

**Town Council Special Meeting
Minutes
April 9, 2012**

Roll Call

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

Councilor Payne was absent.

Item 1 Order to amend the established ad-hoc Veterans Memorial Committee by reducing the committee size to 5 members and revoking the initial appointment of members to said committee.

Art Frederickson of Depot Road explained that the intention of the American Legion Post was to establish a veterans' memorial to remember all Falmouth veterans from all wars. He spoke about the activities of the Legion and its service to both the Town and the veterans.

Ted Vail of Field Road spoke about the veterans' memorial in Cumberland and the history of those Falmouth residents that fought and died in war. He felt it was time they had a memorial.

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

Councilor Rodden asked about the change in the committee size.

Town Manager Nathan Poore explained that there was a misunderstanding; the six people previously appointed wanted to serve on an American Legion committee that would work alongside the Council-appointed committee. Since the Council's committee didn't have to be large enough to accommodate those people along with other interested members of the public, it was decided to shrink the committee's membership down to 5.

Motion carried 6-0.

Councilor Varney moved to take agenda item 3 before agenda item 2; Councilor Rodden seconded.
Motion carried 6-0.

Item 3 Public Hearing for a zoning amendment for map changes to the BP and RA Zoning Districts.

Chair Pierce opened the public hearing.

Mike Doyle of Shady Lane thought, since this has escaped notice for so long, that Town staff should review zoning in Town to make sure that there are no other zoning errors. He wanted to make sure that his home is in the RA zone after this amendment.

Councilor Rodden asked if this is his home or his mother's. Mr. Doyle clarified that it is in his mother's name but will be his eventually.

Chair Pierce closed the public hearing.

An order was scheduled for May 23.

Item 2 Update by representatives of OceanView on the redevelopment of the Plummer-Motz and Lunt school complex including:

- proposed concept zoning; and**
- preliminary discussions regarding the public-private partnership process.**

Matt Teare of OceanView explained that they have a Purchase and Sale (P&S) agreement, with the goal to have a closing by the end of this year. There are three processes that need to happen: meeting the P&S agreement requirements and the due diligence attached to that, including the design and approval of the master plan; the detailed subdivision and site plan approvals; and exploration of potential public/private partnerships. The P&S requires an updated master plan, a survey of the property, and a proposed "division of property plan". All the other processes come off the approval of the master plan and they have scheduled March-May to accomplish this. The first step is the expansion of the Retirement Community Overlay District (RCOD). They have a very good zoning template already in place for OceanView. They do need to make minor adjustments to compensate for the existing school buildings. They have scheduled June-November to gain the required approvals from the Planning Board, as well as their DEP approvals. Certain portions of the public/private partnership are included in the P&S process, such as the auditorium and the village green. Others are wants that they have heard about from various stakeholders. They are taking a hard look at the Library moving to the Plummer building, and a community center in Mason/Motz, and he spoke about a proposed timeline of the steps necessary.

Councilor Rodden asked if there was a provision in the P&S that would allow an extension on the closing.

Ron Epstein, representing OceanView, said that is the case, but they are hoping to avoid the need for that. The public/private partnership might not come together by then, but other than the village green and the auditorium, those elements would not delay the closing.

Councilor Rodden wanted the Council to be able to look at the master plan closely, and not be rushed.

Mr. Epstein felt they have plenty of time; they have four more Council meetings to discuss it.

Councilor Orestis asked how the current library leadership felt about a proposed move to Plummer.

Mr. Teare said they have discussed it with the Board; he explained that it is something that OceanView is interested in pursuing. They asked the Library Board, once it was explored and the numbers looked good, if they would be interested in pursuing it, and the answer was a unanimous yes. It is all very preliminary.

Mr. Teare discussed the proposed master plan; they are expanding the current RCOD and editing it to address the existing school buildings and clarify the uses that would be allowed in those buildings. They also need to address a height issue; they want to have nice, high ceilings in the apartments. The master plan is the key; they cannot do anything on the site that is inconsistent with this plan. The public/private partnership would not be in the RCOD zone; it would be on the town-owned property and would have its own zoning. They have been told to preserve and enhance the facades of Plummer and Lunt and the streetscape, the wooded buffer between the existing and new cottages and the existing neighborhoods, and the wooded buffer between the school buildings and the new cottages. He discussed the changes they have made to the proposed master plan. They are currently showing the village green as just green space, without the previously proposed gazebo and walkways. They are showing proposed walkways to connect OceanView and the schools, as well as bringing back the trail system. John Wasileski has promised that they will plant two trees for every one they cut. They have added three cottages on the corner of Lunt Road, and would like feedback on those. They have added a footprint for a proposed memory-support/assisted living unit behind the Lunt School; this would move the unit currently approved for Falmouth House to this location. He indicated on the plan a proposed location for affordable senior living. They added parking in front of Plummer and Motz, as a placeholder for the public/private partnership down the road.

Councilor Orestis asked about the Village Green and the plans for it for the future.

Theo Holtwijk, Director of Long-range Planning, explained that they don't know if the original proposal was the best lay-out since they don't know what the use of the green will be. They suggested leaving it plain for now, until they know more about its potential use and the use of the surrounding buildings. They want to preserve the opportunities and not install infrastructure where it doesn't make sense. They may come back in the future with a proposal for a more finished space. OceanView has pledged the work of their landscape architect for this site.

Councilor Orestis wondered about the timeline for determining the uses of the green.

Mr. Holtwijk thought they would have a good idea of where things are going as the public/private partnership is processed. He thought they would have the questions and issues fleshed out by this fall.

Councilor Rodden agreed with Councilor Orestis; she felt they needed more detailed planning around this and she would feel more comfortable in saying that a detailed plan for the village green "will emerge" instead of "may emerge".

Councilor Armitage wondered about a side agreement regarding the assumptions and cost of a proposed gazebo. He was concerned about leaving it open-ended and then the Town asking for things that OceanView wouldn't be willing or able to pay for.

Town Manager Nathan Poore felt the P&S agreement provided enough flexibility.

Mr. Epstein thought they should step back a bit, assume that the public/private partnership doesn't go forward, and decide what they want OceanView to do. They can then put in writing at the closing that OceanView agrees to spend at least that amount if the Town decides to redesign it in conjunction with the public/private partnership. This would allow Mr. Teare to put a number in the budget for this item, that they will spend at least that amount.

Mr. Teare said that the auditorium and village green are not maybes; they will happen. They will come back in September with plans for what an enhanced village green would look like.

Councilor Varney felt the wetlands would interfere with the three lots proposed on the corner.

Mr. Teare explained that those would be set back, and they would likely enhance the buffer. They would have to address those wetlands with the DEP if they chose to build in that area.

Councilor Armitage asked for more information on the number of units by type.

Mr. Teare said they didn't change the numbers from the P&S, except for those 3 cottages. There are no unit counts associated with the proposed apartment building at this time; that is just a proposal to gauge the Council's interest. He discussed the proposed location of that building.

Councilor Rodden thought it was too dense in that area for the apartment building. Councilor Varney was in support of affordable senior housing. Chair Pierce was concerned about the traffic to that building.

Mr. Teare said that, due to the topography, the driveway to that building would have to come from Lunt Road and along the village green.

Councilor Rodden supported affordable senior housing, just not in that area. Councilor Armitage argued for density; they should be building that out to the greatest extent practical, within reason. Chair Pierce liked the idea, and the density, but was not in favor of the traffic flow in that area. Councilor Chase thought those people might not be driving.

Councilor Armitage asked if they could come off the new road instead of Lunt.

Mr. Teare said they could look at it, but there are issues with the topography there.

Councilor Rodden asked about adding a more attractive addition to the front of Motz instead of behind it. They are trying to get buildings to the front with the parking in back. She asked if they had talked about taking the building down.

Mr. Teare said they had explored three possibilities in regards to the community center: reusing the buildings and doing what is being done now; keeping the Mason Gym, knocking down the Motz wing and building an addition; or knocking down the whole thing and starting over.

Councilor Rodden said she wanted clarity about the clause regarding preserving the buildings. Chair Pierce thought that only applied to Plummer and Lunt.

Councilor Rodden asked about preservation of the memorial circle; Mr. Teare said the parking does not encroach on the memorials.

Chair Pierce asked how much parking was envisioned for the units; Mr. Teare said it depends. In the lodge buildings it is usually .6 car per resident. For the cottages it is generally 1/unit.

Chair Pierce asked about the proposed heights; Mr. Teare said they would be similar to what is there now.

Councilor Rodden asked about sidewalks on the main road. Mr. Teare said they are talking about a sidewalk down Lunt and Middle.

Councilor Orestis asked about their plans for fundraising and whether it was an enhancement to the project or could derail it. Mr. Teare said they will know more in September, but if there is no fundraising component, the public/private partnership will not be able to move forward.

Councilor Rodden asked what the concerns were of the current OceanView Residents. Mr. Teare said they wanted to see a green buffer between the new and current cottages.

Councilor Rodden asked if they had a way to preserve the lady slippers on the property. Mr. Teare said they have preserved most of those lady slippers by preserving that buffer and trail along the stone wall at the property line.

Mr. Teare presented the proposed property subdivision plan. He said the reason why there are more lines around the Lunt building than there were on the previous plan was because there needed to be different legal entities based on the different proposed uses on that property.

Chair Pierce said an introduction of the zoning amendments was scheduled for April 23. On May 14, a public hearing on the proposed master plan will be held, with an order on Wednesday, May 30.

Councilor Chase asked which side of Middle Road they were proposing to locate the sidewalk. Mr. Teare acknowledged that the topography there is tricky. They will have to look closely at that; their original intent was to have it on their side of the road.

Item 4 Order to adopt a zoning amendment amending the language regulating home occupations.

Councilor Varney moved to adopt the amendment; Councilor Rodden seconded.. Motion carried 6-0.

Item 5 Order to adopt a zoning amendment for map changes to the BP and RA Zoning Districts.

Chair Pierce clarified that this amendment relates to zoning on Shady Lane; the public hearing held earlier applied to lots across Johnson Road and not these lots.

Councilor Varney moved to adopt the amendment; Councilor Rodden seconded.

Councilor Rodden had a question about the map; Community Development Director Amanda Stearns explained that the amendment is for 5 lots on Shady Lane and she showed the map amendment.

Councilor Chase was on the Council in 1971 when these lots were created and he thought the change to the zoning was made but not documented. This is a house cleaning issue.

Motion carried 6-0.

Item 6 Introduction of an ordinance regulating temporary advertising signage as proposed by the Falmouth Economic Improvement Committee (FEIC).

Mr. Poore presented the amendment on behalf of the FEIC. This is a sunset proposal that would automatically end in December 2013, which gives the Council the opportunity to evaluate how it is working. This amendment puts the language on signs entirely in the Code of Ordinances instead of under the Land Use Ordinance, because the majority of these signs would be in or near the right of way. This amendment allows a 16 square foot temporary sign no closer than 5 feet to the edge of pavement if it is no higher than 36 inches. If the sign is 15 feet from the edge of pavement the sign can be freestanding up to 10 feet tall. Any business would be allowed to have a temporary sign for up to one week at a time, 4 times a year. This is a permit-by-rule system, to be easy on both staff and applicants. A business would register with the Code office and provide their information and a \$25 fee; this would cover them for up to the 4 occurrences a year. There is no provision regarding materials; provisions in the current ordinance that regulate moving parts, etc. would remain in place. Off-premise signs would not be permissible. He clarified that they cannot dig in the right of way, so signs in the right of way would probably be sandwich-style signs. Signs that reached 10 feet high could be mounted on poles that were placed on private property.

Ms. Stearns clarified the types of temporary signs that would not require a permit; those that do are these temporary advertising signs, as well as the temporary signs currently allowed for new businesses.

Councilor Chase asked about the proposed penalty. Ms. Stearns said any penalty is discretionary and comes after a three step notification process. The language in the amendment is standard. The goal is to get people into compliance, not collect fines.

Councilor Chase wondered why the ordinance doesn't apply to town-owned property.

Ms. Stearns explained that the school property uses temporary signs for school events, and the town uses voter signs for example; these are types of signs that are used already and they wanted to capture those.

Mr. Poore said this provision will also allow the little league to have 5-6 advertising signs on their wall at the field. Those would not be allowed under the current ordinance.

Councilor Rodden asked about the effect of this ordinance on the staff. She thought this was complicated and they have a hard time enforcing things now.

Mr. Poore felt this was drafted to be easy to enforce. He spoke about the potential of the business community to self-enforce, due to the sunset clause.

Chair Pierce asked why they chose 16 square feet. Mr. Holtwijk said it came from feedback provided by the committee members.

Ms. Stearns clarified that these temporary advertising signs are the only ones subject to the sunset clause; all currently allowed signs would still be permissible if the sunset is allowed to expire.

Chair Pierce was concerned about the size. She would like more support or information behind the choice of size. She was concerned about multiple signs along Route 1 and how it would affect traffic and safety.

A public hearing was scheduled for May 14.

Councilor Varney moved to take Item 8 before Item 7; Councilor Rodden seconded. Motion carried 6-0.

Item 8 Discussion and possible order to authorize the Town Manager to accept an easement from two property owners on Ledgewood Drive for drainage system conveyance and the maintenance of sidewalks that are located on private property.

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

Item 7 Report on the status and performance of the recycling program and discussion of a potential new commercial recycling program.

Randy Davis, Budget and Purchasing Director, spoke about the commercial recycling program started last fall. It allowed businesses to use the silver bullets located at the transfer station to recycle. They have also explored curbside recycling for businesses; the Town would only be a middle man in this process. Pine Tree would provide a bin for the \$13/month fee. They are proposing an incentive program where the Town would cover the fee for the first quarter for the first 50 businesses that sign up.

Chair Pierce wondered if businesses could combine and share a bin.

Mr. Davis thought the probably could. He also thought Pine Tree might be willing to enter a site, like the Shops at Falmouth Village, to pick up bins at each business.

Mr. Davis provided an update on the recycling program. Between mid-July 2011, when the silver bullets were moved from Bucknam Road to the Transfer Station and curbside recycling was implemented, until February 2012 curbside recycling increased by month, while silver bullet recycling is decreasing. According to ecomaine, overall tonnage of recycling for the region has stayed flat; it is within 1-2% of rates from last year. The recycling rate for Falmouth is still over 40%, which is above the average for ecomaine towns. This report was presented to the REAC; they are in favor of increasing commercial recycling and maintain the residential recycling program. Illegal dumping has been eliminated, non-resident use of the silver bullets has been eliminated and hauling has been decreased by 50%.

Councilor Varney missed the silver bullets. Chair Pierce wondered about Town residents using the bullets at the school campus.

Councilor Rodden pointed out that, although the recycling is down, the waste amounts are not up. She wondered about getting more bottle collections for the non-profits that do those for fundraisers.

Chair Pierce thought the organizations are using the Hannaford Clynk system instead. Councilor Varney thought people are putting their returnable bottles in the trash.

Mr. Davis said the amount of donations has been going down over a five year trend; it did spike down after removal of the silver bullets.

Item 9 Discussion about future Council agendas.

Mr. Poore discussed items scheduled for upcoming Council meetings.

Adjourn

Councilor Armitage moved to adjourn; Councilor Varney seconded. Motion carried 6-0.

Respectfully submitted,

Melissa Tryon
Recording Secretary