

**FALMOUTH TOWN COUNCIL
REGULAR MEETING
FALMOUTH TOWN HALL
Monday, December 17, 2007
MINUTES**

Present and answering roll call: Councilors Libby, Payne, Armitage, Breen, Wrobleski & Rodden.

Arriving at 7:30 PM: Councilor Goggin

Public Forum

On motion (Wrobleski), duly seconded by (Rodden), it was VOTED (6 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To suspend the rules and allow for public comment on an agenda item."

Barbara Seelen, from Payson Road expressed concern over relative to workforce housing behind the police station. She said that there are many unknowns about the school consolidation issue and the new elementary school. She urged the council to possibly put this item on hold for the time being.

Rick Cogland, from the Woodlands is concerned about the process and encourages the council not to take the step of soliciting bids on the proposal today.

Robert Kline stated: "I'm neither for or against" the workforce housing proposal and my concern is the process... Let us get involved in the process."

There was much discussion among the council.

ITEM 1 (Consent Agenda)

Order to approve the minutes of the regular meeting of November 26, 2007.

On motion (Wrobleski), duly seconded by (Payne), it was VOTED (6 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To table the consent agenda."

**ITEM 2 Report from the Appointments Committee and order relative to filing
various vacancies on Boards and Committees.**

On motion (Libby), duly seconded by (Armitage), it was VOTED (6 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To re-appoint Willie Audet to the Conservation Commission retroactive to 12/1/2007 to 12/1/2010.

To re-appoint Margaret Payne to FTAC retroactive to 6/1/2007 to 6/1/2010.

To re-appoint Richie Garrett to the Harbor/Waterfront Committee for another three year term beginning 2/1/2008 to 2/1/2011.

To re-appoint Sandra Davis to the Voter Registration Appeals Board for another three year term beginning 2/1/2008 to 2/1/2011.

ITEM 3 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Armitage reported the following on behalf of the Finance Committee:

Town of Falmouth
271 Falmouth Road
Falmouth, ME 04105
☐ 207.781.5253
☐ 207.781.8677
☐ www.town.falmouth.me.us

Memorandum

Date: December 3, 2007
To: Falmouth Town Council
From: Falmouth Finance Committee:
Will Armitage, Chair
Ann Goggin
Joe Wroblewski
Cc: Nathan Poore, Town Manager
John McNaughton, Finance Director
Randy Davis, Budget Analyst
Re: 12/3/07 Meeting update/recommendations

The Falmouth Finance Committee met Monday, December 3, to review and discuss the following items:

- 1) The Committee discussed drafting a mission/charge statement for the Finance Committee per a request from the Ad Hoc Governance Committee. The committee recommends the following paragraph be adopted by the Town Council as the Finance Committee's Mission:

The mission of the Finance Committee is to provide assistance and guidance to the Town Manager and staff regarding budget and financial practices of the Town. Through research and review of data and best management practices, the Committee will make recommendations to the Town Manager and the Council for action that will assure that Town services are met in a fiscally responsible manner.

Specific goals and responsibilities include:

- . Act as Town's official Audit Committee;
 - Review and make recommendations on the Annual Operating Budget;
 - Review and make recommendations on the CIP (Capital Improvement Plan) Budget to address long range needs of Town;
- . Monitor budget development process regarding Education related services; and,
 - Perform analysis of other policies and procedures that impact the financial and budgetary position of the Town as directed by the Town Council.

2) The Committee discussed recommendations to the Council regarding the disposition of certain real estate owned by the Town. The Committee recommends the Town Manager be directed to sell the following parcels of Town owned land within the next 12 months:

- . Field Road Gravel Pit; Tax Map 130, R03-078
- . Highway Land Falmouth Spur; Tax Map 300, R05-016-A; and
- . Landing Woods Lane Triangle; Tax Map 330, U05-022.

The Committee also recommends the exact boundary of the following parcel of Town owned land be researched with the intent to sell along with the properties referenced above:

- . Ramsdell Spring; Tax Map 84, U16-025.

Furthermore, the Committee recommends the remaining parcels of Town owned land listed below be retained under Town ownership:

- . Bayshore Road Tidbit Lot; Tax Map 484, U01-140-A
- . Bucknam Road Highway Land; Tax Map 234, U58-003-C.
- . Highland Lake Access Lot; Tax Map 421, HL4-020; and
- . Winn Road Old Garage Lot; Tax Map 50, U41-028.

3) The Committee discussed the school department budget development process. After questions and discussion Nathan Poore stated he would work with Kathleen Babeu and legal counsel to develop a specific timeline for a multiple School Budget Referendum election cycle within the new Maine State Statute.

4) Finally, the committee discussed funding mechanisms for open space acquisition and the Open Space Plan 10 Year Budget Forecast. The consensus of the Committee is as follows:

- . The proceeds of the sale of the so-called “tid-bit lots” should be placed in the general land acquisition fund, as a portion of those proceeds will need to off-set back taxes;
- . Any funds collected pursuant to nascent mitigation or transfer of development rights policies should be placed in a new open space reserve fund separate from the open space fund proposed in the CIP for the November 2007 Open Space Referendum approved by voters;
- . Revenue collected pursuant to policies developed by the Open Space Committee and the Ombudsman which produce revenue to the Town may not necessarily be placed in the above mentioned open space fund; and,
- . The Council should expect that the Open Space Committee will leverage town funds to the maximum extent possible by following a process for securing funds for the purchase of open space from sources other than Town revenues, such as State and Federal grants, and private contributions.

Recommendation: Finance Committee to meet with the Open Space Committee.

Councilor Payne reported that a date will be set for the ordinance committee to meet and they are working on a mission statement shortly after first of the year if not before.

Councilor Rodden reported that there is a meeting of the Task Force tomorrow at noon at GPCOG, and she will report the results back to the council. Eco Maine has an 11 minute CD on how recycling is done and she asked the council if they would like to watch the CD. Council consensus is to have the information run on the town's Cable TV station.

Councilor Wrobleski reported that the CDC met on the 3rd with Tidewater Representatives and they are asserting they can put a building in the Conservation area. It is recommended that the town hires Natalie Burns, who is excellent regarding zoning issues. She is employed by Jensen Baird. The record reflects: "unanimous head nodding" is support of her hire for this matter. The Governance Committee met in December and is going through rules to clarify. they will meet again in January. The Consolidation Committee met in December.

ITEM 4 Public Hearing relative to a new food establishment/victualer's license for Freaky Bean, Falmouth.

On motion (Libby), duly seconded by (Wrobleski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To approve a new food establishment/victualer's license for Freaky Bean, Falmouth."

**ITEM 5 Resolution to support the development of a management plan associated
with property owned by the town and commonly referred to as the River
Point property, located on R05-43, Tax Sheet 374 (41 acres).**

On motion (Goggin), duly seconded by (Armitage), it was VOTED (6 Ayes; 1 opposed: Libby) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To approve the following resolution:

Town of Falmouth
Resolution - River Point Property Management Plan

WHEREAS, the Falmouth Town Council recognizes that the River Point property, also known as Three Rivers Farm, contains unique and valuable wildlife habitat, recreational opportunities, agricultural potential and historic importance;

WHEREAS, the River Point property is an important asses to the citizens of Falmouth; an d

WHEREAS, a management plan for River Point will provided guidance with regard to the current and future use of the property.

NOW THEREFORE BE IT RESOLVED by the Falmouth Town Council, assembled this 17th day of December, 2007, that:

The Falmouth Town Council authorizes the development of a management plan for this property by the Open Space Implementation Sub-Committee that will provide the town with a blueprint

for protecting and preserving the property's unique attributes for the enjoyment of present and future generations of Falmouth citizens.

Approved the 17th day of December, 2007

Cathy Breen, Chairperson
Falmouth Town Council

Attested: Kathleen W. Babau
Falmouth Town Clerk

On motion (Wroblewski), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To amend the agenda for items 9 and 10 and take those up as items 6 and 7."

**Item 9 Order relative to proposed amendments to Section 9-94 O (1) (f) & Section
9-95 f (1) of the Coastal Waters Ordinance.**

On motion (Libby), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To approve the amendments to the Coastal Waters Ordinance."

**Item 10 Order to adopt amendments to Sections 2-131, 3.13 & 5.38 of the
Zoning & Site Plan Review Ordinance and Appendix 9 of the Subdivision Ordinance.**

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

**TOWN OF FALMOUTH
ORDER**

**BE IT HEREBY ORDERED THIS 17th DAY OF December 2007 BY THE
FALMOUTH TOWN COUNCIL, FALMOUTH, MAINE, IN TOWN COUNCIL
ASSEMBLED:**

Pursuant to Section 10.10 of the Town of Falmouth Zoning and Site Plan Review Ordinance and the Town Charter, the Council hereby amends the Town of Falmouth Zoning and Site Review Ordinance, Section 2, 3.13 and Section 5.38 as attached hereto. Furthermore, the Council, pursuant to the Town Charter, hereby amends the Town of Falmouth Subdivision Ordinance, Section 2 and Appendix 9 as attached hereto.

Attest: Kathleen Babau
Town Clerk

**TOWN OF FALMOUTH, MAINE
ZONING AND SITE PLAN REVIEW ORDINANCE &
SUBDIVISION ORDINANCE**

Proposed amendments for Public Hearing November 26, 2007

With Bill Plouffe, Town Attorney suggested changes

Existing language appears in black.

Explanatory language appears in blue.

Language to be deleted appears in red.

Added language appears in green.

Zoning Ordinance Amendments for Council Order 12-17-07 page 2

SECTION 2. DEFINITIONS

Delete the current definition of Primary Conservation Area:

Primary Conservation Area: The portion of a site that: is unsuitable for development and/or intensive use including the areas that are required to be deducted from the gross area to determine the "Usable Area" of the site in accordance with Section 3.13.5 B. Any portion of a site that cannot be used in determining the allowable density based upon any provision of this ordinance shall be part of the Primary Conservation Area and replace with:

Primary Conservation Area: The portion of a site containing: 1) land that meets the descriptions in subsections 5.31.1, Net Residential Area, c, d or f; 2) a protected natural resource as defined in subsection 5.38.3, Buffers and Setbacks Adjacent to Streams, Ponds and Wetlands; or 3) land within a buffer or setback required by subsection 5.38.4. ..[Adopted 12/22/05] [Amended 12/17/07]

3.13 "RCZO" -- Resource Conservation Zoning Overlay District [Adopted, 12/22/05]
[Amended 5/29/07] [Amended 12/17/07]

3.13.1 Applicability

The provisions of the Resource Conservation Zoning Overlay (RCZO) District shall apply to those areas shown on the Resource Conservation Overlay and Resource Conservation Zoning Overlay Districts Map. The provisions of the RCZO District shall apply only to lots created after April 1, 2005. Any lot created prior to that date shall not be subject to these provisions and may be used and built upon without compliance with these requirements. Such pre-existing lots shall not be deemed to be nonconforming.

3.13.2 Coordination with the Underlying Zone

The RCZO District is an overlay district. The provisions of this district supplement the provisions of the underlying zoning district. Where the specific provisions of the RCZO District vary from the requirements of the underlying zone, these provisions shall govern. In general, the requirements of the RCZO overlay district apply to all new single-family residential development that requires review and approval by the Falmouth Planning Board, including legal subdivisions and private ways. It does not apply to house lots created prior to enactment of the overlay district or to individual house lots that can be created without Planning Board approval. It also does not apply to multiplex (condo or apartment) development, residential planned developments, or special zoning districts approved by the Town Council.

Zoning Ordinance Amendments for Council Order 12-17-07 page 3

3.13.3 Conformance with Other Standards

All development and use of land within the RCZO District shall conform to all other requirements of the Zoning and Site Plan Review Ordinance except as specifically provided for in Section 3.13.

3.13.4 Allowed Development Patterns

The development of land within the RCZO District may occur in accordance with any one or a combination of the following development patterns:

- a. Conservation Subdivisions – A parcel of land may be subdivided into lots in accordance with the provisions of Sub-Section 3.13.5, Standards for Conservation Subdivisions.
- b. Country Estate Subdivisions – A parcel of land may be subdivided into lots in accordance with the provisions of Sub-Section 3.13.6, Standards for Subdivision Development Using Country Estate Lots.
- c. Country Estate Lots That Are Not Part of a Subdivision – Individual lots that are not part of a subdivision may be created in accordance with the provisions of Sub-Section 3.13.7, Country Estate Developments Not Involving a Legal Subdivision of Land.
- d. Exempt Lots – A single residential lot may be created from an existing lot of record in accordance with the provisions of Sub-Section 3.13.8, Exempt Lots.

3.13.5 Standards for Conservation Subdivisions

A. Purpose – The preferred form of development within the Resource Conservation Zoning Overlay (RCZO) District is conservation subdivisions. This section establishes standards for conservation subdivisions that set aside a significant portion of the site as common open space that is permanently protected while allowing the homes to be clustered on smaller lots on the portions of the site that have the least natural, cultural, or historical resource value for conservation purposes. The standards are intended to ensure that those areas of the site that are not developable or that have natural resource value are included in the common open space.

