

**Town Council Meeting
Minutes
September 27, 2010**

Roll Call

All Councilors were present and answering roll call.

Public Forum

Mike Doyle, of Shady Lane, asked for tips from the public about wasteful spending by the Town. He spoke about the Town's rejection of a bid for laser printing and supplies.

Bill Gardiner, 27 Town Landing Rd., was hopeful that they might consider hiring a consultant to analyze the needs of the school during the school budget process. He recently moved to Town Landing Road and found the mooring system to be different than what he expected it to be. Looking out over the water he saw a lot of moorings that never saw a boat this summer.

Mark Richard, 25 Brookside Drive, spoke about his discussion with Professor Charles Kogan regarding his forecast for the economic outlook for Maine. The professor believes that no real recovery will take place in Maine until towards the end of 2012. Mr. Richard felt it was important to have contingency plans in place to cover inevitable shortfalls. He urged the Council to take that into consideration at budget time.

Item 1 (a) Order to approve the minutes of the August 9, 2010, Town Council (Consent Agenda) Special Meeting and Workshop.

Item 1 (b) Order to approve the minutes of the August 23, 2010, Town Council (Consent Agenda) Meeting.

Councilor Breen moved to approve the consent agenda, Councilor Rodden seconded. Motion carried 7-0.

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

Councilor Rodden said the ecomaine open house was terrific.

Councilor Breen attended the Library's annual meeting and was very impressed with the wide variety of activities going on there. GPCOG's steering committee updated the strategic plan. The Town of Raymond recently reduced their taxes due to school consolidation.

Councilor Chase said the Harbor Committee will meet on October 14 at 8am at the Police Department. They have invited the members of LPAC to participate. The Conservation Committee meets the first Monday of each month at 7pm at Town Hall.

Councilor Rodden asked why the Harbor Committee is meeting with LPAC. Theo Holtwijk, Director of Long-range Planning, said that LPAC is in the process of researching a wide variety of topics in town, and felt it was important to talk with those committees that deal with those topics.

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

Councilor Armitage presented the recommendations of the appointments committee:

- Reappoint Brad Gilbert to Library Board
- Appoint Judith Currier and Mary-Lou Murphy to PACPAC.

Councilor Armitage moved to approve the slate of recommendations; Councilor Pierce seconded. Motion carried 7-0.

Councilor Armitage said there are openings on the following committees: Conservation Commission, Economic Improvement, Planning Board, Recycling Committee, and Shellfish Committee. Applications are available online.

Chair Payne clarified that the opening on the Planning Board is for an alternate.

Councilor Rodden asked for more information on the Economic Improvement Committee.

Councilor Armitage said they are in the process of trying to recruit individuals. The information about the committee is on the website.

Item 4 The Council will discuss options for a process for the Community Facilities Project.

Chair Payne explained that they are trying to map out a process for the Library Board of Trustees and the Council in order that they can continue that process forward. It has been identified as important that 1 the Council and the Trustees mutually agree to the space needs requests/requirements of the library; and 2 that the full Council continues the discussion about a community center. The first step doesn't contemplate where; instead they must first agree on how much space the Library needs.

Councilor Pierce said the Council would be considering the need and opportunity for a community center simultaneous to the Trustees doing their work.

Councilor Breen wondered where the work of the Facilities Committee comes into this process.

Chair Payne said it is the baseline data.

Councilor Breen thought this looks remarkably similar to what the Facilities Committee did. She wondered what could be gained from this in terms of new information. They have spent a lot of money, and she wasn't interested in hiring any more consultants.

Councilor Varney thought the first charette was a lot of dreams, and they are more than the Town needs. She liked this plan because she thought they are now looking at the needs.

Councilor Rodden liked the plan because it brings the Town and Library together. The Library is updating the studies they did before, so they have new information, and she felt that is new compared to what the Facilities Committee did before. She liked the recommendation to

establish one contact person for both the Council and the Library; she felt in the past there were too many people talking to too many people and it was getting confusing. She also liked the meetings with the Council and the Trustees together. She asked what is going to happen at the joint meeting on October 18, and what the public's involvement will be at that meeting.

Town Manager Nathan Poore said the meeting will be taped. They can't go live from the library but the meeting would be broadcast. They envision a tour, at which the public will be welcome. The meeting would be in a workshop setting, including a presentation by a consultant hired by the Trustees. A workshop setting would mean no public input. The public process would depend on each step in the process.

Councilor Pierce said she is very mindful of the public process to date, and all the work the committee has done.

Chair Payne wanted to discuss how best to identify the point person for each body.

Julie Rabinowitz of the Library Board said she volunteered to be the point person for this process. She spoke about the consultant they have engaged. His name is Nolan Lushington and he will come to Falmouth October 4-5, meeting with the Trustees, Councilors, members of the general public, and library staff members. He will update the numbers in the 2003 Lucker report.

Chair Payne said they propose to discuss the space needs, and then move into the next phase, which would be the discussion of location. The next step would be to develop either a RFP (request for proposals) or a RFQ (request for qualifications) process. This has been a transparent process so far, and their goal is to make it even more accessible.

Councilor Rodden asked that they have all the reports on the Town website.

Chair Payne said, subject to the full agreement of the Trustees, this will be a fully public process and the reports would reside on the Town Council's website. He suggested either Nathan Poore or Theo Holtwijk as the point person, in conjunction with one of the Councilors.

Councilor Rodden thought that then became two people instead of one.

Chair Payne said Mr. Poore would be the primary person, and the Councilor would be secondary.

Councilor Pierce said Mr. Poore has all the information at his fingertips. He is the communication conduit to the Council

Councilor Rodden like having Mr. Poore do it as well, but she liked having only one person.

Councilor Chase agreed.

Councilor Armitage asked Mr. Poore if that was okay. Mr. Poore said yes, with Mr. Holtwijk as backup. The work will be preparation for meetings primarily.

Councilor Armitage was concerned that there were not dates attached to each step and that this might take a year. He agreed with Councilor Breen that a lot of this work has already been done, with the exception of the Library updating their numbers, and this should not take a long time to do. He would like some deadlines attached. He wondered if the RFQ would be a good process to start now. That doesn't involve selecting a developer, but evaluating the qualifications and experience of who is out there and finding someone they can work with. If they don't start that

process until step three, it could have to wait until December. He was concerned about this dragging out for another two years.

Chair Payne wondered what would happen if the process moves along to the land use step, and the decision was to remain at the current site.

Councilor Armitage said the RFQ would have identified someone with whom they could start the process.

Councilor Chase thanked the Library Trustees for their patience. The school site is a beautiful site. The land itself, without the buildings, is probably worth \$5 million. He would prefer to preserve the Plummer School at least. They need to be able to talk about the Library and the Lunt Road property as different entities. They need to start at the beginning with the Lunt Road property.

Councilor Rodden asked Councilor Chase which system made sense – moving forward now with a RFQ or waiting until they have made a firm decision of where the library should go.

Councilor Chase didn't think they should wait until they decide what the library needs, or where they should go. He prefers the RFP process as opposed to the RFQ. He thought developers want to get more serious than a RFQ.

Councilor Breen discussed the process over the last two years. It was hard for her to understand how one more study or report would make any difference.

Mr. Poore didn't recommend starting the RFP/RFQ process because the foundation of this process is to make one decision at a time, and not make any decisions in advance. The other reason he thought they should hold off on the RFP/RFQ process is that he was concerned about the quality of responses; the closer they get to consensus the higher level of interest there will be from developers. He recommended that staff draft a timeline for the Council to review that would get them to a June referendum.

Councilor Armitage understood Mr. Poore's recommendation; he didn't want to spend 3-4 meetings discussing the needs analysis.

Councilor Pierce's goal was to finalize that discussion at the October 18 meeting and she thought it could be done if they worked hard.

Chair Payne asked the Council to prepare questions for the consultant prior to the meeting.

Councilor Rodden asked if they could come to consensus about whether more information is needed. Chair Payne agreed.

Councilor Armitage asked when the community rec center gets discussed. The Council discussed the October 25 meeting, but Lucky D'Ascanio, Director of Community Programs wouldn't be able to attend that meeting. Mr. Poore discussed the process and the potential to be through the first two steps in 2-4 meetings.

Councilor Breen asked about a cost analysis. Mr. Poore said the operations costs could be handled in-house, and they have many of the numbers for the school site from the committee's work, but if they are looking at another site, they would need a consultant which would slow the process down.

Councilor Breen said a cost analysis is a big task and would take more time than the time between two meetings.

Ms. Rabinowitz said part of the work the Library would bring after the decision was made about the needs would include some of those cost analyses for different potential uses of the sites under consideration. If there were other suggested concepts they would refer that back to the Council. They won't have any of that data back until after October 18.

Mr. Poore suggested the needs analysis for the community center be placed on the November 8 Council agenda.

Councilor Rodden asked how much more work needs to be done around the community center.

Councilor Pierce felt it was important that they get an update and determine whether they put it on the existing site or not. It is important that they all be on the same page.

Councilor Varney asked about the process for selling the Pleasant Hill Fire station and the portables. She wondered why they can't do that now.

Mr. Poore said they could move forward with the fire station, but the portable classrooms are still being used. They could do research on those.

Councilor Breen asked why Town Hall wasn't included in this process.

Chair Payne said there isn't as much of a need or desire to move Town Hall.

Councilor Breen meant the needs of the current Town Hall, roofing etc.

Councilor Armitage thought they could have that conversation on October 25.

Councilor Breen asked Mr. Poore if they could have a cost analysis at that meeting.

Mr. Poore said he could have a number for what it would cost to hire someone to help them with that process, maybe a timeline.

Councilor Breen said the estimate included with the Facilities project was for larger, more programmatic space than what is proposed now.

Councilor Armitage said if they are only looking at a new roof, siding, insulation, and windows, any contractor could do that.

Mr. Poore thought if they were looking at making that kind of investment, it would be important to look at the interior design and space needs as well. If the Council decides not to do that, then all they would need is a few quotes.

Councilor Armitage felt that if they have those quotes ready for October 25 at least that would be covered. It was a source of controversy.

Mr. Poore couldn't have those numbers for October 25, but he could get them.

Councilor Pierce requested that Mr. Poore project out 10 years or so, not just to evaluate what needs to be fixed this second.

Councilor Rodden asked about ground rules.

Theo Holtwijk, Director of Long-range Planning, said it is up to the Council how they wanted to approach it. At Chair Payne's request, he discussed consensus.

The Council discussed the process and their feelings about rules. Councilor Rodden recommended that the staff draft some rules for the Council to review. Councilor Pierce agreed.

Councilor Breen asked about what happens between meetings.

Councilor Pierce said they have a point person.

Councilor Breen requested that, if Chair Payne had suggestions, revisions, questions he wanted to ask, or policy revisions he wanted to make, that he make them here instead of through his newsletter.

Chair Payne agreed.

Councilor Armitage wondered what he should do if he has conversations with Trustee members outside of meetings.

Chair Payne recommended he report out the results of those conversations to the contact person.

Item 5 Review the concept recommendations by Community Development Committee (CDC) for Route One.

Councilor Rodden, Chair of the CDC, gave a presentation on their work on this issue. The committee took a look at a report done in 2005, the intent of which was to transform the Route 1 corridor from an automobile based service center to a pedestrian friendly New England village center. There was no action taken by the Council in 2005. In 2008 the matter was referred to the CDC. A public event was held in 2009. They are before the Council to get feedback on their key concepts. They want the area to be a dynamic area, one that is a destination for many people, strongly encourages walking and stimulates repeat visits. They propose an infrastructure improvement plan for the public right-of-way, including completing missing sidewalk links. She discussed the ways in which they agreed with the 2005 study. They disagreed with the recommended front setbacks proposed in the 2005 study; they would rather create a street wall, with a 0-25 feet "build-to" zone in a proposed VC-1 zone and a 0-75 feet "build-to" zone in a proposed VC-2 zone. This would include disallowing parking between the building and the street in VC-1 and allowing only one row of parking between the building and street (except for vehicles for sale) in VC-2. They would also allow building footprint size options between 65,000 and 90,000 sq feet in VC-1 and 50,000 and 90,000 in VC-2 for single tenant buildings, and maximum footprints of 120,000 sq feet for VC-1 and 90,000 sq feet for VC-2 for multiple tenant buildings. They would require certain of these standards to apply to new construction only, while standards such as curb cuts and landscaping would apply to all construction once ordinance language is developed and approved. They want to come up with some system of financial incentives for voluntary compliance. They would allow most uses as permitted uses, and minimize the number of conditional uses. They had other suggestions, including outdoor seating for restaurants, and requiring underground utilities for new construction. Along with the zones VC-1 and VC-2 they have proposed a VC-M zone to incorporate the municipal uses.

Councilor Pierce said the former members of the Route 1 Committee liked the new recommendations for the front setbacks.

Councilor Breen understood from when this was presented in 2005 that the committee wanted zero setbacks, but the businesses wanted parking in front of the buildings.

Councilor Rodden said business people who came to their meetings supported it, but that was not the entire business community.

Chair Payne liked the notion of zero setbacks, but he wondered what the marketplace would respond to and what the changes in the community would be as a result. He would like to see what has happened in other communities who have done this in the last 20 years, especially the impact of vacancies.

Councilor Rodden asked how he would incorporate that with the vacancies they already have.

Chair Payne thought when people see cars out front, they think of that as a successful business.

Councilor Pierce talked about the main street in Saco, which has a downtown with parallel parking on the street. She thought they wouldn't have to go too far to find examples. She thought what the Town wants this to look like is more important than what the market wants.

Councilor Armitage talked about the McDonald's in Freeport as an example of how the market will adapt. He wasn't sure Falmouth would ever have a downtown like Saco, due to historic buildings and infrastructure. He didn't buy the argument that there can't be on-street parking on Route 1.

Councilor Rodden asked if that should be in their recommendations.

Councilor Armitage thought it should be. He gave several examples of how on-street parking leads to people shopping at the local stores.

Councilor Breen felt all land use planning begins with transportation planning. She felt zero setbacks would lead to an area that looks like it was designed for carts instead of cars, which she liked. She was fine with parking on Route 1 and she felt the committee was heading in the right direction.

