



TOWN OF FALMOUTH

TOWN COUNCIL

2026.07.13 SPECIAL TOWN COUNCIL MEETING PACKET

07:00 PM



TOWN OF FALMOUTH
2026.07.13 SPECIAL TOWN COUNCIL MEETING AGENDA
07:00 PM

Roll Call

1. Item 1- Public hearing on an Amendment to an Ordinance Ch.II-17 Traffic and Motor Vehicles.

Summary

Public hearing on an Amendment to an Ordinance Ch.II-17 Traffic and Motor Vehicles.

A public comment period will be included with this item (5 minutes).

ACTION: Schedule Ordinance.

Description

The Town has experienced overnight parking in areas off of Clearwater Drive. Additionally, the overnight parking is accompanied by extended stays in recreational vehicles. The current parking regulations in that area are not adequate to enforce a prohibition on overnight parking as well as camping. The attached amendments provide an enforcement mechanism.

Attachment: [Parking Ordinance Redlines.pdf](#)

2. Item 2- Route 88 Sidewalk Public Forum.

Summary

Route 88 Sidewalk Public Forum.

A public comment period will be included with this item (3 minutes).

ACTION: Council action is not anticipated.

Description

For the past several years, the Council has been discussing constructing a sidewalk on Route 88. Last year, the Town received 50/50 match funding assistance for the Route 88 sidewalk project from the Portland Area Comprehensive Transportation System (PACTS) and the State of Maine. At the time of the application, the maximum amount that could be awarded to a municipality was \$372,250. During FY27 budget development, the Council decided to postpone the \$2 million sidewalk project as one of many cost containment measures instead designating the funding in the Village Center-Transportation TIF for corridor improvements beginning in FY29. The Town recently learned that, due to an unexpected funding surplus, the PACTS funding award amount was increased to \$569,348. In light of this increased funding award, at the April 27, 2026 Council meeting, Town staff recommended accepting the funding and proposed a \$1.2 million reduced scope project (which will include a \$569,348 Town match) to construct a sidewalk from the Falmouth Nature Preserve parking lot to the existing sidewalk in front of Underwood Park as well as improvements to the Town Landing Road/Johnson Road intersection including a potential four-way stop with new crosswalks and relocating the Town Landing Market parking to accommodate the four-way-stop. At that meeting, the Council approved amending the FY27 TIF budget to add \$569,348 to the Village Center-Transportation TIF FY27 expenditures to make funding available for the Town match requirement should the Council decide at a future meeting to move forward with the project. At the June 1, 2026 meeting, staff reviewed the proposed project scope and recommended separating the Town Landing/Johnson Road intersection improvements from the sidewalk project. The Council agreed on a two-meeting process for deciding whether to move forward with the sidewalk project with a public forum at this meeting and vote at an upcoming meeting.

Attachment: [Route 88 Sidewalk Map.pdf](#)

3. Item 3- Johnson Road/Route 88 Intersection Discussion.

Summary

Johnson Road/Route 88 Intersection Discussion.

A public comment period will not be included with this item.

ACTION: Council action is not anticipated.

Description

Route 88 near the Johnson Road/Town Landing Road intersection has been analyzed and discussed many times over the past several years. Former and current councilors have taken public comment and conveyed to staff that more needs to be done to improve bike and pedestrian safety at this busy intersection.

In 2011, the Town and State built sidewalks to Underwood Park, created some on-street parking places, and built a pedestrian crossing. In 2019 and 2020, based on guidance from the Town Council and feedback from the public, the Town held two public forums to gather additional resident input on this intersection. In 2021, the Town completed additional improvements including additional pedestrian crossings, signage and improving the site visibility.

While all these improvements have been helpful to calm traffic and increase safety, residents, the Council, and Town staff believe more could be done, especially with regards to reducing speed along Route 88.

In October 2024, at the suggestion of MaineDOT's Traffic Engineer, the Town of Falmouth submitted a proposal to, and received approval from, MaineDOT to conduct a demonstration study on Route 88 at the Johnson Road intersection. The study proposed to implement

temporary traffic calming strategies at this intersection, which was completed during the Spring and Summer of 2025. These strategies include plastic bollards, speed feedback signage, pavement markings, rubber raised speed tables, and a permanent crosswalk.

The Town collected speed data during the traffic calming study and compared it to data collected prior to the installation of the calming devices to determine their effectiveness. Public feedback was also solicited during the data collection phase of the project. The goal of the project is to determine the most effective strategies to reduce speeds at this intersection and invest in those strategies going forward.

At the March 9, 2026 Council meeting, staff reviewed the study results and discussed next steps including the installation of a four-way stop and raised intersection. At this meeting, staff will review the design plans and construction costs estimates. Staff have discussed the concept with the Town Landing Market store and building owner. Both are supportive of improvements to address safety but would like to be involved in the design.

4. Item 4- Resolution In Support for the Maine Department of Transportation's Casco Bay Interim Rail Trail Project.

Summary

Approve the resolution of support for the Maine Department of Transportation's Casco Bay interim rail trail project.

A public comment period will be included with this item (3 minutes).

ACTION: Council action is anticipated.

Description

On June 1, 2026, Town Council authorized the Town Manager to execute the Interlocal Agreement with the Casco Bay Trail Alliance and the municipalities of Portland, Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, which will have representation on the body overseeing the planning and implementation of the interim trail in collaboration with Maine Department of Transportation. Maine DOT has identified \$600,000 in engineering funds available for the initial phase of the trail from Portland to Yarmouth, which requires a 10% local match from participating partners. In consultation with the Greater Portland Council of Governments and Maine DOT, it is suggested that the required local match be split evenly between the participating municipalities (Portland, Falmouth, Cumberland, and Yarmouth) and the Casco Bay Trail Alliance for this initial design phase. The 10% local match required from the Town of Falmouth would be \$12,000. Additional local funding matches for additional phases of the project could be required in the future once engineering is completed and construction funding sources are identified.

Attachment: [Resolution No 06-2027.pdf](#)

5. Item 5- Resolution Designating July as Park and Recreation Month in the Town of Falmouth.

Summary

Resolution Designating July as Park and Recreation Month in the Town of Falmouth.

A public comment period will be included with this item (3 minutes).

ACTION: Council action is anticipated.

Description

The Town's parks and recreation programs are an integral part of the Falmouth community. Parks and recreation programs provide numerous benefits including maintaining quality of life, promoting physical and emotional health and wellbeing, promoting economic prosperity, and protecting the natural environment. At this meeting, the Town Council will consider a resolution to join the National Recreation and Park Association, the State of Maine, and the U.S. House of Representatives in designating July as Park and Recreation Month.

Attachment: [Resolution No 07-2027.pdf](#)

6. Item 6- Order to Vote for MMA Legislative Policy Committee.

Summary

Order to vote for MMA Legislative Policy Committee.

A public comment period will be included with this item (3 minutes).

ACTION: Council action is anticipated.

Description

MMA's member municipalities have made their nominations for the 2026-2028 Legislative Policy Committee (LPC). It is now time to elect representatives to serve on the Committee. The ballot must be completed by the Town Council.

Attachments:

- MMA LPC Memo
- MMA LPC Ballot
- Order 08-2027

Attachment: [MMA_s Legislative Policy Committee Memo.pdf](#)

Attachment: [MMA LPC Official Ballot.pdf](#)

Attachment: [Order 08-2027.pdf](#)

7. Item 7- Order to authorize the Town Manager to release the Town's executory interest in certain open space within Phase I of the Winnwood Farm Subdivision.

Summary

Order to authorize the Town Manager to release the Town's executory interest in certain open space within Phase I of the Winnwood

Farm Subdivision

A public comment period will be included with this item (3 minutes).

ACTION: Council action is anticipated.

Description

The Winnwood Farm Subdivision is a 15 lot subdivision located off Winn Road on Winnwood Farm Way. Phase 1 of the subdivision was approved by the Planning Board in 2023 and consisted of four single family house lots and seven acres of common open space. Phase 2 of the subdivision was approved by the Planning Board in March 2026 and re-approved with some minor plan amendments in July 2026. Phase 2 includes an additional 11 single family house lots and additional common open space, increasing the project's total common open space to 27.15 acres.

In instances where a subdivision's common open space is being retained by a homeowners' association, as is the case with the Winnwood Farm Subdivision, the Town's ordinance requires that the open space be conveyed subject to the grant of an executory interest to the Town. This executory interest provides the Town, through action of the Town Council, with the ability, but not the obligation, to take fee simple title to a subdivision's open space in the event of material non-compliance with the conditions and restrictions imposed on the open space by the Planning Board.

Four of the new house lots in Phase 2 of the subdivision are comprised, in part, of land that was formerly part of the subdivision's Phase 1 open space. Because all of the Phase 1 open space is encumbered by the Town's executory interest rights, and because a portion of the Phase 1 open space has now being re-allocated to house lots in Phase 2, the developer is requesting that the Town Council release the Town's executory interest rights in those portions of the now-former Phase 1 open space areas that are no longer common open space and that have been converted to house lots in Phase 2.

The Town Attorney has been engaged in the review of the proposed legal instrument and is comfortable with the proposed language. The Phase 1 and Phase 2 subdivision plans have been attached to the agenda for reference purposes. The second plan sheet associated with the Phase 2 subdivision plan (Sheet C-1.1) graphically depicts, in gray shading, the land area that is the subject of the Town's executory interest release.

Attachments associated with this agenda item include:

- Approved subdivision plan for Phase 1 of the subdivision;
- Approved subdivision plan for Phase 2 of the subdivision;
- Draft legal document containing language related to the Town's executory interest release.

Attachment: [Winnwood Farm Subdivision_Phase 1.pdf](#)

Attachment: [Winnwood Farm Subdivision_Phase 2.pdf](#)

Attachment: [Winnwood Farm_Deed releasing Town executory interest.pdf](#)

Attachment: [Order 09-2027.pdf](#)

8. Item 8- Introduction of amendments to Ch.II-19 and Ch.II-24 of the Code of Ordinances to comply with State mandates regarding poultry, setback variances, and energy systems and Order to schedule a public hearing.

Summary

Introduction of amendments to Ch.II-19 and Ch.II-24 of the Code of Ordinances to comply with State mandates regarding poultry, setback variances, and energy systems and Order to schedule a public hearing.

A public comment period will be included with this item (3 minutes).

ACTION: Council action is anticipated.