These provisions are designed to ensure that conservation subdivisions developed in the Town of Falmouth:

- 1. Preserve those areas of the site that have the highest natural resource value for conservation purposes;
- 2. Preserve identified historic, archeological, and cultural features located on the site;
- 3. Locate the buildings and structures on those portions of the site that are most appropriate for development, Zoning Ordinance Amendments for Council Order 12-17-07 page 4
- 4. Create continuous open spaces or “greenways” by linking the common open spaces in adjoining subdivisions wherever possible; and,
- 5. Minimize the impact of residential development on the Town, neighboring properties, and the natural environment.

B. Maximum Density - The maximum number of dwelling units that may be developed in a Conservation Subdivision shall be determined by dividing the calculated Net Residential Area of the parcel by the required Minimum Net Residential Area Per Dwelling Unit for the district in which the subdivision is located and rounding down to the maximum allowed whole number of units. If the subdivision involves only part of a parcel, the Net Residential Area shall be calculated for that portion of the parcel proposed to be included in the subdivision and the determination of the maximum number of dwelling units within the subdivision determined based upon that Net Residential Area.

C. Required Common Open Space – Common open space meeting the following requirements shall be created designated and permanently protected as prescribed below. as part of any Conservation Subdivision:

1. **Minimum Acreage Amount Required** – The acreage amount of common open space provided within the subdivision shall be equal to or greater than the sum of the following (rounded up to the nearest tenth of an acre):

a. fifty percent (50%) of the calculated Net Residential Area; plus,

b. the area equal to the total number of acres of unsuitable area that were deducted from the unsuitable area of the parcel that is deducted from the gross area of the site to determine the Net Residential Area under section 5.31..

Delete the following language:

2. **Priorities for Land Included in Open Space** – The land set aside in the common open space shall be selected based upon the following priorities:

And replace with:

2. **Priorities for Land Included in Open Space** – The land set aside in the common open space shall be proposed by the applicant based upon the following priorities. Final selection of the land to be set aside as common open space shall be determined by the Planning Board based on its assessments of the importance of the types of conservation areas in the context of the project's location and configuration.

Zoning Ordinance Amendments for Council Order 12-17-07 page 5

Priority 1 - Primary Conservation Areas including streams, wetlands, floodplains, vernal pools mapped by the town, and areas with a slope in excess of 25%.as defined in section 2.0. Vegetative buffers that are required by ordinance along these protected resources shall also be considered Primary Conservation Areas.

Priority 2 - Secondary Conservation Areas that provide protection for unique or irreplaceable resources including the habitat of rare, significant, or endangered species, the upland habitat of vernal pools mapped by the Town, archeological or historic sites, landmarks, and cemeteries.

Priority 3 - Secondary Conservation Areas that provide for the continuation of resource systems into or through the site such as shorelands, river or stream corridors, wildlife travel corridors, trails, and unfragmented habitat blocks. The width of such corridors shall

be as follows:

- a. Shorelands, river or stream corridors - 100% of the width of any required vegetative buffer in addition to the required buffer

- b. Wildlife travel corridors – 300 feet

- c. Trail Corridors – 25 feet on either side of the trail

Unfragmented habitat blocks shall have a minimum contiguous area of 150 acres.

Priority 4 - Secondary Conservation Areas that are adjacent to other protected open space.

Priority 5 - Secondary Conservation Areas that maintain the rural character of roadsides.

Priority 6 - Secondary Conservation Areas that include identified scenic resources including viewsheds and agricultural fields along with the forested margin adjacent to these resources.

Priority 7 - Secondary Conservation Areas that encompass groups of small wetlands not included in #1, streams or ponds in a continuously forested area.

Priority 8 - Other Secondary Conservation Areas including fields, aquifer recharge areas, deer yards, and other identified habitat.

3. Use of the Common Open Space -- The common open space in a Conservation Subdivision shall not be used as the location for dwelling units or other nonresidential buildings or parking except as provided for below and shall only be used for the following purposes:

- a. The conservation and protection of natural resource areas, wildlife habitats, scenic features or views, and identified cultural or historic features such as stone walls, cemeteries, and similar identified features or resources;

- b. Outdoor recreation uses and facilities including related accessory structures and buildings that are compatible with the overall scale and character of the subdivision provided that no more than 25% and a maximum of 3 acres of the common open space is altered or developed for recreational facilities and that any building shall have a gross floor area of less than two hundred (200) square feet and the total gross floor areas of all such buildings shall be less than one thousand (1,000) square feet;

- c. Indoor community or recreational facilities that primarily serve residents of the subdivision, having a total gross floor area for all such facilities of less than two thousand (2,000) square feet, and that are compatible with the overall scale and character of the subdivision;

- d. Forest management and agricultural uses including animal husbandry that are specifically approved by the Planning Board as part of the subdivision approval;

- e. Support facilities necessary for the subdivision including individual or community

wells, stormwater management facilities, underground utility lines and related facilities such as sewer pump stations, small community storage buildings, and similar buildings and structures that are needed for the operation of the subdivision but not including personal storage buildings or sheds;

f. Individual or group subsurface wastewater disposal systems or parts thereof, provided that this use was approved as part of the subdivision plan and that appropriate legal arrangements are established and approved by the Planning Board for the maintenance and operation of these facilities;

g. Other appropriate uses that are compatible with the overall scale and character of the subdivision and that are specifically approved by the Planning Board. Permanent provisions for the use, ownership, and maintenance of the common open space including provisions for screening and buffering shall be established subject to approval by the Planning Board as part of the approval of the subdivision in accordance with the Land Subdivision Ordinance.

4. Stewardship Requirements -- Appropriate legal mechanisms for the on-going maintenance and stewardship of the common open space shall be established, including the creation of a stewardship account or payment to the Town's Stewardship Fund as set forth in the Land Subdivision Ordinance, subject to approval by the Planning Board as part of the approval of the subdivision in accordance with the Land Subdivision Zoning Ordinance Amendments for Council Order 12-17-07 page 7 Ordinance.

