

**Town Council Meeting  
DRAFT Minutes  
May 23, 2016**

The meeting was called to order at 5:00 pm

**Roll Call**

Councilors King, Hemphill, McBrady, Anderson, Goldberg and Farber were present and answering roll call. Councilor Kitchel arrived at 5:15 pm.

**Item 1                      Order to go into Executive Session pursuant to the Laws of Maine to discuss the following:**

- **Town Manager's annual performance review, pursuant to 1 M.R.S.A. § 405 (6) (A).**
- **The nomination of the annual Citizen of the Year Award, pursuant 1 M.R.S.A. § 405.**

Councilor Anderson moved to enter executive session; Councilor Farber seconded. Motion carried 6-0. The Council returned from executive session at 7:00 pm.

**Pledge of Allegiance**

Chair Goldberg led those present in the Pledge of Allegiance.

**Item 2                      Public Forum**

Councilors King and Farber recognized Councilor Anderson and Chair Goldberg for their thoughtful service on the Town Council, as this is their last meeting.

Michael Doyle of Shady Lane said the SAD 6 school district negotiated a separation with their superintendent due to a violation of their nepotism rule. Falmouth has an anti-nepotism rule, but it wasn't enforced at Town Landing. It should not be allowed to have family members employed in town.

Anita Liu of Kimberly Lane said the Falmouth Memorial Library has until December 31 to raise \$2.8 million to fund half of the planned library expansion. The Bond was approved by voters in 2014. There will be a fun, free event, called the "Brary Bash" on June 12<sup>th</sup>, from 1-4pm. There will be bouncy houses, live music, antique cars, antique photo booth, and a lot of family activities. Town Landing Market has generously donated free ice cream for the event, and there will be other food as well. There will also be an announcement on the progress of the capital campaign to date. More events are being scheduled and details can be found on the library's website, the Facebook page, or by emailing [thenextchaptercc@gmail.com](mailto:thenextchaptercc@gmail.com).

**Item 3 (a)                      Order to approve the minutes of the April 7, 2016, Town Council  
(Consent Agenda)      Budget Meeting.**

**Item 3 (b)                      Order to approve the minutes of the April 11, 2016, Town Council  
(Consent Agenda)      Special Meeting.**

**Item 3 (c) Order to approve the minutes of the April 25, 2016, Town Council  
(Consent Agenda) Meeting.**

Councilor Farber moved the consent agenda; Councilor King seconded. Motion carried 7-0.

**Item 4 Report from Council Committees and liaisons regarding updates on  
assignments.**

Councilor King said LMAC took input on the problem of pets on public lands at a public forum. PACPAC and LMAC have worked together to come up with recommendations, and they will take them back to the public on Monday, June 27 at 6:30 at the Lunt Auditorium. She also reported that the CDC's proposed zoning amendments will have an MRA hearing at the Planning Board meeting on June 7. The Harbor Committee has been busy and productive. They are anticipating a new safety boat. The boat cost the Town \$45,000; the remaining cost was covered by grants. The boat will be used for search and rescue and will service other communities; it will be put into service in June.

**Item 5 Report from the Appointments Committee and order relative to filling  
various vacancies on Boards and Committees.**

Councilor McBrady moved to appoint Nicole Favreau, to the ad-hoc Route 1 North committee; Councilor Farber seconded. Motion carried 7-0.

**Item 6 Public hearing and order relative to renewal of the victualer licenses  
for: American Legion Post, Bernie's Foreside, Bueno Loco, Circle K,  
Dockside Grill, Dockside Provisions, Dunkin Donuts, Dunkin Donuts,  
Episcopal Church of St. Mary the Virgin, European Bakery, Falmouth  
By the Sea, Falmouth Car Wash, Falmouth Congregational Church,  
Falmouth Country Club, Falmouth House of Pizza, Falmouth Lil'  
Mart, Falmouth Little League, Falmouth Schools Food  
Service, Family Ice Center, Foreside Community Church, Grab A Byte  
Café, Hannaford Bros., Harmon's Lunch, Holy Martyrs, Hug's Italian  
Restaurant, Leavitt & Sons, Liz's Kitchen, Maddens Pub & Grill,  
Milly's Skillet, McDonalds, Mother's Mountain, Nina's Variety,  
Oceanview , Orchid Thai, Pine State Trading Company, Portland  
Country Club, Portland Yacht Club, Professional Catering Service,  
Pine State Trading Company, Ricetta's, Rite Aid, Shaw's, Starbucks,  
Subway, Subway, Super Scoops, The Foreside Tavern, The  
Woodlands, Town Landing Market, Waldo's, Wal-Mart, West  
Falmouth Baptist Church.**

Chair Goldberg opened the public hearing.

John Winslow of Gray Road felt the applicant for Milly's Skillet has misled the Council on her status as a mobile food vendor. This food truck is not mobile; the truck was brought to its site by a tow truck, and has not been inspected. It has hardwired electric, propane, and water connections. He wasn't sure where the wastewater goes. The applicant was originally warned about no outdoor seating being allowed, and now there are a half-dozen picnic tables. He wasn't aware of any other mobile vendor with their own street sign. This looks more like a fixed, brick-and-mortar establishment. He encouraged the Council not to approve any further mobile food vendors until they review the ordinance.

Molly Ritzo, owner of Milly's Skillet, said they opened in late April and have had a tremendous outpouring of support for their business. Her ultimate goal is a brick and mortar establishment; the mobile truck was a way for her to get started with lower overhead. When she applied for the permit, she told the Council she would be located at Smith Farm. Since she had the truck towed to the site in November it has been worked on and is fully mobile. She was up front with her needs for water, electric and gas. The current gas tank situation was recommended by the propane company. When she moves the truck, she will use smaller propane tanks. She is trying to establish a following at Smith Farm in particular; she spoke about her work in renovating the farm. The majority of the picnic tables are going out to Peaks Island; she was just using the Falmouth location as a place to store them.

Chair Goldberg closed the public hearing.

Councilor Kitchel asked why the Falmouth Car Wash is on this list. Town Clerk Ellen Planer said the little gas station on the site sells snacks.

Councilor Farber asked what was approved for Milly's Skillet. Town Manager Nathan Poore said they approved a mobile food cart, which included the victualer license.

Councilor Farber asked if there was there anything different that a brick and mortar does in regards to the town in terms of the licensing.

Mr. Poore said if you were to open a new establishment, you would have to go through the site plan review with the Planning Board, including design of the site, storm water, etc.

Councilor Anderson said the Ordinance Committee had a discussion about revisiting the language for "mobile food establishments"; one gray area was the outside seating. While the language does need revisiting, he didn't see any reason not to renew the license.

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

**Item 7                      Order to approve a new Victualer license for Falmouth Premium Cinema, 206 US Route 1, Falmouth.**

Theo Holtwijk, Director of Long range Planning, said Flagship Cinema will open in the former Regal Cinema location as Falmouth Premium Cinema. Interior renovations are underway. This application is for the food they will be serving. They hope to open by June 20.

Chair Goldberg opened the public hearing.

Janet Oprendek of Flagship Cinemas said the company is excited about the opening and about coming to Falmouth.

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

**Item 8                      Order to approve a new Victualer license for Café Crepe, 10 Clifton Road, Falmouth.**

Chair Goldberg said the vendor would be operating at the farmer's market; Mr. Poore agreed and said the truck would be mobile and would attend other events as well.

Chair Goldberg opened the public hearing.

Ms. Planer said this vendor would not have a permanent location.

Councilor Farber said a vendor can't just park on a public street under this ordinance; they have to be on private property.

Ms. Planer said the ordinance doesn't address that; it doesn't say the vendor has to be in a certain location. The language was written so long ago, it doesn't address the current business model for food trucks.

Councilor Farber asked if there was anything in the ordinance that would prevent a vendor from parking on and selling from the street. Mr. Poore said he didn't think the ordinance addresses this; if it was creating an impediment to traffic, he felt the traffic and parking ordinance might prevent it.

Councilor Farber said this mobile food vendor language has to be addressed soon. Councilor McBrady said the Ordinance Committee has planned to discuss this issue in the next Council year.

Ms. Planer said they have tried to specify on the application when and where the food trucks are going to be.

Councilor Kitchel moved the order; Councilor Anderson seconded. Motion carried 7-0.

**Item 9                                      Ordinance to amend Section 19-1 of the Code of Ordinances, Zoning and Site Plan Review Ordinance, to create a new Retirement Community Overlay District to facilitate the expansion of the Avesta Blackstone housing development on Squidere Lane.**

Councilor King introduced this amendment a couple of months ago. The MRA hearing was held and it is now before the Council for approval. In a recent review, the Town and Avesta uncovered some detailed changes that needed to be made before the ordinance is approved. These changes are not substantive and shouldn't interfere with the process, but should be presented.

Drew Wing from Avesta Housing presented the changes. At their last meeting, the Council indicated that they wanted one parking space per unit; the ordinance language was changed to reflect that. They added references to the Master Plan on the rendering, so that they go together. On the conceptual master plan, they specified that the plantings are conceptual and subject to Planning Board review and they added language that the community room and outdoor space is required, with final locations subject to Planning Board review. The goal was to give the Council the confidence that the concept plan they bring to the Board represents the discussions they have had with the Council to date.

Councilor Farber said they are voting on the ordinance changes, not the conceptual master plan.

Amanda Stearns, Community Development Director, said that by adopting the ordinance language they are approving the conceptual master plan by reference

Councilor Farber thought the Planning Board would determine lighting, location of roads, etc.

Ms. Stearns said the ordinance requirements for an overlay district include the submission of a conceptual master plan, which shall include in general terms the location and size of buildings, roads, drives, parking, recreation and other features. This is to give the Council a vision of the development in general terms. The original plan submitted by Avesta included some concrete language. Staff recommended that the language should be clear that the plan is a sample; it is a general vision with the details to be worked out with the Planning Board. The items on this plan that send a clear message to the Board are: 1. location of the building; 2. the rendering depicting the style of the proposed building; and 3. the requirement for the community room and the outdoor living space. Those were items that were clearly important to the Council.

Councilor Anderson thought this is a good project for the Town; while there are some specifics they are approving, there is still ample opportunity for the Planning Board to listen to resident feedback as they always do. The biggest benefit to the existing residents is that this project includes significant renovations to the existing units though he observed that nothing in what they are approving tonight requires them. He asked if there were any assurances that those will happen.

Mr. Wing said the assurance is in the funding: the project is financed by Maine Housing Authority as a preservation of affordable housing as well as the addition of new housing. Funding will not be available if the





**Adjourn**

Councilors Goldberg and Anderson thanked their fellow councilors and staff for all their work during their tenures on the council, and encouraged their fellow residents to consider serving the Town.

Councilor Kitchel moved to adjourn; Councilor Farber seconded. Motion carried 7-0.

Meeting adjourned at 8:50pm.

Respectfully submitted,

Melissa Tryon

Recording Secretary