

# **Town Council Meeting Minutes May 13, 2019**

The meeting was called to order at 7:07 pm.

## **Roll Call**

All Councilors were present and answering roll call.

### **Item 1 Orders to approve the FY20 School Department Budget as required by M.S.R.A. Title 20-A §1485, §1486, §2307.**

Chair Hemphill read the orders into the record.

Chair Hemphill opened a public comment period.

John Winslow of Gray Road asked if anyone had determined what the impact on the property tax is per student in the schools.

Jack Uminski of Mackenzie Lane is a retired teacher and spoke about his experience as a member of the teachers' union. He said he got a \$1000 raise every year and served as a member of the union board. He said the union drives rising education costs all over, including here.

Chair Hemphill closed the public comment period.

Chair Hemphill said they could research an answer to Mr. Winslow's question.

Councilor Svedlow moved the order; Councilor Cahan seconded. Motion carried 6-1 (Ferrante).

### **Item 2 Order to sign the June 11, 2019 Budget Validation Referendum and the Municipal Official Election warrant.**

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

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

### **Item 3 Public Hearing on amendments to the Code of Ordinances Sections 19-8, 19-64.2, and 19-82, to change certain requirements related to residential development in the RA District. These proposed amendments would be retroactive to May 3, 2019 and are referred to as "Option 1".**

Councilor Asherman explained that both of the options are just for residential zone RA. They do not affect any other zone in town. They primarily affect the dimensional standards. In the coming year the Council will be looking at zoning in the town overall.

Councilor Cahan said she is open to hearing the testimony, but currently she is leaning toward Option 2, the roll back to 2016 standards. It seems easier to go back to what it was, since everyone is familiar with it.

Councilor Kuhn agreed with Councilor Cahan. She clarified that the roll back is just for dimensional standards and doesn't roll back all the changes of 2016. Her goal is to get everyone back to a blank slate. The Council has been in an adversarial place with the residents for a few months, and she thought that option would help to resolve that.

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Councilor Ferrante agreed; both of these make significant changes to the zoning, and she felt all the Council members agree that significant changes need to be made in RA. She felt the most important thing was for the Council to work for the whole town to address the concerns. She understood that there are people who don't want things to change and that is an option the Council hasn't discussed much, but she felt there are issues in RA needs to be addressed. There are more steps to come after this regardless of which option they choose.

Chair Hemphill thought this gives the Council a good opportunity to take a step back, see where we are and where we need to go. He thought both options have merit, but he was leaning toward option 2.

Councilor Asherman clarified that if one of the options is passed on May 29, it would be retroactive to May 3.

Councilor King pointed out that another change included in these options makes two- and multi-family dwellings conditional uses instead of permitted uses.

Chair Hemphill opened the public hearing.

Valentine Sheldon of Route 88 said the 2013 comp plan is not working and needs to be rewritten, that the current zoning is flawed and needs to be fixed, and that growth has increased. He argued that the LPAC recommendations are also flawed. Members of LPAC that violated the Town's committee attendance policy were deemed resigned and should not have been allowed to vote. The impacts of their recommended changes have not been researched. He said the 2016 zoning was an experiment and no one had any idea what was being unleashed on the town. He said the experiment has failed badly and the Council needs to own up to that mistake. He said they need to roll everything back. Not a single resident spoke in favor of option 1 at the Planning Board MRA hearing. He said some have argued that removing the 2016 zoning would be illegal; he said that is untrue. He said growth has shifted to the growth areas but not because of the comp plan; he argued that it had already shifted in 2008 according to data. The 2016 rezoning was unnecessary. The Town has a rural growth cap. Incentivizing growth in one area does not stop growth. It is not accurate to say that growth since 2016 is due to market forces; the town has never seen growth at this rate. He agreed that RA needs to be broken into multiple zones. Rolling back to 2016 is the simple choice and the only sensible choice if the Council wants what is best for the town.