Description

One of the items on the Community Development Committee's (CDC) 2025-2026 work plan was to propose amendments to the Town's Code of Ordinances in order to comply with recent mandates imposed on municipalities by the Legislature. These proposed ordinance amendments will bring the Town's ordinances into compliance with legislative mandates related to the keeping of poultry, setback variances for dwellings, and energy systems. The CDC reviewed these amendments at its May 12, 2026 meeting and is recommending that these amendments be adopted.

Attachments associated with this agenda item include:

- Councilor introduction letter
- Proposed ordinance amendment language
- A background document summarizing the proposed ordinance amendments
- The Town's Zoning Map
- Order 10-2027

Attachment: [Councilor_IntroLetter.pdf](#)

Attachment: [Ordinance Amendment Legislative Mandates.pdf](#)

Attachment: [State Legislation Summary Background.pdf](#)

Attachment: [FalmouthOfficialZoningMap11x17_2026.pdf](#)

Attachment: [Order 10-2027.pdf](#)

9. Item 9- Amtrak Downeaster West Falmouth Station Update.

Summary

Amtrak Downeaster West Falmouth Station Update.

A public comment period will not be included with this item.

ACTION: Council action is not anticipated.

Description

The Northern New England Passenger Rail Authority (NNEPRA) has been exploring adding an Amtrak Downeaster train platform at West Falmouth Crossing for the past several years. Along with serving Falmouth residents, the new train stop would provide improved connectivity from the I-95 corridor and reduce parking demand at the Portland Station. Town staff as well as the Maine Turnpike Authority, MaineDOT, and West Falmouth Crossing business owners have been involved in discussions surrounding the platform location and potential re-development opportunities which could include rider parking and a relocated MTA park and ride. Supporting this effort has been an item on the Council's 2024-2025 and 2025-2026 work plans. Discussions are currently on hold awaiting an update from the development partners on potential design plans. If a station project moves forward in Falmouth, updates will be provided through the Town's communications channels and there will be opportunities for Town Council and public feedback.

Adjourn



PART II CODE OF ORDINANCES

CH. II-17 TRAFFIC AND MOTOR VEHICLES

FOOTNOTE(S):

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Cross reference— Provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; police department, § 2-430 et seq.; land subdivision, Ch. II-7; nuisances, Ch. II-12; loud, offensive noises prohibited, § 12-1; junked and abandoned motor vehicles prohibited on public and private property, § 12-3; streets, sidewalks and other public places, Ch. II-14; zoning and site plans and flood prevention and protection regulations, Ch. II-19.

State Law reference— Motor vehicles, 29 M.R.S.A. § 1 et seq.

ART. II-17-1. IN GENERAL

Sec. 17-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-night parking.

The words all-night parking shall mean the parking of a vehicle for a period of time longer than one (1) hour between the hours of 2:00 a.m. and 6:00 a.m. of any day except for physicians or other persons on bona fide emergency calls.

Camping

The word Camping shall mean to park a vehicle on a street or in a parking spot for three or more consecutive hours while occupied.

Park.

The word park shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Resident.

The word resident shall mean a person who resides and is domiciled in the town or who, although not domiciled in the town, owns a dwelling in the town which he or she occupies for more than thirty (30) days in a calendar year.

Roadway.

The word roadway shall mean that portion of a street, way or road designed or ordinarily used for vehicular traffic.**Standing.**

The word standing shall mean any stopping of a vehicle, whether occupied or not.

Street, way or road.

The word street, way or road shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic.

Vehicle.

The word vehicle shall mean:

1. Every vehicle which is self-propelled; and
2. Any vehicle defined as a trailer according to 29 M.R.S.A. § 1.

(Code 1966, Ch. 702, § 1(a)—(h); Ord. of 11-26-90)

Cross reference— Definitions and rules of construction generally, § 1-2.

State law reference— Definitions, 29 M.R.S.A. § 1.

Sec. 17-2. Signs required.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

(Code 1966, Ch. 702, § 2; Ord. of 11-26-90)

Sec. 17-3. Temporary signs.

The chief of police is hereby authorized to place temporary no-parking signs or detour signs and to route traffic by the direction of police officers of the town in circumstances of emergency or congestion such as, but not limited to, fires, funerals, church services, parades, sporting events and where the traffic generated by private business locations requires such direction and control.

(Code 1966, Ch. 702, § 17)

Sec. 17-4. Unauthorized signs, signals or markings.

No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any sign or signal and no person shall place or maintain any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the chief of police is hereby empowered to remove the same or cause it to be removed without notice.

(Code 1966, Ch. 702, § 3)

Sec. 17-5. Snow accumulation.

When the width of a roadway is decreased by reason of snow accumulation or by any other reason to less than twelve (12) feet, the chief of police is authorized to prescribe temporary traffic and parking regulations and to place such traffic signs as may be necessary to give notice of the regulations.

(Code 1966, Ch. 702, § 18)

Sec. 17-6. Required obedience.

Except when otherwise directed by a police officer or other authorized person, the driver of any vehicle and every pedestrian shall obey the instructions of any traffic-control device, signal, sign or marker installed under the provisions of this chapter or state law. Every such person shall obey each and every provision of this chapter.

(Code 1966, Ch. 702, § 11)

Sec. 17-7. Following traffic directions.

No person shall refuse, fail or neglect to follow the directions of a constable or police officer directing traffic on a street, way or road.

(Code 1966, Ch. 702, § 10)

Sec. 17-8. True name to be given.

It shall be unlawful for any person when given a notice by any police officer or other authorized person to appear to answer for an offense against any provision of this chapter to give other than his true name and true place of residence or address upon the request of such police officer or other authorized person.

(Code 1966, Ch. 702, § 16)

Sec. 17-9. Certain vehicles prohibited from certain streets.

No truck or bus other than an emergency, public works vehicle or a local passenger bus picking up and discharging passengers along designated routes at specified stops shall travel over the following streets or parts of streets except 1.) trucks or buses which are owned by and registered to persons or by corporations controlled by persons who reside within the restricted areas if such trucks or buses are stored at their residence and are transiting to or from the residence and 2.) when necessary to render service to or to deliver supplies to persons residing adjacent thereto where other means of access to such residences are not reasonably convenient:

Brook Road between Leighton Road and Mountain Road.

For purposes of this section, "truck" shall mean all vehicles with a classification of Class 5 or higher, as defined by the Federal Highways Administration 13-Category Scheme of vehicle classifications (FHWA 13-Category Scheme).

Effective on: 1/26/2015

Sec. 17-10. Vehicle restricted on certain public property.

- a. "Motorized vehicles" for the purposes of this section shall include all vehicles propelled by a motor regardless of horsepower capacity and shall include motorized minibikes and snowmobiles so called and shall include all those commercially manufactured or the homemade variety.
- b. No person shall operate or allow to be operated any licensed or unlicensed or registered or unregistered motorized vehicle within the property bounds of any municipally owned property other than those areas specifically designated for vehicular use. For the purposes of this section, municipally owned property shall include but not be limited to school grounds, recreational areas, public works garages, town hall grounds, lands which are subject to control by the municipality by virtue of conservation easements granted to the municipality and other properties designated as property owned by or under the control of the town.

(Code 1966, Ch. 502, §§ 1, 2)

Sec. 17-11. Penalty.

Whoever violates any of the provisions of this chapter, upon conviction, shall be punished by a fine for each offense, set forth in a fee schedule established by the Town Council, to be recovered on complaint to the use of the town.

(Code 1966, Ch. 702, § 19); Ord. of 5-22-23)

Effective on: 5/22/2023

Secs. 17-12—17-49. Reserved.**ART. II-17-2. OPERATION OF VEHICLES****Sec. 17-50. Emerging from driveways.**

The driver of a vehicle emerging from a private driveway, automobile service station or building shall stop such vehicle immediately prior to driving onto a sidewalk or upon entering the roadway and shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 1966, Ch. 702, § 9)

Secs. 17-51—17-76. Reserved.

(Ord. of 05-22-23)

FOOTNOTE(S):

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State Law reference— Operation of vehicles, 29 M.R.S.A. § 891 et seq.

ART. II-17-3. STOPPING, STANDING, PARKING**Sec. 17-77. Prima facie evidence of operation.**

No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way or road in violation of any provision of this chapter. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

(Code 1966, Ch. 702, § 15; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-78. Obstructions in streets.

Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by an ordinance of the town, is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic.

(Code 1966, Ch. 702, § 7; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-79. Authority to remove vehicle while illegally parked.

Any vehicle parked or standing in a manner described in Sec. 17-78, Sec. 17-87 and Sec. 17-89 may be removed by or under the direction of or at the request of the chief of police or any police officer to a garage or storage place. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved and may call upon wreckers on the towing list maintained pursuant to Sec. 17-80 to remove the vehicle. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this chapter, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provision of this chapter.

(Code 1966, Ch. 702, § 8(a); Ord. No. 71-2014, 12-9-2013; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-80. Wreckers and vehicle towing.

a. *Purpose.* In order to ensure that the streets of the town remain safe, open and free of hazard and to further effectuate the efficient enforcement of the town's traffic, parking, snow removal and related ordinances, this section provides for licensing and regulating persons engaged in the business of providing vehicle towing and associated repair services at the request of the town police department; establishes rates for such services; and regulates the storage and disposition of vehicles so towed.

b. *Definitions.* As used in this section, the following words, terms and phrases have the following meanings except where the context clearly indicates a different meaning:

Storage and release facility means the real property and any structures thereon to which wreckers tow or transport vehicles for storage until the vehicle owner claims the vehicle.

Effective on: 5/22/2023

Towing List means a list maintained by the police department containing the names of those wreckers licensed by the town to respond to requests by the police department for the towing of vehicles. The towing list itself shall consist of two (2) lists:

1. A primary list of wreckers capable of having a wrecker vehicle at a scene within thirty (30) minutes of a towing request by the police department.

2. A secondary list to be used by the police department when the wreckers in the primary list are not available which shall include but not be limited to any wrecker with a history of response times of more than thirty (30) minutes or failure to respond, as determined by the police department.

Effective on: 5/22/2023

Wrecker means an individual or business entity offering towing or flatbed service, whereby vehicles are or may be towed or otherwise removed from one (1) place to another by the use of a motor vehicle adapted to and designed for that purpose.