5. Common open space shall not be included in residential lots. [Adopted 5/29/07]

D. Standards for Individual Residential Lots -- Lots that are created for residential development as part of a conservation subdivision, and the subsequent development of those lots, shall conform to the following standards:

1. Minimum Lot Size -- Individual lots that are created as part of a Conservation Subdivision may be smaller than the required minimum lot size for the district in which it is located. The size of the individual lots shall be shown on the subdivision plan and shall be subject to Planning Board approval based upon its finding that the lot sizes will allow for the creation of a high quality living environment for the residents of the subdivision and provide for adequate sewage disposal. In no case shall any lot served by a subsurface wastewater disposal system be less than twenty thousand (20,000) square feet in area nor any lot served by the public sewer system be less than ten thousand (10,000) square feet in area.

2. Minimum Lot Width -- The minimum lot width for lots in a conservation subdivision shall be one hundred twenty-five (125) feet. The Planning Board may reduce the minimum lot width by up to fifty (50%) percent provided that the project is developed according to an approved master development plan where each individual lot is subject to design review of the lot layout and building design according to parameters and guidelines submitted by the developer and approved by the Planning Board. Said design parameters shall include maximum lot coverage, floor area ratio, and major building axis line

relationship to street line (parallel or perpendicular) for each lot to ensure that each lot will be developed in a way that coordinates with adjacent lots, prevents building crowding, and provides adequate yard spaces and privacy screening, while avoiding a repetitive pattern of housing orientation and design throughout the project.

3. Minimum Street Frontage – The minimum street frontage for lots in a conservation subdivision may be reduced to not less than one hundred twentyfive (125) feet unless a master development plan is submitted per subsection 2 above. Lots that have their required street frontage on a turning circle may have less street frontage than the required minimum, but in no case shall any lot have less than fifty (50) feet of street frontage. The amount of frontage for the individual lots shall be shown on the subdivision plan and shall be subject to Planning Board approval based upon its finding that the lot frontages will allow for the creation of a high quality living environment for the residents of the subdivision and provide adequate access to the residences and other facilities, Zoning Ordinance Amendments for Council Order 12-17-07 page 8

4. Minimum Front Setback – The minimum front setback for lots in a conservation subdivision shall be between fifteen (15) and twenty-five (25) feet. The Planning Board shall approve the minimum front setback for each lot as part of the subdivision approval. The size of the minimum front setback for each lot shall be shown on the subdivision plan and may vary from lot to lot or in different areas of the subdivision. In approving the minimum setbacks, the Planning Board shall find that the setbacks will: 1) allow the principal building to be sited in accordance with the Four Step Design Process, 2) allow for the creation of a high quality living environment for the residents of the subdivision, 3) allow for the preservation of significant natural resources, and 4) provide for adequate privacy for each unit based upon the character of the lot and proposed landscaping of the lot.

5. Minimum Building Separation/Setbacks – When a side or rear yard of a lot containing a residence or other building abuts the external perimeter or property line of a Conservation Subdivision, the minimum side and rear yard setbacks shall be the required minimum setback for the underlying district in which the subdivision is located. The minimum side and rear yard setbacks from internal property lines within a Conservation Subdivision shall be determined by the Planning Board as part of the subdivision approval and may be less than the required setbacks established by the district regulations. The size of the minimum setbacks for each lot shall be shown on the subdivision plan and may vary from lot to lot or in different areas of the subdivision. In approving the minimum setbacks, the Planning Board shall find that the setbacks will: 1) allow the principal building to be sited in accordance with the Four Step Design Process, 2) allow for the creation of a high quality living environment for the residents of the subdivision, 3) allow for the preservation of significant natural resources, and 4) provide for adequate privacy for each unit based upon the character of the lot and proposed landscaping of the lot. In all cases, the separation distance between principal buildings within the subdivision, whether on the same lot or on different lots, shall conform to the requirements of the Town's building code and the NFPA fire protection codes based upon the type of construction and the use of the buildings.

E. Layout and Design of the Subdivision – The subdivision, including the location of the common open space, lots, and streets, shall be laid out in accordance with the Four Step Design Process set forth in the Land Subdivision Ordinance. Documentation of the Four Step Process shall be provided as part of the subdivision application.

F. Streetscape Buffers Adjacent to Existing Public Streets -- A vegetated buffer strip shall be maintained along any public street existing as of April 1, 2005 that is adjacent to a Conservation Subdivision to minimize the visual impact of the Conservation Subdivision on the streetscape. The depth of the buffer strip shall be at least one hundred (100) feet. This provision shall be reduced to twenty-five (25) feet for individual residential lots that front on public streets that existed as of April 1, 2005. No parking, buildings, structures, or recreational facilities, with the exception of trails required under Appendix 1(N) of the Subdivision Ordinance, shall be permitted within this buffer strip but accessory structures such as signs, walls, underground utility structures, and drainage facilities may be located within this buffer. The buffer strip may be crossed by driveways or access drives that run essentially perpendicular to the street. The buffer strip shall be naturally vegetated or landscaped in a manner appropriate to the existing site conditions and the secondary conservation value of the strip. The treatment of the buffer strip shall be subject to approval by the Planning Board as part of the approval of the subdivision. Appropriate legal mechanisms shall be established by the subdivider, subject to approval by the Planning Board as part of the approval of the subdivision, to assure that the buffer strip will be permanently protected and maintained. [Amended 5/29/07]
Trails required under Appendix 1(N) of the Subdivision Ordinance may be located within the buffer strip. [Adopted 5/29/07]

G. Perimeter Buffers -- A vegetated buffer strip shall be maintained along the external perimeter or property line of the Conservation Subdivision, with the exception of property lines along public streets, to minimize the impact of the Conservation Subdivision on abutting properties. The width of the buffer strip shall be at least fifty (50) feet. If the buffer strip abuts a water body or wetland, the width and treatment of the buffer strip shall be expanded to comply with the most restrictive requirements of Section 7, Shoreland Zoning and Section 5.38, where applicable. No parking, buildings, structures, or recreational facilities, with the exception of trails required under Appendix 1(N) of the Subdivision Ordinance, shall be permitted within this buffer strip but accessory structures such as walls, underground utility structures, and drainage facilities may be located within this buffer. The buffer strip shall be naturally vegetated or landscaped and the treatment shall be subject to approval by the Planning Board as part of the approval of the subdivision. Appropriate legal mechanisms shall be established by the subdivider, subject to approval by the Planning Board, to assure that the buffer strip will be permanently protected and maintained. [Amended 5/29/07]
Trails required under Appendix 1(N) of the Subdivision Ordinance and street right of ways for future street connections may be located within the buffer strip. [Adopted 5/29/07]
Access roads may be located in the buffer strip where the Planning Board determines through the 4-Step Design Process that the resulting road location and subdivision

design best achieves the purposes of a conservation subdivision as listed in Section 3.13.5.A.1-5. [Adopted 5/29/07]