John Winslow of Gray Road said the comp plan was approved in 2013 but no zoning was changed until 3 years later. There are loopholes in option 2. One allows single-family permits to be pulled along with an ADU permit, which essentially allows a two-family dwelling. RA also allows accessory farming in the densest district in town. He felt it was misleading; it leads people to think they can have farm animals but there are a host of conditions. He wasn't sure why the Town doesn't require a boundary survey; these lots are not very big. A boundary survey protects everyone. He supported option 2 with the changes he proposed.

Butler Carmichael of Foreside Road opposed both options for changes to the RA zone; she encouraged the Council to vote them both down and develop a better solution. Her lot is slightly under an acre and has 75 feet of road frontage. If either option is adopted, her property will become nonconforming and it will be almost impossible to make any changes to her property. The goal of these zoning changes was to direct growth to the growth areas. The 2016 amendments were not implemented on a whim; there were plenty of discussions and opportunities for the public to comment. She said the current changes are being driven by a small group of residents who are unhappy; she sympathized with them. She said option 1 is unresearched but option 2 is a cop out. She wanted a solution that would allow existing lots to maintain conformance while address concerns. Passing a temporary measure will complicate code enforcement.

Lee Hatchett of Stoneridge Road spoke about the comp plan. Anyone reading it would think it was a marketing tool to sell people on the LPAC recommendations. It is flawed in several aspects. Careful reading of the state criteria shows that the state directs the municipality to identify growth areas according to certain guidelines. The Town has a choice as to where to put designated growth areas. There is no requirement to allow lots to be split to provide for infill development. Currently built out areas are not suitable for further development. The growth areas could be adjacent to the built-out RA area, not laid on top of it.

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Cyrus Noble of Foreside asked what would happen to a currently conforming lot if the zoning is changed.

Town Manager Nathan Poore said that lot would become legally non-conforming. To build on it, they would have to meet the new setbacks. There is a provision where a lot could receive a setback variance from the BZA.

Councilor Kuhn said it is very complicated and if he has a question about a specific lot he should contact Town staff.

Christopher Hickey of Greenway Drive said he attended the meeting in 2016 when the zoning was approved. The Council reached out and held public meetings and very few people showed up. The process has been going on for a long time. He was on the Planning Board at the time and didn't think anyone was acting in bad faith. He asked if there were any unsewered areas in RA. Mr. Poore said if there are, there are very few.

Mr. Hickey spoke about ADU's. He said it is an amazing piece of humane land use ordinance that helps people to experience freedom. He agreed with Mr. Winslow's comment that in Falmouth it is a backdoor to a two-family. A two-family is a higher density, higher impact use, and needs greater buffering and setbacks. With an ADU that has a requirement for owner occupation, that means someone is taking a greater level of care to take control of what happens on the property. He advocated for that requirement back in 2016 and he encouraged the Council to consider adding it.

Dudley Warner of Hedgerow Drive advocated for a full roll back of 2016 zoning; the process that produced them was highly flawed and didn't have enough public input. He said the consequences were easily foreseeable and had a negative impact. This is a crisis in process and was identified as such over a year ago. He said the Council has not been agile in addressing this. A moratorium would have stopped what was going on, but the Council decided not to do that and downplayed the impact. He said 5 new houses will be built in his neighborhood where there were only 2; more buildings are going to be built within 10 feet of his property line, with a shared driveway and a newly named street off Hedgerow. He said these units will be rented by the owners, perhaps as Airbnb's. He hoped there would be a sea change in how the Council includes public input in changes and how planning is done.

Michelle Sheldon of Route 88 felt an overwhelming majority of residents support a full roll back of the 2016 zoning. She felt option 1 hasn't been studied and there may be unintended consequences. She felt the LPAC recommendations are random. They deserved a thoroughly researched and vetted solution, not a quick fix. She didn't support allowing ADU's being allowed due to her concern about Airbnb's. She did support ADU's to allow families to live together.

Jack Uminski of Mackenzie Lane supported returning to the 2016 zoning. He said there is a problem in the way zoning is handled. He spoke about development in his neighborhood.

Andy Beam of Andrews Ave felt option 1 has a fatal flaw; it doesn't go far enough to replace the front setback to what it used to be. That issue has as much impact on the quality of his neighborhood as any other element.

