

Town Council Meeting Minutes April 23, 2012

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

Roll Call

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

Councilors Chase and Orestis were absent.

Pledge of Allegiance

Chair Pierce led those present in the Pledge of Allegiance.

Public Forum

Michael Doyle spoke about the freedom of speech at Council meetings. He read a letter from the ACLU written in 2010.

Russ Anderson of Oakmont Drive is running for Town Council and spoke about his reasons. He felt the Town needs to be conscious of using town funds and he was concerned about a double digit increase in the tax rate; he has looked into it very carefully. He discovered that this increase is due to several one-time things such as the elementary school and a reduction in federal funding. There are always one time things. He asked the School Board to anticipate what might happen next year and whether they might see double digit increases next year. At the public hearing they said that it would be much more normal next year. He felt that was very important information; they need to pay for these capital things. He supported the budget, even though he doesn't like the tax increase. He spoke about Oceanview; they are a partner and a good neighbor and the Town needs to work with them in a collaborative way.

**Item 1 (a) Order to approve the minutes of the March 12, 2012, Town Council Meeting.
(Consent Agenda)**

**Item 1 (b) Order to approve the minutes of the March 26, 2012, Town Council Meeting.
(Consent Agenda)**

**Item 1 (c) Order to appoint election workers for the June 12 election.
(Consent Agenda)**

Councilor Varney moved the consent agenda; Councilor Rodden seconded. Motion carried 5-0.

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

Councilor Payne reported that the CDC reviewed Route 1 development at their last meeting. Consultants have done some 3-D modeling to show what it might look like under different scenarios. They did not discuss the water view issue at that meeting due to the lack of a quorum. He has asked staff to prepare an introduction for the next meeting to repeal the portion of the ordinance that regulates water views so that the Council can discuss whether or not that would be in the best interests of the Town and the Board of Zoning Appeals.

Councilor Varney said the Library has a garden tour scheduled for June 30. Tickets to take the tour will be \$20 if purchased in advance, but will be more on the day of the tour. The Library is very close to selecting a new director; they have it down to 2 candidates. They will meet next Monday with citizens and then with the Library Board. The public is welcome to attend.

Chair Pierce said PACPAC's summer brochure is out. She thanked the people who donated to the LIHEAP fundraising drive which took in slightly over \$9,000. She thanked resident Steve Carew for his support of this effort.

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

Councilor Payne said the committee hasn't met but will meet soon.

Item 4 Order to approve the FY13 Municipal and School Department Budgets in accordance with the Town of Falmouth Charter, Article 5, Sec 502.

Councilor Armitage moved to approve the school budget. Councilor Rodden seconded.

Councilor Payne spoke about a phone call he received from a resident concerned with the tax increase. She felt that, as a senior on a fixed income, she should be granted some kind of relief from the tax increase. He pointed out that everyone shares the burden for the education of their children, and to attempt to carve out one group of citizenry when it comes to the tax burden would be unfair.

Councilor Varney agreed with Councilor Payne; she received a phone call from the same resident. It is very difficult, but they all need to support the kids. They all voted for the elementary school, and that is a large part of the tax increase.

Councilor Rodden said it was important to recognize that the state and federal governments have cut their funding and so the local government has to pick up the difference. She urged the state and federal representatives to recognize that that is what they are doing.

Councilor Armitage said they have dealt with revenue cuts on the municipal side as well. His frustration is that they balanced the budget on the municipal side. The school has chosen to advocate for their

students and raise taxes. He didn't like the tax increase, but he will support the budget. Education is an investment and it will pay dividends in the long-term.

Chair Pierce said that, while Councilor Chase was not present here tonight, he had suggested to her that they use the undesignated fund balance to offset the tax increase. She asked if any other Councilors were in support of that suggestion.

Councilor Varney said that they will have to bite the bullet eventually; if not this year, then next year.

Motion carried 5-0.

Councilor Armitage moved to adopt the municipal budget. Councilor Varney seconded. Motion carried 5-0.

Chair Pierce said the Town will vote on the school budget on June 12.

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

Councilor Varney moved to adopt the zoning amendment; Councilor Rodden seconded. Motion carried 5-0.