H. Conceptual Long Range Development Plan -- When a Conservation Subdivision will not utilize the entire parcel and there is potential for future subdivision or development of the parcel or any of the lots being created, the application for Zoning Ordinance Amendments for Council Order 12-17-07 page 10 subdivision approval shall include a Conceptual Long Range Development Plan showing the potential utilization of the lots and the balance of the parcel not being subdivided. The Long Range Plan is intended to be conceptual in nature, to rely on published data about natural resources relevant to the parcel and the built environment, and to demonstrate that the current subdivision proposal will not compromise important conservation values or the long term development of the parcel as a Conservation Subdivision. This plan shall show the relationship of the proposed subdivision area to the balance of the parcel and to adjacent land. This plan shall analyze the conservation and development potential of the remaining area of the parcel and shall show, in general terms, the potential street network, open space areas, and development areas in a manner that demonstrates that both the proposed development and the future development can occur so that it conforms to the requirements for Conservation Subdivisions and preserves the significant natural resource and conservation values of the entire parcel.

I. Alteration of Natural Resources— The Planning Board may allow the alteration of only those protected resources and their associated buffers and setbacks, as defined in Section 5.38, for those improvements listed in Section 5.38.5. B. with a finding that:

- 1) the resulting subdivision design best achieves the purposes of a conservation subdivision as listed in Section 3.13.5.A.1-5. and as determined through the 4-Step Design Process (see Land Subdivision Ordinance, Appendix 9);
- 2) the design is integrated with the natural topographic conditions and minimizes the need for cuts and fills;
- 3) that the impacts on the resource(s) and their respective buffers and setbacks as defined in Section 5.38 have been minimized; and
- 4) the design and function of the improvements incorporate accepted best management practices.

3.13.6 Standards for Subdivision Development Using Country Estate Lots

A. Purpose – The alternative form of development within the Resource Conservation Zoning Overlay (RCZO) District is the use of Country Estate lots either as part of a subdivision or as individual lots that do not constitute a subdivision. This section establishes standards for a subdivision using Country Estate lots. The standards are intended to assure that the layout of the lots respects those areas of the site that have natural resource value, protects the rural character of the RCZO District, and provides reasonable access to lots for public safety purposes.

B. Standards for Individual Lots – Country Estate lots shall conform to the following standards:

1. Minimum Lot Size – The minimum lot size for a Country Estate lot is three hundred fifty thousand (350,000) square feet
2. Minimum Net Residential Area Per Unit – The maximum density for a Zoning Ordinance Amendments for Council Order 12-17-07 page 11 Country Estate subdivision is two hundred fifty thousand (250,000) square feet

of net residential area per dwelling unit

3. Minimum Lot Width – The distance between the opposing lot lines measured through the principal building on the lot shall be three hundred (300) feet

4. Minimum Lot Access Requirements – A Country Estate lot shall have frontage on a public street, approved private way, or an approved private access drive meeting the provisions of Section 5.42. A Country Estate lot shall have the following minimum street frontage based upon the type of street:

- a public street in existence as of April 1, 2005 400 ft
- a public street created after April 1, 2005 200 ft
- an approved private way 100 ft
- an approved private drive for country estates 25 ft

5. Minimum Property Line Setback – All principal buildings shall be setback a minimum of seventy-five (75) feet from any property line. Accessory buildings and structures with less than two hundred (200) square feet of footprint area shall be set back a minimum of fifty (50) feet from any property line. Any other accessory buildings and structures shall be setback a minimum of seventy-five (75) feet from any property line.

C. Layout and Design of the Development – Any subdivision shall be laid out in accordance with the Four Step Design Process set forth in the Land Subdivision Ordinance. This process shall be used to guide the location of building sites, lots, and access to minimize the impact on identified Primary and Secondary Conservation Areas. Documentation of the Four Step Process shall be provided as part of the review of the project.

D. Streetscape Buffers – A vegetated buffer strip shall be maintained on any Country Estate lot that fronts on or otherwise abuts any public street existing as of April 1, 2005 to minimize the visual impact of the development on the streetscape. The depth of the buffer strip shall be at least fifty (50) feet. No parking, buildings, structures, or recreational facilities shall be permitted within this buffer strip but accessory structures such as signs, walls, underground utility structures, and drainage facilities may be located within this buffer as well as trails required under Appendix 1(N) of the Subdivision Ordinance. The buffer strip may be crossed by driveways or access drives that run essentially perpendicular to the street. The buffer strip shall be naturally vegetated or landscaped in a manner appropriate to the existing site conditions and the secondary conservation value of the strip. The treatment of the buffer strip shall be subject to approval by the Planning Board as part of the approval of the development. Appropriate legal mechanisms shall be established to assure that the buffer strip will be permanently protected and maintained. [Amended 5/29/07]

E. Perimeter Buffers -- A vegetated buffer strip shall be maintained along the external Zoning Ordinance Amendments for Council Order 12-17-07 page 12 perimeter or property line of the Conservation Subdivision, with the exception of property lines along public streets, to minimize the impact of the Conservation Subdivision on abutting properties. The width of the buffer strip shall be at least fifty (50) feet. If the buffer strip abuts a water body or wetland, the width and treatment of the buffer strip shall be expanded to comply with the most restrictive requirements of Section 7, Shoreland Zoning and Section 5.38, where applicable. No parking, buildings, structures, or recreational facilities, with the exception of trails required under Appendix 1(N) of the Subdivision Ordinance, shall be permitted within this buffer strip but accessory structures such as walls, underground utility structures, and drainage facilities

may be located within this buffer. The buffer strip shall be naturally vegetated or landscaped and the treatment shall be subject to approval by the Planning Board as part of the approval of the subdivision. Appropriate legal mechanisms shall be established by the subdivider, subject to approval by the Planning Board, to assure that the buffer strip will be permanently protected and maintained. [Amended 5/29/07]

Trails required under Appendix 1(N) of the Subdivision Ordinance and street right of ways for future street connections may be located within the buffer strip. [Adopted 5/29/07]

Access roads may be located in the buffer strip where the Planning Board determines through the 4-Step Design Process that the resulting road location and subdivision design best achieves the purposes of a conservation subdivision as listed in Section 3.13.5.A.1-5. [Amended 5/29/07]

F. Conceptual Long Range Development Plan -- When a development involving Country Estate lots will not utilize the entire parcel and there is potential for future subdivision or development of the parcel, the application for approval shall include a Conceptual Long Range Development Plan showing the potential utilization of the lots and the balance of the parcel not being subdivided. The Long Range Plan is intended to be conceptual in nature, to rely on published data about natural resources relevant to the parcel and the built environment, and to demonstrate that the current development proposal will not compromise important conservation values or the long term development of the parcel. This plan shall show the relationship of the proposed lots to the balance of the parcel and to adjacent land. This plan shall analyze the conservation and development potential of the remaining area of the parcel and shall show, in general terms, the potential access and development areas in a manner that demonstrates that both the proposed development and the future development can occur so that it conforms to the requirements of the RCOZ District and preserves the significant natural resource and conservation values of the entire parcel.

