

Town Council Meeting Minutes June 25, 2018

The meeting was called to order at 7:04 pm.

Roll Call

All Councilors were present and answering roll call.

Item 1 Order to certify the June 12, 2018 Election results.

Councilor Svedlow moved the order; Councilor King seconded.

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

Motion carried 7-0.

Item 2 Public hearing and order relative to renewal of the victualer licenses for: American Legion Post #164, Bernie's Foreside, Bueno Loco, Circle K, Dockside Grill, Dockside Provisions, Dunkin Donuts, Episcopal Church of St. Mary the Virgin, European Bakery & Tea Room, Falmouth By the Sea, Falmouth Car Wash, Falmouth Congregational Church UCC, Falmouth Country Club, Falmouth House of Pizza, Falmouth Lil' Mart, Falmouth Little League, Falmouth Schools Food Service, Family Ice Center, Flagship Premium Cinema's, 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, 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, Rivalries, Shaw's, Starbucks, Subway, Super Scoops, The Foreside Tavern, The Woodlands, The Town Landing Market, Waldo's General Store, Wal-Mart, West Falmouth Baptist Church, and Milly's Skillet.

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

Councilor Svedlow moved the order; Councilor Ferrante seconded. Motion carried 7-0.

Item 3 Order to appoint three members to the Charter Commission.

Councilor King moved the order; Councilor Ferrante seconded.

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

Motion carried 7-0.

Item 4 Public forum on a proposed mixed-use development at the Falmouth Shopping Center property and Turnpike Spur Ramp area by 122 PTIP, LLC and 20 Thames Street, LLC.

Katherine Detmer of Archetype Architects offered a presentation on the proposed development and discussed some of the changes that have been made to the proposal since the last time they were before the Council. They have moved the proposed sports fields 50 feet away from the stream at the back of the

property and rotated the sports complex building so it is now 290 feet away from the stream. The sports complex building is not out of scale from other buildings on the site, but the zoning limits a single tenant to 50,000 sf and the proposed complex would be 85,000 sf. They had originally considered the mixed-use buildings as being two stories, but were asked if they would consider going higher. Moving to three stories requires adding stair wells and elevators so, to make the development of those economically viable, they think they would go to 4 stories. This would allow for first floor retail, and upper floor residential for 55+ housing. The trails included with this development would connect to the Falmouth Nature Preserve and create a system that leads all the way to the Eastern Promenade in Portland. She said Seacoast has agreed that there will be no PA system with the sports field. They have contracted for a preliminary traffic assessment, a lighting analysis, and a stormwater management plan. There are improvements already planned for Bucknam Road and Lunt Road, and the access points for this development lead to both 295 and I-95. They mapped the general location of light poles at the sports fields and how close they would be to the residential areas; the closest one is 372'. There is a tree edge between those poles and the homes.

Mike Berry of Musco Lighting gave a presentation on the proposed lighting. Current sports lighting fixtures are not the floodlights of the past; two years ago, they came out with a LED fixture with a visor to cut down on glare. Each visor can be aimed to direct the light where they want it. He showed a slide on glare rating to show the difference between fixtures. Old style floodlights had a glare rating of 40,000 candelas (cd). 1000 cd is equal to the glare of a 100-watt porch light. The LED product they are proposing has a 500 cd rating. Taller poles allow them to aim the light directly on the field. Shorter poles increase spill and glare. They are proposing a 75-foot pole for this project. The source of light will not be visible 150 feet away from the field. He showed a plan with the 150-foot radius around the field. The tree buffer will further reduce any spill of light from the field.

Steve Bushey of Stantec gave a presentation on the stormwater management. This development will likely require a site law permit as well as a NRPA permit from DEP due to its size. The site benefits from some natural drainage into Mussel Cove and from there into Casco Bay, which means they won't have to do as much on flood control but a major focus on the development will be water quality treatment, in consideration of that drainage. The existing development is old, and all it has is old catch basins. Today's standards require runoff to be collected and run through a treatment system. There are several different treatment options including porous pavement and soil filters, and he discussed various types used in other developments in Southern Maine.

Jonathan Cohen, developer, discussed the proposed zoning change, moving the boundary of VC-1 to incorporate the location of the sports field. He said the tenant needs the fields to be operational next year; the sports complex is an anchor tenant, and if they cannot open next year they will move elsewhere. If they do so, the other tenants he has spoken with will reconsider moving to Falmouth. He discussed the changes they have made to address the concerns raised in their meeting with neighbors. He has worked with Seacoast Soccer for 9 years, and all three of his children have participated in their programs. He spoke highly of the organization. They will be a benefit to the community. He was excited about the proposal and he asked the Council to move this forward and preserve this opportunity for the community.

Chair Hemphill opened the public forum.

The Council heard testimony from 30 members of the public.

