

**CHAIRMAN CLARK** said in February, the Council enacted an emergency ordinance prohibiting parking after dusk at the Presumpscot Falls Park, and it expires April 23, 1999, while the elver fishing season continues until June 1. Therefore, the Council will need to reenact the emergency ordinance so it will be effective another sixty (60) days or until June 25, 1999. This allows time for the Council to enact a regular ordinance, which is being introduced tonight.

On motion (Kitchel), duly seconded (Trudel), 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 reenact the emergency ordinance relative to closing the Presumpscot Falls Park at dusk.”

**ITEM 14 - ORDER TO APPROVE A LICENSE ON TOWN PROPERTY TO ALLOW FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A DOCK.**

**MANAGER HARRIS** said Carroll Street is a subdivision off Route One. The town owns a strip of land between the property and the water. In 1994 there was a similar request for an easement. At that time the Council felt that a better approach would be to provide a license, allowing the party to build a pier, which was never built. The current request from Mr. Cohen is for twenty (20) years and has been before the Planning Board, but he needs permission from the Council first.

**COUNCILOR HOBSON** said he was hesitant to support the request last time, but the applicant was willing to do erosion control, providing something for the town. He is hesitant on this one. The town is not getting anything from this request.

**MR. COHEN**, the applicant, said they are proposing the same thing that the earlier applicant did; if erosion controls were needed, he was willing to put them in.

**MR. GERBER**, engineer who prepared the application, said the banking on Mr. Cohen's property is stable. There is some erosion of the marsh at the foot of the bank.

**COUNCILOR HOBSON** asked how many others would be asking for a dock?

**MR. COHEN** said he believes there are two houses by him which could make such a request.

**MR. GERBER** discussed where the town property was located.

**COUNCILOR TRUDEL** he needs to review the effect the ramp and dock will have on the town owned property. Assess to waterfront property is tight already. There is a public trust involved and he is not comfortable without more information and seeing the area.

**MR. GERBER** said it is very difficult to walk on the marsh. Mr. Cohen's lot does not have deeded access so he is making this request.

**COUNCILOR HOBSON** said when town owned property is involved, he wants to see that the town is getting something for what it is giving. He would vote against granting the license. There is a public trust involved.

**COUNCILOR VAIL** asked where the dock would be located. The property does appear to be useful to the town.

**MR. COHEN** said the dock would be located near the middle of the town property.

**COUNCILOR MULHERN** asked about the size of the dock in comparison to the other docks. He would like to see the town get something in return for the lease.

**MR. GERBER** said it is sixty-five (65) feet from the bank with a twenty (20) foot ramp and a float. There would be access only a couple hours a day. The dock is consistent with surrounding ones.

**COUNCILOR KITCHEL** said he would like to have more information and to visit the site before making a decision.

**COUNCILOR CLARK** recommended terms of conditions of approval be drafted, which include what Mr. Cohen is willing to do for the dock and to ensure the land is preserved.

On motion (Vail), duly seconded (Manheimer), 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 Item 14 - Order to approve a license on town property to allow for the construction, use, and maintenance of a dock.”

**ITEM 15 - INTRODUCTION OF AMENDMENTS TO THE FALMOUTH ZONING AND SITE REVIEW ORDINANCE RELATIVE TO ROUTE 100 AND DESIGN GUIDELINES.**

**CHAIRMAN CLARK** said the proposed amendments expand the Exit 10 Design Guidelines to Route 100 within the Corridor Overlay District. The Council will need to decide if they would like to apply the ordinance to the entire length of the Route 100 Corridor, or just to the Mixed Use Village District, extending from Leighton Road north to the Old Smith Farm. If the Council chooses the latter, the draft will need to be changed to reflect this narrower scope.

**MANAGER HARRIS** showed a map with the two choices.

**CHAIRMAN CLARK, COUNCILOR TRUDEL AND COUNCILOR MANHEIMER** supported going to the Cumberland line.