

Town Council Meeting

March 22, 2010

Minutes

The meeting was called to order at 7:00 pm.

Roll Call

Councilor's present and answering roll call: Councilors Libby, Rodden, Armitage, Payne, Breen, Chase and Pierce were present and answering roll call.

Public Forum

Chair Breen opened the Public Forum.

Michael Doyle 3 Shady Lane, spoke of the upcoming school budget.

John Graustein 57 Waites Landing Road, spoke of the student's teacher ratios and class size.

John Winslow Gray Road commented on the difficulty using the online mooring application and the user credit card fee.

William Gardiner Underwood Road spoke of the school budget and the differences in the savings proposed and the upcoming Budget Validation Referendum. .

Chair Breen closed the Public Forum.

Councilor Libby motioned to waive the rules to add an item to the consent agenda.

Councilor Armitage seconded. Motion carried 7-0.

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| Item 1 (a)
(Consent Agenda) | Order to approve the minutes of the February 8, 2010 Town Council Special Meeting and Workshop. |
| Item 1 (b)
(Consent Agenda) | Order to approve the minutes of the February 22, 2010 Town Council Meeting. |
| Item 1 (c)
(Consent Agenda) | Order to accept a proposal from Runyon Kersteen and Ouellette to perform the annual financial audit. |
| Item 1 (d) | Order to rescind the March 8, Introduction on an amendment to the Zoning and Land Use Ordinance to amend the definition of recreational vehicle and how they are stored and postpone the public hearing scheduled in April. |

Councilor Armitage motioned to approve the Consent Agenda; Councilor Libby seconded. Motion carried 7-0.

Councilor Libby will be re- introducing the RV Ordinance at a future meeting and a new public hearing will be held to address the changes.

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

The Councilors gave their monthly updates.

Councilor Pierce reminded everyone that the joint presentation of the school and town budgets and public forum will be held on March 31.

Chair Breen announced the Communities Facility will be holding a second public forum on April 5, in the Mason Gymnasium at Plummer-Motz School. The Committee will be presenting their draft recommendations and soliciting feedback from the community to bring back to the Council in May.

Councilor Payne reported the Ordinance Committee is working on Subdivision Street Acceptance and will be bringing changes to the Council at the end of April.

Council Rodden explained she had received a request from the Friends of the Flyer to announce upcoming events to increase ridership at the Council meetings. Friends of the Flyer is a grass roots organization that has been around since 2003. Councilor Rodden suggested to use her Mass Transit Report as a means of getting the announcement out. The Community Development Committee will be presenting the revised Natural Resource Report on April 12.

Councilor Breen suggested the group could also use the Public Forum to make the announcements.

Town Manager Nathan Poore reported that Maine Department of Transportation will not close Martin Point Bridge for an extended period of time based on public input and letters. Maine Department of Transportation would like to set up a stakeholders group and have asked Portland and Falmouth and other advocacy groups to join. Nathan Poore stated the 10 members from Falmouth would consist of one Councilor, the Town Manager, Parks and Public Works Director, one Public Safety Official, one member of the Chamber of Commerce and “five” at large” members or resident openings. Nathan Poore will be emailing interested residents on March 23.

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

Councilor Pierce motioned to appoint the following:

Susan Gilpin to Open Space Sub-Committee

Heddy Synder to Planning Board as an Alternate Member.

Councilor Payne seconded. Motioned carried 7-0.

Item 4 Public Hearing and order to approve a new victualer license and a new liquor license for the Falmouth Country Club and the Falmouth Country Club Snack Bar.

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

Councilor Armitage motioned to approve a new victualer license and a new liquor license for the Falmouth Country Club and the Falmouth Country Club Snack Bar. Councilor Pierce seconded. Motion carried 7-0.

Item 5 Consideration of Red Oak Drive for Street Acceptance.

Councilor Rodden motioned to approve the order accepting a certain road in the Red Oak Ridge Subdivision as a public street.

Whereas, the Red Oak Homeowners Association is the owner in fee of certain roads in the Red Oak subdivision located off Blackstrap Road in the Town of Falmouth;

Whereas, the Red Oak Homeowners Association has proposed that the road known as Red Oak Drive be accepted by the Town as a public street pursuant to the Falmouth Code of Ordinances Chapter 14, Article II, Division 2 sec. 14-54, et seq.;

Whereas, the proposed acceptance has been reviewed and recommended by the Town staff as required by ordinance;

Whereas, the Red Oak Homeowners Association has posted a performance guarantee pursuant to Ordinance Section 14-58 that is satisfactory to the Town and has otherwise complied with the requirements of the Falmouth Code of Ordinances, Chapter 14, Article II, Division 2: and

Whereas, the Town Council finds that acceptance of the proposed street is in the public interest and complies with Ordinance Section 14-56(1).

