

**Town of Falmouth, Maine**

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**Town Council Meeting Minutes  
May 27, 2008**

**Falmouth Town Hall  
Council Chambers - 7:00 PM**

**(PLEASE TAKE NOTICE - THIS MEETING WAS ORIGINALLY SCHEDULED TO START AT 6:30 PM IN EXECUTIVE SESSION. THE EXECUTIVE SESSION HAS BEEN CANCELLED AND THE MEETING WILL START AT 7:00 PM.)**

**Roll Call Council Attendance**

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

**Public  
Forum**

**John Barrows** spoke regarding a donated map by the Galeyrrie in council chambers and explained the background as follows: "An archival reproduction of "The New Railroad, Township and Topographical Map of Maine" published in 1855 by J.B. Mansfield, Bangor has been donated to the town of Falmouth by Galeyrrie Custom Framers and Fine Art of Falmouth. John and Sally Barrows of Galeyrrie will gift the framed map for display in the Town Hall, and the town will donate one hundred fifty dollars to the Falmouth Historical Society, inaugurating a program to benefit the Society through the sale of historic maps.

The pre-civil war map shows inset details of the old Custom House (before the Great Fire), the Marine Hospital at Westbrook, the Theological Seminary in Bangor, Berwick Academy and the State House in Augusta. The map is unique in that it was published in Maine at a time when most state maps were produced in New York or Boston. It is a fine example of what is considered a "schoolhouse" map that hung in every schoolroom in the mid to lat 19<sup>th</sup> Century.

The Falmouth Historical Society has maps relevant to local interest in their archives that Galeyrrie will scan and offer for sale. A portion of the sale of each framed map will be donated to the Historical Society in an on-going program to benefit the Society.

On June 14<sup>th</sup> an opening of the Falmouth Historical Society is planned for 11 AM.

**John Winslow** spoke as a taxpayer and asked questions relative to harbormaster services, animal control officer, etc & inquired if the council authorized a signing of an agreement between parties.

**Chair Breen** responded that as much as we try to be responsible and diligent in our duties we also have a Charter to follow.

**Nathan Poore**, town manager explained that this item has been brought to the Harbor Committee and this is a mutual aid agreement with the federal government and is a fairly simple matter.

The following letter was submitted by Dawn Keller:

*Dawn M. Keller  
27 Veronica Lane  
Falmouth, ME 04105*

Town Council, Town of Falmouth  
271 Falmouth Road  
Falmouth, Maine 04105  
Attn: Nathan Poor, Town Manager

Public Forum  
Setback violation – 21 Hedgerow Drive  
Closing: Estate of Caswell to Dawn M. Keller

Dear Members of the Falmouth Town Council:

Approximately 45 days before my pending closing of 21 Hedgerow Drive, a mortgage inspection plot plan, ordered by the title company, revealed a setback violation of approximately 2 feet at the rear left corner of this property.

This problem was described to you by the seller's attorney, Terry Snow, at your workshop on May 19. At that meeting, the council tabled the seller's variance request, removed it from its May 27<sup>th</sup> agenda, as the council contemplates a policy to address such violations.

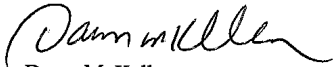
In late June, I am expected to close on this property. My present home in Falmouth is under contract; and my family and I have to vacate before June 25. As a single parent with 3 children, I need to have a home for all of us, and may have to close on 21 Hedgerow, and inherit this problem.

20 years ago, a previous owner was granted a variance by the town of Falmouth to construct a small addition to the back of 21 Hedgerow Drive. Without benefit of a survey to guide the construction, the new addition was built and unknowingly encroached on an approved variance by approximately 2 feet at the back corner of the house. This was an inadvertent mistake. The subsequent buyer of the property, Mr. and Mrs. Caswell, did not conduct a survey or mortgage inspection plot plan at the time of their purchase. Therefore, they were unaware of the violation. The personal representative of their estate was made aware of this violation in the last few weeks.

Tonight I ask the town council to consider a consent agreement to address this mistake. I ask you to do so, prior to the council establishing an overall policy with regard to violations that the council may have to consider in the future.