Councilor Chase liked the plan. He cautioned them about making existing businesses non-conforming.

Councilor Rodden said this doesn't do that, as opposed to the study in 2005.

Councilor Chase wondered about a time limit to determine how long the Planning Board has to approve a business that comes in.

Councilor Pierce asked Councilor Chase about their idea of a financial incentive to make changes.

Councilor Chase didn't think they could change anyone's business plan.

Councilor Varney mentioned that the property lines are not even, they are jagged. Doing zero setbacks they would have a problem.

Councilor Breen asked about Falmouth's parking space requirements and whether they are recommending any changes to those.

Councilor Rodden said they haven't included that but they can review the notes from a prior meeting and add it.

Councilor Payne was worried about the traffic implications on Route 1. They don't have relief routes to get off Route 1 and traffic is starting to back up during the commutes.

Councilor Breen said that would be a promotion of public transportation. A lot of progress has also been made with the connection of parking lots.

Councilor Armitage said as you get greater density and greater traffic, people will circumvent it and use 295.

Chair Payne asked them to look more closely at what those relief routes might be. The nature of Route 1 is retail drive through, with a lot of residents of Cumberland and Yarmouth coming through to do their shopping.

They briefly discussed the current status of Hat Trick Drive. Nothing is going on at the moment.

Councilor Rodden asked about the footprint issue. Councilor Breen felt that smaller is better.

Chair Payne was worried about the property owners' opportunity to create something that works. He wanted to make sure that they are not going to preclude developers from doing what they know works. However he doesn't think they should be encouraging a behemoth.

Councilor Rodden asked what size he would be comfortable with.

At Chair Payne's request, it was explained that the building including Walmart and the Cinema is 116,000 sq feet, and the entire Shaw's complex is 219,000 sq feet. Chair Payne wondered if a large complex, broken up by multiple alleys between buildings, would count as one large footprint, or multiple tenants.

Councilor Pierce said those would count as multiple footprints just like Falmouth Village. You could build a large building with multiple tenants, but the single largest tenant of a multiple use building would be 60,000 sq feet.

Mr. Holtwijk said the current Shaw's is about 72,000 sq feet. The Hannaford plaza is 63,600 sq feet.

Chair Payne was comfortable with the recommendation of the committee.

Councilor Rodden asked if the Council wanted to try to narrow down the range of sizes, or whether that was something the committee should take up again.

Councilor Varney said a 90,000 sq feet maximum. Councilor Pierce has said 65,000 sq feet. She felt the size of the current Shaw's was as large as she would want a stand-alone building to be.

Councilor Chase said the bigger the better. If someone wanted to come in and spend \$60 million, this is a good place to spend it.

Chair Payne would want to go toward the high end, in consideration of the property behind the former Shaw's. They don't know what the developer will come back with for that property. It might be a large office building like the TD Bank building at West Falmouth.

Councilor Rodden said that the TD Bank limited their footprint by going up, which is what they want here.

Chair Payne wondered if going to the 90,000 sq foot level was inviting a big box store.

Councilor Pierce said no, most big box stores are 140,000 sq feet.

Councilor Armitage said if the footprint is too small, there would have to be additional infrastructure to install an elevator. He wondered if it might be more cost effective to have a larger footprint; he asked where the break even point would be.

Councilor Pierce asked if it would be helpful for the committee to bring back examples of what has happened in other communities.

Councilor Armitage didn't know where they would find examples.

Councilor Breen didn't like a big box retail store, as it isn't human scale. If it is a large office building she felt different about it.

Councilor Armitage said if they are trying to get mixed use, it has to have density to be viable.

Councilor Breen felt that further up Route 1, past Bucknam Road, would be where larger buildings would be more appropriate than the Shaw's site, which is retail.

Councilor Rodden said they would take this back to the committee for the next step, but she would like to have a public hearing before they do any of the ordinance work. The Council agreed.

Councilor Rodden asked if there were any specific things they wanted the CDC to look at, other than the cost of elevators. Chair Payne asked for examples from other communities that have placed limits on footprints.

Item 6 Order to authorize the Town Manager to execute a quit claim deed for parcel U23-008-004.

Councilor Pierce moved to approve the order, Councilor Breen seconded. Motion carried 7-0.

Item 7 Order to authorize the Town Manager to execute a quit claim deed for parcel U23-013.

Councilor Armitage moved to approve the order, Councilor Pierce seconded. Motion carried 7-0.

Item 8 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible sale of town owned land, pursuant 1 M.R.S.A. § 405 (6) (C).

Councilor Armitage moved to enter Executive Session, Councilor Pierce seconded. Motion carried 7-0.

Nathan Poore announced that there would be no Council action after the executive session.

Meeting adjourned.

Respectfully submitted,

Melissa Tryon
Recording Secretary