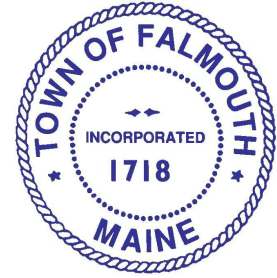


Town of Falmouth
Long-Range Planning Advisory Committee
Minutes of Thursday, November 20, 2008



Members Present: Hugh Smith; Kurt Klebe; Lissa Robinson; David Chase
Members Absent: Hugh Coxe; Karen Farber; Jim Thibodeau

Others present:

- **Council Liaison:** Joe Wrobleski
 - **Staff:** Albert Farris, Theo Holtwijk
 - **Public:** Elias Robinson, Chris Richards (183 Mountain Road)
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Item 1 - Call to Order – Chair Smith called the meeting to order around 7:10 PM.

Item 2 – Minutes – The minutes of the October 30, 2008 meeting were, upon a motion by Kurt and second by Lissa, approved as written.

Item 4 – Public Hearing on a contract zoning district for 234 Middle Road to accommodate limited retail use due to the unique properties of the building and lot.

Chair H. Smith opened and closed the Public Hearing at 7:14 PM. There was no public comment. There was no comment from members.

Item 3 - Public Hearing on an amendment to the Amendments to the Zoning and Site Plan Review Ordinance and the Code of Ordinances to provide for appeal to the Board of Zoning Appeals for Mislocated Single-Family Dwellings and further to authorize the Town Council to grant a Consent Agreement for such mislocated dwellings.

Chair H. Smith opened and closed the Public Hearing at 7:15 PM. There was no public comment. There was no comment from members.

Theo was asked to communicate the result of these two public hearings to the Town Council.

Item 5 – Continuation of Shoreland Zoning Review

Theo began by reviewing the two maps that Judy Colby-George had prepared. The group was OK with the inland wading bird map changes that have been initiated by the Maine Department of Inland Fisheries and Wildlife.

There was discussion on the streams that both maps showed and how and where local and state jurisdiction affect them. There was group consensus to keep all shoreland areas around streams where they currently are, as well as to add a section of stream in northwest Falmouth where two USGS-streams come together. Also the alignment of a section of stream in east Falmouth (near Longwoods Road) will be fixed.

There was consensus to use the stream data map as an “informational” map for staff and the public and to describe the sources of the text layers a bit more extensively.

There was a question raised why streams with wetlands would be protected more than streams without them, and if there was a scientific reason for that. Joe proposed to send a letter to Jeff Simmons to see if he could shed light on that.

The group agreed to leave the other streams, beyond the Shoreland designated streams, as is. This means that those streams will still be subject to a 75 feet setback (as opposed to a 100 feet setback for shoreland zone designated streams). That language is currently in section 5.38.4.A and B. The group did not want to lose that language in the rewrite of the natural resources section.

A note will be added to the Shoreland Zoning map alerting the public that there are other streams that exist (shown on the stream data map) that may have regulatory restrictions associated with them.

The group then went to the chart that compared the local shoreland rules with the state’s minimum guidelines. In general, the group agreed with the changes that staff had proposed.

Section 7.5.a.1 will be updated to reference the 2006 IFW map.

Some discussion ensued around section 7.5.a.6 which lays out several areas which “may” be included as part of the shoreland zone. The group wondered to what extent these areas were mapped, how up to date the references were, and if these areas generally would already fall under shoreland zoning. To remove potential confusion, the group agreed to delete this section.

Theo mentioned that there were some discrepancies between Table 1 of the Town vs. the State, and that Mike Morse was quite specific which of the discrepancies he felt should be rectified. These changes had not yet been incorporated. The group mentioned that Theo should go ahead, and in the next draft show what the proposed changes were.

Section 7.9 Campgrounds will be left in place even though the Town does not (yet) allow campgrounds in any underlying zone. Al clarified what a camp site was versus a campground.

In section 7.10.3 there was discussion whether to regulate the removal of leaf litter as suggested by the State. Ultimately, leaf litter was deleted from the proposed text changes.

The group agreed to incorporate the coastal bluff references that the State describes in its section B.1.c. This will become a new Town section 7.17.e.

The word “area” will be added to section 7.17.f.

The lettering under section 7.17.g will be revised to numbering.

Section 7.18 deals with Timber Harvesting. Al explained the new option that exists where the Town can repeal its regulations and where the Maine Forest Service will then do local enforcement. Staff had done some research and found that no prior action had been taken by the Town Council on this issue. If the Town maintains its own rules, the State will not provide enforcement back-up any more. Al was asked for his recommendation and, even though he was unsure how effective the State's enforcement would be, he recommended that the Town adopt the repeal option. The group agreed. For the time being the current language can be maintained and a note will be added to inform the public of the proposed repeal action.

Theo mentioned that he had not yet made any proposed changes to the definitions section. The group had earlier agreed to use the NRPA definition for stream. The group instructed Theo to go through the State's definitions and propose those changes that he deemed necessary and to make sure those changes were consistent with definition changes in the other natural resource sections that are currently being worked on.

It was also suggested that the Shoreland chapter incorporate a reference to the four-step design process that is described elsewhere in the ordinance, and similarly to how the natural resource sections are doing that. Theo will look into that and copy any language where appropriate.

Item 6 –Next Meeting – The next LPAC meeting is on December 11th on natural resource amendments. The group did not think that a December 18th meeting on shoreland amendments was necessary and cancelled that meeting.

Theo was instructed to make all the text and map changes that had been discussed and get a draft ready for a public review. The group thought that it made sense to do a concurrent review of the shoreland amendments and the natural resource amendments.

The shoreland public input session was planned for February 09. It was unclear if the natural resource amendments would be ready at that time. The group understood that there was a State deadline to get the Shoreland amendments adopted. Chairman Hugh Smith will coordinate a work/roll-out schedule with Amanda and Theo and will report back to the group. If it is possible, the two items will be combined, if not, then the shoreland amendments will move forward by themselves. The group agreed with that approach.

Item 7 - Adjourn - The meeting was adjourned at 9:18 PM.

Meeting notes prepared by Theo Holtwijk, November 25, 2008