

Town Council Meeting
DRAFT Minutes
May 22, 2017

The meeting was called to order at 7:00 pm.

Roll Call

All Councilors were present and answering roll call.

Pledge of Allegiance

Chair Farber led those present in the Pledge of Allegiance.

Item 1 Public Forum

No one spoke at public forum.

Item 2 Recognition of Theo Holtwijk, recipient of the Maine Association of Planners' 2017 Professional Planner of the Year award.

Chair Farber announced that Theo Holtwijk, Director of Long-range Planning, received the Maine Association of Planner's Professional Planner of the Year award, an award determined by his peers in the Association. She listed some of his many accomplishments during his career in planning in Maine.

Mr. Holtwijk thanked the Council for their recognition. He said planning work is really a team effort and is never done. Many of these efforts are not visible but build upon each other to have an impact on their community. He said they need to use every available tool to get people engaged in the work of town management. He said the process of planning is as important as the plan they develop. In order to build a good future, they need to understand their past. He said he wouldn't have received this award without the support and work of the Council and residents of Falmouth; we all share in this award. The Council has allowed him to do the planning he has done and he feels honored by that.

Item 3 Report from Council Committees and liaisons regarding updates on assignments.

Councilor King said the library is inviting residents to join their 1718 Society. They are filling up those slots, but would like to see more people join. It is a \$600 donation/year for five years.

Chair Farber thanked Councilor Charlie McBrady for his three years of service to the Council. Tonight is his last meeting.

Item 4 Report from the Appointments Committee relative to filling various vacancies on Boards and Committees.

There was no report. All committee slots are currently filled.

Item 5 Public Hearing on an amendment to the Code of Ordinances, Chapter 19 to permit farm and animal husbandry related uses.

Chair Farber opened the public hearing; there was no public comment.

Councilor King discussed the changes proposed, and the use table developed by staff to explain what will be allowed for commercial farming and for residential farming and farm stands, including the difference between commercial and residential greenhouses.

Chair Farber was concerned that they haven't fully considered the implications of allowing accessory farm uses in the residential districts. She gave an example of someone having a corn maze in a residential district and selling tickets for people to go through it.

Amanda Stearns, Community Development Director, said that type of accessory use would be prohibited in the ordinance; only uses that are "expressly subordinate" to the farm use would be allowed. Further examples of uses that are unrelated to a commercial farm use and would not be allowed include hay wagon rides, pumpkin festivals, etc..

Chair Farber said a resident can have a commercial farm in RA or RB. Councilor King said yes, but the definition of farming governs what can happen on the farm. All activities would have to satisfy the definition. Perhaps the language needs to be stronger. Ms. Stearns said there are four accessory farm uses that are permitted and those are spelled out in the ordinance language. All other uses would not be allowed.

Chair Farber asked if processing and packaging is currently allowed in the residential areas. Ms. Stearns said the current ordinance is very narrow; the only thing that constitutes farming is the tilling of soil and raising of plants. Minimal processing and packaging is not currently included. They are adding activities such as washing and waxing the produce. She explained that commercial farming uses will require site plan approval by the Planning Board.

Chair Farber said she was concerned that, as a permitted use, a commercial farm will not go before the BZA, where issues such as the character of the neighborhood can be reviewed. Ms. Stearns said if that is a concern, they could make it a conditional use which would trigger BZA review.

Councilor King said traditionally farming has been a permitted use town-wide, but agreed there is some expansion such as processing and packaging.

Ms. Stearns said the Council could amend the ordinance at the time of the order to make it a conditional use instead of a permitted use; it would not require a new introduction.

The ordinance was scheduled for July 10. The Planning Board's MRA hearing is scheduled for June 6.

Item 6 Report from the Conservation Commission regarding the development of an ordinance to restrict pesticide applications.

Nancy Lightbody, co-chair of the Conservation Commission, said the commission is not done with this work. She was happy to report that the bill being considered by the legislature to restrict towns' ability to pass this type of ordinance was unanimously rejected last week. They have worked hard to get input from the community, including meetings with the public and with various organizations related to water quality and pesticides, and with professors from USM. They have reviewed other municipal ordinances. They held 3 fact-finding sessions with businesses, municipal departments, and the general public. They have learned how important it is to be collaborative with this work; they feel a comprehensive education program will be key to this effort. She said the commission wants input from the Council as to whether they should continue in this effort.

Councilor Svedlow said the educational program is an excellent suggestion.

Councilor Hemphill supported the collaborative process. He asked if the Commission is willing to continue. Ms. Lightbody said yes, absolutely. The Commission is very energized by this process and they all recognize how important this issue is for Falmouth, with the amount of coastline the town has.

Councilor King wondered if they have a sense about the nature of a proposed ordinance. Ms. Lightbody said they are currently wrestling with a general overview; the Ordinance Committee would draft language for the Council to review. They haven't decided on where they would land on synthetic vs. organic, and the level of regulation the Town might want.

Councilor Ferrante asked who regulation would affect the most. She strongly supported the educational piece and said it can have great impact.

Councilor King pointed out that the Council could pass a resolution, which would articulate a goal for what pesticide use should look like in town. She said they also have vision plans. There are tools other than ordinances.

Councilor Kitchel commended Ms. Lightbody for her leadership on this and other issues. This is a hard-working group and he has learned a lot. This is an exceptional group. He supported moving forward on this. The Council supported the Commission moving forward.

Item 7 Reports from the Long-Range Planning Advisory Committee and the Route 100 Committee on the West Falmouth Neighborhood Sketch Plan prepared by Stantec.

Chair Farber attended the Route 100 Committee's meeting and said their determination was that the plan was generally consistent with their recommendations, as long as it did not compromise safety on Route 100. That is their paramount concern.

Councilor Hemphill attended the LPAC meeting, and they said it was generally consistent with the comp plan. Their concern was for unintended impacts on the town due to a large-scale development.

Item 8 Ordinance to amend the Code of Ordinances, Article II-8-13 *Commercial Waste Hauling*, to limit the hours during which commercial waste containers may be serviced.

Councilor Svedlow moved the ordinance; Councilor McBrady seconded. Motion carried 7-0

Item 9 Ordinance to amend the Code of Ordinances, Chapter II-13 *Solid Waste*.

Councilor Hemphill moved the ordinance; Councilor King seconded. Motion carried 7-0.

Item 10 Ordinance to amend the Code of Ordinances to establish a moratorium on retail marijuana establishments and retail marijuana social clubs.

Chair Farber clarified that this includes growing, packaging, laboratories, and processing. The term "retail" is intended to differentiate this from medical marijuana, which is not affected by this moratorium.

Councilor King moved the ordinance; Councilor McBrady seconded. Motion carried 7-0.

Item 11 Order to establish a new Council Ad-hoc subcommittee to make recommendations to the Council regarding zoning amendments and licensing requirements, as needed, related to retail (commercial) marijuana enterprises in Falmouth.

Chair Farber said the suggestion is to establish the committee tonight and appoint members during the annual caucus on June 19.

The Council discussed removing the guidance for one member to be from CDC and another member to be from Ordinance Committee. Councilor Ferrante was concerned about the level of work and research that will be required and wondered if a larger, citizen committee would be better. Chair Farber was concerned with the time frame; if they want a citizen committee they would have to go through the whole appointment process, and that might take all summer. This committee could develop the framework, and discuss breaking it into manageable pieces.

Councilor Ferrante moved the order for a committee of three councilors; Councilor McBrady seconded. Motion carried 7-0.

Item 12 Order to go into Executive Session pursuant to the Laws of Maine to discuss the Town Manager's employment contract, pursuant to 1 M.R.S.A. § 405 (6) (A).

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

The Council entered executive session at 8:31 pm and returned at 8:36 pm.

Item 13 Order to approve the Town Manager's new contract.

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

Councilor King moved the order; Councilor McBrady seconded. Motion carried 7-0.

Item 14 Order to go into Executive Session pursuant to the Laws of Maine to discuss the nomination of the annual Citizen of the Year Award, pursuant 1 M.R.S.A. § 405.

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

The Council entered executive session at 8:38 pm and did not return.

Respectfully submitted,

Melissa Tryon
Recording Secretary