Effective on: 5/22/2023

Wrecker Vehicle means a motor vehicle, such as a tow truck or flatbed, intended to be used to tow or otherwise transport other vehicles.

c. *Minimum requirements.* The following minimum requirements shall be met on a continuous basis by all licensees:

1. Licensees shall operate and maintain storage and release facilities within a fifteen (15) mile radius of the police department headquarters at 2 Marshall Drive, Falmouth.
2. Licensees shall permit the chief of police or his/her designee to conduct one (1) regular and two (2) random inspections of each wrecker vehicle during the term of the license.
3. Licensees shall permit the chief of police or his/her designee to conduct one (1) regular and two (2) random inspections of each storage and release facility during the term of the license.
4. Licensees shall maintain such records as required by regulations promulgated by the chief of police and shall permit their inspection by the chief or his designee during normal business hours.
5. Vehicles must be towed or carried, not driven, to storage and release facilities.
6. Licensees must provide a secure storage and release facility
7. The police chief or his/her designee must be notified of any unclaimed vehicle by forwarding a copy of the invoice or tow slip for any unclaimed vehicle once a month to the police chief or his/her designee. Said documents shall be forwarded by the tenth day of each month and shall include documentation for each vehicle in licensee's possession that remains unclaimed on the last day of the preceding month.
8. In the event of any vehicle being towed or transported following an accident, licensees shall clean the accident area of all nonhazardous vehicular debris resulting from the accident, unless otherwise directed by on-scene public safety personnel.
9. Licensees shall not make any repairs to vehicles without the consent of the owner.
10. Vehicles shall be released from storage in accordance with this section and regulations promulgated by the chief of police.
11. Licensees shall defend, indemnify and hold the town harmless from all claims for damage to property and injuries to persons resulting from the licensees' negligence in the towing or storage of vehicles pursuant to this article.
12. Licensees shall conspicuously post current rates for services under this section at the storage and release facility.
13. Licensees shall release vehicles within one (1) hour of the owner's request and payment of any applicable fees.

d. *Maintenance of towing lists.* The police department shall observe the following procedure for maintaining the towing list and contacting wreckers for service calls:

1. Notwithstanding that wreckers will initially be assigned to either the primary or secondary list, the police department shall move wreckers with a history of unavailability or slow response time from the primary list to the secondary list and may move wreckers with a history of satisfactory response time from the secondary to the primary list.
2. The police department shall call wreckers on the primary list on a rotating basis.
3. The police department may contact wreckers on the secondary list as needed.

e. *Rates for services.* The maximum rates for services regulated under this section shall be as set by order of the town council and on file in the town clerk's office.

For purposes of section 17-82(2), the rates in this section shall be the maximum fees allowed to be charged in connection with release of a vehicle.

f. *Disposition of abandoned vehicles.*

1. The licensee shall comply with the procedures set forth in title 29-A M.R.S.A. §§ 1851—1859, abandoned vehicles.
2. In the event of an unclaimed or abandoned vehicle, the licensee's sole remedy shall be as outlined in title 29-A M.R.S.A. §§ 1851—1859 regarding unclaimed and abandoned vehicles.

g. *Release of vehicles impounded pursuant to provisions for towing parked vehicles.* Whenever a vehicle has been removed and stored pursuant to police request for violation of this article, it shall not be released until the payment of penalty fees owed to the town have been paid and the requirements of Sec. 17-82 have been met.

h. *Removal of towed vehicle or parts thereof from wreckers' lot.* Upon written application of the owner of a vehicle, the chief of police or the chief's authorized representative, suitable arrangements may be made for the retrieval of specified personal effects, as defined in 29-A M.R.S.A. § 1861, in the vehicle if there are exigent circumstances requiring retrieval prior to the owner reclaiming the vehicle.

i. *License required.*

1. Wreckers wishing to be placed on the towing list must apply for a wrecker license on forms provided by the police department
2. Within thirty (30) days after receipt of an application under this division, the chief of police shall conduct an investigation to determine: the truth, accuracy and adequacy of the information contained in the application; the ability of the applicant to furnish the required service and to abide by the regulations and provisions set forth herein; the applicant's past record of performance in any wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of the investigation, the chief of police shall grant the license and place the wrecker on one (1) of the towing lists or deny the license. The chief of police shall notify the applicant in writing of such decision and the findings and reasons, if any, for inclusion on the secondary towing list or for denial of the license, as the case may be.
3. The following information must be submitted prior to commencement of the investigation:
 - a. Location, size and security features of the storage facility on which towed vehicles will be stored;
 - b. Location of release facility to which the public must come to claim stored vehicles;
 - c. List of towing equipment, including size and capacity;

- d. Description of the two (2) way mobile communications and base station to be used for each wrecker and at the office where calls are received;
- e. Statement of willingness to provide release of vehicles on a continuous twenty-four (24) hour-a-day basis each day of the year;
- f. Such other information as the chief of police may require on the application.

4. Licenses shall be valid until the wrecker is removed from the towing list at the wrecker's request or by the chief of police pursuant to the provisions of this section.

j. *Regulations may be promulgated by the chief of police.* The chief of police is hereby authorized to promulgate regulations not inconsistent with this section to carry out its intent. All licenses issued pursuant to this section shall be subject to such applicable regulations as are adopted hereunder either prior to or after the date of the issuance thereof.

k. *Insurance required.*

1. No wrecker shall be accepted on the towing list until the applicant has deposited with the chief of police copies of the following policies:

- a. Garage keeper's legal liability policy covering the premises, including fire, theft, windstorm, vandalism and explosion, in the amount of at least twenty-five thousand dollars (\$25,000.00), with each vehicle suffering damage or loss being deemed a separate claim.
- b. Towing/wrecker service commercial liability policy covering the operation of the licensee's business, equipment or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of four hundred thousand dollars (\$400,000.00) combined single limit for personal injury and property damage, or such other amount as may be stated in Maine Tort Claims Act (14 M.R.S.A. § 8001 et seq.) as the monetary limit of municipal liability, whichever amount shall be greater. Each wrecker insured shall be identified by make, model and vehicle identification number (VIN).
- c. Road service liability coverage for the lifting, hoisting and towing of vehicles must be included in the licensee's garage keeper's legal liability policy.

2. Each policy required above shall name the town as an additional insured and the certificate evidencing the same shall be in a form satisfactory to the town attorney. The licensee shall maintain such insurance at all times during the term of the license, and the licensee shall provide the chief of police with not less than thirty (30) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.

3. The lapsing or cancellation of any policy as required hereinabove shall result in the immediate termination of the wrecker's license without any action on the part of the town.

l. *Grounds for revocation, suspension or denial.* A license issued under this division may be suspended or revoked and an application for a license may be denied by the chief of police upon a determination that the licensee, applicant or wrecker operator:

- 1. Violated any of the requirements or regulations established herein or by the chief of police under this section;
- 2. Provided unsatisfactory services for police requested towing; or
- 3. Has been convicted of any crime or has had his/her driver's license revoked or suspended by the state at any time during the five (5) years immediately preceding application; or has been imprisoned at any time during the preceding five (5) years, provided that said

conviction was for an offense which is rationally related to the purpose of licensing wreckers.

No license shall be suspended or revoked without a hearing conducted not less than seven (7) nor more than thirty (30) days after written notice has been served on the licensee personally or by first class mail, postage prepaid. The notice shall contain a generalized statement of the complaint.

m. Appeals.

1. An appeal to the town council may be taken by any person aggrieved by the granting, granting with conditions, denial, suspension or revocation of a license hereunder by the chief of police by filing a written notice of appeal in the office of the town clerk within thirty (30) days of the decision appealed from. Such notice of appeal shall state the basis for the appeal. Within thirty (30) business days after the filing of the notice of appeal, the town council shall hold a de novo hearing and may affirm, reverse or modify the decision appealed from.
2. An appeal from any final decision of the town council may be taken by any party to the superior court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

n. Enforcement.

1. Any violation of this section shall be punishable by a fine not exceeding one hundred dollars (\$100.00), and each day that a violation continues shall be treated as a separate offense.
2. The chief of police or his designee may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this section. Said notice shall be in a form approved by the town attorney and shall provide a method by which a person charged with a violation of this division may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

(Ord. No. 71-2014, 12-9-2013, Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-81. Notice to owner.

The police department shall make every effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways or roads and as soon as possible a written notice that such vehicle has been impounded shall be sent by the chief of police to the owner at his last known address as shown by the records of the secretary of state. If the owner is unknown, the chief of police shall cause to be published in any newspaper printed in the City of Portland notice of such impounding, giving the registration number, the motor number and the name, type and year of the vehicle.

(Code 1966, Ch. 702, § 8(b); Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-82. Release of vehicle.

Before the owner of such vehicle or his representative may remove it from the possession of the person towing or storing it, he shall:

1. Furnish satisfactory evidence of his identity and of his ownership of said vehicle to the chief of police and to the person having possession of the vehicle;

2. Pay to the person having possession of the vehicle reasonable charges for the towing and storing of the vehicle; and
3. Sign a receipt for the vehicle.

(Code 1966, Ch. 702, § 8(c); Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-83. Parking on paved or improved surface.

No vehicle shall be parked on the paved or improved surface of any street, way or road when it is practicable to park elsewhere.

(Code 1966, Ch. 702, § 12; Ord. of 05-22-23)

State law reference— Similar provision, 29 M.R.S.A. § 1111.

Effective on: 5/22/2023

Sec. 17-84. Parking on left.

No vehicle shall be parked or stopped on the left side of any street, way or road so that it is facing oncoming traffic.

(Code 1966, Ch. 702, § 13; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-85. Fire lanes.

The words fire lanes shall mean those areas which from time to time may be designated by the chief of the fire department as being necessary to assure access to property by emergency vehicles including, but not limited to, fire, police and emergency vehicles. No parking, standing or stopping shall be allowed in a designated fire lane. In publicly owned and managed parking lots or areas, signs or barriers designating the fire lanes shall be erected and maintained by the town. In privately owned or operated parking lots or areas, the owner or manager will be responsible for the erection and maintenance of any required signs or barriers.

(Code 1966, Ch. 702, § 1(i); Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-86. Prohibited parking.

No person shall stand or park a vehicle upon a street, way or road for the principal purpose of:

1. Displaying it for sale;
2. Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency;
3. For the primary purpose of advertising or for the sale of any personal property or for the exercise of any business, profession or calling.

(Code 1966, Ch. 702, § 4; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-87. Stopping, standing or parking prohibited at specific locations.

No person shall stop, stand or park a vehicle in any of the following places nor shall any person move a vehicle not owned by him into any of the places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, other authorized person or traffic-control device:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within ten (10) feet of a fire hydrant;
5. On a crosswalk;
6. Within twenty (20) feet of the near corner of the curbs at an intersection;
7. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
8. Between a safety zone and the adjacent curb;
9. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station;
10. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street or double park;
12. Upon any bridge or other elevated structure upon a highway;
13. At any place where official signs prohibit stopping;
14. Within or upon any designated fire lane in a parking lot, whether the parking lot is publicly or privately owned.

(Code 1966, Ch. 702, § 5; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-88. Regulations.

The stopping, standing and/or parking of vehicles and movement and types of traffic are hereby regulated on the streets or parts of the streets and other areas owned or controlled by the town set forth in the traffic schedule and when signs are erected giving notice thereof, the stopping, standing and/or parking of vehicles and movement and types of traffic shall be regulated as set forth in Sec. 17-90, Sec. 17-91, Sec. 17-92 and Sec. 17-93 and Sec. 17-96 for such streets or parts of streets and other areas owned or controlled by the town.

(Ord. of 8-27-84, § 1; Ord. of 9-26-88(2), § 1; Ord. of 11-24-97, § 2; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-89. Snow removal; parking prohibited at certain times.

No vehicle shall be parked at any time on any street, way or road so as to interfere with or hinder the plowing or removal of snow from any street, way or road. The chief of police may cause any vehicle parked on any street, way or road so as to interfere with or hinder the plowing or removal of snow to be removed from the street in accordance with the provisions of Sec. 17-79. No vehicle shall be parked on any town-maintained way or road between the hours of midnight and 6:00 a.m. from November fifteenth to April fifteenth.

(Code 1966, Ch. 702, § 6; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-90. No parking at any time.

a. Parking is prohibited at all times, every day in the following areas:

Allen Avenue Extension east and west sides extending one thousand (1,000) feet on both sides of the bridge.

Blackstrap Road both sides between CMP Utility Pole #172 and 25 feet north of CMP Utility Pole #173.

Depot Road north and south sides extending one hundred fifty (150) feet on both sides from its intersection with U.S. Route 1.

Eastern Avenue except for residents and guests of said street.

Foreside Road (Route 88) easterly side from Utility Pole #228 southerly to Utility Pole #210.

Foreside Road (Route 88) easterly side extending seventy-five (75) feet north from the intersection of Johnson Road with Town Landing Road.

Foreside Road (Route 88) westerly side extending three hundred and twenty-five (325) feet north from the intersection of Foreside Road with Johnson Road.

Gray Road (Route 100) north of the bridge over the Piscataqua River to 25 feet south the driveway at 240 Gray Road except the following: 1) the portion of the west side of Gray Road beginning at 105 feet north of the north egress of 226 Gray Road to 107 feet south of the intersection with Presidio Way, 2) the portion of the west side of Gray Road beginning at 82 feet north of the intersection with Presidio Way to 15 feet south of the intersection with Bella's Way, and 3) the portion of the west side of Gray Road beginning at 25 feet north of the intersection with Bella's Way to 25 feet south of the driveway at 240 Gray Road.

Hardy Road north and south sides beginning at the westerly side of driveway at 41 Hardy Road thence westerly to the driveway of the residence at 117 Hardy Road.

Knight Street both sides from Foreside Road (Route 88) to Utility Pole #1.

Lunt Road north side between Middle Road and Falmouth Road.

Lunt Road south side extending 215 feet westerly of Utility Pole #195.

Mariner Lane. No parking on the north side of the street from the intersection of Rt. 88 to the end of the street. Parallel parking only on the south side of the street.

Middle Road north and south sides beginning at 170 Middle Road and extending to the intersection at Falmouth Corner.

Route 88 easterly side from Old Mill Road northerly one thousand five hundred (1,500) feet.

Route 88 westerly side from Johnson Road southerly six thousand eight hundred (6,800) feet.

Town Landing Road north side from Utility Pole #9 to the shoreline.

Town Landing Road north side from Foreside Road (Route 88) to a point fifty-two (52) feet easterly of Utility Pole #8.

Town Landing Road south side from the Foreside Road to the shoreline.

U.S. Route 1 east and west sides extending two hundred (200) feet on both sides from its intersection with Depot Road.

Waites Landing Road north side from the driveway at 96 Waites Landing Road east to the end of the road.

Waites Landing Road south side from Fire Hydrant #126 east to the end of the road.

b. Parking is prohibited at all times, every day in all fire lanes, including:

In the shops at Falmouth Village, an area thirty (30) feet wide commencing from the building curb of the sidewalk, not including designated parking spaces.

In the West Falmouth Crossing Shopping Center, an area thirty (30) feet wide commencing from the building curb of the sidewalk, not including designated parking spaces.

In the Wal-Mart/Hoyt's Plaza, an area thirty (30) feet from the curb of the shopping center sidewalk.

c. Parking is prohibited at all times of the day during specific dates:

Depot Road southwest side from the junction of the Legion Road to the junction of the Lunt Road from May 1 to October 1.

d. Parking is prohibited at specific times and on specific dates:

Andrews Avenue-No parking, tow away zone, May 1 until October 31 from 6:00 a.m. to 6:00 p.m. Designated spaces at the east end of Andrews Ave. are to be utilized as parking for Mackworth Island for Falmouth residents only.

Greenway Drive - No parking, tow away zone, between Fern Avenue and Route 1, May 1 until October 31 from 6:00 a.m. to 6:00 p.m.

Squidere Lane—No parking on the east side of the road from the intersection of Depot Road to the Blackstone cul-de-sac.

Clearwater Drive - No camping between Farm Gate Road and the rotary. The Police Department may cause any vehicle parked for a period of twenty-four (24) hours or more to be removed from the aforementioned areas at the expense of the registered owner of such vehicle(s).

(Code 1966, Ch. 702, App. 1(A); Ord. of 9-26-88(2), § 2; Ord. of 5-22-89, § 2; Ord. of 10-23-89, § 1; Ord. of 11-21-89, § 1; Ord. of 12-16-97; Ords. (3) of 8-28-2000; Ord. of 9-24-2001; Ord. of 10-24-2005; Amd. of 4-28-2008; Amd. of 12-8-2008; Amd. of 7-27-2009; Amd. of 12-14-2009; Ord. No. 71-2013, 2-11-2013; Ord. No. 125-2013, 5-29-2013; Ord. No. 116-2019, 5-13-2019; Ord. of 05-22-23)

Effective on: 2/26/2024

Sec. 17-91. All-night parking prohibited.

Parking all night as defined in Sec. 17-1 is prohibited in the following areas:

Town Landing Road north side from a point fifty-two (52) feet easterly of Utility Pole #8 to Utility Pole #9.

Waites Landing Road north side from a point opposite Hydrant #126 east to the driveway at 96 Waites Landing Road.

(Code 1966, Ch. 702, App. 1(D); Ord. No. 9-26-88(2), § 3; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-92. Parking restrictions at the town landing.

- a. Parking is prohibited every day between the hours of 10:00 p.m. and 5:00 a.m. at the town landing.
- b. Parking on the real estate owned or controlled by the town located adjacent to and east and northeast of the east and northeast right-of-way line of Town Landing Road and bounded by Casco Bay and the town landing pier and boat ramp hereinafter referred to as town landing parking area is hereby restricted as follows:
 1. All parking within the town landing parking area shall be only within the numbered or marked parking areas and spaces therein as determined by the chief of police.
 2. All parking areas and spaces in the town landing parking area from May fifteenth through September thirtieth of each year shall be used only by residents of the town as defined in Sec. 17-1 except the following three (3) spaces shall not be restricted to residents:
 - a. Two (2) parking spaces which shall be designated and used only for loading and unloading;
 - b. One (1) parking space which shall be designated and used only for emergency vehicles.
 3. Four (4) parking spaces, as marked or designated shall be limited to no more than two (2) hours for each vehicle using the four (4) parking spaces.
 4. All applicable parking regulations for the town landing parking area shall be posted or marked at or near the town landing parking area, as determined by the chief of police.
 5. Parking in the town landing parking area during the period from May fifteenth through September thirtieth of each year shall be limited to motor vehicles and no trailers shall park therein.
- c. All vehicles parking in the town landing parking area during the period from May fifteenth through September thirtieth of each year shall park pursuant to permit only except for the two (2) parking spaces limited to loading and unloading and the one (1) space limited to emergency vehicles as set forth herein. The permits shall be evidenced by decals to be displayed in a prominent place on the front windshield of the vehicle. The permits and decals shall be issued by the town clerk to residents of the town as defined in Sec. 17-1. Any resident obtaining a permit and decal shall be required to sign a register to be maintained by the town clerk indicating the residence address of the person obtaining the permit and decal. The register of the town clerk for this purpose shall also include the year, model, make and license plate number of the vehicle to which the decal shall be attached. The permits and decals shall be available only during business hours at the office of the town clerk. There shall be no fee for obtaining the permit and decal. No more than one (1) permit or decal shall be issued to any one (1) person.
- d. Violations of any of the provisions hereof shall be subject to a parking ticket and fine set forth by a fee schedule established by the Town Council, which shall be enforced by any means permitted under the laws of the state including without limitation, 29 M.R.S.A. and this chapter. The town shall also be entitled to remove any vehicle parked or standing in violation of the provisions of this Sec. in accordance with the laws of the state including without limitation, 29 M.R.S.A. and Sec. 17-79 through Sec. 17-82

(Code 1966, Ch. 702, App. 1(C), (D); Ord. of 8-27-84, § 2)

Cross reference— Licenses, permits and business regulations, Ch. II-8; streets, sidewalks and other public places, Ch. II-14; taxation and finance, Ch. II-16.

Effective on: 5/22/2023

Sec. 17-93. Parking areas owned by town.

Parking at the town-owned parking area located at the southwest corner of the intersection of Foreside Road (Route 88) and Johnson Road is restricted to town residents, provided, however, that six (6) parking spaces shall be made available for use by town residents and nonresidents. These six (6) parking spaces shall be identified by appropriate signs. Residents who desire to park in this parking area shall display the resident's permit in Sec. 17-92(c) except that no permit is required to park in the resident/nonresident spaces.

(Ord. of 9-26-88(2), § 4; Ord. of 4-27-92; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-94. Handicapped parking areas.

- a. No person shall park a vehicle in a parking space designated for use by handicapped persons unless such vehicle displays a special registration plate or placard issued pursuant to 29 M.R.S.A. § 252 or a similar plate or placard issued by another state. A parking space on private property is designated for use by handicapped persons if it is marked by a sign conforming to the standards set forth herein and identified in a handicapped parking schedule maintained in police department files. A public parking space is designated for use by handicapped persons if it is marked by a posted sign consisting of a profile view of a wheelchair with occupant in white on blue background and the following warning: "Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to a fine." Such sign must be adjacent to and visible from the parking space it marks.
- b. The chief of police or his designated agent may enter into agreements with owners of private off-street parking to provide for the enforcement of parking spaces reserved by such owners for use by handicapped persons. The schedule of handicapped parking spaces to be enforced by the town pursuant to agreements between the owners of the property on which they are located and the chief of police or his designated agent is on file in the chief of police's office. Such spaces shall be marked by the owner in the manner set forth in (a) above; their number and location shall be recorded in a handicapped parking schedule maintained in police department files.

(Code 1966, Ch. 702, §§ 5A, 5B; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-95. Two-hour parking.

Parking is limited to two (2) hours on both sides of Foreside Road (Route 88) beginning at a point sixty-five (65) feet southerly of Johnson Road and continuing southerly for a distance of six hundred fifty (650) feet.

Effective on: 5/22/2023

Sec. 17-96. One-way streets.

The following streets within the Town of Falmouth shall be designated as "one-way" and traffic proceeding in the direction opposite to the direction of permitted travel shall be in violation of this section.

Stonecrest Drive, from its intersection with Stapleford Drive to a point approximately 580 feet in a southeasterly direction; direction of permitted travel is southeast to northwest.

(Ord. of 11-24-97, § 1; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-97. Parking restrictions at Presumpscot River Falls Park.

- a. Parking at Presumpscot River Falls Park is prohibited every day during the period beginning one (1) hour after sunset and ending one (1) hour before sunrise.
- b. Any violation hereof shall be subject to a parking ticket and fine, set forth in a fee schedule established by the Town Council, which shall be enforced by any means permitted under the laws of the state including without limitation, 29 M.R.S.A. and this chapter. The town shall also be entitled to remove any vehicle parked or standing in violation of the provisions of this section in accordance with the laws of the state including without limitation, 29 M.R.S.A. and Sec. 17-79 through Sec. 17-82 of this chapter.

(Ord. of 6-28-99; Ord. of 05-22-23)

Effective on: 5/22/2023

Sec. 17-98 Parking and standing restrictions near and at the schools complex on Woodville Road.

- a. Parking, standing and stopping is prohibited between 7:00 a.m. and 7:00 p.m. on Woodville Road, easterly side, from Utility Pole CMP # 10 northerly to Utility Pole CMP # 29, Woodville Road, westerly side, from Utility Pole CMP # 10-S northerly to Utility Pole CMP #29S with the exception of the frontage adjacent to the Middle School building.
- b. Parking, standing and stopping is prohibited between 7:00 a.m. and 3:30 p.m. at the School Department Administration Building parking area located on the easterly side of Woodville Road, except parking is allowed for school department employees and persons on business in that building and is otherwise allowed on Saturdays, Sundays and holidays.
- c. Parking is prohibited at all times, every day, in the following locations. All areas of the schools complex (Elementary School, Middle School, High School and recreational fields on both sides of Woodville Road) that are posted with appropriate signs.
- d. Violations of any of the provisions hereof shall be subject to a parking ticket and fine, set forth in a fee schedule established by the Town Council, which shall be enforced by any means permitted under the laws of the state including, without limitation, 29 M.R.S.A. and this chapter. The town shall also be entitled to remove any vehicle parked or standing in violation of the provisions of this section in accordance with the laws of the state including, without limitation, 29 M.R.S.A. and Sec. 17-79 through Sec. 17-82 of this chapter.

(Ord. of 8-9-2010; Ord. 05-22-23)

Editor's note—

Ord. of 8-9-2010 enacted provisions intended for use as § 17-100. To preserve the style of this Code, and to facilitate indexing, said provisions have been redesignated as § 17-99.1

Effective on: 5/22/2023

Sec. 17-99 Park and Ride Lot Parking Restrictions.

- A. Parking at Town of Falmouth, Maine Turnpike Authority, and Maine Department of Transportation established park and ride lots shall be subject to the rules established by the Maine Turnpike Authority.

1. Use of the park and ride lot is at the user's own risk.
2. Camping, soliciting, littering, or loitering is prohibited.
3. Trailers or vehicles longer than twenty-four (24) feet are prohibited.
4. Extended parking (more than 24 hours) is not permitted between November 1 and April 30.
5. Parking for more than seven (7) days is not permitted at any time.
6. Neither the Town of Falmouth nor the Maine Turnpike Authority are responsible for any stolen or damaged property.

B. The Town shall be entitled to remove any vehicle parked or standing in violation of the provisions of this section in accordance with the laws of the state including without limitation, 29 M.R.S.A. and [Sec. 17-79](#) through [Sec. 17-82](#) of this Chapter.

(Ord. of 05-22-23)

FOOTNOTE(S):

--- (3) ---

Cross reference— Streets, sidewalks and other public places, Ch. [II-14](#); streets, § 14-40.

State Law reference— Parking, 29 M.R.S.A. § 1111 et seq.

ART. II-17-4. REGULATION OF MOTOR VEHICLE WEIGHT ON POSTED WAYS AND BRIDGES

Sec. 17-100. Purpose and authority.

The purpose of this article is to prevent damage to town ways and bridges which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2387.

(Ord. of 3-21-2005)

Sec. 17-101. Restrictions and notices.

The town council may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles traveling over designated town ways and bridges as, in their judgment, may be necessary to protect the traveling public and to prevent excessive damage to town ways and bridges.

A notice specifying the designated sections of the town way or the bridge, the prescribed restrictions, the periods of restrictions, the date of posting and the signature of the town manager or the public works director must be conspicuously posted at each end of the town way or bridge. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

(Ord. of 3-21-2005)

Sec. 17-102. Prohibition; exemptions.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein or the possession of a special permit.

All town and school vehicles are exempt from this article. Heating fuel delivery trucks operating with a Maine Department of Transportation permit and vehicles transporting well drilling equipment operating during a drought emergency declared by the governor are exempt from this article, as provided in 29-A M.R.S.A. § 2395 (4-A).

(Ord. of 3-21-2005)

Sec. 17-103. Special permits.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing for a permit to operate notwithstanding the restrictions imposed pursuant to this article. The town council may issue a special permit if it finds that: (a) no other route is reasonably available to the applicant and (b) the applicant has tendered suitable security running to the town in an amount sufficient to repair any damage to the town way or bridge which may result from the applicant's use. Notwithstanding making such findings, the town council may refuse to issue a special permit if determines that the proposed use will pose an unacceptable risk to public safety or to the condition of the way or bridge.

(Ord. of 3-21-2005)

Sec. 17-104. Enforcement; penalties.

This article may be enforced by the code enforcement officer or any law enforcement officer.

Any violation of this article shall be punishable in accordance with Sec. 17-11, provided that the fine provided therein shall be assessed for each one thousand (1,000) pounds of registered gross vehicle weight over the posted weight limit. In addition, the town may seek restitution for the cost of repairs to any damaged way or bridge necessitated by the unlawful use and may seek reasonable attorney's fees and costs.

(Ord. of 3-21-2005)



Resolution No 06-2027



TOWN OF FALMOUTH RESOLUTION

In Support of the Casco Bay Interim Rail Trail

- WHEREAS,** the Falmouth Town Council supports efforts to increase options for safe bicycle and pedestrian facilities; and
- WHEREAS,** the Falmouth Town Council previously supported efforts by the Maine Department of Transportation to study the potential uses of the state-owned Berlin Subdivision railroad (Resolution 15-2022); and
- WHEREAS,** the Falmouth Town Council supported the recommendation from Maine DOT's Rail Use Advisory Committee (RUAC) to create an interim bicycle and pedestrian trail along the former railroad corridor (Resolution 47-2024); and
- WHEREAS,** the Maine State Legislature and the Governor approved LD30 in 2025, which directs the Maine DOT to implement an interim bicycle and pedestrian trail; and
- WHEREAS,** on June 1, 2026, the Falmouth Town Council authorized the Town Manager to enter an Interlocal Agreement with the Casco Bay Trail Alliance and the other RUAC municipalities along the corridor; and
- WHEREAS,** the Falmouth Town Council recognizes that preliminary engineering of the segment from Portland to Yarmouth has been funded by Maine DOT for a total of \$600,000, of which 10% is required to be non-Federal local match; and
- WHEREAS,** the Falmouth Town Council recognizes that Casco Bay Trail Alliance and the four municipalities along this segment – Portland, Falmouth, Cumberland, and Yarmouth – will share in the local match equally for the segment that runs through Falmouth; and
- WHEREAS,** while construction funding for the project is not yet identified nor committed, the Falmouth Town Council understands that a local share in funding of further phases of the project would be required once engineering is completed and construction funding sources are identified;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FALMOUTH ASSEMBLED THIS 13th DAY OF JULY, 2026, THAT:

the Council supports the development of the Casco Bay Trail and agrees to commit up to \$12,000 toward the total local share of this preliminary engineering project.

Attest: _____
Ellen Planer, Town Clerk

Date: _____

Resolution No 07-2027



TOWN OF FALMOUTH RESOLUTION
Designation of July as Park and Recreation Month

- WHEREAS,** parks and recreation programs are an integral part of communities throughout this country, including Falmouth; and
- WHEREAS,** our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and
- WHEREAS,** parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and
- WHEREAS,** parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and
- WHEREAS,** parks and recreation areas are fundamental to the environmental well-being of all residents of all ages in our community; and
- WHEREAS,** parks and open space recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and
- WHEREAS,** our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and
- WHEREAS,** the U.S. House of Representatives has designated July as Parks and Recreation Month; and
- WHEREAS,** Falmouth recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FALMOUTH ASSEMBLED THIS 13th DAY OF JULY, 2026, THAT:

The month of July is recognized as Park and Recreation Month in the Town of Falmouth.

Attest: _____
Ellen Planer, Town Clerk

Date: _____



60 Community Drive | Augusta, ME 04330-9486
1-800-452-8786 (in state) | (t) 207-623-8428
(f) 207-624-0129

To: Key Municipal Officials of MMA's Member Municipalities
From: Justin Poirier, President, Maine Municipal Association
Date: June 8, 2026
Re: Ballot for Election to MMA's Legislative Policy Committee



MMA's member municipalities have made their nominations for the 2026-2028 Legislative Policy Committee (LPC). It is now time to elect your representatives to serve on the committee. The enclosed election ballot must be completed by the Selectboard or Town/City Council of your municipality.

Number of votes

Most municipalities are being asked to vote for two candidates, because there are two elected LPC members for most districts. Some municipalities only vote for one candidate, because the other LPC member in that district is appointed. ***You are instructed on the ballot (above the list of candidates) whether to vote for two candidates or just one.***

Candidate profiles

If you are not familiar with any of the candidates, please review the Candidate Profiles on the back of the ballot. Also, feel free to contact the candidates directly.

Write-in candidates

In addition to the candidates listed on the ballot, you may vote for a candidate whose name is not on the ballot by writing that person's name in. The write-in candidate need not be from your municipality but must be an elected or appointed official from an MMA member municipality in your Senate/LPC District. ***Check to be sure the write-in candidate is willing to serve if elected!*** Write-in candidates should be communicating their interest in serving among the municipal officers within their district.

If you are instructed to vote for two candidates and only one candidate is on the ballot, please use the "write-in" line for your second vote if you know of someone who is willing to serve.

Deadline for returning ballot

Please return the ballot by 5:00 p.m. on **Monday, July 27, 2026** to Laura Ellis, either in the enclosed envelope or via email (lellis@memun.org).

Your participation is important – thank you!

OFFICIAL BALLOT – District 25

Maine Municipal Association's Legislative Policy Committee

July 1, 2026 – June 30, 2028

VOTE FOR TWO:

- ☐ Janice Cooper, Town Councilor, Town of Yarmouth
- ☐ Danielle Tracy, Councilor, Town of Falmouth
- ☐ _____ (name) _____ (position) _____ (municipality)  write in)

Candidate Profiles Are On Reverse Side

MUNICIPALITY: _____ DATE: _____

 BY SELECTMEN/COUNCILORS:

_____	_____
signature	print name
_____	_____
signature	print name
_____	_____
signature	print name
_____	_____
signature	print name
_____	_____
signature	print name

Return by 5:00 p.m., July 27, 2026 to:

Laura Ellis, Maine Municipal Association
lellis@memun.org

LPC Senate District 25

Cumberland
Falmouth

Gray
Long Island

North Yarmouth
Yarmouth (part)

Candidate Profile:

Janice Cooper has served as town councilor in the Town of Yarmouth for the past year. She represented the district in the Maine House of Representatives from 2012-2020. Janice would like to serve on the LPC to work on increasing affordable housing, more equitable property taxes, and environmental protection. She would like to help the LPC to further concerted and coordinated efforts on these issues.

Danielle Tracy has served as town councilor in the Town of Falmouth for the past year. Prior to that she served on the school board. Danielle would like to serve on the LPC because she is interested in being a part of the conversation on comprehensive plan use and application. She believes this local document should be considered when working on any legislation.



TOWN OF FALMOUTH

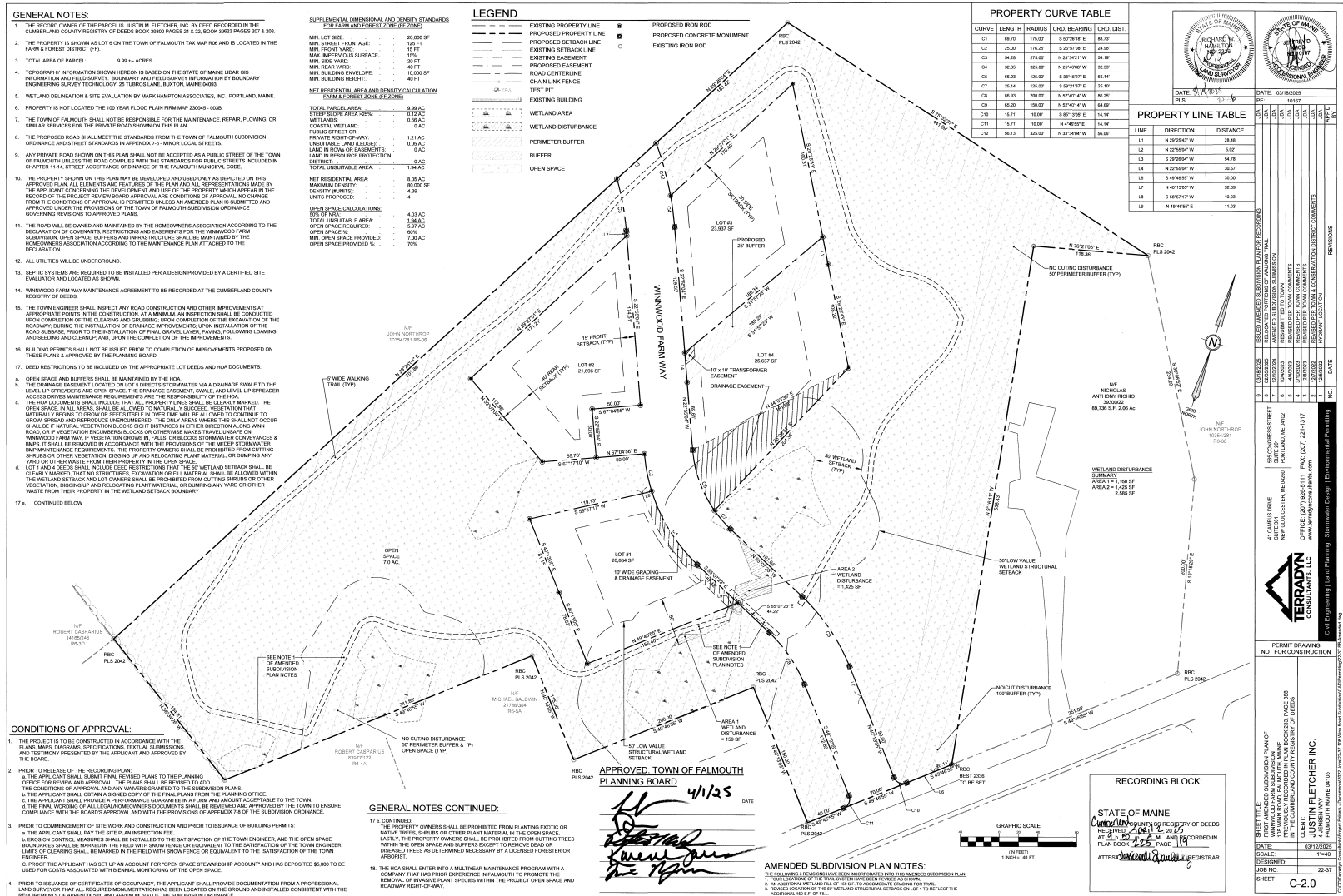
ORDER NO 08-2027

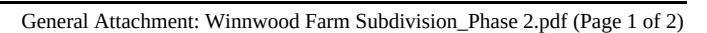
**VOTE FOR MEMBERS OF MAINE MUNICIPAL ASSOCIATION'S
LEGISLATIVE POLICY COUNCIL**

**BE IT HEREBY ORDERED THIS 13TH DAY OF JULY 2026, BY THE
FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN
COUNCIL ASSEMBLED:**

To vote for two members from Senate District 25 to serve on the Maine Municipal Association's Legislative Policy Committee.

Attest: _____
Ellen Planer
Town Clerk





General Attachment: Winnwood Farm Subdivision_Phase 2.pdf (Page 2 of 2)

WARRANTY DEED

Know All By These Presents, That WINNWOOD FARM HOMEOWNERS' ASSOCIATION a Maine nonprofit corporation with a place of business at 108 Winn Road, Falmouth, Maine 04105 (hereinafter referred to as the "Grantor"), in consideration of one dollar and other valuable consideration paid by JUSTIN M. FLETCHER INC., a Maine corporation with a principal place of business at 16 Fletcher Drive, Cumberland, Maine, 04021, (hereinafter referred to as the "Grantee"), the receipt whereof is hereby acknowledged, does hereby give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, with Warranty Covenants, certain tracts or parcels of land situated in the Town of Falmouth, County of Cumberland and State of Maine more specifically described in Exhibit A attached hereto and made a part hereof (hereinafter referred to as the "Property").

The purpose of this Deed is to reconvey a portion of the Open Space land in the Winnwood Farm Subdivision originally conveyed to the Grantor by deed dated February 24, 2024 and recorded in the Cumberland County Registry of Deeds (the "Registry") in Book 40617, Page 298, as corrected in a Corrective Deed dated May 9, 2024 which was recorded in the Registry in Book 40773, Page 339 and as shown on the Plan entitled "Winnwood Farm Subdivision," prepared by Terradyn Consultants, LLC dated October 4, 2023 and recorded in the Registry in Plan Book 223, Page 398; as amended by "First Amended Subdivision Plan of Winnwood Farm Subdivision" prepared for Justin Fletcher Inc. by Terradyn Consultants, LLC, dated March 12, 2025, last revised March 18, 2025, and recorded in Plan Book 225, Page 119 in connection with the development of Phase 1 of said Subdivision for inclusion in Phase 2 of the Subdivision in exchange for the conveyance of additional Open Space land in Phase 2. The additional Open Space land is concurrently being conveyed to the Grantor by the Grantee in a deed of near or even date herewith, all as shown on the Phase 2 Plan, which is entitled "Winnwood Farm Subdivision Phase 2, Second Amended Subdivision Plan," dated October 9, 2024 and revised through May 5, 2026 which was recorded in said Registry in Plan Book 226, Pages 203-204, as corrected in a corrected Phase 2 Plan entitled "Winwood Farm Subdivision Phase 2, Corrected Second Amended Subdivision Plan dated October 9, 2024 and revised through June 11, 2026 which was recorded in the Registry in Plan Book ___, Page ___ and _____. These conveyances are requirements of the approvals for Winnwood Farm Subdivision Phase 2 issued by the Falmouth, Maine Planning Board on March 3, 2026 and on July 7, 2026.

As the Property was conveyed to the Grantor subject to a contingent right of termination and an executory interest, as more fully described herein, to the Town of Falmouth, Maine, a municipal corporation with a place of business at 271 Falmouth Road, Falmouth, Maine 04105 (hereinafter referred to as the "Town"), the Town joins herein for the sole purpose of releasing its contingent right of termination and executory interest in the Property.

The Property was conveyed to the Grantor subject to a certain set of perpetual Restrictions specified in the deed conveying the Property to the Grantor, which was dated February 7, 2024 and recorded in the Cumberland County Registry of Deeds in Book

40617, Page 298, as corrected in a Corrective Deed dated May 9, 2024 which was recorded in said Registry in Book 40773, Page 339 (together, the "Original Deed"). The Grantor hereby releases and terminates all of the Restrictions placed on the Property in the Original Deed to them.

In Witness Whereof, the said Winnwood Farm Homeowners' Association has caused Justin M. Fletcher, its duly authorized President to execute this instrument this ____ day of July, 2026.

Signed, Sealed and Delivered
in the presence of

WINNWOOD FARM
HOMEOWNERS' ASSOCIATION

By: _____
Justin M. Fletcher
President

STATE OF MAINE
CUMBERLAND, ss

July __, 2026

Personally appeared before me Justin M. Fletcher, President of Winnwood Farm Homeowners' Association and acknowledged the above instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

Print name

Signatures Continue on Next Page

The Town of Falmouth, Maine hereby releases and extinguishes the Restrictions imposed on the Property and releases its contingent right of termination and executory interest, all as specified and described herein, with respect to the Property. Nothing herein shall release, modify, terminate, extinguish or otherwise affect any restrictions, rights of termination, executory interests, enforcement rights, or other interests affecting any other property described in the Original Deed. It is the express intent of the parties that this release applies solely to the Property.

Town of Falmouth, Maine

By: _____
Nathan Poore
Its: Town Manager

STATE OF MAINE
CUMBERLAND, ss

_____, 2026

Personally appeared before me Nathan Poore, Town Manager of the Town of Falmouth, Maine, and acknowledged that being authorized so to do on behalf of the Town of Falmouth, Maine, he executed the foregoing instrument for the purposes therein contained and did so as his free act and deed in said capacity and the free act and deed of the Town of Falmouth, Maine.

Before me,

Notary Public/Attorney at Law

Print name

EXHIBIT A

Two parcels of land located in Falmouth, Cumberland County, Maine, more particularly described as follows:

Parcel One

A portion of land designated as "Open Space" on the subdivision plan entitled "First Amended Subdivision Plan of Winnwood Farm Subdivision" prepared for Justin Fletcher, In. by Terradyn Consultants, LLC, dated March 12, 2025, last revised March 18, 2025, and recorded in Plan Book 225, Page 119, and being more particularly described as follows:

Beginning at point being N 29° 27' 09" E a distance of 50.12 feet from a capped 5/8" rebar (PLS 2042) found at the easterly corner of land now or formerly of Michael P. Monn and Sharon J. Monn as described in a deed dated September 16, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6274, Page 171 and being on the division line of Phase 1 and Phase 2 of Winnwood Farm Subdivision;

1. Thence N 29° 27' 09" E along the division line of Phase 1 and Phase 2 of Winnwood Farm Subdivision a distance of 651.74 feet to the southwesterly sideline of Winnwood Farm Way;
2. Thence southeasterly along the southwesterly sideline of Winnwood Farm Way on a curve to the right having a radius of 275.00 feet, an arc length of 54.36 feet, and a chord that bears S 28° 34' 52" E a distance of 54.28 feet to a granite monument;
3. Thence S 22° 55' 04" E a distance of 5.02 feet to a capped 5/8" rebar (PLS 2621) at the northerly corner of Lot 2 as shown on said Plan;
4. Thence S 29° 27' 01" W along the northwesterly sideline of Lot 2 a distance of 217.89 feet to a capped 5/8" rebar;
5. Thence S 59° 07' 04" E along the southwesterly sideline of Lot 2 a distance of 17.99 feet to a capped 5/8" rebar (PLS 2621);
6. Thence S 26° 51' 16" W a distance of 81.97 feet to a capped 5/8" rebar (PLS 2621);
7. Thence S 20° 46' 53" E a distance of 46.67 feet to a capped 5/8" rebar (PLS 2621);
8. Thence S 46° 19' 10" W a distance of 88.24 feet to a capped 5/8" rebar (PLS 2621);
9. Thence S 43° 40' 50" E a distance of 46.99 feet to a capped 5/8" rebar (PLS 2621);
10. Thence S 39° 00' 44" W a distance of 201.10 feet to a capped 5/8" rebar (PLS 2621);
11. Thence N 56° 35' 00" W a distance of 88.47 feet to a capped 5/8" rebar (PLS 2621);
12. Thence N 56° 33' 09" W a distance of 5.32 feet to the **Point of Beginning**.

The above-described Open Space contains 1.175 acres.

Parcel Two

Beginning at a capped 5/8" rebar (PLS 2621) at the northerly corner of Lot 3 as shown on said Plan;

1. Thence S 29° 27' 01" W along the northwesterly sideline of Lot 3 a distance of 170.49 feet to a capped 5/8" rebar (PLS 2621) on the northeasterly sideline of Winnwood Farm Way;
2. Thence northwesterly along the northeasterly sideline of Winnwood Farm Way on a curve to the left having a radius of 325.00 feet, an arc length of 56.19 feet, and a chord that bears N 33° 34' 24" W a distance of 56.12 feet to the division line of Phase 1 and Phase 2 of Winnwood Farm Subdivision;
3. Thence N 29° 27' 09" E along the division line of Phase 1 and Phase 2 of Winnwood Farm Subdivision a distance of 131.64 feet;
4. Thence S 75° 32' 37" E along the division line of Phase 1 and Phase 2 of Winnwood Farm Subdivision a distance of 51.78 feet to the **Point of Beginning**.

The above-described Open Space contains 7,510 s.f.

The above descriptions for Parcels One and Two are based and depicted on a subdivision plan entitled "Winnwood Farm Subdivision Phase 2, Second Amended Subdivision Plan," prepared for Justin Fletcher, Inc. by Terradyn Consultants, LLC, dated October 9, 2024, last revised May 5, 2026, and recorded in the Cumberland County Registry of Deeds in Plan Book 226, Pages 203 and 204, as corrected in a Corrected Second Amended Subdivision Plan dated October 9, 2024 and revised through June 11, 2026 which was recorded in said Registry in Plan Book ____, Page ____ and ____ (the "Second Amended Plan").

In the event of any discrepancy between the descriptions of Parcel One or Parcel Two and the subdivision plan referenced above, the boundaries and intent shown on the Second Amended Plan shall control.

Parcels One and Two above-described are a portion of the premises conveyed to the Grantor herein by virtue of a deed from the Grantee herein dated February 7, 2024 and recorded in the Cumberland County Registry of Deeds in Book 40617, Page 298; as corrected by a corrective deed dated May 9, 2024 and recorded in said Registry of Deeds in Book 40773, Page 339.



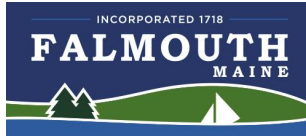
TOWN OF FALMOUTH

ORDER NO 09-2027

BE IT HEREBY ORDERED THIS 13TH DAY OF JULY 2026, BY THE FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:

The Town Manager is authorized to execute and deliver a release of the Town's executory interest in certain open space within Phase I of the Winnwood Farm Subdivision, to be substantially in the form presented to the Town Council, with such changes as the Town Manager and the Town's legal counsel may deem appropriate.

Attest: _____
Ellen Planer
Town Clerk



TOWN COUNCIL

MEMBERS

Bryce Hach, Chair
Alisa Morton, Vice Chair
Sean Mahoney
Danielle Tracy
Dos Diaz
Andrew Sharp
Michael Vance

TOWN MANAGER

Nathan Poore

STAFF

Ellen Planer
Town Clerk
eplaner@falmouthme.org

Julie Baxter
Executive Assistant
jbaxter@falmouthme.org

TOWN OF FALMOUTH

271 Falmouth Road
Falmouth, ME 04105
207.781.5253
www.falmouthme.org

July 9, 2026

Ms. Ellen Planer
Town Clerk
Falmouth Town Hall
271 Falmouth Road
Falmouth, ME 04105

Dear Ellen:

I am pleased to introduce, in accordance with Article II, Section 213 of the Town Charter, an ordinance to amend Ch.II-19 and Ch.II-24 of the Code of Ordinances. The purpose of these amendments is to comply with new mandates imposed on municipalities by the Legislature.

Sincerely yours,

Sean Mahoney
Sean Mahoney
Falmouth Town Council

**Amendments to Ch.II-19 and Ch.II-24 of the Code of Ordinances
To Comply With State Mandates Regarding Poultry, Setback Variances,
and Energy Systems**

Town Council Introduction: 7/13/2026

CH. II-19 ZONING AND FLOODPLAIN MANAGEMENT

Sec. 19-40 Animals [Amended 01/11/2021]

- a. Household pets are allowed in all districts. Animals kept for personal use or enjoyment not falling within the definitions of household pets, including but not limited to wild animals, horses, cattle, sheep, goats, swine, and poultry are permitted only in accordance with the provisions of this section.
- b. Regulations for Animals Other Than Household Pets Kept for Personal Use or Enjoyment [Amended 10/27/08]:

	<u>F</u>	<u>RB, RD, VMU</u>	<u>RA, RC</u>	<u>HL, ESRD, MRSD, MUC, OSRD, R1N, TWMP, VC1, VC2</u>	<u>All Other Districts</u>
Minimum Lot Size	40,000 sq ft	40,000 sq ft	40,000 sq ft	N/A	Not Permitted
Animals Specifically Prohibited	None	Swine	Swine and Cattle	All except poultry	Not Permitted

- c. The keeping of more than one horse or head of cattle shall require an additional 10,000 square feet per animal in addition to the minimum lot size.
- d. Keeping of Poultry [Adopted 10/27/08; Amended 12/12/11]:
 1. General Restrictions
 - a. No roosters shall be permitted in any district with the exception of Farm and Forest.
 - b. No slaughtering shall be permitted in any district with the exception of Farm and Forest.
 - c. Notwithstanding ~~paragraph~~Section 19-40.b. above, no minimum lot size is required for the keeping of poultry.
 2. The following requirements shall be met for the keeping of poultry on lots less than 40,000 square feet in F, RB, RD, HL, and VMU, and all lots regardless of size in RA, ~~and RC~~, ESRD, MRSD, MUC, OSRD, R1N, TWMP, VC1, and VC2.
 - a. Fencing for containing poultry and enclosed coops shall be setback a minimum of twenty (20) feet from all property lines.

- b. Poultry shall be contained by fencing or other suitable materials installed in such a manner and to a sufficient height to restrict poultry from leaving the area of containment.
- c. Enclosed coops, if utilized, shall not exceed one (1) in number, 100 gross square feet or 12 feet in height.
- d. Waste Storage and Removal - Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 19-121 Set-back Variance For ~~Single-Family~~ Dwellings [Adopted, 5/27/93]

Notwithstanding subsection 19-120, the Board may grant a set-back variance for a ~~single-family~~ dwelling when strict application of this Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- a. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
- b. The granting of a variance will not alter the essential character of the locality;
- c. The hardship is not the result of action taken by the applicant or a prior owner;
- d. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- e. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

This subsection is strictly limited to permitting a variance from a set-back requirement for a ~~single-family~~ dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

CH. II-24 MUNICIPAL GREEN BUILDING ORDINANCE

Sec. 24-1 Statement of Purpose.

The purpose of this ordinance is to comply with Falmouth's Climate Action Plan, adopted on October 11, 2023, to reduce greenhouse gas emissions. The ordinance establishes performance requirements for constructing and renovating town buildings and facilities to maximize energy performance, minimize adverse environmental impacts, provide healthy workplaces, conserve natural resources, promote sustainable development, and achieve portfolio-wide zero emissions in government operations by 2040 to mitigate the impacts of climate change.

This is done by seeking LEED certification for all relevant projects, prioritizing proven energy efficiency strategies, and providing EV infrastructure, ~~and eliminating the use of non-emergency fossil fuel systems and appliances.~~

Sec.24-3 Requirements.

~~A.~~ New Construction and Major Renovation Requirements:

~~1.~~ All new construction and major renovation projects to be owned or occupied by the Town of Falmouth that are of 5,000 square feet (conditioned space) in floor area or greater shall meet the following requirements:

- a. Achieve LEED Certified level using the appropriate LEED Rating System.
- b. Achieve two or more points in the LEED Optimize Energy Performance Credit using Option 1, 2 or 3.

~~c. Shall be prohibited from installing fossil fuel systems for meeting regulated loads.~~

~~d.c.~~ The requirements related to electric vehicle infrastructure in a, b, and c, below, shall be met for:

- i. New construction projects involving the construction of 10 or more off street parking spaces for light duty vehicles and/or light duty trucks; and
- ii. Major renovation projects where the building is served by an existing parking facility with 20 or more off street parking spaces for light duty vehicles and/or light duty trucks and where the project increases the off-street parking space capacity by 30% or more:
 - a. All new parking spaces designated for overnight parking of government owned light duty vehicles and light duty trucks shall be EV Ready or EVSE spaces and at least 50% shall be EVSE spaces.
 - b. No fewer than 50% of new parking spaces not designated for overnight parking of government-owned vehicles shall be EV Capable, EV Ready, or EVSE spaces, and at least 10%, and no fewer than one, shall be EVSE spaces. Existing parking spaces may be used to meet these requirements if it is more feasible to install the required electric vehicle infrastructure in the location of existing parking spaces.
 - c. The building electrical panel must provide the physical space to accommodate the future installation of circuit breakers for EV Capable spaces and shall have sufficient electrical capacity to provide no less than 1.9 kVA per EV Capable space.

~~B.~~ Energy Retrofit Requirements:

~~1. New or replacement fossil fuel systems used for regulated loads are prohibited from being installed as part of an energy retrofit project for buildings that are owned or occupied by the Town of Falmouth.~~

**SUMMARY OF NEW STATE LEGISLATION (LDs 1655, 1143, 556)
AND ORDINANCE AMENDMENTS RELATED THERETO**

LD 1655 - An Act to Allow the Keeping of Chickens on Private Residential Property

This state law prohibits municipalities from adopting an ordinance that prohibits a person from keeping chickens on their residential property. Section 19-40 of the town's ordinance regulates the keeping of poultry for personal use in Falmouth. Currently, poultry is only allowed to be kept in the following zoning districts: Farm and Forest; RA; RB; RC; RD; HL; and VMU. As a result of this new state law, Falmouth's ordinance must be amended to allow the keeping of poultry in all of the town's other zoning districts that allow residential uses. This includes the ESRD, OSRD, Tidewater Master Planned Development District, Middle Road Special District, MUC, VC1, VC2, and Route One North District.

LD 1143 - An Act to Update Language on Setback Variances for Single-family Dwellings

Falmouth's ordinance includes a provision that allows the Board of Zoning Appeals (BZA) to grant setback variances for single-family dwellings subject to certain criteria and limitations. For municipalities that have adopted this variance provision, LD 1143 requires municipalities to amend their ordinances to track the Legislature's recent amendments to the statute. Specifically, municipalities are required to amend their ordinances to expand the applicability of this variance provision such that it applies to all types of dwellings and not just to single-family dwellings.

LD 556 - An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor

In 2024, the Town adopted a Green Building Ordinance which, among other things, prohibits the use of fossil fuel systems in certain town-related building projects. LD 556 prohibits municipalities from adopting an ordinance "*that prohibits the use of a safe and commercially available heating or energy system of an individual's or entity's choice to serve the individual's or entity's heating or energy needs*". This new state law invalidates the portion of the Town's Green Building Ordinance that prohibits the use of fossil fuel systems. Accordingly, those portions of the Green Building Ordinance must be deleted.

APPROVED
MAY 30, 2025
BY GOVERNOR

CHAPTER
174
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 1096 - L.D. 1655

An Act to Allow the Keeping of Chickens on Private Residential Property

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §219-D is enacted to read:

§219-D. Keeping chickens on residential property

A county or municipality may not adopt a regulation or ordinance that prohibits a person from keeping chickens on that person's residential property. For purposes of this section, "chicken" means a female domesticated bird that is raised for meat or eggs and does not include a fully mature domesticated male chicken. This section may not be construed to limit the home rule authority of a municipality.

APPROVED
JUNE 11, 2025
BY GOVERNOR

CHAPTER
263
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-FIVE

S.P. 474 - L.D. 1143

An Act to Update Language on Setback Variances for Single-family Dwellings

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4353, sub-§4-B, as amended by PL 1993, c. 627, §1, is further amended to read:

4-B. ~~Set-back~~ Setback variance for single-family dwellings. A municipality may adopt an ordinance that permits the board to grant a ~~set-back~~ setback variance for a ~~single-family~~ dwelling. An ordinance adopted under this subsection may permit a variance from a ~~set-back~~ setback requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;
- D. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

An ordinance adopted under this subsection is strictly limited to permitting a variance from a ~~set-back~~ setback requirement for a ~~single-family~~ dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a ~~set-back~~ setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. An ordinance may allow for a variance under this subsection to exceed 20% of a ~~set-back~~ setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, if the petitioner has obtained the written consent of an affected abutting landowner.

APPROVED
JULY 1, 2025
BY GOVERNOR

CHAPTER
456
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

S.P. 218 - L.D. 556

**An Act to Preserve Heating and Energy Choice by Prohibiting a
Municipality from Prohibiting a Particular Energy System or Energy
Distributor**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §3015 is enacted to read:

§3015. Heating or energy system

Unless otherwise authorized by statute, a municipality may not adopt any ordinance or regulation that prohibits the use of a safe and commercially available heating or energy system of an individual's or entity's choice to serve the individual's or entity's heating or energy needs, including the heating or energy needs of a motor vehicle, or that prohibits the individual or entity from engaging the services of a person or energy distributor to install, connect, service or resupply such a system. As used in this section, "energy distributor" means an individual or entity allowed to distribute or supply oil, propane, natural gas or wood or renewable resources or other related energy services to consumers in the State and "renewable resources" has the same meaning as in Title 35-A, section 3210, subsection 2, paragraph C.

This section does not limit the authority of a municipality to encourage the use of a particular type of heating or energy system or to spend funds in support of a particular type of heating or energy system. This section does not exempt any person or energy distributor that installs, connects, services or resupplies a heating or energy system from applicable licensing or other requirements governing such activities.

Falmouth, Maine ZONING MAP

Residential Districts

- Farm & Forest (F)
- Farm & Forest (Manufactured Housing) (Fm)
- Highland Lake Residential (HL)
- Residential A (RA)
- Residential A (Manufactured Housing) (RAm)
- Residential B (RB)
- Residential B (Manufactured Housing) (RBm)
- Residential C (RC)
- Residential D (RD)
- Open Space Residential (OSRD)

Special Districts

- West Falmouth Crossing Master Planned Dev (WFCMPD)
- Tidewater Master Planned Dev (TMPD)
- Village Park (VP)
- Hat Trick Drive (HT)
- Middle Road (MRSD)

Commercial/Mixed Use Districts

- Village Center 1 (VC1)
- Village Center 2 (VC2)
- Village Center Civic (VCC)
- Mixed Use Cluster (MUC)
- Village Mixed Use (VMU)
- Elementary School Redevelopment (ESRD)
- Route One North (R1N)

Overlay Districts

- Route 100 Corridor (CO) (1,000 ft from Rte 100)
- Highland Lake Conservation (HC)
- Water View (WV)
- Garden Center (GC)

Retirement Community Overlay Districts

- Ocean View (OVRC)
- Avesta (AVRC)

Zoning Effective:
03/10/65
Amended:
04/25/77
04/01/82
06/25/84
02/25/85
04/27/87
01/25/88
02/27/89
03/27/89
03/26/90
09/22/91
05/27/92
08/26/96
01/26/98
11/23/98
11/27/00
10/27/03
04/04/05
11/24/08
04/09/12
04/23/12
05/30/12
05/13/13
11/09/15
07/11/16
08/26/19
04/25/22
03/09/26

NOTE: Also see Town of Falmouth's Zoning and Site Plan Review Ordinance for spatial requirements and performance standards.

See Official Falmouth Shoreland Zoning Map for Shoreland Zoning delineation and districts.

Resource Conservation Zoning Overlay District includes the following Districts: RA, RB, RC, RD, F, and HL.



4,000

Feet

Map Printed: 3/26/2026
Parcels Updated April 1, 2025

I CERTIFY THIS TO BE A TRUE COPY OF THE OFFICIAL ZONING MAP AS AMENDED BY VOTE OF THE TOWN COUNCIL.

TOWN CLERK



**TOWN OF FALMOUTH
ORDER NO 10-2027**

**BE IT HEREBY ORDERED THIS 13TH DAY OF JULY 2026, BY THE
FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN
COUNCIL ASSEMBLED:**

to set a public hearing on Ordinance Amendments to Ch.II-19 and Ch.II-24 of the Town of Falmouth
Ordinances for August 10, 2026.

Attest: _____
Ellen Planer
Town Clerk