3.13.7 Country Estate Developments Not Involving a Legal Subdivision of Land

Any proposed division of land in the Resource Conservation Zoning Overlay District that will create two (2) or more Country Estate lots within any five (5) year period shall be done in accordance with a plan approved by the Planning Board. If the division does not create a subdivision, this plan may be combined with a plan for a private way or a plan for a private Zoning Ordinance Amendments for Council Order 12-17-07 page 13

access drive. If the division is not subject to review and approval by the Planning Board under one of these provisions, Planning Board approval of a Plan for a Country Estate Development shall be required prior to the sale or transfer of any of the lots. The plan and its review shall conform to the following requirements:

a. The plan showing the Country Estate Development shall be prepared by a registered land surveyor. The plan shall be labeled "Plan for a Country Estate Development" and shall provide an approval block for the signatures of the Planning Board members. The plan shall delineate each of the lots to be created and the proposed access for each lot.

b. The applicant shall submit an Existing Resources and Site Analysis Plan and documentation of the Four Step Design Process for the site as provided for in the Land Subdivision Ordinance. These submissions shall cover those areas of the site proposed for division. The Existing Resources and Site Analysis Plan shall be prepared by a registered landscape architect unless the Planning Board determines that the project does not require these services due to the absence of primary or secondary conservation areas as defined by this ordinance and as indicated in Section 3.13.5. C.

2.

c. The approved plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date of the Planning Board approval. If the plan is not recorded within this time period, the approval of the Planning Board shall be null and void.

d. In reviewing requests for approval of a Plan for a Country Estate Development under this subparagraph, the Planning Board shall apply such standards and criteria, and may impose such conditions, as are applicable to conditional uses under subsections 8.3 and 8.7 of this Ordinance and the provisions of the RCZO District.

e. After a Plan for a Country Estate Development has been approved by the Planning Board, no further Country Estate lots shall be created from the initial lot or by the further division of any of the Country Estate lots without the prior approval of such lots by the Planning Board under this subsection.

3.13.8 Exempt Lots

Any lot of record as of April 1, 2005 may be divided to create one additional exempt lot whether or not such division is a subdivision, provided that all of the following conditions are met:

1. The lot of record shall be held in separate ownership from any abutting property.
2. Both of the lots created by the division shall meet the minimum lot size requirements for the underlying district including minimum lot size, minimum lot width, and minimum street frontage and the minimum suitable building area per lot requirement of Section 5.31.2 a.
3. If the division is a subdivision as defined by this ordinance or the Land Subdivision Ordinance, the division shall be subject to review and approval by the Planning Board in accordance with the subdivision regulations.

Zoning Ordinance Amendments for Council Order 12-17-07 page 14

Excerpt from Zoning Ordinance as amended through August 27, 2007

Proposed Amendments for Council Order December 17, 2007

5.38 Buffers and Setbacks Adjacent to Streams, Ponds and Wetlands [Adopted 12/18/01]

5.38.1 Purpose

The purpose of these requirements is to protect water quality, aquatic life, and wildlife habitat in and adjacent to streams, ponds and wetlands town-wide, and, to protect private and public property from flooding and poor drainage conditions caused by locating buildings in or close to these areas. The regulations are intended to protect natural resource areas that are not currently covered by Shoreland Zoning and the Highland Lake Conservation Overlay District.

The regulations distinguish between high and low value wetlands. High value wetlands generally have surface water for a prolonged period during the growing season, or, they are located in close proximity to other wetlands, ponds and streams. These are the two most important factors in determining how well a wetland functions in terms of providing benefits to the community. Although the absence of surface water or their location makes low value wetlands less beneficial, the Town is interested in these areas because their poor drainage conditions pose a hazard for development.

5.38.2 Applicability

A. The requirements of this section 5.38 apply only to the construction of: 1) new single family dwellings and their accessory structures and lawns, when

constructed upon lots created after the effective date of this section, whether by subdivision or otherwise; and 2) private ways which are subject to review under section 5.27. For purposes of this subsection 5.38.2, subdivision and private way applications that have had at least one substantive review before the effective date of this section shall not be subject to the requirements of this section. Alterations and enlargements of single family dwellings and their accessory buildings existing on the effective date of this section are not subject to the requirements of this section. The requirements apply to the construction of new single family dwellings and their accessory buildings, private ways, and subdivision plans in residential districts.

B. In the event that the requirements of this section overlap the requirements of Shoreland Zoning or the Highland Lake Conservation Overlay District, the requirements of Shoreland Zoning or the Highland Lake Conservation Overlay District shall apply.

Zoning Ordinance Amendments for Council Order 12-17-07 page 15

5.38.3 Protected Resources

A. **Stream.** A “river, stream, or brook” as defined by the Maine Natural Resources Protection Act.

B. **Pond.** A naturally occurring inland body of water, but not including great ponds as defined by the Maine Natural Resources Protection Act.

C. **Vernal Pool.** A naturally occurring temporary to permanent inland body of water that forms in a shallow depression and typically fills during the spring or fall and may dry during the summer. The vernal pool contains no viable populations of predatory fish, and it provides the primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders and fairy shrimp. The presence of any one or more of these species is usually conclusive evidence of a vernal pool. Only vernal pools that have been mapped or identified by a governmental agency prior to project approval shall be considered as being within this definition.

D. **Floodplain.** The area adjacent to a stream or pond that is inundated during a 100-year flood event, as indicated on flood insurance maps of the Federal Emergency Management Agency, or by field indicators such alluvial deposits, scoured soils, silt-covered leaves and vegetation, water-borne debris, topography, and other site-specific evidence, or by a flood elevation analysis of a qualified professional.

E. **High Value Wetland.** A freshwater wetland, as defined by the Maine Natural Resources Protection Act, which meets one or more of the following criteria:

1. Contains a pond or a vernal pool;
2. Lies within the floodplain of a stream or a pond;
3. The soils are very poorly drained as defined by the USDA Natural Resources Conservation Service;
4. More than 50% of the dominant species in all strata of the vegetation consist of facultative wetland (FACW) or obligate wetland (OBL) plant species, as listed in the National List of Plant Species that Occur in

Wetlands, by the U.S. Fish and Wildlife Service, latest edition.