Item 6 Order to adopt 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 Payne explained that this order establishes a Water View Overlay District from Martin's Point Bridge to the Cumberland town line east of Route 88. This will exempt the vast majority of the Town from the water view provisions and will significantly cut down the work of the Board of Zoning Appeals (BZA).

Councilor Rodden felt they should postpone this until the CDC has had a chance to meet on it.

Councilor Armitage reread the proposed language and felt the district applies to only those properties in the district that would be subject to the approval process already. He would be willing to move forward with the order as it is to address the rest of the Town, though he was willing to table it as well.

Councilor Payne didn't think that anything substantive changes by passing the order tonight.

Councilor Rodden felt there was no harm in waiting one more meeting. She was concerned with someone challenging this since it was sent to CDC and the committee took no action on it in the interim.

Councilor Payne moved to table until the following meeting. Councilor Rodden seconded.

Motion carried 5-0.

Item 7 Introduction by Councilors Pierce and Varney of zoning amendments to expand the OceanView Retirement Community Overlay District (RCOD) and to create the Elementary School Redevelopment District (ESRD).

Councilor Armitage thought the RCOD would be extended over everything, and now they are proposing an entirely different zone. He wondered why two districts instead of one.

Theo Holtwijk, Director of Long-range Planning, said creating a separate ESRD would generate fewer changes to the existing ordinance. The current overlay district doesn't contemplate having existing school buildings and renovating them, especially in regards to setbacks and allowable height. That district was written for the cottages. The school buildings are unique and require their own approach. This seemed to be a simpler, cleaner approach. Either method will get them there.

Councilor Varney asked about the differences between the current plan and the one they looked at last time.

Rick Licht of Licht Environmental Design, representing OceanView, said there were only two fundamental changes to the plan since the last meeting. The ESRD would encompass the school buildings and the village green. For the proposed apartment building, they are looking at 20 market rate units for seniors. The building would be built on the wooded slope and the idea was to have underground parking. To minimize curb cuts they are proposing using the existing entrance to the parking lot and adding an access way to the underground parking. They also added a note that this plan contemplates connecting the sidewalks from Lunt up to Falmouth and also from the corner of Lunt and Middle to Blueberry Lane.

Councilor Payne asked if that is internal sidewalk. Town Manager Nathan Poore said it was road-side.

Mr. Licht said the current sidewalk is on Lunt; it would be a curbed walk with a 4 foot esplanade. They have discussed the sidewalk along Middle; they need to work out the engineering with the slope there but for purposes of the master plan they wanted to commit to a sidewalk along Middle from Lunt to Blueberry.

Councilor Varney was concerned about a driveway off of Lunt; people have been concerned about increased traffic on Lunt Road. She wondered about bringing a road in from the OceanView site.

Mr. Licht said they could look at it but there is a lot of grade change there. They wanted to keep it residential like the Whipple Farm area. They wanted to keep the intensive circulation off the internal roads.

Councilor Varney wanted to keep the residents of that building as a part of Oceanview; she felt they would feel more a part of the group if they came in from that direction.

Mr. Licht pointed out that the walking paths would keep them as a part of the community as well. They recognize that this building will be in the wooded strip; using the existing curb cut would maintain the wooded buffer.

Councilor Rodden liked the underground parking but she felt the building was inappropriate for that location. It will cut down so many trees that there will no longer be a buffer between the community area and the residences. She asked what “market rate affordable senior housing” meant.

Matt Teare of OceanView said their intent is to not have subsidized housing, but moderate affordable housing. What they have is higher-end housing and heavily subsidized housing, but nothing in the middle. Their goal is to provide that middle level.

Councilor Rodden wanted to make sure that it is truly affordable for seniors. She wondered how this might relate to the workforce housing that they were discussing in the past. She wondered if they considered putting that building in the corner.

Mr. Licht said they did, but they felt this was in keeping with the goal of the current master plan to maintain the massing of the larger buildings internal to the site. Mr. Teare said that they were considering the residents of the neighborhood, and what they would be looking at.

Councilor Payne said there was a great need for aggregate housing for seniors in the state. He felt they should give the developers their lead to create this.

Councilor Armitage liked that they are keeping the large buildings together. Putting that building out on the corner would stand out along Falmouth Road and would be wrong for the neighborhood. Where it is gives the feel of a quad on a college campus. It creates a sense of place.

Chair Pierce asked how many off-street parking spaces there are for that complex. Mr. Licht said 7, with 20 spaces underground.

Mr. Teare said that site is ideal for underground parking. The off-street spaces were intended for visitors. He pointed out that this isn't the final plan.

Chair Pierce would prefer that they enter that site through another avenue on campus, but was okay with the plan. She wondered if they would move the apartment building if they end up retaining the Plummer building. Mr. Teare said there was no way to tell.

Councilor Rodden clarified that she wasn't suggesting moving the building to the corner, just trying to figure out whether making those units already proposed for the corner affordable would be an option.

Mr. Poore said that they should remember that overflow parking on-street is still a possibility, when the auditorium is in use. There has been unofficial on-street parking twice a day with drop off and pick up at the school.

Mr. Teare said they could coordinate use with the events at the auditorium. Mr. Licht thought they could formalize a fair number of spaces in the lot for events.

Councilor Rodden thought they were going to deal with these two zones separately. Now it appears that they are approving the entire master plan. She wanted them to be clear with what they want and with all the details. She asked if they would change the way the parking is for Motz along where the community

center would be. She felt they planned based on where the buildings are currently. She wanted the parking to be internal to the site and as hidden as possible.

Mr. Teare said the public/private partnership could go three ways. One is to work with what is already there; parts two and three could contemplate tearing down buildings, moving parking around, etc. and in that case they would come back to the Council.

Mr. Holtwijk said the Mason/Motz property is Town-owned; they would anticipate working out a shared parking plan that would work for both parties. If there was an opportunity for more construction that might involve tearing down buildings, they would work together.

Mr. Licht said the number and location of spaces at this time are placeholders to show what they can do with the site as it is. If it should change at a later date they would return to the Council.

Chair Pierce said originally they were going to extent the RCOD over the whole site. This plan simplifies things.

Mr. Holtwijk said OceanView would like to have the backup zoning in hand. That way, in case the public/private partnership falls through, they know what they can do with the Plummer building.

Councilor Rodden said the proposed zoning didn't include a library as a permitted use. Mr. Licht said a library is included under the municipal use category.

Councilor Rodden asked about the overhead utilities on the site.

Mr. Licht said the existing buildings are all serviced by overhead electric; they wanted to preserve the option to use the overhead service if underground service is not the best option on the site. The current ordinance requires underground utilities.

Councilor Rodden was concerned with the size of the signs; residential zones allow 12 sq. ft. signs but this district would allow 16 sq. ft. signs which are commercial sized signs.

Mr. Licht said it seemed to make sense, since there is existing signage for the schools, to lean to the commercial size. All the signage would be tied together with a theme.

Mr. Holtwijk said the real estate sign currently on the property is 16 sq. ft., to give a sense of the size. It is a 4 foot square sign.

Councilor Rodden asked for a site visit, before the public hearing. This would be a benefit for the public as well.

Councilor Varney asked if there was any objection to anyone walking around down there.

Mr. Teare said no, there was no objection. They would be happy to giving guided tours as well.

The Councilor discussed the concept plan. Councilors Payne and Armitage encouraged flexibility for the developers to make this work. Councilor Rodden was concerned with making sure the public is involved in the process. Councilor Armitage stressed that this is a concept plan, and the developers don't have all

the answers yet. Chair Pierce didn't feel the need for a site visit; OceanView is a known entity. She felt there was ample opportunity for the public to be involved.

Mr. Teare said they will reach out to abutters in the area and offer to give them a tour. He said the public/private partnership would be a very public process. There will be a lot of opportunities for public involvement.

Councilor Rodden expressed her faith in Oceanview.

A public hearing was scheduled for May 14.

Item 8 Order to go into Executive Session pursuant to the Laws of Maine to discuss legal rights and responsibilities pursuant to 1 M.R.S.A. § 405 (6) (E).

Councilor Armitage moved to enter executive session; Councilor Payne seconded. Motion carried 5-0.

Adjourn

Councilor Varney moved to adjourn; Councilor Rodden seconded. Motion carried 5-0.

Meeting adjourned 8:55 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary