and only requiring two canopy/street trees in those instances. Councilor Svedlow thought that sounded reasonable.

- Item “N/A” (Review all dimensional and density standards in MUC and VMU)

This item did not come out of the Route 100 Vision Plan and was just a generalized recommendation made by the prior CDC. CDC members agreed that this would be a large and open-ended undertaking and would be inappropriate to take on at this time especially since LPAC is beginning work on looking at residential growth issues town-wide.

- Item PU1 – (Expand uses in existing structures on farms in Farm and Forest District)

This item was not discussed due to time.

6. **Other Business**

There was no other business.

7. **Next Meeting Date**

Given that it is 7:00 pm and that a Council meeting is beginning, Councilor Asherman requested that Ethan reach out to CDC members to schedule the next meeting.

8. **Adjourn**

The meeting adjourned at 7:00 pm