

**Town Council Meeting
Minutes
February 27, 2012**

Roll Call

Councilors Chase, Rodden, Payne, Varney, and Armitage were present and answering roll call.
Councilors Pierce and Orestis were absent.

Pledge of Allegiance

Vice-Chair Varney led those present in the Pledge of Allegiance.

Public Forum

Michael Doyle of Shady Lane spoke about electricity rates and the School Department. He spoke about his interactions with Town staff.

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| Item 1 (a)
(Consent Agenda) | Order to approve the minutes of the January 9, 2012, Town Council Special Meeting and Workshop. |
| Item 1 (b)
(Consent Agenda) | Order to approve the minutes of the January 23, 2012, Town Council Meeting. |
| Item 1 (c)
(Consent Agenda) | Order to approve the minutes of the January 30, 2012, Town Council Special Meeting. |
| Item 1 (d)
(Consent Agenda) | Order to transfer ownership of the Town's antique fire truck to the Falmouth Historical Society. |

Councilor Armitage moved to adopt the consent agenda.

Councilor Rodden removed Item 1 (b) from the Consent agenda.

Councilor Chase seconded the motion.

Motion carried 5-0.

Councilor Rodden asked for an edit to the January 23 Town Council Minutes.

Councilor Rodden moved to adopt those minutes as amended; Councilor Armitage seconded.
Motion carried 5-0.

Item 2	Report from Council Committees and liaisons regarding updates on assignments.
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Councilor Rodden said the Recycling and Energy Advisory Committee held three very successful workshops on energy efficiency in February. There will be a workshop on March 10 on storm windows. METRO has joined two other transit agencies to buy equipment that will allow passengers with smartphones to check and see exactly where the bus is. Ecomaine was considering presenting financial awards to Towns with high recycling rates. It was voted down by the finance committee, and while it will be considered by the full ecomaine board, Councilor Rodden expected that it will be voted down.

Councilor Payne reported that the work on the Comprehensive Plan is moving along at the Long-range Planning Committee, and he expects a progress report to the full Council soon. The Community Development Committee (CDC) is working on the Route 1 study; they have engaged architects to present the CDC with different streetscapes, which they expect to present to the full Council soon.

Vice-chair Varney reported that the Library is progressing with their search for a new director and the Finance Committee is meeting tomorrow.

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

Councilor Payne said the Appointments Committee will be meeting soon to discuss a vacancy on the Planning Board. There are vacancies on Recycling, Shellfish and Conservation Committees.

Item 4 Order to oppose any expansion of an existing or creation of a new public boat launch to accommodate larger boats, and to request the MDIFW continue its cold-water fish stocking program at Highland Lake.

Councilor Armitage moved the order; Councilor Payne seconded. Motion carried 5-0.

Councilor Chase spoke about the history of the boat launch. He felt the intention when the land was donated to the State was for a car-top boat launch only. He felt it was a good lake to take a kid fishing, and he hoped the State would continue the stocking. Councilor Varney agreed.

Item 5 Order for a zoning amendment to address the allowance of Roadside Stands in residential districts.

Councilor Payne moved to adopt the order; Councilor Rodden seconded. Motion carried 5-0.

Item 6 Presentation and introduction of a zoning amendment to create a Water View Overlay District requiring a Conditional Use approval for development on lots that may affect a water view.

Councilor Rodden was recused from this item at both the CDC and Council level..

Councilor Payne explained that the CDC has met several times and held a meeting to take public comment. This is a thorny issue.

Community Development Director Amanda Stearns presented the amendment. The CDC identified that the real concern with water views was contained to the coastline and the Presumpscot river estuary areas, predominately the Flats and Foreside neighborhoods. The current ordinance, passed in 2006, had an unintended consequence that forced all non-conforming lots in Town to go before the Board of Zoning Appeals (BZA) for approval. The CDC would like this corrected so that only lots that may have water views are subject to BZA approval. The 2006 amendment also resulted in conforming lots being treated differently than non-conforming lots; they are not subject to BZA approval but can build as a matter of right. The

CDC would also like to revamp the zoning in the two historical neighborhoods mentioned, to more accurately reflect how the neighborhoods are currently developed. The committee has settled on a three-phase approach. The first phase is the proposed Water View Overlay District, which will remove the current restriction from the rest of the Town, and apply it in its current form to properties in the overlay only, where development may affect a water view. This is the amendment being introduced tonight. The next two phases of the work would include creating an administrative process within the overlay district in which abutters are notified of applications and, if it is evident from abutter response that the property does not affect water views, the Code Enforcement Officer (CEO) could issue a permit for the proposed development; and reviewing current zoning in relation to current development in the overlay district and trying to marry the two better. These are both concepts right now and would be brought back to the full Council for review.

The Council discussed whether to move forward with this process, or to send it to LPAC for review in conjunction with the Comprehensive Plan. He thought they were going to be working on density and long-range development as part of that process. Councilor Payne, while he would like their input, he would like to process to continue to move forward.

Councilor Chase said they needed to amend Section 6.2; he hoped they would move along rather quickly in that process.

Ms. Stearns pointed out that this amendment does amend section 6.2, returning it to the pre-2006 language, except for those properties in this overlay district.

Councilor Chase was concerned that the overlay district captures properties that do not have a water view. Ms. Stearns explained that they had to draw a line somewhere, and Route 88 was chosen as any properties west of the road certainly do not have a water view.

Councilor Payne pointed out that any upland property owners can purchase a view easement from the neighbors between them and water. That would be a contract that runs with the property in perpetuity, and would be beyond public policy.

A public hearing was scheduled for March 26.

Councilor Payne reported that the Falmouth High School Debate Team was invited to participate in a limited invitation, national tournament at Harvard over vacation week. Two of the team members won first place in the nation, and many others got honorable mentions.

Adjourn

Councilor Armitage moved to adjourn; Councilor Payne seconded. Motion carried 5-0.

Respectfully submitted,

Melissa Tryon
Recording Secretary