Concerns included: how to ensure what is built is similar to what is proposed, whether Falmouth needs more athletic fields; traffic impacts; environmental impacts; stormwater impacts; that this development would change the character and quality of life in Falmouth; the size of the proposed development and a lack of open space; decrease in property values for the area around the development; the reputation of the developers; what Seacoast would be like as a neighbor, and what would happen with the structures if they left; what would happen if the retail spaces became empty; that the tax revenue would be diverted into a TIF and not benefit property owners; whether this was the most appropriate use of the site; whether a sports complex fits with the comp plan; that people will park on Mussel Cove to avoid the traffic; that the proposed heights will

not contribute to the village feel; that the village green would not be a public space; that changing the zoning commits the Town to this development; and that there would be a need for increases to the Police and Fire departments as a result.

Questions included whether the developer could incorporate green roofs and pervious parking surfaces; and whether this could happen in smaller steps instead of all at once.

Some speakers encouraged the Council to consider a master plan before making any zoning changes; to slow down the process; to include Route 88 in any traffic studies; to gather more studies before a master plan is developed; to not review this development in a piecemeal fashion but rather as a whole master plan; to include language to prohibit a PA system from being installed in the future; and to do a site walk of the property first.

Some speakers highlighted benefits they saw in the proposed development, including: that it included many of the elements the community said they wanted in the 2009 charrette process; that it is an opportunity for mixed-use, diverse growth and housing; that Seacoast is a good organization with world-class facilities; that it would generate property taxes; that it would fill a need for office space in Town; that it would benefit the business community both by bringing new businesses and by stimulating current businesses; and that creating a town center will strengthen property values and the community.

Some speakers voiced support for development along the Route 1 corridor and on the spur location.

Chair Hemphill closed the public forum.

Item 5 Public Hearing on a proposed amendment to the Falmouth Zoning Map to rezone a portion of property from BP to VC1.

Chair Hemphill opened the public hearing.

Susan Hayhurst of Foreside Road said this development has a lot of potential benefits, but many potential drawbacks. This development is being rushed. She was concerned that they are planning to change zoning that was thoughtfully considered. If it is changed it should be done so after careful consideration. They need more information. This area borders important critical environmental area and residential areas. She recommended they slow down and discuss this project, ideally creating a master plan that would take all these considerations into account. If the sports facility moves ahead, she recommended either no outdoor lighting or PA system, or limiting their use to end by 7:00 pm; further increasing the distance between the stream, the wooded buffer and the fields perhaps by moving to one field; scaling back the size; or including such environmental considerations as a green roof and permeable parking surfaces. She was concerned about the artificial turf. She provided a handout to the Council.

Amanda Hanson of Meadow Creek Lane opposed the zoning amendment to allow the soccer field. Her kids played sports and she said the turf material gets kicked up by the shoes and gets into the environment. She said many people don't know about the proposal and there are many unanswered questions.

Amanda Rand of Meadow Creek Lane welcomed revitalization on the parcel. The zoning amendment is an oversimplification of what needs to happen here. This is a big deal. This zoning was put into place in 2013 with this parcel in mind. They have been waiting for this. The new owner has only this for 3 months. She said this will impact Falmouth for many years. She asked them to step back, take the time and do this the right way.

Steve Hess of Meadow Creek Lane was concerned about the environmental impact of the field. He was concerned that they are being rushed into changing the zoning that was implemented in 2013. He was concerned about the crowds and cowbells; these are loud fields until 10pm. The zoning prevents these fields from being built without a zoning change. He asked them to make the rules hard and enforceable, so that he doesn't have to enforce them by calling the police.

AnneMarie Hess of Meadow Creek Lane would like to hear more about the opportunities for economic drivers they have available in this area and the current zoning. Changes to ordinance that were established 5 years ago should be carefully considered. She did not support the proposal. A sports complex that serves New England, and not necessarily Falmouth, does not fit the comp plan.

Ben Parks-Stamm of Foreside Road said the benefits of this change are mainly private, not public. The cost of the zoning change will be paid by the residents in noise, light, pollution and traffic.

David Drake of Foreside Road felt it was reasonable to move the zoning boundary, but he felt the entire parcel should be considered before any zoning changes. He spoke in favor of a full master plan to be proposed before zoning changes are approved. He did not think a sports complex was in keeping with a village center. He asked if a big box store would be allowed if the sports complex didn't go forward. He asked what other zoning changes would be required by the proposed development. There are many questions that have to be answered before any changes are approved. He said the Seacoast sports complex has not been pleasant for the resident in Epping, New Hampshire that they spoke to.

Jim Vamvakias of Baysite Lane said there are many aspects of the proposed development that would be positive and could be implemented; the sports complex and fields are not among them.

Katie Brooks of Foreside Road said there was no report on how the traffic will be impacted by this development. Route 1 is congested now; she doesn't want it to turn into Scarborough. She asked the Council to slow this down.

Kathy Drake of Foreside Road said the neighbor to the Epping facility that they spoke to is a resident of Fremont and his input was not considered when Epping approved the facility.

John Vella of Meadow Creek Lane said changing the zoning for the sports facility is a major mistake. He thought the Council should consider the project in its entirety and asked them to find a way to work with the developer to make this project happen.

