

**Town Council Meeting
Minutes
July 23, 2012**

Meeting was called to order at 6:30 pm.

Roll Call

Councilors Farber, Payne, Rodden, Varney and Mahoney were present and answering roll call.

Councilors Pierce and Orestis were absent.

Item 1 Order to go into Executive Session pursuant to the Laws of Maine to discuss the legal rights and duties of the town with regard to pending litigation, pursuant to 1 M.R.S.A. § 405 (6) (E).

Councilor Farber moved to enter executive session; Councilor Mahoney seconded. Motion carried 5-0.

Attorney Aaron Burns joined the Council in executive session.

The Council returned from executive session at 7:03 pm.

Pledge of Allegiance

Chair Varney led those present in the pledge of allegiance.

Public Forum

Michael Doyle of Shady Lane spoke about the bus petition being circulated and the Town's Falmouth Flyer email list.

Lisa Preney of Middle Road spoke about her membership in the group Falmouth Citizens for Sound Choices and her personal political outlook. She is a fan of Oceanview, but does not support their proposal to move the library to the Plummer building. She spoke about a Maine town library architect that, during the "No on One" campaign, argued against the stated space needs of the library.

**Item 2 (a) Order to approve the minutes of the June 18, 2012, Town Council Meeting.
(Consent Agenda)**

**Item 2 (b) Order to set FY13 real and personal property tax due dates.
(Consent Agenda)**

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

Item 3 Report from Council Committees and liaisons regarding updates on assignments.

Councilor Rodden reported that the CDC is looking at an infrastructure package. The State will be paving Route 1 in the next 18 months; this is an opportunity for the Town to do some work on Route 1 that would incorporate some of the things the Council has been discussing for some time. They are trying to make the business district more business- and pedestrian-friendly. They are looking at bike lanes, on-street parking, and underground utilities. They had a four hour meeting with the consultants, and another meeting will be held Aug 9, where they will be making some final decisions on a package to send to the voters. She invited the public to attend that meeting.

Councilor Farber said the FEIC is busy working on a “Shop Falmouth” day for the holiday season. They heard a request from a prospective business that may ask for approval for drive-thru businesses on Route 100. They are also looking at food carts.

Item 4 Report from the Appointments Committee and order relative to filling various vacancies on Boards and Committees.

Appointments committee has not met yet. There was no report.

Item 5 Update on the Public-Private Partnership component of the Plummer-Motz and Lunt School Complex Redevelopment project.

Chair Varney read a letter from Julie Motherwell, who could not attend the meeting. The Library Board welcomes the opportunity to work with Oceanview and the Town on the possibility of moving the library to Plummer.

Town Manager Nathan Poore spoke about the letter from Matt Teare from OceanView which states that they are on target with their feasibility study for design, cost estimating and fundraising opportunities. There is a tentative schedule indicating that, from August-October, they will be working with the general contractor. They are looking at providing preliminary financial plans and a presentation in October.

Councilor Payne would like to see a further update before October; he was very interested in what the private sector wanted to do with the property. He was concerned with the planning aspect, in regards to what the Town is going to look like and where the Town’s center is going to be. He felt the Council is going to have to decide whether to move the library, which is in the economic center of town. He wondered about another update prior to October.

Councilor Rodden asked what impact the library part of the proposal has on the actual purchase of the property.

Mr. Poore said it depends on the financing plan; if it looks like Town’s portion of the financing will be more than \$1 million, it would require a referendum. An October report would not leave time for a November referendum; it would have to be June 2013. This would not hold up the closing in December.

Chair Varney thought they might want to have a facility for activities in Mason/Motz. She didn't know about moving the library.

The Council would like another check-in or two prior to October. Councilor Rodden would like to see more details on what they want to do, especially in regards to the library.

Councilor Farber asked who owns the land the library sits on, and what the zoning is. Mr. Poore said the Town and the Library Board jointly own the land.

Theo Holtwijk, Director of Long-range Planning, spoke about the zoning. It is currently zoned residential. The idea of rezoning it for commercial use was discussed around the time of the referendum.

**Item 6 Discussion with the retreat facilitator, Craig Freshley of Good Group
Decisions.**

Craig Freshley spoke about his background and experience. He has met with Councilors Varney and Pierce, along with Mr. Poore, about what the retreat might look like. He identified three items they might work on: a look at the past year, their common goals for the next 1-3 years, and how they work together as a Council. He asked the Council to weigh in on what they would like to work on at the retreat.

The Council discussed potential items for the retreat agenda, including the speed at which projects are done, prioritization of projects currently in the pipeline, and a vision of what they town might look like in the future. They also discussed drafting a workplan of priorities for the year.

Mr. Freshley will send out a draft agenda with specific topics and a timeline for them to comment on. If they feel they want to change the agenda, either before or during the retreat, they can change it. He summed up the themes he heard: they want to work on efficiency and a vision of the future but be very practical on how the Council wants to spend its time this year. They don't want to spend a lot of time on how they work together.

The retreat is scheduled for August 3.

**Item 7 Order to change the date of 2012/2013 Council meetings impacted by
holidays.**

Poore discussed the recommended changes and explained the reasoning for them.

Councilor Rodden moved to adopt the order, which changes the October 8, 2012 meeting to October 10, 2012; the November 12, 2012 meeting to November 14, 2012; the December 24, 2012 meeting to December 10, 2012; the March 25, 2013 meeting to March 27, 2013, and the May 27, 2013 meeting to May 29, 2013. Councilor Farber seconded. Motion carried 5-0.

Item 8 Introduction of an amendment to the Code of Ordinances relative to the Council Liaison to the Long Range Planning Advisory Committee (LPAC).

Councilor Rodden explained that traditionally the chair of CDC has served as the liaison to LPAC. Because there are so many things going on with CDC this year, she requested they loosen up their rules so that any member of CDC can serve as the liaison.

Councilor Farber asked who would choose the member, the chair of CDC or the membership.

Poore said it would be determined at the annual organizational meeting, just like the other liaisons.

A public hearing was scheduled for August 13.

Item 9 Introduction of a zoning amendment limiting the first floor and gross area square footage for uses in the Route One Business District (SB1).

Councilor Rodden said the CDC is introducing this amendment. This limitation sends a message that the business district is primarily small independent businesses and they want to keep it that way. This would limit stores in the SB-1 business district to 30,000 sq. ft., slightly larger than the current Staples store. An additional story would be allowed, but the total gross square footage would be limited to 60,000 sq. ft. The Council has discussed this idea for years. The CDC reviewed the work they have done so far in light of the potential sale of the Shaws Plaza, and discussed what they would like Route 1 to look like. All three members of the committee settled on 30,000 sq. ft. because it was a better fit for the Town. It is human scale. They are interested in small scale stores and pedestrian friendly environments. There is a provision allowing retail grocery stores to have single-story gross footage of 60,000 sq. ft. There is also a special provision for a category called “enclosed places of assembly, amusement, recreation, culture and government” which would allow a footprint up to 60,000 sf if it met certain conditional use criteria. This would allow for a movie theater, for example. Current businesses would be limited to their current footprints except that they would be allowed to expand up to the proposed limit. New tenants could also move into existing footprints. The committee’s goal is to retain the character of the Town. The amendment attached to the agenda is a draft; more details will be available at the CDC meeting on Thursday.

Councilor Payne spoke about the Shaws shopping plaza and how it is the last significant land available for development. Most large scale big box development is located to the north in Brunswick/Topsham or to the south in South Portland. This would be a hybrid of Yarmouth’s village and the current development. This supposes a unique mix of businesses. He thought the Council needs to discuss with the community whether they want to grow. If they want to grow, he thought they should be thinking about greater residential density along the commercial corridor. They don’t have the population in the Flats or along Route 88 to support this type of commercial development.

Councilor Farber asked if this proposal would preclude a multi-story building. Councilor Rodden said they would discuss that at the CDC meeting on Thursday.

Councilor Payne said a 4 story building would be allowed under the current height restrictions. This remains flexible; the potential buyers of the shopping center could come to the Council and apply for a contract zone if their vision included something different for that property. There is a balance they need to achieve between destination retail and development that brings in and employs local residents. The CDC can't presume to be developers or understand the needs of the businesses.

Councilor Mahoney wondered what would happen if someone wanted to use the existing space that was formerly Shaws for something other than grocery. Councilor Rodden said they could, but could not expand beyond the current footprint or add a second story.

Councilor Payne pointed out that the developer could request a contract zone.

Councilor Rodden explained that a contract zone would be a deal between the developer and the Council to accommodate a use of the space that did not meet the zoning. She discussed the unique circumstances of the lots involved with the Falmouth Shopping Center, and how they are in two different zones. In response to Chair Varney's question, she spoke about the CDC's proposal to create two zoning districts along Route 1; that proposal would still result in the shopping center lots being in two different zones.

Councilor Farber thought the property would be grandfathered until they made change to it, then the new restrictions would come into play. She asked when the details behind the definitions would be available.

Councilor Rodden said that would be available for the Aug 13 meeting; it will be posted with the agenda for that meeting. The CDC will do a presentation on the final language prior to the public hearing. The CDC's next meeting is on July 26, at which they will finalize this language. They will be discussing Route 1 infrastructure at their August 9 meeting.

A public hearing was scheduled for August 13.

Item 10 Order to vote for MMA Vice President and Executive Committee Directors.

Councilor Payne moved to elect the slate; Councilor Rodden seconded. Motion carried 5-0.

Item 11 Order to go into Executive Session pursuant to the Laws of Maine to discuss the possible acquisition of land, pursuant to 1 M.R.S.A. § 405 (6) (C).

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

The Council returned from executive session.

Councilor Rodden moved to authorize the Town Manager to execute a purchase and sale agreement to purchase unimproved land located on Blackstrap Road, comprising approximately 133 (+/-) acres, referred to on Town Tax Map R08-059-002 and also known as 100 Acre Woods, for \$1.16 million. Councilor Payne seconded.

No public comment.

Councilor Farber thought it was a great opportunity and a great parcel.

Motion carried 5-0.

Councilor Payne moved a supplemental appropriation to authorize the Town Manager to use up to \$1.16 million of unassigned fund balance for the purchase and acquisition of the so-called 100 Acre Woods property; Councilor Rodden seconded.

No public comment.

Motion carried 5-0.

Councilor Payne moved to authorize the Town Manager to execute a release and termination of option regarding an option agreement with Howard C. Reiche, Jr. and Louise S. Reiche. Councilor Farber seconded.

Councilor Mahoney expressed gratitude to the Reiches for offering their property. It just didn't fit for the town's particular needs.

Motion carried 5-0.

Mr. Poore explained that the Council located properties that could be used for conversion for the LWCF land at the elementary school property. These restrictions were originally placed as a result of a grant the town received in the 1980s. In order to convert these restrictions, the Town had to identify land equal to or greater than the value of the land under restriction. They are using the authorization granted by the voters to spend \$5 million on open space to fund this acquisition. This purchase therefore meets two purposes.

Adjourn

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

Meeting adjourned at 8:11 pm.

Respectfully submitted,

Melissa Tryon
Recording Secretary