

# **Town Council Meeting Minutes May 27, 2015**

The meeting was called to order at 7:02 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                      Recognition of Falmouth resident Meghan Charest, State Honoree for the Prudential Spirit of Community Awards.**

Chair Farber spoke about Ms. Charest's efforts to create a community garden to support the Falmouth Food Pantry. She started the garden when she was in the seventh grade; it now yields roughly 500 lbs. of food per season for the food pantry.

State Rep. Teresa Pierce and State Sen. Cathy Breen presented Ms. Charest a Sentiment from the State Legislature recognizing her volunteerism and receipt of the Prudential award.

Ms. Charest said the garden has been a gratifying experience. She spoke about their 5<sup>th</sup> annual planting this past Saturday.

Chair Farber pointed out that volunteers are needed to support the garden. She urged people to contact the Food Pantry and get involved.

## **Item 2                      Public Forum**

Sen. Cathy Breen recognized this as Councilor Mahoney's last meeting and thanked him for his service.

## **Item 3 (a)                      Order to approve the minutes of the April 9, 2015, Town Council (Consent Agenda)      Special Meeting.**

## **Item 3 (b)                      Order to approve the minutes of the April 13, 2015, Town Council (Consent Agenda)      Special Meeting.**

## **Item 3 (c)                      Order to approve the minutes of the April 27, 2015, Town Council (Consent Agenda)      Meeting.**

Councilor Mahoney moved the consent agenda; Councilor McBrady seconded.

Councilor King amended the minutes of April 13. Chair Farber amended the minutes of April 27.

Amended minutes carried 7-0.

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

Councilor King said the LPAC came to CDC this morning to discuss moving forward on the land use recommendations of the comp plan. LPAC will research topics that support approved growth strategies, including education and outreach to the public, amendments, and a data tracking system. They are also interested in researching public sewer policy as it relates to completion of the sewer master plan.

Councilor Anderson said the Senior Committee is working on a survey to solicit input on the needs of seniors in Falmouth. They will have a table at the polls in June. He encouraged the public to participate in the survey. REAC will also be at the polls to continue their outreach on plastic bags.

Chair Farber said the Library Board has selected Ledgewood for their construction management firm. There will be a public forum on June 11 at 6pm at the library about changes in design and process for the library renovation. The Zoning Committee will meet this week; a draft of the first module is complete and they will review it with staff and the consultant.

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

Councilor McBrady said the BAR, BZA, Planning Board, Community Park Committee and Tercentennial Committee all have vacancies. He moved the slate of appointments:

Ad- Hoc Community Park Connector Committee: Deborah Wentworth

Ad- Hoc Senior Citizen Advisory Committee: Catherine Hannon

Ad- Hoc Tercentennial Committee: Gerry Davis, Marge Devine, Joel Glass, Beverly Knudsen

Councilor King 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, Casco Bay Vending, Circle K, Dockside Grill, Dockside Provisions, 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, KupCakes Inc., Leavitt & Sons, Liz's Kitchen, Maddens Pub & Grill, Maine Lobster & Seafood, McDonalds, Mother's Mountain, Nina's Variety, OceanView, Orchid Thai, Portland Country Club, Portland Yacht Club, Professional Catering Service, Ricetta's, Rite Aid, Shaw's, Starbucks, Subway, Super Scoops, The Foreside Tavern, The Woodlands, Town Landing Market, Waldo's, Wal-Mart, Wendy's, West Falmouth Baptist Church.**

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

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

**Item 7                      Public Hearing and Order relative to a new victualer license for Mainely Ice Cream, LLC.**

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

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

**Item 8                      Order to accept the Economic Development Strategy Report recommended by the Falmouth Economic Improvement Committee (FEIC) and to request a Year 1 Work Plan Proposal from the FEIC.**

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

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

**Item 9                      Order to accept the Route 100 Vision Report recommended by the Route 100 Committee and to authorize the Town Manager to issue a Request for Proposals for Preliminary Engineering Services.**

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

Councilor McBrady asked about a timeframe for the RFP.

Town Manager Nathan Poore said they would put out the RFP and return to the Council with a proposal and appropriation by the end of the summer, with a goal for the project to go to referendum in June of 2016.

Councilor Anderson asked that the engineering report be organized to reflect the four components as listed in the report. He supported this project, though he was shocked at the cost; it is much more than the Route 1 project. He felt listing the engineering in that way would help them prioritize the work.