Chair Hemphill closed the public hearing.

Item 6 Workshop discussion on a proposed mixed-use development at the Falmouth Shopping Center property and Turnpike Spur Ramp area by 122 PTIP, LLC and 20 Thames Street, LLC, and a discussion on next steps.

Mr. Poore said the Town will post the matrix of the comments received at the public forum on the town's website tomorrow along with some historical materials from the development of the VC-1 zoning. Staff and the Council have heard concerns about process and the speed of the project. He summarized some of the comments from the forum: many concerns touched on items that would be reviewed by the Planning Board and not by the Council during master planning. Concerns included traffic, environmental, and stormwater concerns, overall size and scale of the project, and the sports complex and fields. He spoke about how the process could move forward and also accommodate the developer's requested timeframe. In order to do that they would have to introduce a master plan by July 23.

The Council discussed what is typically required to develop a master plan. Mr. Poore explained that it is the same process as a zoning amendment. The Council drives the master plan process; they could refer it to a committee if they wanted to. Mr. Poore said the concept plan currently only has three exceptions to the VC-1 zoning: the allowance for the indoor sports complex to be larger than 50,000 sf for a single tenant; an increase in the building height from 65 to 75 feet; and an allowance to move the car wash to the current spur property. The outdoor sports fields are an allowed use in VC-1. Mr. Poore said in looking at the master plan the Council should consider what they want zoning to do for them in this area.

Councilor Cahan asked if it was worth the Council's time to consider a master plan if they couldn't meet the July 23 deadline. Councilor Kuhn questioned if one public hearing would be sufficient. Mr. Poore said the

proposed timeline would include a workshop on the item on July 9, an additional meeting, probably on July 17, to allow public comment, before an introduction on July 23. There would be a formal public hearing on the master plan in August.

Councilor King said they could also consider the amendment that has been introduced first, and then go from there.

Chair Hemphill supported the proposed master plan process.

Councilor Asherman asked what happens between the introduction on July 23 and the developer breaking ground in October. Mr. Poore distributed a draft timeline; the developer could get before the Planning Board for their October 2 meeting.

Councilor Svedlow didn't feel like there were under any obligation to expedite this in any way. He didn't support any zoning amendment in the near term. He supported a well-thought-out master planning process.

Councilor Cahan was surprised to see a master plan proposed without any supporting studies. She was concerned about the environmental impacts of the turf fields. She knew the reports are being worked on. She said she can't make a zoning decision without a full analysis of those reports.

Councilor Kuhn agreed. She asked when those reports would be available for review. Mr. Poore said it was up to them; if they didn't require a zoning amendment, these reports would go directly to Planning Board. The Council can request these from the developer and review them. None of these reports have been done at the permitting level as this is still a concept design. Those would take some time.

Councilor Asherman was in favor of the expedited master plan process. He was not in favor of moving forward with the zoning amendment.

Chair Hemphill said the Town has been soliciting proposals like this for this property for a few years, since the DOT gave the Town the opportunity to use the spur land. This is an exciting proposal and opportunity for the town. The developer has been very respectful of the Route 1 zoning and guidelines. The soccer facility is a big surprise. He felt opportunities to mitigate the light and sound would be available.

Councilor Cahan agreed that the project has a lot of great components. She said one of her goals as a Councilor was to help the town develop its commercial tax base to help the property owners. She spoke about other successful downtown areas she has seen around the country. They are great areas, but she has also seen the traffic and parking impacts of those. She repeated her request for the impact studies to be submitted with the master plan.

Mr. Poore said the developer has submitted a traffic movement permit to DOT, and staff have spoken with TY Lin, the Town's traffic peer reviewer. He wasn't sure when those would be available. He said they could contact peer review for the lighting and could hold a meeting with their engineer on the stormwater. He wasn't sure they could get a peer review to the level of detail that would be required by the Planning Board for this timeline, but he thought they could have something.

Councilor Kuhn thought it was important to look at the traffic in the short term as well, in case the fields are operational before the Bucknam Road improvements are complete.

Councilor Ferrante asked if the traffic studies they looked at would include the entire project; Mr. Poore thought so, but he agreed with Councilor Kuhn's comment about looking the sports facility traffic alone.

Councilor Ferrante was not inclined to approve any zoning amendment without reviewing the traffic report. She didn't support rushing this forward; most of the comments she heard were about slowing down. This is a really big change and is valuable to the Town. She would like to do this thoughtfully.

Councilor King said the only thing they know for sure is that there is a request for the zoning line to be moved to accommodate the sports fields. She was unclear about the noise, environmental impacts, and how

Town Council Minutes

June 25, 2018

Page 6 of 6

the field would be sited. Some of these are Planning Board issues, but she wants to know more before she considers moving the zoning line.

The Council decided to take up discussion on this project again at their meeting on July 9.

Adjourn

Councilor Svedlow moved to adjourn; Councilor Kuhn seconded. Motion carried 7-0.

The meeting adjourned at 11:17 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary