

# **Town Council Meeting Minutes January 24, 2011**

## **Roll Call**

All Councilors were present and answering roll call.

## **Pledge of Allegiance**

Chair Payne led those present in the Pledge of Allegiance.

Councilor Armitage moved to waive Council rules in order to allow three resolutions that were submitted for the agenda after the deadline; Councilor Breen seconded. Motion carried 7-0.

Councilor Armitage read a resolution honoring the 2010 Falmouth Junior Varsity Football Team, known as JV Gold, which recently won the Maine Youth Football Junior Varsity State Championship.

Councilor Pierce moved to approve the resolution; Councilor Varney seconded. Motion passed 7-0.

Councilor Varney read a resolution honoring the Falmouth Varsity Golf Team, known as the Yachtsmen, who won the Maine Class B State Championship.

Councilor Pierce moved to approve the resolution; Councilor Armitage seconded. Motion passed 7-0.

Councilor Varney read a resolution honoring the Falmouth Varsity Girls Soccer Team, known as the Yachtsmen, who won the Maine Class B State Championship.

Councilor Pierce moved to approve the resolution; Councilor Armitage seconded. Motion passed 7-0.

Chair Payne announced that anyone wishing to comment on Items 5 and 8, the update from the CDC on Route 1 and the RCZO amendment respectively, should do so during public forum, as public comment will not be taken during the discussion on those items.

## **Public Forum**

Claudia King of Woodville Road spoke about conservation subdivisions. They are a well-thought out approach to residential development. The developer is asked to set aside open space first, and then site the lots and building envelopes. She suggested that the RCZO amendment is being suggested too soon; she asked the Council to give the ordinance another 3-4 years. She asked the Council not to vote on the amendment tonight, but to pass it to LPAC to work on. If they do vote on it tonight, she encouraged them to vote no.

Mike Doyle of Shady Lane reviewed several events from the past year. He gave the Council a grade of F-.

Alan Donald of Blackstrap Road supported the comments made by Ms. King. The provisions of the open space ordinance were deliberated extensively by the Council. He didn't think it had been discussed sufficiently to roll back what has been achieved. He didn't think the Town needed more development; he thought it needed less development, as there are many properties currently for sale already. He didn't see that the ordinance had impacted developers all that much. He asked the Council if anyone who has a vested interest from a financial perspective that is on the Council was planning to vote on it.

Councilor Chase said he planned to vote on it.

Mr. Donald asked if Councilor Chase brought the issue to the Council.

Councilor Chase confirmed that he did.

Mr. Donald observed that, if Councilor Chase had a vested financial interest, it might be reason to recuse himself.

John Adelman of Falmouth Road is the President of the Falmouth Land Trust and sits on the Open Space Committee and echoed the comments of Ms. King and Mr. Donald. He asked about the process under which they reviewed the proposed change. He was concerned about the conflict of interest that he saw here.

Jan Andrews of Woods Road spoke about the Library, and the two options currently being proposed: a move to Lunt or a new building. She would like to see the option of the library expanding on site included in any question sent to the voters.

Glen Brand of Johnson Road supported the implementation of the Route 1 study. The current development on Route 1 is not ideal, dominated by automobiles, large parking lots and big box stores. He felt most people wanted to see a more pedestrian-friendly, more economically thriving land use pattern.

Caleb Hemphill of Dunham Pond Lane spoke about the Open Space amendment. He is a member of the Conservation Commission, Falmouth Land Trust, and the Open Space committee. He felt it was premature to change something that a previous Council unanimously supported. He wondered whether the Council is really prepared to address something that seems to be working, without due consideration and without asking input from groups such as LPAC and the Conservation Commission.

Amanda Henson of Meadow Creek Lane hoped the Council would vote against amending the Open Space zoning. She thought they should continue to protect open space. She hoped the Council would adopt the Route 1 study.

Bob Hunt of Foreside Road has lived in Town since 1941. He served as a trustee of the Library in the 1990's. He felt the taxpayers should have the opportunity to vote on all possible locations of the library. He said the library could be expanded on site by adding 3900 sq. feet on grade to the south side of the building. That was recognized in a report by Jay Luckner in 2003. He also said the building could be expanded by adding 4000 sq feet over the original building, or by adding 7000 sq. feet on the mid-1990's addition, as reported by Jim Thibodeau in April 2010. He believed that doing all these would cost less than moving the Library to either Lunt or Plummer, or building a new building. He thought the abutters to the library don't want to live next to a commercial building, which is what that building would become if the Library moved, and that they would be willing to talk about selling to the Town.