Thank you for this consideration,

Sincerely,



Dawn M. Keller  
May 27, 2008

**Item 1**    **Order to approve the minutes of the special meeting of March 18.**  
**(a)**  
**(Consent**  
**Agenda)**

**Item 1** Order to approve the minutes of the regular meeting of April 28.

**(b)**  
**(Consent**  
**Agenda)**

**Item 1** Order to abate certain Personal Property Tax accounts.

**(c)**  
**(Consent**  
**Agenda)** “To abate personal property taxes for US Bancorp Equip Finance for 2006 as follows:  
2006 \$25,400 assessed value X \$.01440 (FY06/07 tax rate) = \$365.76.”

**Item 1** Order to set the date for the June regular meeting to June 16.

**(d)**  
**(Consent**  
**Agenda)**

**Item 1** Order to appoint Kevin Cady as Shellfish Warden.

**(e)**  
**(Consent**  
**Agenda)**

**Item 1 (f)** Order to establish shellfish licenses for FY 08-09.

**(Consent**  
**Agenda)** **Allocation of Shellfish Licenses**

Recommended as in previous years & for 08-09 year: 100 resident  
10 non-resident

Don Card, from the Department of Marine Resources supports the allocation.

Kevin Cady, Shellfish Warden supports the allocation.

**Notice**

**Town of Falmouth**

**RECREATIONAL SHELLFISH LICENSES**

Recreational Clam Licenses will be available on Tuesday, September 2, 2008, beginning at 8:00 am at the Falmouth Town Hall. The licenses will be issued on a first come, first served basis. Applicants must appear in person to the Town Clerk's Office and provide adequate proof of residency.

The number of licenses issued will be:

100 resident recreational licenses - \$15.00 per license, over age 62 free

10 non-resident recreational licenses - \$30.00 per license, over age 62 free

The anticipated opening dates for the flats will be November 15, 2008 to April 30, 2009.

**Item 1 Order to appoint Wardens and Ward Clerks for the June 10 election.**

**(g)**  
**(Consent**  
**Agenda)** Bob Stakel and Colleen Donovan will share the responsibility of Warden for the June 10 election. Jane Miller is scheduled as Ward Clerk.

**Item 1 Order to sign the warrant for the Municipal election for June 10 and establish polling hours.**

**(h)**  
**(Consent**  
**Agenda)**

**TOWN OF FALMOUTH  
PUBLIC NOTICE FOR THE  
MUNICIPAL ELECTION**

**MUNICIPAL ELECTION, WARRANT  
PROCESSING OF ABSENTEE BALLOTS**

**Town of Falmouth, ss.**

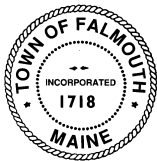
**State of Maine**

To: Ed Tolan, a resident of the Town of Falmouth.

You are hereby required in the name of the State of Maine to notify the voters of the Town of Falmouth of the following:

To the voters of the Town of Falmouth:

You are hereby notified that on June 10, 2008 that an election will be held at the Falmouth High School in said Town for the purpose of electing two Town Councilors, three School Board members and six Charter Review Commission members for the municipal election. On Monday, June 9, 2008 the Clerk of Falmouth, Maine intends to process absentee ballots at the Falmouth Town Hall beginning at 9 AM and running consecutively throughout the day. Polls open at 7:00 AM and close at 8:00 PM.



**OFFICIAL BALLOT  
TOWN OF FALMOUTH, MAINE  
REGULAR MUNICIPAL ELECTION  
Election of Town Councilors, School Board Members, Charter Review Commission  
JUNE 10, 2008**

*Kathleen W. Babeu*  
Town Clerk

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**INSTRUCTIONS TO VOTERS**

**FOR TOWN COUNCIL**  
**Three-Year Terms Vote for Two (2)**

AUDET, WILLIE JR.  
BREEN, CATHY  
PIERCE, TERESA

\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in

**FOR SCHOOL BOARD**  
**Three-Year Terms Vote for THREE (3)**

FARBER, KAREN  
FRANKLIN, BETH

\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in

**FOR CHARTER REVIEW COMMISSION**  
**Vote for SIX (6)**

GOGGIN, ANN C.  
GULLIVER, JEAN  
LUNT, III, WILLIAM  
MCGEHEE, PEGGY L.  
OLSON, RICHARD P.  
SNOW, DAVID P.

