

**Town Council Meeting Special Meeting and Workshop**  
**August 10, 2009**  
**Minutes**

The meeting opened at 7:01 pm.

**Roll Call**

Councilors Libby, Armitage, Payne, Breen, Chase and Pierce were present and answering roll call.

Councilor Rodden was absent.

**Item 1                    Public Hearing and order to renew a food service/victualers licenses for Johnny's Bistro & Bar**

Chair Breen opened the public hearing. There was no public comment.

Chair Breen closed the public hearing.

Councilor Libby moved to approve the order, Councilor Armitage seconded. Motion carried 6-0.

**Item 2                    Public Hearing and order to renew a liquor license for The Woodlands.**

Chair Breen opened the public hearing. There was no public comment.

Chair Breen closed the public hearing.

Councilor Armitage moved to approve the order; Councilor Libby seconded. Motion carried 6-0.

**Item 3                    Request from the owners of Ridgewood Estates, a condominium Subdivision consisting of 75 units and located off Falmouth Road, to amend the Sewer System Ordinance.**

Chair Breen excused herself from the discussion. Vice Chair Payne invited attorney Timothy Norton and Michael Payson to the podium to present the request.

Mr. Norton clarified that Ridgewood Estates was not asking to turn the system over to the Town nor make it public; the intention is to maintain the system. The request is to have the ordinance updated and amended. When a party builds the system, pays and maintains it then the Town does not incur any expense. Since the ordinance change in 1985 not a single project has paid a fee.

Town Manager Nathan Poore explained the concern by the staff: if the Town were to accept this system as a public system now or in the future then there is sort of a reversal in the process. Normally when you exempt the fees it is a public system and in this case if this were a public system then the staff would want the opportunity first to approve the design before it is built. In this case it is already built and there is a request for the exemption of the fees, but they are not asking for it to be taken over. There are other policy issues that have been raised about this project and in general. The ordinance did its job when it was amended in 1985, but it does need work from both a technical and policy perspective. Poore suggested if the Council is inclined to make a fix it should be contractual, recorded, and Attorney Natalie Burns should be consulted to preserve the right in the future, regardless of what is written in the ordinance, to require certain things if there ever is a request for the system to become public. If it is not going to be public and there are no immediate requests in the future there may be something we can do for this specific situation. Nathan Poore requested to have some protection that addresses the staff's concerns that have been raised that the system was designed assuming it would be a private system with the exemption of the fees.

Councilor Chase stated he was uncomfortable charging the fees.

Councilor Pierce agreed with Councilor Chase. Councilor Pierce would like to resolve the RTG issue, and to provide coverage for the possibility of turning the system over to the Town, move forward on cleaning the issues in the ordinance and in the future discuss the densely populated areas.

Town Manager Nathan Poore asked Town Attorney Natalie Burns if the Council was inclined to consider the request from Ridgewood Estates would there be a way for the Council to grant the request in concept outside of the ordinance amendment contractually.

Natalie Burns responded that the Town could enter into an agreement with Ridgewood Estates and Mike Payson to establish the parameters and such an agreement could include provisions if the system became public and how that would work so when the sewer goes to the association, the association would also be bound.

Councilor Libby suggested a contractual resolution for RTG and directing the staff to address the ordinance. Councilor Libby questioned the inspection process.

Superintendent Pete Clark explained that there would have been different requirements had this been a public system early on. This had been described as a private system.

Councilor Armitage spoke in favor of a contractual agreement, agreed to waive the fees but have language concerning the possibility of conversion to public.

Councilor Pierce confirmed everyone was in agreement to waive the connection fees.

Councilors Pierce and Councilor Chase were in agreement on the contract.

Councilor Payne stated the notion of a contract is to expedite the process in order to move forward without having to escrow funds and to get the necessary permit without paying the connection fees. In the contract there would be an opportunity for the Town to set those standards and at some future date consider acceptance of that system; it should be clear and unambiguous. Should issues with the current system arise then at that time we would be better informed having the history behind us. As opposed to waiting for the Town Council to go through the entire ordinance process to devolve into the entire public policy issues. We are proposing a shortcut for you, presuming the terms and conditions of the contract wouldn't be onerous for you. Thus allowing us the time we need to develop long term ordinance language that would serve any subdivision as we move forward.

Attorney Tim Norton stated he appreciated Nathan Poore's comments and feels the contract is a great idea. He is confident he would be able to work out the details with Attorney Burns.

Nathan Poore clarified that without the details this is open ended for future councils to make decisions. He suggested that this is putting people on notice that this is a different situation and let's remember this conversation.

Head nod approval was given for the Ordinance Committee and Pete Clark, with guidance from Town Attorney Bill Plouffe, to make recommendations for ordinance change.

Councilor Chase made a motion to direct staff and the Town attorney to draft for future consideration a contract agreement with Ridgewood Estates and to move ahead with proposed amendments. Councilor Pierce seconded. Motion carried 5-0. Chair Breen abstained.

**Item 4                    Discussion of proposed amendments to the OceanView Retirement Community Overlay District.**

Amanda Stearns, Community Development Director discussed the proposed amendments and reviewed the current setbacks requirements specifically in regards to OceanView. The Planning Department will develop specific language and work with Councilor Libby for introduction on August 24.

**Item 5                    Discussion regarding a zoning amendment to adopt the variance from dimensional standards, known as the "Practical Difficulty Variance," as requested by Councilor Libby.**

Councilor Libby explained the practical difficulty variance is a departure from our Code of Ordinance. Community Developer Director Amanda Stearns discussed the four types of variances allowed by the State.

Chair Breen requested additional clarification from the Chief Code Enforcement Officer and the Zoning Board of Appeals on the possible benefits to the Town. The topic will be discussed in more detail at the September workshop.

**Item 6                    Review of a draft project/event outline for the former Brown property at 260 Foreside Road.**

Theo Holtwijk, Director of Long Range Planning discussed the upcoming event with the Councilors. It was decided to explore the possibilities of having the event on September 21 at 6:30 pm. Holtwijk will contact Holy Martyrs for the presentation.

**Item 7                    Presentation on the proposed Forest Management Plan.**

Ombudsman Bob Shafto presented the proposed a management plan for eight town-owned forested properties, totaling 769 acres. The intent of the plan is to improve the condition of these forests, thus improving their capacity to grow timber, support diverse wildlife populations, and provide quality outdoor recreational opportunities for town residents.

Chair Breen explained a public hearing will be scheduled on August 24.

**Item 8                    Order to vote for Maine Municipal Association Vice President and three directors to serve on Maine Municipal Association Committee with terms beginning January 1, 2010.**

Councilor Payne motioned to vote for Mark Green as Vice President and Matthew Arnett, Joyce Maker, and Peter Nielsen as the three directors; Councilor Armitage seconded. Motion passed 6-0.

**Item 9                    Discussion about future Council agendas.  
(Workshop)**

Town Manager Nathan Poore detailed the proposed upcoming agendas.

**Adjourn**

Councilor Payne motioned to adjourn, Councilor Pierce seconded. Motion carried 6-0. Meeting adjourned at 10:02 pm.

Respectfully submitted,

Carol Kloth ,  
Deputy Town Clerk

Ellen Planer  
Town Clerk