Julie Rabinowitz of Muirfield Road is the Vice President of the Library Board of Trustees. She thanked the Council for their attention to the Library's presentation. She spoke about a meeting between members of the Trustees, Jim Thibodeau, Town staff, Councilor Varney, and members of the group Falmouth Citizens for Sound Choices. They have asked Mr. Thibodeau to price out some of the suggestions made by Mr. Hunt.

**Item 1 (a)                      Order to approve the minutes of the December 13, 2010, Town Council Meeting.**  
**(Consent Agenda)**

Councilor Breen moved to approve the minutes; Councilor Armitage seconded. Motion carried 7-0.

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

Councilor Breen reported that the Reserve Bank of Boston visited the Portland area to meet with private and public leaders. A report about that visit is attached to the agenda. There is a summary of GPCOG's services attached to the agenda, as well as a summary of the recent \$1.2 million grant from HUD. She

welcomed anyone from the Council who would like to attend either the GPCOG steering or executive committee meetings. Someone will have to take this role over in June.

Councilor Pierce said the next Finance Committee meeting is February 10; the high school will have a workshop session on February 7. She encouraged everyone in the community to attend these budget meetings.

Councilor Varney said the School Board met on January 20; according to Representative Mary Nelson, Falmouth will lose approximately \$800,000 in federal stimulus monies this year. The school will manage the turf field, and not the Town. PACPAC has been working on the Parks and Public Land website. One Falmouth met today; subcommittees are meeting with staff quarterly.

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

Councilor Armitage said if any of the councilors is interested in being a part of the Greater Portland Economic Development Corporation, they should speak with Town Manager Nathan Poore.

Theo Holtwijk, Director of Long-Range Planning, explained that the corporation is trying to fill its public members on its board. The question is whether that representative should be an elected official, Town or City Manager, or staff person. This is up to the Council. Mr. Holtwijk has been representing Falmouth to date. Also, there are 10 or so private board members to be appointed; the initial board is assembling a list of interested people. Falmouth doesn't get a slot, but if any of the Councilors know someone in the private sector that might be useful, the memo lists the parameters the board feels might be helpful.

Councilor Armitage suggested that the appointments committee would talk about this at their next meeting, and bring a recommendation back to the Council.

Chair Payne asked about the charge of the corporation.

Mr. Holtwijk said the charge of the corporation is to promote and stimulate economic development in the area; it is intended to cover Portland, South Portland, Scarborough, Westbrook, Cape Elizabeth and Falmouth.

Chair Payne asked if the organization would administer any public funds.

Mr. Holtwijk said the corporation has not yet been funded. They intend to ask for some start up funds, and will also draft up a three year plan.

Councilor Armitage presented the recommendations of the Appointments Committee:

- **Conservation Commission:** Colin Jones
- **Falmouth Economic Improvement Committee (FEIC):** Ann Armstrong, Sterling Kozloski, David Libby, William Lunt, Anne Theriault, Jim Thibodeau
- **Falmouth Trails Advisory Committee (FTAC):** Michael Loncoski, David Snow
- **Parks and Community Programs Advisory Committee (PACPAC):** Patricia Kirby
- **Planning Board Alternates:** Walter Arsenault, Kermit Stanley

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

Councilor Armitage announced that there are still vacancies on several committees and he encouraged people to apply.

**Item 4                                      Presentation of work completed on the Town web site and a map/brochure pertaining to parks and open spaces.**

Bob Shafto, Open Space Ombudsman, presented the new Parks and Public Lands map. In order to help fund the printing of a new edition, they are asking for a donation of \$3 for each map. There is also a website, with all the same information as the map, and information on each property can be downloaded.

Jay Reynolds, Director of Parks and Public Works, demonstrated the new website. The properties are listed individually as well as by use categories.

Councilor Breen thanked everyone for their work on this project.

Councilor Rodden commented on how professional the map was.