\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in  
\_\_\_\_\_ Write-in

“Shall a Charter Review Commission be established for the purpose of revising the Falmouth Council-Manager Charter?”

YES  
NO

SAMPLE BALLOTS AVAILABLE AT THE FALMOUTH TOWN HALL

**Town of Falmouth, ss.**

**State of Maine**

**OFFICER’S RETURN**

**Cumberland County, ss.**

**State of Maine**

**TOWN COUNCIL OF THE SAID TOWN OF FALMOUTH, MAINE**

Will Armitage, David Libby, Ann Goggin, Bonny Rodden, Tony Payne, Cathy Breen, Joseph Wroblewski

Attest: Kathleen W. Baber Falmouth Town Clerk / True Attested Copy

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

**OFFICER'S RETURN**

**Cumberland County, ss.**

**State of Maine**

I certify that I have notified and warned the voters of Falmouth to meet at the time and place and for the purpose therein mentioned by posting an attested copy of the within warrant at:

Town Landing Market, Falmouth Town Hall, Falmouth Memorial Library, Harmon's Lunch, Falmouth High School, Waldo's, Nina's Variety, Shaws, Gorham Savings Bank & Hannaford.

on May 28, 2008 which is at least 7 days prior to the date of Election.

\_\_\_\_\_  
(Signature of Resident) May 28, 2008

**Item 1 (i)** Order to sign the warrant for the State of Maine Primary/Referendum election for June 10 and  
**(Consent)** establish when polls will be open.  
**Agenda)**

The state warrant is included at the end of the minutes.

**Item 1 (j)** Order to certify the election results for the Budget Validation Referendum vote on May 6.  
**(Consent)** The certified election results are included at the end of the minutes.  
**Agenda)**

**Item 1** Order to authorize a supplemental appropriation for costs associated with winter road  
**(k)** maintenance.  
**(Consent)**  
**Agenda)**

**FALMOUTH TOWN COUNCIL MEETING  
MAY 27, 2008  
ORDER**

Order to authorize a supplemental appropriation from undesignated fund balance for unanticipated costs associated with the severe winter.

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

**BE IT HEREBY ORDERED THIS 27th DAY OF MAY 2008 BY THE  
FALMOUTH TOWN COUNCIL, FALMOUTH, MAINE, IN TOWN COUNCIL  
ASSEMBLED:**

“To approve this order and to authorize a supplemental appropriation of \$213,000 for Public Works and of \$17,100 for Parks and community Programs from the undesignated fund balance for unanticipated costs associated with the severe winter.”

I hereby certify that this is a true copy of the order adopted by the Falmouth Town Council in Town Council assembled on May 27, 2008:

Attest: *Kathleen W. Babeu*  
Town Clerk



**Item 1 (I) Order to approve the minutes of the special meeting of May 20, 2008.**

**(Consent  
Agenda)**

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 consent agenda.”

**Item 2 Report from Council Committees and liaisons regarding updates on assignments.**

**Councilor Rodden** commented on a survey for METRO. The METRO bus has been running for 4 years and “we want to find out who is riding the bus and what would it take to get more people on the bus. There are 3 surveys: business, school and residential . This is being done in-house with the cost of under \$1.000.”

**Councilor Rodden** reported the Recycling Committee was congratulated and has won the Eco Maine award for Falmouth. Discussion continued relative to a silver bullet audit. The Silver Bullet is the metal container that you put containers in. Containers are kept at the Bucknam Road Fire station and Hannafords.

The Board of Directors at EcoMaine have passed their budget and a 1.5% increase in assessments. Recycling revenues have gone up. There was a fire in the recycling plant on Friday. It damaged some equipment.

**Councilor Armitage** reported that RACPAC is working on their mission statement . Tidewater Conservation is trying to address concerns and will possibly come back to the June meeting.

**Chair Breen** reported that GPCOG is a membership organization; rolling out three task forces: economy, environment and community. They are looking at regional planning and being respectful of home role and individual town needs. Looking at the mile high concept, a set of principals that member organizations agree to take on as they do their planning . Chair Breen stated the Governance Committee is working hard.

**Item 3 Report from the Appointments Committee and order relative to filling various vacancies on and Committees.**

On motion (Libby), duly seconded by (Armitage), 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 appoint the following to the Ad Hoc Falmouth Green Ribbon Commission on Energy & Climate Change:

Craig Baranowski, Tim Blanchette, Glen Brand, John Brautigam, Andre Casavant, Deirdre Conroy-Vella, Mel Dickenson, Michael Draper, David H. Gagnon, Ann Goggin, Bill Hastings, Bruce Henning, Mark Hutchins, Phil Kaplan, Claudia King, Brian H. Milliken, Michael Morrison, David Tucker & Jed Wright.”

The first meeting is scheduled for Wednesday, June 4<sup>th</sup> at 5 PM.

**Item 4 Public Hearing and order to renew food service/victualer's licenses for Dunkin Donuts, Gray Road, Dunkin Donuts, Route One, Falmouth by the Sea, Falmouth Little League, Maine Lobster & Seafood Company, Mother Mountain, The Cookie Gallery, Super Scoops, Falmouth Sea Grill, Shaw's Supermarket, Grab A Byte Cafe/Tyler Technologies, Falmouth Country Club Pool, Falmouth Country Club, Dining Room, O'Naturals, Cork & Barrel, the Church of St. Mary the Virgin, Foreside Community Church & Falmouth House of Pizza.**

On motion (Armitage), 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 approve food service licenses for the following establishments:

Dunkin Donuts, Gray Road, Dunkin Donuts, Route One, Falmouth by the Sea, Falmouth Little League, Maine Lobster & Seafood Company, Mother Mountain, The Cookie Gallery, Super Scoops, Falmouth Sea Grill, Shaw's Supermarket, Grab A Byte Cafe/Tyler Technologies, Falmouth Country Club Pool, Falmouth Country Club, Dining Room, O'Naturals, Cork & Barrel, the Church of St. Mary the Virgin, Foreside Community Church & Falmouth House of Pizza.

**Item 5 Order relative to an amendment to the Code of Ordinances, Part II, Chapter 2, Article III, Division 4, that will change the charge and membership of the Comprehensive Planning Advisory Committee.**

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

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

“To approve amendment as indicated.”

**Councilor Libby** expressed concern with the terms amendment under Section 2.70.2 Appointment, terms, officers. (b): “Thereafter members shall be appointed for periods of three (3) years.”, adding appointed for an additional three years.

It was explained that the Governance Committee looked at this and did not want to impose term limits on advisory boards. It is difficult filling these committees. CPAC is a technical and challenging committee and the town should encourage people to stay on long term.

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

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

To approve the following language:

"2-70.1 (d) The existing CPAC membership, as of May 27, 2008, shall serve as temporary LPAC members until the Town Council appoints permanent members to LPAC. CPAC shall cease to exist upon adoption of this amendment, May 27, 2008."

**Councilor Libby** stated he would consider withdrawing his amendment.

**Item 6 Order to adopt the updated Emergency Operations Plan.**

On motion (Armitage), 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 adopt the updated Emergency Operations Plan." The plan is included at the end of the minutes. Councilor Libby thanked Police Chief, Ed Tolan & HarborMaster Kevin Cady for a job well done.

**Item 7 Reconsideration of a zoning amendment relative to Commercial Schools adopted on April 28.**

On motion (Wroblecki), duly seconded by (Payne), 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 reconsider vote of a zoning amendment relative to Commercial Schools adopted on April 28."

On motion (Goggin), duly seconded by (Payne), 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 leave the clarifying language in the ordinance."

On motion (Wroblecki), duly seconded by (Rodden), 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 move adoption of order as drafted."

Amend current definition as follows:

**2.136 Private School:** A private institution for education or instruction including a college, university, or school conducting classes pursuant to a program approved by the State Board of Education or similar governmental agency, but not including commercially operated schools, such as schools of beauty culture, business, dancing, driving, music or recreation.

Add new definitions to Section 2 as follows:

**Commercial School** – A for-profit business facility or institution which provides instruction or tutoring by previous arrangement for a particular skill or subject to a group of students in a classroom or similar type setting and may include private lessons as an ancillary service. By way of example only, commercial schools may include schools for performing arts, fine arts, photography, driving, pottery, business, beauty, sports, language or driving.

**Net Leasable Area** - In a building or project, floor space that may be rented to tenants excluding common areas and space devoted to the heating, cooling, and other equipment of a building.

Amend the following use tables:

**3.6 "SB-1" - Route One Business District** [Adopted, 4/27/87]

To establish within the Town of Falmouth general retail sales, services, and business space within the Route One corridor between Route 88 and the BP Zoning District. It is the intent of this District to create an attractive entrance to Falmouth's major commercial district, to promote the overall aesthetics of the District, and to control vehicle access and encourage an orderly and safe traffic flow along Route One. Landscaping requirements are mandated within the front setback. All structures and uses are subject to Planning Board Site Plan Review.

**Permitted Structures and Uses**

1. Business and professional offices less than 20,000 SF of ground floor area
2. Wholly enclosed places of assembly, amusement, recreation, culture, and government [Amended 5/27/93]
3. Motels and hotels
4. Private clubs
5. Restaurants (excluding carry-out and drive-through restaurants)
6. Automobile sales
7. Automobile related sales and services
8. Retail and service establishments
9. Accessory buildings and uses
10. Farmer's Markets [Adopted 7/23/01]
11. Ballet Arts Facility [Adopted 5/24/04]
12. Mixed Use Development [Adopted 5/24/04]
13. Diverse Housing [Adopted 5/24/04]
14. Tier I Personal Wireless Service Facilities [Adopted 4/25/05]
15. Tier II Personal Wireless Service Facilities [Adopted 4/25/05]
16. Municipal buildings & uses [Adopted 4/23/07]
17. **Commercial Schools [Adopted 5/27/08]**

### **Conditional Uses**

1. Light manufacturing
2. Multiplex
3. Outdoor recreation facilities
4. Outdoor sales and storage of equipment and materials
5. Automobile repair service garage
6. Automobile service station
7. Carry-out and drive-through restaurants
8. Business and professional offices more than 20,000 SF of ground floor area
9. Veterinary Clinic [Amended, 7/22/91]
10. Churches [Amended, 7/22/91]
11. Public Utilities [Adopted, 7/22/91]
12. Outdoor Eating Areas [Adopted, 5/28/96]
13. Day Care Centers [Adopted, 7/23/01]

### **3.7 "BP" - Business and Professional District**

To establish within the Town of Falmouth space for business and professional offices, with exceptions for certain other uses with appropriate site design. Uses locating in this District shall be located, sited and landscaped in such a manner as to preserve open space, control vehicle access and traffic, maintain appropriate setbacks, buffers and natural screening, and to screen parking areas from Route One and other roadways.

#### **Permitted Structures and Uses**

1. Business and professional offices
2. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
3. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]

#### **Conditional Uses**

1. Light manufacturing operations
2. Laboratory facilities
3. Private clubs
4. Research facilities
5. Warehouses and wholesale distributors not  
30,000 SF in gross floor area and not having more than two off-street loading berths.
6. Hotels and motels, but only on the westerly side of U.S. Route One in the area between Bucknam Road and Johnson Road.
7. Public Utilities [Adopted, 7/22/91]
8. Churches [Amended, 7/22/91]
9. Outdoor Eating Areas [Adopted, 5/28/96]
10. Day Care Centers [Adopted, 7/23/01]
11. Ballet Arts Facilities [Adopted 5/24/04]
12. **Commercial Schools not exceeding 2,000**

**feet of net leasable area. [Adopted 5/27/08]**

### **3.8 "MUC" - Mixed Use Cluster District**

To establish within the Town of Falmouth areas for well-planned mixed use developments with access to the region's major highway system.

#### **Permitted Structures and Uses**

1. Accessory buildings and structures
2. Business and professional offices
3. Wholly enclosed places of assembly, amusement, recreation, and government
4. Wholesale, warehousing and distributions facilities
5. Light manufacturing operations with no exterior storage of material, equipment or products
6. Retail businesses as part of a mixed use development
7. Multiplexes as part of a mixed use development
8. Research facilities
9. Restaurants (not including carry-out or drive through restaurants)
10. Residential planned developments as part of mixed use development
11. Municipal buildings and uses
12. Tradesman's offices
13. Single Family Detached Dwellings (only in established residential areas and except on lots fronting on Gray Road) [Adopted 5/28/96]
14. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
15. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]
16. **Commercial Schools as part of mixed use development [Adopted 5/27/08]**

#### **Conditional Uses**

1. Outdoor recreation facilities
2. Day Care Centers
3. Churches
4. Excavating Business
5. Land reclamation
6. Processing of Mineral materials for resale [Amended, 4/25/88]
7. Veterinary Clinic [Amended,7/22/91]
8. Public Utilities [Adopted, 7/22/91]
9. Outdoor Eating Areas [Adopted, 5/28/96]
10. Day Care Homes [Adopted, 7/23/01]
11. Accessory Dwelling Units [Amended 11/27/06]

### **3.9 "VMU" - Village Mixed Use District**

To establish within the Town of Falmouth areas for small scale, low intensity nonresidential uses which are compatible with the residential character of the district.

Areas designated as VMU are areas with historical development patterns as village centers.

### **Permitted Structures and Uses**

1. Retail and service establishments with less than 5,000 SF of gross floor area
2. Professional offices
3. Art and craft studios
4. Tradesman's offices
5. Restaurants (not including carry-out or drive through restaurants) with less than sixty seats
6. Museums
7. Bed and Breakfast establishments
8. Single family detached dwellings
9. Multiplexes
10. Residential planned developments
11. Municipal buildings and uses
12. Accessory buildings and uses
13. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
14. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]
15. **Commercial Schools with less than 5,000 SF of gross floor area**

### **Conditional Uses**

1. Accessory Dwelling Units
2. Cemeteries
3. Day care centers
4. Day care homes
5. Churches
6. Health institutions
7. Libraries
8. The conversion of an existing structure into multi-family housing with no more than three dwelling units
9. Congregate care facilities
10. Home occupations
11. Veterinary Clinic [Amended, 7/22/91]
12. Public Utilities [Adopted, 7/22/91]
13. Elderly Boarding Home [Adopted, 5/28/96]
14. Outdoor Eating Areas [Adopted, 5/28/96]

### **3.14 West Falmouth Crossing Master Planned Development District\***

[Adopted, 1/26/98] [Amended, 12/22/05] \*(Formerly Exit 10 Master Planned Development District)

To create a planned development at the West Falmouth Crossing interchange that will be in keeping with the semi-rural character of West Falmouth and surrounding neighborhoods. To permit maximum creativity in site design and to ensure high quality construction with special attention to landscaping, lighting, building orientation and form, coordination of architecture, and signage. To accomplish these goals, the Town Council may approve a Master Development Plan that guides the site plan review process in keeping with general performance standards of the ordinance, but with more flexibility granted to developers and the Planning Board in implementing the approved Master Development Plan.

### **Permitted Structures and Uses**

1. Accessory buildings and structures
2. Business and professional offices
3. Wholly enclosed places of assembly, amusement, recreation, and government
4. Retail business as part of a mixed use development
5. Research facilities
6. Restaurants (not including carry-out or drive through service)
7. Municipal buildings and uses
8. Tradesman's offices

### **Conditional Uses**

1. Day care centers
2. Churches
3. Veterinary clinic
4. Public utilities
5. Outdoor eating areas

9. The following additional uses if specifically shown on a Master Development Plan approved by the Town Council:
  - a. Motels and hotels
  - b. Restaurants with carry out and/or drive through service
  - c. Movie theaters
  - d. Service establishments
  - e. Convenience stores with gas pumps as an accessory use
  - f. Outdoor recreational facilities
  - g. Light manufacturing operations with no exterior storage of material, equipment or products
  - h. Wholesale, warehousing, and distribution facilities
  - i. Automobile related sales and services
10. Farmer's Markets [Adopted 7/23/01]
11. Tier I Personal Wireless Service Facilities [Adopted, 4/25/05]
12. Tier II Personal Wireless Service Facilities [Adopted, 4/25/05]
13. **Commercial schools as part of a mixed use development [Adopted 5/27/08]**

(Note: The Town Council may require design specific information for Master Plan approval of items 9.a. through i.)

### **3.18 Tidewater Master Planned Development District [Adopted, 4/4/05]**

#### **3.18.1 Allowed Uses**

The use of land, buildings and structures within the Tidewater Master Planned Development District shall be consistent with the adopted Master Development Plan. The following uses shall be specifically allowed in accordance with the Master Development Plan:

#### **Tidewater Master Planned Development District Permitted Structures and Uses**

1. Accessory buildings and structures
2. Single family detached dwellings
3. Two-family dwellings
4. Multiplexes
5. Apartments on the upper floors of a mixed-use building
6. Business and professional offices
7. Research facilities
8. Wholly enclosed places of assembly, amusement, recreation, and government
9. Outdoor facilities for recreation, entertainment and culture
10. Retail and service establishments **and commercial schools [Adopted 5/27/08]**
11. Restaurants (not including drive through service)
12. Outdoor eating areas
13. Hotels
14. Municipal buildings and uses

#### **Conditional Uses**

1. Public utilities
2. Light manufacturing operations with no exterior storage of material, equipment or products
3. Home occupations



15. Day care centers
16. Churches
17. Health Institutions
18. Libraries
19. Museums
20. Private clubs
21. Farming
22. Animal Husbandry
23. Farm Stands
24. Forestry
25. Riding Stables
26. Farmer's Markets

**Item 8**     **Consideration of an order to (1) endorse the policies on natural resources developed by the Council's Community Development Committee and the Comprehensive Plan Advisory Committee, and (2) approve of the completion of the project by referring it to CPAC (or LPAC). Completion of the project includes the development of policies concerning steep slopes and invasive species and the drafting of ordinance language consistent with the policies hereby endorsed by the Council. The Town manager to appropriate funds (\$15,000) for the completion of the project.**

On motion (Wrobleski), duly seconded by (Rodden), it was VOTED (4 Ayes: 3 opposed Libby, Armitage, Payne) as follows:

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

“To approve order to (1) endorse the policies on natural resources developed by the Council's Community Development Committee and the Comprehensive Plan Advisory Committee, and (2) approve of the completion of the project by referring it to CPAC (or LPAC). Completion of the project includes the development of policies concerning steep slopes and invasive species and the drafting of ordinance language consistent with the policies hereby endorsed by the Council. The Town manager to appropriate funds (\$15,000) for the completion of the project.”

**Item 9**     **Order to adopt several amendments to the Council Rules.**

On motion (Wrobleski), duly seconded by (Breen), 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 split the question and modify language in Section 30 and deal with proposed changes to Section 30 and 31 together., then deal with Rule 15 & 16 & recommended policies.”

Councilor Wrobleski listed amendments to the Council Rules, including changing the name of CPAC to LPAC.

On motion (Wrobleski), duly seconded by (Goggin), it was VOTED (5 Ayes: 2 opposed: Armitage & Libby) as follows:

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

“To amend the motion under Community Development charge delete “and overseas” and to delete CPAC, insert LPAC, 3<sup>rd</sup> line: “detailed work on land use and economic development projects as directed by the Council.”

On motion (Breen), duly seconded by (Armitage), it was VOTED (5 Ayes: 2 opposed: Rodden, Wrobleski) as follows:

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

“To strike economic development from the Community Development Committee.”

“To amend the motion under Community Development charge delete “and overseas” and to delete CPAC, insert LPAC, 3<sup>rd</sup> line: “detailed work on land use and ~~economic development~~ projects as directed by the Council.”

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

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

“To strike “Land Use.”

On motion (Wrobleski), duly seconded by (Libby), 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 move the question”

On motion (Wrobleski), duly seconded by (Goggin), 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 approve the council rules as amended.”

**Item 10 Order to adopt several Council Policies which will be incorporated into the Council Rules.**

On motion (Wrobleski), duly seconded by (Goggin), 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 adopt the Council policies as incorporated into the Council rules.”

**Item 11 Order to go into Executive Session pursuant to 1 M.R.S.A. § 401 (6) (C) to discuss property acquisition.**

**Item 12 Adjourn**

On motion (Armitage), 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 adjourn the meeting at 11:05 PM.”

Respectfully submitted,

Kathleen W. Babeu, CMC  
Falmouth Town Clerk