Now therefore it be ordered by the Town Council of the Town of Falmouth, Maine in Town Council assembled that:

The Town of Falmouth pursuant to 23 M.R.S.A. §3025 AND THE Falmouth Code of Ordinances, Chapter 14, Article II, Division 2, accepts as a public street Red Oak Drive, as shown on a plan entitled "Amended Subdivision Plan of Red Oak Ridge, Blackstrap Road, Falmouth, Maine for Red Oak Ridge Development Co. LLC." dated July 11, 2003, revised through July 25, 2003, and recorded at the Cumberland County Registry of Deeds in Plan Book 203, Page 609 and as further described in Exhibit A to the Warranty Deed from Red Oak Ridge Homeowners Association to the Town of Falmouth attached hereto. Councilor Pierce seconded. Motion carried 7-0.

Item 6 Order to authorize the Town Manager to execute two interlocal agreements with the towns of North Yarmouth and Yarmouth that will create a regional public safety dispatching center to be located in the Town of Falmouth at the current communications/dispatch facility

Councilor Armitage motioned; Councilor Libby seconded. Motion carried 7-0.

Item 7 Public Hearing on an amendment to the Coastal Waters Ordinance, Chapter 9 Article IV Section 9-94(h).

Chair Breen opened the public hearing.

John Winslow, Gray Road asked for clarification on the anchorage at Town Landing and neighboring sites.

Chair Breen closed the public hearing.

Harbormaster Alan Twombly will clarify the language to make wording more precise and clear that this applies to land access at Town Landing and by adding the word “list” in the fourth line down between waiting and but.

Order will be scheduled for April 12.

Item 8 Public Hearing on an amendment to the Coastal Waters Ordinance, Chapter 9 Article IV Section 9-94.c.3.

Chair Breen opened the Public Hearing.

John Winslow, Gray Road asked if this only applied to the Town Landing area and questioned the need for the amendment,

Harbormaster Alan Twombly explained this was a navigational hazard issue to the boating public. A dinghy can be left on a mooring for up to seven days.

Chair Breen closed the public Hearing.

Order will be scheduled for April 12

Item 9 Discussion with Board and Committee Chairs about their annual reports.

The following were in attendance to represent their Boards and Committees:

Faith Varney, Parks And Community Programs Committee Chair

Frank Ruch, Conservation Commission

Steve Hendry, Recycling Committee Chair

Jed Wright, Green Ribbon Commission

John Adelman, Open Space Sub Committee

Analiese Larson, One Falmouth Committee

The Councilors expressed their appreciation and thanked the members of Boards and Committees for all their hard work and the dedication.

The complete reports can be found on the Towns web site www.town.falmouth.me.us

Item 10 Review of Falmouth Shopping Center Report and recommendations from the Community Development Committee.

Councilor Rodden referred to the November charette which the Committee held to solicit community input on the future Falmouth Shopping center property. In addition the information and on line survey was available on the Towns website. A total of 365 people responded with their thoughts and opinions.

The Committee then discussed these findings with the owner’s representatives.

The Community Development Committee (CDC) is asking for Council support for the following:

1. Submission of the draft CDC recommendations for the Falmouth Shopping Center (FSC) site by Town Council to the FSC owner;

The General CDC recommendations are;

- Re-occupancy of the current vacancies in the existing shopping center has a high priority, but should follow the guidance of an updated master development plan. This may involve demolition and redevelopment of the existing vacant portions of the building.
- Creation of a walkable, pedestrian friendly Town/Village Center with a mix of uses in smaller scale buildings should be pursued.
- Any development at FSC property should be required to minimize negative impacts on residential areas and protect the natural environment as much as possible.

Footprint Limitation

- Single-tenant retail uses should be a permitted use with a maximum footprint of 60,000 sf and a conditional use with a maximum footprint of 90,000 sf at FSC property.
- Buildings with multiple tenants at FSC property would be a permitted use with a footprint cap

of 90,000 sf (as long as no single tenant exceeds a maximum footprint of 60,000 sf). A footprint cap of _____ sf is a conditional use and requires specific design standards to be met.

Mix of Uses

- A mix of uses as part of any development should be pursued at FSC property.
- Residential units that are part of a mixed use building are viewed favorably.