**Item 5                                      The Council is asked to give direction to the Community Development Committee regarding proposed concepts for Route One.**

Councilor Rodden said the Council has been studying the Route 1 commercial corridor on and off for nine years. She spoke about the most recent Route 1 survey of business owners and residents. The CDC presented specific recommendations for ordinance changes that will make the Route 1 corridor a more valuable asset to the Town. The CDC, while not agreeing on all the details, agreed on the major concepts contained in their recommendations. First, that the area from the Turnpike cloverleaf to Route 88 should be divided into two Village Center districts, to be known as VC-1 and VC-2, with a third district set aside for municipal and civic use. They agreed to loosen restrictions on the use of buildings, to make it easier to get permits. They agree there should be an infrastructure improvement plan for sidewalks, landscaping, bike lanes and putting power lines underground. They agree that new buildings should be a minimum of 2 stories and a maximum of 4 stories. They agree that there should be some limit on the footprints of future buildings; the question is how much. A majority of those who responded to the most recent survey supported a limit on footprints. They agree that buildings should be closer to the street; the question is how close. She asked the Council to discuss those areas where the members of the CDC disagree, and to take a straw poll on the recommendations.

Councilor Rodden asked the Council to discuss the front setback issue. The CDC agreed that the front setbacks for VC-1 and VC-2 should be consistently closer to the street than they are today. In VC-2 (from Clearwater Drive South) they recommend a range of 0-75 feet for the front setback. This would allow parking in front of a building. In VC-1, Councilors Rodden and Pierce would like the setbacks to be as close to Route 1 as possible, a 0-25 feet setback range. Councilor Varney would like it to be 0-55 feet, enough for perhaps one row of parking.

Councilor Chase apologized to Councilor Rodden for alleging at a prior meeting that it was not a coincidence that the issue of building footprints came up at the same time that Wal-Mart expressed interest in expansion. He was concerned with having buildings that close to Route 1, with the heavy traffic use of that road, tractor trailers, etc.; it would be terrible if a large truck lost control.

Councilor Breen explained that, while she had a conflict with the discussion as it pertained to Wal-Mart, but didn't have any conflicts in discussions about the future of Route 1. She was in favor of smaller setbacks. They would encourage slower traffic and more pedestrian use. She would like to see parking behind buildings, and buildings closer to the street, for more of a streetscape.

Councilor Armitage was more interested in having flexibility, and encouraging businesses to locate close to Route 1. He wasn't concerned with heavy truck traffic; the speed is the issue there. He could go either way on that; he was more interested in the 0 foot level. He asked about the recommendation of the Route 1 study.

Mr. Holtwijk said the 2005 Route 1 study called for a 55 foot build-to line from the right-of-way boundary.

Councilor Rodden said that was an approach the CDC stayed away from, because it would be a jagged line. There are different boundary lines all along Route 1.

Councilor Armitage said he would lean more toward the 0-55 feet range, to allow more flexibility.

Councilor Pierce said members of the original Route 1 committee explained to the CDC that they were testing the waters on this issue. It was more of a compromise. They weren't sure there was an appetite to go to the 0 foot line.

Chair Payne asked what the current ordinance is.

Mr. Holtwijk said the current setback in the SB-1 zone is a minimum of 80 feet. The Village Center Overlay district gives the Planning Board the ability to reduce that up to 50%, which would bring it to 40 feet, but not any closer.

Chair Payne asked about the intent when those setback requirements were established.

Mr. Holtwijk thought it was the convenience of parking in front of the front door, at the time of shopping mall development.

Chair Payne asked if any of this comes into play in the case of a renovation/expansion.

Councilor Rodden said no; this is only for new buildings. Councilor Pierce said it could, if the property owner wanted to.

Councilor Rodden said the CDC discussed financial incentives for property owners who want to do that, but that is not in the ordinance work they are doing right now.

Chair Payne agreed with the 0-55 feet range.

John McNaughton, Finance Director, said he was the Town Planner in the mid-1980s and explained that it was all car dealerships along Route 1 at that time. Those businesses wanted everything to be displayed, and no landscaping or buffering that would reduce the display area for cars. That was the reason for the division between upper and lower Route 1; lower Route 1 is where all the car dealerships were. When the larger car dealerships left, it allowed the smaller developments to take over.

Chair Payne asked about the economic impact on retail sales of having customers parked in the front of the buildings.

Mr. Holtwijk said they have discussed that. It is a hard question to answer.

Councilor Breen asked what the impact is of seeing customers walking into the store, without parking out front.

Mr. Holtwijk said the question is what kind of streetscape they are envisioning: is it a travelway or a destination.

Chair Payne felt they have an auto-centric commercial destination.

Councilor Breen disagreed; she thought it was a place where you park once and then walk to each store.

Mr. Holtwijk clarified that he meant that people come for a specific business, instead of driving to somewhere else and then stopping. He said the business owner of the Couleur Collection told him that 80% of her business comes from outside Falmouth. He said whether people drive or walk to the next business depends on what kind of environment they create, as well as factors such as weather, etc.

Councilor Rodden said with this kind of planning they are trying to encourage people to walk from one business to the next, rather than driving.

Councilor Varney supported the 0-55 range, in order to give more flexibility. She mentioned that there is a lot of snow there now.

Councilor Rodden moved on to the issue of parking. The CDC agreed that there should be one row of parking in VC-2 but the questions is what about VC-1. The most restrictive option would be no parking between the buildings and Route 1.

Councilor Breen supported parking in back.

Councilor Armitage wanted to make sure there was flexibility in whatever they approve. If they could get on-street parking, he would prefer parking along the sides and back. If not, he would want it to be flexible.

Councilor Chase supported parking wherever the business owner wanted to put it.

Councilor Pierce preferred parking along the side and in rear. She thought parallel parking out front would slow traffic and show that people were using the businesses.

Chair Payne would prefer as much latitude for the property owner as possible. He was in favor of the less restrictive option.

Councilor Varney agreed with Chair Payne.

Councilor Rodden moved to the issue of on-street parallel parking.

Councilors Armitage, Pierce and Breen were interested in exploring that option. Councilor Breen was also interested in short-term, 15 minute drop off type spaces for certain businesses. She and Councilor Armitage discussed the pros and cons of those types of spaces.

Councilor Breen asked about diagonal parking.

Councilor Varney didn't think there should be parking on Route 1. She liked the turning lane they have now. She liked that people had to enter the curb cuts and then park.

Councilor Rodden said the turning lane reduced the area of space available for parking.

Chair Payne agreed with Councilor Varney. Route 1 is one of two major thoroughfares running through Town. The other is 295. Route 1 is getting congested. Adding on-street parking would lose the flow of traffic, because they would lose the turning lane. Route 1 is the commercial district, but it is also a US highway. They are trying to make a Main Street out of Route 1.

Councilor Breen said there are great places in the country where Route 1 is also the Main Street and the Town Center, where people walk around.

Councilor Armitage said in those places, there is usually a Route 1 bypass. In Falmouth, they don't need a bypass, because they have 295. Anyone that wants to bypass Route 1 can easily jump on 295 or Route 88. There are enough options for people to go around.

Councilor Pierce said the work that has been done on Route 1 in the last 25 years has been extraordinary, compared to what was there. She wasn't wedded to the on-street parking, but was wedded to thinking better and beyond what is there. She thought they could work toward what is better.

Councilor Armitage said Route 1 will never be a downtown Main Street, but it could be better than it is.

Chair Payne observed that they are trying to bring business to the Town. He asked, if they bringing buildings closer to the road, and putting parking in behind, are they contemplating parking garages.

Councilor Rodden asked the Councilors who supported the 0-25 setback range if they could live with the 0-55 feet range.

Councilor Varney asked how many building slots are at the Falmouth Shopping Center. There are some that are available that are not being used.

Mr. Holtwijk said, in a previous master plan, there are three small footprints projected along Route 1 at the Falmouth Shopping Center, where the ATM machine and the green space is. At the Falmouth Plaza, where Wal-Mart is, there are no additional building slots available.

Councilor Varney observed that Route 1 was what Route 88 is currently. Route 1 was built after World War II in order to get the traffic off Route 88. She didn't think it was fair to say that the traffic on Route 1 should slow down beyond the 35 mph it is currently.

Councilor Chase didn't think the state would allow it.

Councilor Breen wasn't sure about the 0-55 range; she would have to think about it.

Councilor Rodden thought she could support the 0-55 feet setback.

Councilor Pierce really wanted to see parking on the side and behind. If they went to 55 feet they didn't necessarily have to have parking out front; it could be tables.

Councilor Rodden said the CDC would investigate the on-street parallel parking more.

Mr. Holtwijk said the 2005 Route 1 committee did consider it, but did not propose it due to what he thought were practical reasons. He thought a majority of the Council was at least interested in asking the DOT the question, and staff can do that.

Councilor Rodden moved to the footprint issue. At the last meeting it was clear that the majority of the Council was not interested in limiting the footprints on existing buildings, but the question remains about future buildings. She began with single-tenant buildings, such as Rite-Aid or Staples. For purposes of comparison, she explained that the Wal-Mart/Regal building is 116,000 sq feet; the current Shaws store is 72,000 sq feet. Councilors Rodden and Pierce support a limit of 75,000 sq feet on future buildings in VC-1; Councilor Varney supports a limit of 90,000 sq feet.

Councilor Pierce explained that her reasoning for the 75,000 sq foot size was based on her review of what is currently on Route 1, as well as other developments in town and what is working. Hannaford, Shaws, Staples are all below this threshold. When you look at 90,000 sq feet, you are looking at Home Depot in Topsham (95,000), Kohls in Westbrook (89,000), or Target in South Portland (120,000). She felt there is a tipping point between 75,000 and the 90,000 that puts you into a different category of business.

Councilor Armitage asked about the size of the Westbrook cinema. He understood what Councilor Pierce was saying but was concerned with limiting what can be done to shopping centers only. He wondered if limiting it to 75,000 would restrict the kind of businesses that could come in and be anchors for other businesses. He wondered if it would make more sense to say that that they could have one or two big box footprints, but they would limit the number of buildings at that size in this district. If they wanted a limit on footprints, he would lean more toward the 90,000 size.

Councilor Rodden said it was important to have the footprint size be commensurate with the size of the community. The town doesn't have that much commercial space available. She didn't feel a really large

big box store, even one, would fit in with the makeup of the other commercial stores in the area. She thought it would be out of proportion.

Councilor Varney has been to the Kohl's in Westbrook and that is why she supports the 90,000 limit.

Chair Payne was partial to the 90,000 limit; he was also in favor of contract zoning. He felt the only large parcel available is the Shopping Center. He pointed out that there isn't any room for big boxes to be popping up everywhere. He wanted to ensure the greatest flexibility for that parcel.

Councilor Rodden said the people at the charette said they wanted mixed use, and no big boxes. She wanted it on the books now, so that any developer knows what to expect.

Chair Payne said the charette was a focus group as an advisory process for a property owner; it wasn't about determining zoning of the district.

Councilor Breen discussed the charette process with the property owners. What happens to that parcel is one thing, and she would support a contract zone, but the entire streetscape is another. She agreed that it is wise to have something on the books. She could live with the 90,000 limit.

Councilor Pierce said she could live with it. She asked is this was for a single-tenant building.

Councilor Rodden said it was. She could live with the 90,000 limit as well.

Councilor Rodden moved on to VC-2, which is less dense and with smaller buildings. Councilors Rodden and Pierce would like a limit of 50,000 sq feet in that district; Councilor Varney would like 75,000 sq feet. VC-2 is the southern end of Route 1, from Clearwater Drive south.

Chair Payne wondered about opportunity for a single-tenant building of that size in this area.

Councilor Rodden said the Morong property. This ordinance would take effect is someone tore down a building to build a new one.

Mr. Holtwijk clarified that the Morong building, at 65,000 sq feet, includes the athletic center.

Councilor Rodden didn't think they could expand to 75,000 on that property, as there wouldn't be enough parking.

Chair Payne thought this was a moot issue.

Councilor Rodden said the CDC agreed on the limits for future multi-tenant buildings and the size of tenants. The question is whether the Council wants to move forward with the report. She asked for a straw poll of the Council. She said the outcome of this would be that they would draft an ordinance amendment, which would then come back to the Council.

A majority of the Council supported moving forward.

Councilor Varney clarified that, in VC-1, instead of requiring two stories they would require that the walls be strong enough to support a second story if they wanted to build one.

Councilor Pierce thought the intent was to require a second story, but that they wouldn't have to occupy the second story.

Councilor Rodden read the language; it is not required.

Councilor Armitage thought the vision was to have it look like it had a second story, but that they wouldn't have to occupy it.

Councilor Rodden said the CDC would work on that issue further.



Chair Payne asked about the language regarding how much of a building could be left standing and so not qualify as new construction.

Councilor Rodden said that was a conversation they would have to have with the Community Development Director, Amanda Stearns.

Councilor Pierce spoke about discussions they have had regarding financial incentives for owners to comply with the new ordinance.

**Item 6                      Order for an amendment to the Coastal Waters Ordinance that would reduce shore front property lot width requirements for riparian rights designation; allow riparian rights to lots with waterfront access rights; and allow 20 additional moorings at Handy Boat.**

Councilor Armitage moved to adopt the order; Councilor Pierce seconded. Motion carried 6-0 (Chase absent).

The Council returned to this item later in the meeting.

Councilor Armitage voted to reconsider the order; Councilor Pierce seconded.

Councilor Chase moved to amend the ordinance in section 4-8, changing the number 150 to 250, so that there would be a cap on indirect riparian moorings of 250. Staff recommended 250 originally, and somehow it went to 150.

Chair Payne didn't think there was going to be more than 150 applications for riparian moorings anyway.

Councilor Chase didn't think the numbers are there. Many of these people that will be able to get a mooring already have one.

Chair Payne asked if the anchorage supports additional moorings.

Councilor Chase said there is plenty of space in the ocean; the reason for the limit is for those people who get their access through Town Landing. The Harbormaster approves each of these applications separately and will tell them where to place their mooring.

Motion to amend carried 7-0.

Councilor Armitage moved to adopt the amended order; Councilor Pierce seconded. Motion carried 7-0.

**Item 7                      Order to amend the Zoning and Site Plan Review ordinance regarding signs.**

Councilor Pierce moved to adopt the order; Councilor Armitage seconded. Motion carried 6-0 (Chase absent).

**Item 8                      Order to amend the Zoning and Site Plan Review ordinance regarding the RCZO and Net Residential Area.**

Councilor Chase returned to the meeting.

Councilor Armitage moved to adopt the order; Councilor Varney seconded.

Councilor Breen wondered if Councilor Chase wanted to respond to the comments made during public forum, regarding a conflict of interest.

Councilor Chase said if you don't have any interest, there isn't any chance of having a conflict. He didn't think being a property owner meant he had a conflict. The subdivision he is working on is already scheduled to be heard by the Planning Board; he did this so that there would not be a conflict. That

subdivision is complying with all the ordinances that are currently in place. He intended to vote on this item with a clear conscience.

Councilor Rodden asked if he will benefit financially if this amendment is approved. She understood that the current subdivision he is working on is already in the pipeline, but she asked about other land that he owns and whether he would benefit if those properties were developed with the new amendment.

Councilor Chase said there was that possibility; he isn't proposing to develop any of the other properties. He didn't know.

Chair Payne said this was up to Councilor Chase, and not the Council.

Councilor Chase argued that this was 4-lot subdivision on 23 acres; he could have had 6 lots. As a developer he locates the house lots first, and not the open space. He liked the RCZO; it is a better ordinance than the one that is replaced. He is only asking for the difference between 30% and 50% of the net residential area, which is the land that is left after deducting steep slopes, wetlands, rights-of-way etc. In his case, out of the 23 acres he gets 6 acres to build on, which he is happy with. The system works, and he likes the ordinance.

Councilor Rodden moved to table the item, until they get a ruling on whether there is a conflict of interest with Councilor Chase. Councilor Breen seconded.

Chair Payne said there was a point of order; he asked if the Council has the authority to do that.

Councilor Rodden thought they have the authority to ask the question of the Town Attorney.

Motion to table failed 3-4 (Chase, Armitage, Payne and Varney opposed).

Councilor Breen asked Councilor Chase to make a public disclosure of what he owns where either he or his family members stand to benefit financially if this amendment passes.

Councilor Chase didn't think there was a financial benefit from the ordinance change; he thought it would make the ordinance work better and protect the Town from liability – the 50% is an arbitrary number. As far as the requested disclosure, he isn't sure of what his family owns due to partnerships, etc. He knows what he owns.

Chair Payne asked if Councilor Varney owns land that could be developed.

Councilor Varney thought she did.

Chair Payne asked if any other Councilor owns land.

Councilor Armitage argued that any Councilor that owns land could potentially have a conflict with any change they make to the residential land use ordinances. Sometimes even the perception of a conflict means there is a conflict. He felt they had to allow development at some point to offset the amount of open space that they have protected. He thought, when you accounted for all the set-asides, the 50% was excessive. He felt it was the small land owners who would benefit from this change, not the large developers.

Councilor Rodden said the CDC has worked on this. They discussed putting this into two sections.

Councilor Chase said they have done that.

Councilor Rodden said the CDC, instead of doing a lot of research on the impact this might have, sent it to the Planning Board, Conservation Commission and LPAC. All three of these bodies said not to do this. This ordinance hasn't been in effect very long, and she felt they needed more history with it.

Councilor Varney agreed with Councilor Chase that they needed to back off a little. She wondered how they got to the point where the conservation zone covers the whole town; it used to cover only a little of it. She thought 30% was better than 50%.

Councilor Armitage said the RCZO was originally drafted to cover only a small part of town and now it is town-wide. He thought many of their issues stem from that.

Councilor Breen said she was more in favor of looking at where they have it, as opposed to changing it internally.

Councilor Rodden agreed.

Chair Payne would like to see this come back out of committee.

Councilor Pierce thought it was not good planning to look at things in isolation. When she read the recommendations of the committees and the staff, she felt the net residential area issue has some real problems that need to be addressed. She found it interesting that the Planning Board voted 3-1 against these recommendations. While she could support the changes to the net residential area, she was not willing to change the 50% to 30%. She was willing to look at where the RCZO is overlaid on the Town.

Chair Payne would like to see this referred back to committee, along with the suggestion to look at Councilor Pierce's point and the maximum set-aside of land.

Councilor Payne moved to table the item and refer it back to committee to review his suggestions.

Councilor Breen asked staff about conservation zoning. She wondered if this ordinance kicks in at 5 acres.

Amanda Stearns, Community Development Director, said there is no minimum acreage requirement.

Councilor Breen asked if there was a provision by which you can create a new lot without triggering this.

Ms. Stearns said yes, you have one opportunity to create a new lot as long as the parent lot is in the same configuration as it was on April 1, 2005.

Councilor Armitage seconded the tabling motion. Motion failed 3-4 (Breen, Chase, Rodden, Pierce opposed).

Councilor Armitage moved the questions.

Motion to adopt the ordinance amendment to Section 3.13.5: *Standards for Conservation Subdivisions* passed 4-3 (Breen, Pierce, Rodden opposed)

Councilor Varney moved to adopt the amendments to various sections of the ordinance pertaining to net residential area. Councilor Armitage seconded.

Councilor Armitage moved the question.

Motion carried 6-1 (Breen opposed).

**Item 9                      Discussion and introduction of staff recommended amendments to the Zoning and Site Review Ordinance and the Subdivision Ordinance for electronic submission of final plans.**

Councilor Breen asked if other Towns are doing this.

Ms. Stearns confirmed that is the case. This will give staff the electronic data to add to the GIS system without having to hand-enter it.

A public hearing will be scheduled.

Councilor Chase left the meeting.

**Item 10                      Presentation and discussion pertaining to the 2011 - 2012 Capital Improvement Plan Budget.**

Councilor Pierce explained that the Finance Committee has reviewed the Capital Improvement Plan. This will be part of the full budget vote later in the year.

Randy Davis, Budget/Purchasing Director, explained that this is to review all the replacement schedules for items that are at the end of their useful lives. It is a policy to maintain steady funding and a steady mil rate. It factors in inflation and changes in technology; as technology improves, the cost of it goes down. They are assuming a 0% increase in valuation for 2012 and 1.5% increase for each subsequent year in the plan. For this year, they were able to extend the life of the police cruiser from 2 years to 2.25 years, and they reduced the seed money in the Police Building Reserve by \$20,000. He discussed several transfers from the CIP reserve that will be necessary in upcoming years as well as a few projects that are not included in the plan. The impact of the CIP on the mil rate will remain the same as it was last year.

Councilor Rodden asked about the sidewalk project on Route 1.

Mr. Davis said that is part of the TIF; it is planned to spend about \$1 million on that this year. This year work is planned from the Martin's Point Bridge to Brown Street. Falmouth Road is scheduled this year as well.

Mr. McNaughton explained that Falmouth Road was originally supposed to be done by the State, but has been put off, so now the Town is going to do it.

Mr. Davis said the work on Falmouth Road is planned from Blueberry to Bucknam, and includes sidewalks as well, on the Oceanview side.

Councilor Breen pointed out how much the CIP program benefits the taxpayers.

Mr. McNaughton said having a well-funded capital plan is a big part of the credit rating program.

**Adjourn**

Councilor Rodden moved to adjourn; Councilor Pierce seconded. Motion carried 6-0.

Meeting adjourned 10:22 pm.

Respectfully submitted,

Melissa Tryon  
Recording Secretary