Mr. Poore said the length of this project contributes to the cost. This project also includes long-delayed upgrades to the road infrastructure which weren't necessary on Route 1. Route 1 only needed an overlay.

Chair Farber asked what happens next with the Route 100 committee. Since so much of this effort involves roads and engineering, she wondered if they should continue the committee, if their role should change, or if they should be disbanded. She admired their work and vision for the project.

Councilor McBrady felt it would be important to keep them involved in the project on an ongoing basis. They have a clear vision, and he wanted to keep them engaged.

Councilor King agreed; she thought it would be helpful to have people who live in the area involved going forward.

Councilor Goldberg said this will fall to CDC, as Route 1 did. He said there was a Route 1 Committee at one point that created the vision, and he asked about their history.

Mr. Poore said the committee did their work from 2000-2005. A councilor kept the work alive until 2008, when the CDC took over the responsibility for it. There was a lot of zoning work for the Route 1 project; there isn't as much zoning on Route 100.

Chair Farber wondered about adding a request to the order for the Route 100 committee to draft a plan for their involvement in the next year, similar to the request of FEIC.

Councilor Hemphill moved an amended order to request a workplan from the committee for the Council's retreat; Councilor McBrady seconded. Motion carried 7-0.

Councilor Mahoney moved to amend the agenda, moving item 10 to after item 12; Councilor Hemphill seconded. Motion carried 7-0.

**Item 10                      Presentation and discussion regarding a proposal from Habitat for Humanity to construct affordable housing on land owned by the town and abutting the Police Station.**

**Item 11                      Presentation on Falmouth's Stormwater Program.**

Jamie Mason, Town Engineer, explained that, as part of the Town's municipal stormwater permit, they have to give a presentation to the Council before June 30. The Town's permit is on a 5 year cycle; each permit cycle had additional requirements. Regulated communities have 6 permit requirements: public education and outreach; public participation; illicit discharge detection and elimination; construction site runoff control; stormwater management after construction; and good housekeeping and pollution prevention in municipal operations and facilities. Interdepartmental cooperation in the Town includes Public Works, Planning, Codes, Parks and Community Programs, Schools, Public Safety and Wastewater. He discussed the increased permit requirements. DEP and EPA have started auditing communities; Falmouth has not been audited, but other neighboring communities have. The Town expects to be audited no later than 2018.

Chair Farber asked if they were concerned about the results of an audit. Mr. Mason wasn't sure. He said a recent audit in a local community was very thorough.

Councilor Goldberg asked where Falmouth might be most at risk of a violation, and where the Town does a good job.

Mr. Mason said last year they got feedback from DEP for the first time in 10 years. The Town does a good job on containing construction debris and is at an advantage since a lot of stormwater infrastructure isn't very old.

Councilor King asked if the audit involves testing of the stormwater or runoff or just review of the paperwork. Mr. Mason said DEP has tested their sweepings in the past, to see if it can be reused.

Councilor Mahoney said this permit is more about best practices. If there are impaired water bodies, then they take a closer look at the discharges that might be causing that impairment, but not before that.

**Item 12                      Report from Council sub-committee on negotiations for a proposed extension of the Tidewater Master Plan.**

Councilor Hemphill explained that the 10 year Tidewater Master Plan was set to expire in April 2015. In March, the Council agreed to a six month extension. He and Councilor Mahoney have been working with staff and Tidewater, LLC and have drafted a working list of requested changes to the master plan prior to its expiration in October. This would update the Master Plan, the Land Management Plan, the Memorandum of Understanding, Conservation Easement, Design Guidelines, the Tidewater Conservation Foundation, the TF-2 district, and all regulatory documents connected to the Master Plan. This list was sent to Mr. Bateman, who indicated that Tidewater, LLC would comply with these requests and bring them back to the Council as soon as possible. In order to have enough time for the Council to consider these plan changes prior to the expiration, they need come to the Council for discussion by July 27.

Councilor Mahoney said many of the actions required are cleanup changes, others are associated with changes requested by the developer, including changing TF-2 from an inn to senior housing. Other changes relate to the existing farmhouse, which is in pretty bad condition and may not be salvageable. The barn may still have some value. Another piece of this addresses a portion that hasn't been developed as shown on the master plan, and their suggestion is to develop that in a way that fits the rest of the development, with a portion of it put into open space.

Nathan Bateman of Tidewater, LLC, demonstrated the location of each section of the development on the master plan. The undeveloped portion of the subdivision has now been dubbed TF-5. There is probably a vernal pool on the property that impacts the approved development, though they haven't mapped it yet. He said they have met with their development team and they are working on updating the master plan with as-builts for the developed portions as well as the changes requested by the sub-committee.

Councilor Hemphill stressed that this is a tight schedule and he appreciated Mr. Bateman's work.

Chair Farber asked for clarification that these items are supposed to be addressed prior to an introduction on August 10. Councilor Hemphill said that was correct. That will include master plan amendments and ordinance language.

Amanda Stearns, Community Development Director, said a lot of issues between the different documents came up during discussion of the learning center. A lot of these clean up items were considered then and she and Mr. Bateman agreed that now was the time to do those.

Chair Farber asked about list of changes to TV-3; the Council just made changes to TV-3. She asked if the 10 extra units were in addition to the 10 they added earlier this year.

Mr. Bateman said that was correct; the thinking is to add another story to the buildings to allow for more living units, in order to compensate for those they are losing to the vernal pool on TF-5. He also explained that restaurants are not considered a retail use, so leasing a restaurant in TV-3 would not meet the 45% retail requirement on the property without a change.

Councilor Mahoney will continue to work on this item with Councilor Hemphill once his term is over.

Chair Farber asked if they have involved the neighborhood association in this, and if not, when it is appropriate to do so. She felt it would be important to involve them prior to the public hearing. Councilor Hemphill agreed.

**Item 10                      Presentation and discussion regarding a proposal from Habitat for Humanity to construct affordable housing on land owned by the town and abutting the Police Station.**

Godfrey Wood, Executive Director of Habitat for Humanity, said they closed on 20 acres of land in Scarborough today and they expect to start building homes in August. That project is a model of what they want to do in Falmouth.

Chair Farber said the Council received a suggestion from a citizen after the presentation in March that the Town issue a RFP for the property to determine if this is the best use. She asked the Council what they want to do next; they have several options.

Councilor King asked what their obligations are to the Town as owners of this land. Are they obliged to keep it open or free; are they obliged to get the most money out of it; are they obliged to use it for the public good.

Councilor McBrady supported affordable housing and felt the town needs it. He was uncomfortable with the Town owning land and not putting out a RFP.

Councilor Anderson thought there was a question as to whether the Town needs affordable housing. If they do, he asked how many ways there are to provide it; this might not be the only way. He said a robust commission worked on this issue a few years ago; he thought they might review that commission's work before they move forward with it. He agreed with Councilor McBrady that they should look at all their options for this land. He was in favor of a process that reviewed all possible uses of the land, including keeping it in open space.

Councilor Mahoney thought they should have affordable housing in town. While he appreciated the suggestion for a RFP, he pointed out that the Council makes a lot of decisions on how to use land. He thought this was a good use for this piece of property. He has walked this property recently, and it doesn't hold a lot of value as open space. He thought there were other factors to consider: impact on the school system for example.

Councilor King agreed that having affordable housing would be good for the community but she wouldn't focus on this particular development in considering impact on the schools. There will be plenty of development in town that will impact the schools.

Councilor Hemphill thought the proposal from Habitat was excellent. He agreed that the Council should evaluate competing uses of the property. He said they do need affordable housing in Falmouth and they should continue their efforts to add affordability to their housing stock. He thought they should consider some options, but keep this proposal on the table.

Councilor Goldberg thought their discussions regarding development of the Plummer building has shown their support for affordable housing in town. He agreed with Councilor Anderson's suggestion to review the work of the Workforce Housing Commission. He asked how affordability of the housing and the income restrictions are maintained past the first owners.

Mr. Wood said the Scarborough project limits the amount of profit a homeowner can gain from the first resale, but they have had problems with banks financing subsequent buyers. It is difficult to continue the affordability, but he felt the size of the proposed homes would keep the price down. Habitat only sells to people making up to 80% of area median income.

The Council discussed next steps. They decided to add this to the Council retreat agenda, with a workshop on the history of the Workforce Housing Commission in July and a public forum in September.

- Item 13**                      **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.
  - to discuss and consider the disposition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).
  - to discuss and consider the acquisition of real estate rights, pursuant to 1 M.R.S.A. § 405 (6) (C).

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

The Council entered executive session at 8:53 pm and did not return.

Respectfully submitted,

Melissa Tryon  
Recording Secretary