Uses

Preferred uses within the FSC development include small-scale retail uses, sit-down restaurants (without drive-thru service), residential uses as part of mixed-use buildings, medical and business offices, free-standing post office, mid-scale retail uses, banks and credit

unions, and research/lab facilities.

- Hotels, auto service centers, and affordable housing such as apartments or low-cost condos, are considered appropriate at the FSC property.
- Uses with drive-through services, such as restaurants and coffee shops, banks and credit unions, and pharmacies should not be allowed at the FSC property.
- Automobile sales/car dealerships should not be allowed at the FSC property.

Building Heights

- Building heights should be between two and four stories at the FSC property.
- There should be a mix of building heights.
- All buildings within the development should have at least two usable stories.

Transportation

- Pedestrian and bicycle facilities should be required within the FSC development and links should be made to the Route One sidewalks and the nature preserve or Route 88. There is support for the use of an internal street(s) within the development
- Parking should be required to be minimized and located in small lots that are hidden from view including to the side or rear of buildings.

Ramp Facts:

- Ramp carries only a small amount of traffic
- May be possible to eliminate it
- Replace ramp and overpass with at-grade intersection

- Parcel has about 12 acres
 - 1500' of frontage on Route One
 - Some frontage is in a sliver of land
 - Replacement may, or may not, be feasible
 - The Town should explore the replacement of the Route One Turnpike Spur ramp with an at-grade intersection.
 - The Town should financially participate in the order of \$25,000 in studying the feasibility of this effort, if necessary
2. Pursuit of feasibility of Turnpike Ramp replacement with at-grade intersection in cooperation with the Maine Department of Transportation, Maine Turnpike Authority, and PACTS;
3. finalization of the 2005 Route One Study and adoption of proposed zoning amendments for Route One, including the FSC property, (Note: At its April 12th meeting the CDC is planning to present a Route One Study Update to the Town Council);
4. update of the Master Development Plan for Falmouth Shopping Center. Further discussions should be held between the Town and the property owner as to the timing and respective responsibilities for development of such a plan
- The Town Council was receptive to the recommendations.

Item 11 Presentation and discussion about the recent budget survey.

Town Manager Nathan Poore highlighted the budget survey. The results are available on the Town's web site. www.town.falmouth.me.us

Item 12 Introduction of a proposed amendment to the Code of Ordinances that would create a new Economic Development Committee.

Public Hearing will be scheduled for April 12.

Item 13 Order to appoint two delegates to the Greater Portland Council of Governments (GPCOG) General Assembly Annual Meeting.

Councilor Libby moved two delegates to be Cathy Breen and Nathan Poore, Councilor Pierce seconded. Motion carried 7-0

Item 14 Resolution in support of the Community Access Preservation (CAP) Act of 2009 (H.R. 3745).

Councilor Armitage moved the Resolution in support of Community Access Preservation (CAP) ACT OF 2009 (H.R. 3745) Whereas, public, educational and government (PEG)

channels play a significant role in the Town of Falmouth; Whereas, PEG channels are a unique and valuable resource for local information and discourse for the residents of Falmouth, Maine; and Whereas, PEG channels televise local government meetings, including Town Council, Planning Board, School Board and Zoning Board, so that citizens are informed about the actions taken by local elected officials; and Whereas, PEG channels contribute to the democratic process by providing opportunities for candidates and others to discuss local issues during election campaigns; and Whereas, PEG channels provide a window through which residents can view the diversity of cultures, recreational activities and artistic endeavors in their local community; and Whereas, PEG channels reflect the unique identity of the communities they serve; and Whereas, it is important to preserve PEG channels and funding for PEG channels, and to ensure that the channels continue to be available to the entire community to serve the residents of Falmouth, Maine; and Whereas, HR 3745, the Community Access Preservation Act, addresses critical and immediate threats to PEG. Now therefore it be resolved by the Town Council of the Town of Falmouth, Maine, in Town Council assembled, as follows:

1. that the Falmouth Town Council supports immediate passage of HR 3745; and
2. that the Falmouth Town Council calls on our Congressional delegation to take all possible actions in support of the passage of HR 3745, including but not limited to endorsing, co-sponsoring and voting for HR 3745, and to work for its rapid passage.

Adjourn

Councilor Armitage motioned to adjourn Councilor Libby seconded. Motion carried 7-0.

Meeting adjourned at 9:37pm.

Respectfully submitted,

Ellen Planer
Town Clerk