F. Low Value Wetland. A freshwater wetland, as defined by the Maine Natural Resources Protection Act, which does not meet the criteria of a high value wetland.

5.38.4 Buffers and Setbacks Required

A. A buffer consisting of natural forestland not less than 50 feet wide shall be left undisturbed between streams, floodplains, ponds, vernal pools, and high value wetlands and all areas cleared for development, including, but not limited to, lawns, gardens, landscaped plant beds, driveways, parking lots, buildings, and other structures.

B. No structure shall be located closer than 75 feet from streams, floodplains, ponds, vernal pools, and high value wetlands.

C. No structure shall be located closer than 50 feet from low value wetlands greater than 4,000 square feet in total area.

D. Buffers and setbacks shall be measured as follows:

1. Streams: from the edge of the stream channel, or from the edge of the floodplain adjacent to the stream if one is present;
2. Floodplains: from the limit of the area inundated by floodwater;
3. Ponds and vernal pools: from the high water mark, or from the upland edge of the wetland adjacent to the pond or pool if one is present;
4. Wetlands: from the upland edge of the wetland.
5. Where uncertainty exists as to the precise boundaries of protected resources for the purposes of establishing buffers and setbacks, the Planning Board shall be the final authority as to location. In making determinations, the Planning Board may require applicants to file plans drawn and approved by qualified professionals and may consider the advice of state and federal agencies and peer reviewers.

5.38.5 Exemptions

A. Buffers and setbacks are not required adjacent to the following areas:

1. Swales, ditches, and impoundments created for drainage purposes;
2. Artificial impoundments of streams constructed prior to the enactment of this amendment;
3. Low value wetlands, averaging thirty (30') feet or less in width, as determined by measuring the width of five (5) evenly spaced sections, that function primarily as drainage swales in upland areas.

B. Buffers and setbacks do not apply to the following projects:

- 1) Stormwater management facilities;
- 2) Road crossings, bridges, culverts, and the installation of utilities needed to access property on the other side of wetlands and waterbodies; or
- 3) Docks, boat ramps, and other structures necessary for direct access to waterbodies,

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provided that the design and location of the improvements:

1. are integrated with the natural topographic condition and minimize the need for cuts and fills;
2. minimize impacts on protected resources as defined in Section 5.38.3 and their respective buffers and setbacks as defined in Section 5.38.4;

3. incorporate accepted best management practices; and
4. are determined by the permitting authority to be the best alternative.

B. Subject to the following qualification, buffers and setbacks do not apply to the following improvements:

1. Stormwater management facilities;
2. Road crossings, bridges, culverts, and the installation of utilities needed to access property on the other side of wetlands and water bodies; and
3. Docks, boat ramps, and other structures necessary for direct access to water bodies.

In order to qualify for the exemptions in this paragraph B, the design and location of the improvements must:

- a. Be integrated with the natural topographic condition and minimize the need for cuts and fills;
- b. Minimize impacts on protected resources and their respective buffers and setbacks as defined in subsection 5.38.3;
- c. Incorporate accepted best management practices; and
- d. Be determined by the permitting authority to be the best alternative.

5.38.6 Non-forested Areas

Buffer areas that consist of fields, orchards, or cutover land shall comply with the requirements of this section by allowing the buffer area to regenerate to forest cover naturally. The Town may, however, require that the buffer area be replanted and the site stabilized if the soils on the site are exposed or eroding.

5.38.7 Maintenance of Forested Buffers

A. Buffers shall remain undisturbed, except for the removal of trees that pose a safety hazard. No tree cutting or clearing of vegetation can be done within the buffer without prior approval of the Code Enforcement Officer.

B. No trash, building materials, compost piles, buildings, automobiles, equipment, machinery, car parts, gravel, rocks, soil, or debris of any kind shall be placed or stored in the buffer area.

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C. Stormwater runoff shall enter the buffer area as sheet flow only. Channeling stormwater runoff through the buffer area is not permitted.

5.38.8 Enforcement of Buffers

A. For building permits where a buffer is required, a written notice that the property contains a buffer shall be filed at the Cumberland County Registry of Deeds within ten days of plan approval. A copy of the notice filed at the Registry shall be submitted to the Code Enforcement Office within the same time period as proof of the filing.

B. On subdivision plans, the location of buffers and setbacks shall be shown using bold lines, shading, and other techniques to ensure that the buffer areas and the setbacks stand out clearly from background information. The buffers and setbacks shall be labeled and text shall indicate that the buffers are not to be disturbed.

C. The boundaries of buffer areas shall be marked on site with snow fencing or

equivalent measures and approved by the Code Enforcement Officer prior to site clearing
Subdivision Ordinance Amendments for Council Order 12-17-07 page 19

CHAPTER 701 LAND SUBDIVISION ORDINANCE

[As Amended 12/22/05]

Proposed amendments for Public Hearing November 26, 2007

Section 2 - Definitions

PRIMARY CONSERVATION AREA: The portion of a site that is unsuitable for development and/or intensive use including the areas that are required to be deducted from the Net Residential Area of the site in accordance with the Zoning Ordinance.

[Adopted 12/22/05]

SECONDARY CONSERVATION AREA: The portion of a site that has open space, recreational, natural resource, scenic, cultural, historic, or archeological value and should be considered for inclusion within the common open space of a conservation subdivision but is not within the Primary Conservation Area. [Adopted 12/22/05]

APPENDIX 9

[Adopted 12/22/05]

Four Step Design Process for Subdivisions in the Resource Conservation Zoning Overlay District

All subdivisions shall be designed in accordance with the following four step process. The submission for the preliminary plan of a major subdivision or the final plan of a minor subdivision (if required by the Planning Board) shall include documentation of the four-step design process for determining the layout of the subdivision including proposed conservation lands, house sites, streets, and lot lines in accordance with the following process. Applicants shall submit four separate sketch maps indicating the findings of each step of the design process, if so requested by the Planning Board.

Step 1: Delineation and Design of Common Open Space

Step 1A. Delineation of Common Open Space

The area to be designated as common open space or otherwise preserved as part of the development shall be delineated based upon the Primary and Secondary Conservation Areas [as defined by the Zoning and Site Plan Review Ordinance](#). The proposed common open space in conservation subdivisions shall be identified in accordance with the following:

1. The minimum percentage and acreage of required common open space shall be calculated by the applicant and submitted in accordance with the provisions of this ordinance and of the Zoning Ordinance.
2. The proposed common open space shall be designated using the Site Analysis Sketch Subdivision Ordinance Amendments for Council Order 12-17-07 page 20 Plan as a base.
3. The Primary Conservation Areas on the site shall be delineated and shall be incorporated into the common open space [in accordance with Section 3.13 of the Zoning and Site Plan Review Ordinance](#) . [The Primary Conservation Areas shall include floodplains, wetlands, and areas with sustained slopes over 25 percent.](#) .
4. The Secondary Conservation Areas on the site shall then be delineated. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural

resources on the tract in terms of their highest to lowest suitability for inclusion in the proposed common open space based upon the priorities set forth in the Zoning and Site Plan Review Ordinance.

5. On the basis of those priorities and practical considerations related to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, sufficient Secondary Conservation Areas shall be identified to be included in the common open space to meet at least the minimum area percentage requirement for common open space. This delineation shall clearly indicate the boundaries as well as the types of resources included within them.

5. The proposed common open space shall include all Primary Conservation Areas and the Secondary Conservation Areas with the highest resource significance as identified in 5.

For subdivisions that are not Conservation Subdivisions, the Primary and Secondary Conservation Areas shall be identified using the Site Analysis Sketch Plan as a base. The layout of the subdivision shall consider these resources and shall preserve them to the extent reasonable.

Step 1B. Design of Common Open Space

1. All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least 75 percent of the common open space shall be contiguous to another common open space area. For the purposes of this subsection, areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.

2. Common open space shall, to the greatest extent possible, protect site features identified in the Existing Resources and Site Analysis Plan.

3. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or to restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with an approved Common Open Space Ownership and Stewardship Plan as provided in Appendix 3 for major subdivision submissions and Appendix 4 for minor subdivision submissions.

4. No area of common open space shall be less than 50 feet in its smallest dimension and less than 10,000 square feet in area. Open space not meeting this standard is allowed as an added project enhancement, but shall not be counted toward the required project common open space.

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5. The boundaries of common open spaces shall be marked by natural features wherever possible, such as hedgerows, stone walls, edges of woodlands, streams, or individual large trees. Where no such existing demarcations are present, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where the common open space ends and private lot areas begin. Where structural demarcations, such as fences are used, they shall be the minimum needed to accomplish this objective.

6. Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

Step 2: Location of Building Sites

Potential building sites shall be tentatively located taking into consideration the proposed common open space and/or the Primary and Secondary Conservation Areas identified in Step 1 as well as other relevant data from the Site Inventory Plan and Site Analysis Sketch Plan, such as topography and soils. Building sites should generally be located at least 100 feet from Primary Conservation Areas and at least 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences and other uses.

Step 3: Alignment of Streets and Ways and Creation of a Trail System

Based upon the designated building sites, a circulation plan shall be designed to provide vehicular and pedestrian access to each site. The street layout shall bear a logical relationship to topographic conditions. Impacts of the street plan on proposed Conservation Lands as defined in this Ordinance, Primary Conservation Areas, and Secondary Conservation Areas as defined in the Zoning and Site Review Ordinance shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and minimizing cut and fill in accordance with Section 3.13 of the Zoning and Site Plan Review Ordinance. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and to facilitate access to and from buildings in different parts of the subdivision. A trail system shall be created within the common open space to provide access from the subdivision homes to the open space network created by the subdivision.

Step 4: Drawing in the Lot Lines

Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual lots. Lots shall be designed in keeping with the standards for individual lots found in Section 3.13.5 D. of the Zoning and Site Plan Review Ordinance and shall be further designed to provide each residence with a clear delineation of its property bounds and with useable yard spaces.

On motion (Goggin), duly seconded by (Wroblewski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To take up item seven before item 6."

Item 7 Order to authorize the Town Manager to advertise and solicit request for proposals related to a workforce housing development on town owned property located near the new Police Station on Woods Road.

On motion (Libby), duly seconded by (Goggin), it was VOTED (6 Ayes: 1 opposed: Breen)) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To accept public comment."

There was public comment both in support and against.

On motion (Libby), duly seconded by (Armitage), it was VOTED (NO VOTE TAKEN) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To approve the Workforce Housing order."

On motion (Rodden), duly seconded by (NO SECOND), it was VOTED (NO VOTE TAKEN) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To table this item." (workforce housing)

On motion (Armitage), duly seconded by (Wrobleski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To table this item until the January meeting and for councilors to report to the Town Manager via email their thoughts, ideas & concerns in order to build the RFP and to include the committee at some point in the process and the Woodlands Homeowners Association."

Item 6 CDBG Workforce Housing Application

Town Manager, Nathan Poore explained that the request is for the council to support the resubmitted of a grant through the County CDBG Competitive program for infrastructure to support a housing program off Woods Road. Due Date for submittal deadline is February 1, 2008.

On motion (Wrobleski), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To postpone discussion of this matter until January."

Item 8 Order to authorize the Town Manager to dispose of certain town owned real estate.

On motion (Wrobleski), duly seconded by (Libby), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To authorize the town manager to dispose of certain town owned real estate."

On motion (Goggin), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To amend the motion to reflect that the finance committee and town manager meet regarding this item."

On motion (Goggin), duly seconded by (Armitage), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To approve the original motion with the amendment."

**Item 11 To go into executive session at 9:45 PM for the following: discuss several
possible property acquisitions - 1 M.R.S.A. § 401 (6) (C)**

On motion (Armitage), duly seconded by (Wroblewski), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

**"To go into executive session at 9:45 PM for the following: discuss several possible
property acquisitions - 1 M.R.S.A. § 401 (6) (C)**

Payne would like to see townemployees/townresidents first

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To come out of Executive Session at 10:14 PM."

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To authorize the town manager to enter into a purchase and sale agreement with Rodney Buck, Trustee for Howard William Buck, a revocable trust, for property identified as Tax Map R-08, Lot 77, and to authorize the town manager to purchase the property for \$125,000, such property to include approximately 45 undeveloped acres of land."

On motion (Armitage), duly seconded by (Goggin), it was VOTED (7 Ayes) as follows:

**BE IT ORDERED BY THE MUNICIPAL OFFICERS OF THE TOWN OF FALMOUTH, MAINE
IN TOWN COUNCIL ASSEMBLED:**

"To adjourn the meeting at 10:15 PM."

Respectfully submitted,

Kathleen W. Babeu, CMC
Falmouth Town Clerk

** These minutes are not verbatim. For a CD, please contact the Town Clerk's office. **