Bart Ladd of Foreside Road purchased his home 7 years ago; they went looking for a large lot to have horses. It also has enough land for an extra lot that is buildable. Their plan was to sell it off years later and help pay for the improvements they made to the property. After the zoning was changed they split off the lots. They were not planning to build on them anytime soon, but due to the proposed changes they were forced to move forward to preserve the opportunity. He said option 2 is not legally viable; it would create a lot of nonconforming lots that were not there before. That is counter to the goals of the original zoning change. His house is older than the town. If the zoning changes, his house will be nonconforming for the first time in 300 years. They abided by the rules and have a nice retirement house where they can stay in Falmouth. A section of the ordinance stipulates that no conforming lots can be made non-conforming. He felt if they return to 2016 zoning the town will face a lot of lawsuits. Option 1 is a viable compromise and will solve the problems of the duplexes and multi-family dwellings; option 2 is not viable.

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Scott Walker of Rogers Trail supported a full roll back. The only reason not to do it is the developers, but development is a gamble. People know what they buy; if they bought a house on a small lot, they should know they can't put on a big addition. He supported requiring developers to set aside land to conserve; the RA zone is going to fill up and developers will move to another zone in town.

Bill McKenney of Carmichael Drive is a licensed land use professional. He provided photographs of development in his neighborhood. He supported in-law apartments, not ADU's. He supported Oceanview, the Tidewater Master Plan, and diverse housing stock including workforce housing and apartment development along Route 1. He supported reviewing the comp plan, and protecting the character of neighborhoods including Town Landing, Pleasant Hill and the Flats. He supported well planned and responsible growth in town, with studies done of impacts such as staffing, stormwater, traffic and environmental. He objected to the 2016 zoning. He said it was irresponsible. Multifamily development should not be allowed in the developed neighborhoods of the RA district. The setbacks are not in keeping with the existing neighborhoods. Cutting the minimum lot size by 50% could double the allowed density and affect the traffic on these local roads. Falmouth should prohibit flag lots; new lots should have minimum lot widths. 2016 zoning will burden town infrastructure, town staff and the schools. The zoning worked for decades; it has not worked the last three years. He encouraged the Council to support a full roll back of the 2016 zoning. It is simple and easy to understand.

Margaret Hepson of Carmichael Ave felt option 1 shouldn't even be considered. Option 2 is better but doesn't do enough to address neighborhood character. She felt the Council should appoint a new committee to specifically address this issue. The same volunteers that drafted the 2016 zoning shouldn't be trusted to draft new zoning.

Steve Greenshaw of Middle Road moved to Falmouth from Portland to provide more space for his kids. The current zoning runs the risk of turning Falmouth into north Portland. They get to control how much growth there is in their town. He said a postcard isn't sufficient notification to reach the residents. Zoning laws should reflect the common goals of the residents and protect their property and its value. Lack of involvement doesn't reflect the agreement of the population. He felt returning to the 2016 zoning is the best option. He felt a sub-zone approach would make good sense. Each neighborhood in RA is different.

Councilor Cahan said the Council has been discussing how to improve communication the residents and is working on a plan to address that.

Amanda Hensen of Meadow Creek Lane moved here from Massachusetts and doesn't want what happened there to happen here. She supported a roll back to 2016 and then determining the best way to move forward with RA.

Keith Noyes of Gray Road supported option 2 and then reviewing where the town wants to go. He attended the LPAC meetings and was not impressed with the final results.

Bonnie Grant of Pleasant Hill Road and said the character of her neighborhood has already been destroyed due to the zoning. They opposed development at Cleaves Farm long ago due to concerns with traffic and impact to the character of the neighborhood. She has a duplex being built across the street from her that doesn't fit the neighborhood. Others in the area have told her they are considering leaving the community if the zoning doesn't go back. She said this is a great community and she wants to protect it. She supported rolling back to 2016 and moving forward from there.

Darlene Merrill of Clifton Road spoke about a duplex that is being built near her house. They cut down all the trees and she lost all her shade.

Heidi Kettinger of Route 88 supported the full roll back. She spoke about communication issues. She has lived in town for 10 years; her neighborhood was mostly wooded when she moved here. Soon after she came, Mussel Cove was developed; that neighborhood doesn't look like the rest of the Foreside. The new zoning makes Mussel Cove look good. She doesn't want to see the rest of Falmouth look like this. She asked what

the problem was with the zoning before 2016. She felt the new zoning mostly benefitted developers and realtors and not residents. She didn't want Falmouth to become a city.

Catherine Chamberlain of Payson Road is moving here from Cape Cod. They would like to retire here. If the zoning is changed, they will not be able to expand their current house to allow them to live on a single floor. She supported rolling back but also allowing for special circumstances like hers.

Councilor Svedlow left the meeting.

Steve Dyer of Mountain Road supported a full roll back to 2016. He didn't understand how this applies to only RA; he thought the original charge to LPAC was to address all the districts. He thought the original impetus for this was to address development at Homestead Acres and the current proposal won't address that. He spoke about his concerns about that development and its size.

Lisa Joy of Middle Road spoke about her experience in Falmouth since she moved here in 2005; she moved away from Massachusetts and the sprawl there. She said the majority of people who came to the Planning Board meeting, and who came here, support a full roll back. She is concerned with traffic impacts; it is an issue in her neighborhood. Her biggest issue is trust. She felt it was important for everyone to come together and discuss their differences. She felt it is turning into north Portland. She wanted the public to be a part of what comes next.

Bob Hunt of Foreside Road urged the Council to adopt option 2. He spoke about the changes that were made in 2016. All these changes set the stage for the town to become a city; those changes would permit over 3000 new single-family houses in the RA zone. The changes have created irreversible damage. This isn't what the residents want. Falmouth's appeal is its rural character and its residents don't want it to become an urban area.

Chris Wasileski of Johnson Road lives in a dynamic neighborhood with multiple different types of housing and uses and said growth is going to happen in the town and, if it is managed properly, growth zones will direct growth where it should be. He has seen changes in town since he moved here, and he doesn't mind it. He sees diverse housing and doesn't see an issue with growth. He agrees that it needs to be managed and the public process should be robust. He supported efforts to preserve open space. He felt they should listen to the comp plan with regards to growth zones, smart growth, and where they want growth to occur in the future.

Chair Hemphill closed the public hearing.

An order was scheduled for May 29.

**Item 4      Public Hearing on amendments to the Code of Ordinances Sections 19-8, 19-64.2, and 19-82, to change certain requirements related to residential development in the RA District. These proposed amendments would be retroactive to May 3, 2019 and are referred to as "Option 2".**

Chair Hemphill opened the public hearing.

Lee Hanchett spoke about the school enrollment study. He didn't think people have read it. The conclusions of the report were that enrollment would stay level if the town continued its historical average of 45 units per year. 55 units would lead to a 5% increase, and a 10% increase for 65 units. He said the zoning would allow 106 units, leading to a 21% increase if you do the math.

Linda Dyer of Mountain Road supported a full roll back across town not just in RA. They were planning to put an addition on the back of their house when they learned about a proposed development in their backyard and they put it off. It felt like developers are taking advantage of the zoning.

Butler Carmichael of Foreside Road did not support this option and would encourage a no vote. She spoke about the retroactivity; she rushed and was able to get two building permits in before the May 3 date. There were about 23 permit applications sitting in the office. The office was closed May 3 and there was a holiday; this gave code enforcement reduced time to review the applications. It took 3 weeks to approve her applications. She wondered about adding language that would change the zoning for new lots, and not currently existing lots.

Scott Walker of Rogers Trail felt the Council was honorable and reasonable to use the May 3 date instead of making it retro to the date of introduction. He felt Ms. Carmichael's comments show how many people were trying to jam something in before the ordinance changes.

Chair Hemphill closed the public hearing.

An order was scheduled for May 29.

Councilor Kuhn wondered what the effect would be if passage of either of these options puts the town out of compliance with the comp plan.

Mr. Poore said other provisions in the ordinance are still in compliance.

**Item 5      Public Hearing on amendments to the Tidewater Village Design Guidelines, the Tidewater Master Development Plan, and the Zoning and Site Plan Review Ordinance relative to development regulations for the area known as TV3 in the Tidewater Master Planned Development District.**

Councilor Kuhn said there was confusion at the Planning Board whether this created a net increase or decrease in housing units. Her understanding was that this was a net decrease from what was originally approved for the district.

Chair Hemphill said that was correct; it is a net decrease.

Councilor Kuhn asked if the proposed building would conform with the existing height limits in the ordinance.

Nathan Bateman of Bateman Partners said they started designing this development in 2002, based on a town charette from 1996, and it took three years to develop the plan. They created a single-family housing development, and the village component with mixed use. There is one building already there with first two floors of commercial and 7 housing units on floors 3 and 4. The original plan included further development of Tidewater Farm with more housing units, a commercial property and a 75-room inn. They recently sold most of the remaining undeveloped parcels to the Town. That removes the commercial property, the inn, and the potential of units being developed on TF-5. The result of this proposed change would be a net decrease of 8 housing units from the original design. The building would be the same size and height as the existing building on TV-2.

Councilor Cahan asked how much green space they have saved as it has evolved. Mr. Bateman said originally the easement was 39 acres, but since the transfer of ownership to the Town they have added another 11 acres to that. TV-3 is 3 acres and is bounded by streets on three sides. The intent for TV-3 was always for a building similar to TV-2; the proposed changes address the gross buildable area and the mix of housing and retail. These housing units would be rentals and not condominium.

Councilor Kuhn asked if the units in this building would be exempt from the growth cap and if so, why. Mr. Bateman said this district was a contract zone and part of that was a request to build a certain number of units per year and not be subject to the growth cap.

Ethan Croce, Community Development Director, thought there was a desire at the time that this district would be a high-dense, neighborhood with mixed uses. To attract retail and restaurant uses they need the

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residential development. The rental nature of the units does not lend them to families, so their impact on the schools is small. Also, they can't permit part of a building; they would have to permit all the residential units at once.

Councilor Cahan asked how close this development is to the current bus route; Mr. Croce thought the METRO goes down Clearwater to the intersection of Hat Trick. TV-3 is directly adjacent to Rivalries; it is probably a couple hundred feet.

Councilor Cahan wondered what type of resident might be drawn to this type of housing development; Mr. Croce thought working professionals, single people, and smaller families, but typically not as high a ratio of school age children.

Councilor Cahan asked how close it would be to a walking trail; Mr. Croce said there are sidewalks along Clearwater and into Tidewater and there is a trail maintained by Portland Trails in Tidewater Farm that connects to Clearwater.

Councilor Cahan asked if this is a good environmental, smart growth use of this land. Mr. Croce said you could make that argument, to the extent they are removing 26 units from what will now be green space in TF-5 and condensing units onto a footprint that is only 3500 sf larger than the footprint that is already approved.

Chair Hemphill opened the public hearing.

Valentine Sheldon of Route 88 thought TV-3 would be double the number of the original residential units and is not covered by the growth cap. He would like to see this paused; it is doubling the density in this area. This speaks to concerns about density. He didn't agree that families would not live in these units and he was concerned about the impact on the schools.

Scott Walker of Rogers Trail said the Planning Board was confused on whether this really creates a decrease of 8 units. He didn't support allowing these large developments to develop outside of the growth caps. He thanked them for selling the land into conservation. If there was a large problem with this development, there would be more uproar from the residents of Tidewater.

Lee Hanchett said every time they do one of these they are establishing precedent. At the Planning Board they were concerned with the adequacy of the parking. He wondered about the impact of parking if the doubling the density.

Keith Noyes of Gray Road asked how many units were proposed for the 3 acres and how many were proposed with this change. Mr. Croce said there were 17 currently allowed and they want to allow 35. Mr. Noyes said that seems very dense. He didn't see why the town should give Tidewater any special favors.

Lisa Valley of Waterview Way in Tidewater opposed this change. She was concerned about the density. That is a lot of people in that small space. There are only 2 homes on Waterview Way.

Bill McKenney of Carmichael Ave supported the proposed change. The master plan was fully vetted by the Town and developed by professionals. Mr. Bateman has acted in good faith in transferring land rights to the Town. He supported continued growth along the Route 1 corridor. There was controversy and engagement with the public when Rivalries was developed. He visits the area and has not seen any issues with parking. TV-3 is between the existing brick building and Rivalries. He knows most of the people that live in the condos above the Mint Salon block and he didn't think any of them have young or school-age children. He thought the units in TV-3 would be smaller units and would likely appeal to older people. Stormwater was addressed as part of the master plan and it had ecological benefits.

Lisa Valley said she didn't oppose the look of the current buildings in TV; her concern is the parking. She spoke about the difficulty with sight lines on Clearwater when there is snow.

Julie Porter of Mountain Road said the contract zone process is a failure. She said a project on Route 100 will be coming up in the future.

Chair Hemphill closed the public hearing.

Chair Hemphill asked about the parking issue and how it would be addressed.

Mr. Croce said approval of the master plan does not release the developer from obtaining a site plan approval. The master plan sets a ceiling on the development of the site, not a by-right allowance. The developer will still need to go through site plan review and prove that the proposed building can meet the Town's requirements for stormwater, parking, etc. Approval of this proposal raises the ceiling of what can be approved but does not immediately allow what they are proposing.

Councilor Kuhn asked what the Planning Board needs from the Council to review; they indicated that this proposal is too vague for them to enforce. Mr. Croce wasn't sure; the Board has more tools to review development with the master plan than they do with a normal zoning district.

Councilor Ferrante wanted more clarification from the Planning Board on this issue before the Council moves forward. Mr. Croce said he thought there was some confusion about the addition of dwelling units and whether there was a net reduction or not.

Councilor Cahan said the developer has been approved to develop this section already, he is just asking for additional units. There will be development here; the question is how dense the development would be.

The Council asked for more clarity from the Planning Board on their concerns. Staff will reach out to the board members.

An order was scheduled for May 29.

**Item 6 Ordinance to amend the Code of Ordinances to implement recommendations of the Highland Lake Leadership Team related to water quality in Highland Lake.**

Councilor Asherman explained that the proposed ordinance would implement three of the five recommendations from the leadership team. The other two recommendations will require additional time to develop.

Chair Hemphill said the Planning Board recommended passage with the addition of language to the waiver criteria. Mr. Croce said the language to invoke the waiver criteria mimics language already in the ordinance for other aspects of development. The Board is conservative in granting waivers, especially on erosion and sedimentation controls so he felt they would be able to apply the language as drafted.

Chair Hemphill asked if that would be a substantive change or are there existing provisions that are sufficient.

Mr. Croce said the existing proposal does contain criteria for waiving the standard. He thought the Board were looking for more specific standards to entertain a waiver, but the Board doesn't have specific standards for other waiver criteria.

Councilor King moved the ordinance; Councilor Asherman seconded. Motion carried 6-0.

**Item 7 Order to amend the Land Use Permit fee schedule.**

Councilor King said this fee is to fund the third-party review of stormwater plans.

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

Councilor Asherman moved the order; Councilor King seconded. Motion carried 6-0.

**Item 8 Ordinance to amend the Code of Ordinances, Section 17.92.d regarding seasonal parking restrictions on Greenway Drive.**

Councilor Asherman moved the ordinance; Councilor Cahan seconded. Motion carried 6-0.

**Item 9 Ordinance to amend the Code of Ordinances Sec. 18-131 Connection Charges; permit fees; accounting and Sec. 18-233 Exemption from connection charges.**

Councilor Cahan moved the ordinance; Councilor Kuhn seconded.

Councilor Ferrante said the Council should keep aware of this change, since they haven't received a lot of public input on it and it is a change. She encouraged them to keep an eye on it to make sure it is working as intended.

Motion carried 6-0.

**Item 10 Order to adopt a new sewer connection fee schedule.**

Chair Hemphill opened a public comment period.

Valentine Sheldon said this seems like a more equitable way to deal with connection fees.

Chair Hemphill closed public comment.

Councilor Kuhn moved the order; Councilor King seconded. Motion carried 6-0.

**Item 11 Report from the Appointments Committee and order regarding various vacancies on Boards and Committees.**

Councilor Ferrante said the Committee has deliberated for the last seat on LPAC; they interviewed two candidates, but one is running for Council. The other candidate, Karen Farber, worked on the 2016 zoning and is a former councilor. The Committee felt she would work hard on the ordinances and knows a great deal about zoning.

Councilor Asherman said they had two openings as of January 31 this year; the first was filled by John Winslow.

Councilor Kuhn said this is the only seat on any committee that has been left open. They close out the working year of this Appointments Committee with all seats full.

Councilor Ferrante wanted to see more communication from the Town on opportunities to volunteer and serve on committees.

Chair Hemphill felt Ms. Farber would bring support and expertise to LPAC. He felt she would be a fair member.

Councilor King said Ms. Farber is meticulous, thorough and having someone with history on any committee is a good thing.

Councilor Cahan said they ask a lot of LPAC members, both in terms of time and expertise. Ms. Farber brings a depth of knowledge and understanding of the history. She was part of the 2016 changes which have been controversial, but she felt Ms. Farber is good at reevaluating, recognizing when things aren't working, and will be able to bring that experience and move forward in a positive direction.

Councilor Kuhn said a primary goal for the Council next year will be reviewing residential zoning and the next Appointments Committee might want to look at how LPAC is formed, including maybe more members, requiring representation from different residential areas, or more structured public input.

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Chair Hemphill opened a public comment period.

Karen Farber of Foreside Road understood that some people have expressed concerns about her placement on LPAC. She said she was a member of the Council during the drafting and passage of the 2016 zoning. She was one of 7 councilors, and none of them was the architect of the amendments. It was a multi-year process with a number of participants. There are flaws in the 2016 zoning that have had impact that they should have foreseen. The flaws require corrections and the Council is on its way to correct them. There are people that have alleged that she has profited from the zoning changes; she said that is not true. She said she can bring historical perspective and an understanding of zoning to LPAC. She will perform it without an agenda, other than her care for the town. She is someone who listens, seeks compromise, does her homework, and values a transparent process.

Michelle Sheldon of Route 88 said the Council is trying to rebuild trust and start new, but Ms. Farber represents the problems that created the 2016 zoning. She didn't understand the need to fill the slot, but rather wait until they can find someone who represents the majority of the people who feel that the zoning doesn't work and wants to move in a new direction. She didn't feel it was the right message.

Valentine Sheldon said Ms. Farber was one of the chief architects of the 2016 zoning and recently defended the zoning in an op ed in the Forecaster. Someone who is defending the problem shouldn't be put on the board deciding how to move forward. The optics are terrible. He felt LPAC has to go away because no one trusts it. They can't appoint someone who the residents don't trust. He said Sam and Sandra are the historical people on LPAC; they don't need more history on the committee. He felt this was an affront to all the people who have come to the public forums. He was the other applicant for the vacancy. This isn't personal, but this is a bad decision; this is a retread and they don't need to repeat. He said they need new blood.

Lee Hanchett read Ms. Farber's article in the Forecaster and felt she was trying to teach them all a lesson. If they put a person with that much bias on LPAC, they will have the same problems they have had.

Tommy Johnson of Underwood Road supported the nomination of Ms. Farber for this position.

Chair Hemphill closed the public comment period.

Councilor Ferrante said she was saddened by what she just heard. She had profound respect for the hard work people do on these committees. They need to have humility and grace when they make mistakes. She wanted to honor people who show integrity and commitment and are willing to show up and do the work of these committees. She spoke in Ms. Farber's favor.

Councilor Cahan said there is so much growth that can happen when we reflect and evaluate mistakes. Ms. Farber has shown that she is willing to be reflective and wants to help the town grow from this.

Councilor Kuhn said it is sad when we don't have members of the community stepping up to be on LPAC, one of the most important committees of the town, and it is hard to get people to step up and serve when they get scorched like they have recently.

Councilor King moved the order; Councilor Asherman seconded. Motion carried 6-0.

### **Adjourn**

Councilor Asherman moved to adjourn; Councilor Ferrante seconded. Motion carried 6-0.

Meeting adjourned at 11:04 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary