



TOWN OF FALMOUTH

TOWN COUNCIL

2026.08.24 TOWN COUNCIL MEETING PACKET

07:00 PM



TOWN OF FALMOUTH
2026.08.24 TOWN COUNCIL MEETING AGENDA
07:00 PM

Roll Call

Pledge of Allegiance.

1. Item 1- Public Comment Period.

Summary

Public Comment Period.

Description

This is an opportunity for members of the public to address the Council on matters which are not scheduled for public comment at this meeting.

2. Item 2- Consent Agenda.

Summary

Order to approve the minutes of the July 13, 2026 Special Town Council Meeting.

Order to approve the minutes of the July 21, 2026 Town Council Annual Work Planning Session.

Order to approve the minutes of the July 27, 2026 Town Council Meeting.

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

ACTION: Council action is anticipated.

Description

The draft minutes and orders are attached.

Attachment: [DRAFT 2026.07.13 Special Town Council Meeting](#)

Attachment: [DRAFT 2026.07.21 Town Council Annual Work Planning Session](#)

Attachment: [DRAFT 2026.07.27 Town Council Meeting](#)

Attachment: [Order 19-2027.pdf](#)

Attachment: [Order 20-2027.pdf](#)

Attachment: [Order 21-2027.pdf](#)

3. Item 3- Report from staff, Council committees, and Council liaisons regarding updates on assignments and projects.

Summary

Report from staff, Council committees, and Council liaisons regarding updates on assignments and projects.

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

ACTION: Council action is not anticipated.

4. Item 4- Public Hearing and Order Relative to a Special Amusement Permit Application from Sicilian Table.

Summary

Public Hearing and Order Relative to a Special Amusement Permit Application from Sicilian Table.

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

ACTION: Council action is anticipated.

Description

The Falmouth Code of Ordinance requires establishments licensed to serve alcohol to apply for a Special Amusement Permit for any entertainment, music, or dancing on their premises. Sicilian Table, located at 261 US Rt 1, is requesting the following permits:

Class I. Permit for live performances of music, provided nevertheless that the Class I permit shall limit the holder of same to three (3) live musicians or singers performing within the restaurant structure. No dancing or floor show entertainment shall be allowed on the premises holding a Class I permit.

The entertainment will be scheduled between the hours of Mondays and Tuesdays, 5:30-8:30 PM.

Attachments:

- Application
- Order 22-2027

Attachment: [Sicilian Table Special Amusement Permit.pdf](#)

Attachment: [Order 22-2027.pdf](#)

5. Item 5- Maine Turnpike Authority 1-95 Safety Improvements Update.

Summary

Maine Turnpike Authority 1-95 Safety Improvements Update.

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

ACTION: Council action is not anticipated.

Description

The Maine Turnpike Authority held a public meeting for Falmouth residents on Phase 2 of the Portland Area Mainline Safety Program, which is evaluating safety improvements along I-95 from Exit 48 in Portland to south of Exit 53 in Falmouth.

The meeting was held at Mountainside Community Church on Tuesday, August 18.

Phase 2 improvements include:

- bridge and roadway upgrades
- a new median barrier
- wider shoulders throughout the corridor, including between Exits 52 and 53
- potential addition of third travel lane with replacement of Blackstrap Road Bridge

A representative from the Maine Turnpike Authority will provide an update on the project and feedback obtained during the public meeting.

Read about the Portland Area Mainline Safety Program Phase 2

6. Item 6- Order to vote for Maine Municipal Association Vice President and three Executive Committee members.

Summary

Order to vote for Maine Municipal Association Vice President and three Executive Committee members.

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

ACTION: Council action is anticipated.

Description

A copy of the letter from MMA, official ballot, nominee bios, and the order are attached.

Attachment: [Memo.pdf](#)

Attachment: [Bios.pdf](#)

Attachment: [Ballot.pdf](#)

Attachment: [Order 23-2027.pdf](#)

7. Item 7- Ordinance regarding 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.

Summary

Ordinance regarding 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.

A public comment period will not be included with this item, as public comment was taken at a previous meeting.

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 has recommended that these amendments be adopted. These amendments were introduced at the Council's July 13, 2026 meeting, the Planning Board held its MRA hearing on August 4, 2026, and the Council held its public hearing on August 10, 2026.

Attachments associated with this agenda item include:

- Councilor introduction letter
- Proposed ordinance amendment language
- A background document summarizing the proposed ordinance amendments
- Planning Board MRA hearing summary
- The Town's Zoning Map
- Ordinance 24-2027

Attachment: [Councilor_IntroLetter.pdf](#)

Attachment: [Ordinance Amendment_Legislative Mandates.pdf](#)

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

Attachment: [Planning Board MRA Summary.pdf](#)

Attachment: [FalmouthOfficialZoningMap.pdf](#)

Attachment: [Ordinance 24-2027.pdf](#)

8. Item 8- Discussion regarding proposed amendments to the Community Development Department fee schedules.

Summary

Discussion regarding proposed amendments to the Community Development Department fee schedules.

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

ACTION: Council action is not anticipated.

Description

The FY 2027 budget proposed to amend and increase permitting fees associated with applications administered by the Community Development Department. The purpose of these proposed fee increases is to generate an additional \$100,000 in non-property tax revenue annually. The primary focus of the amendment is to update fees that have not been increased in 24 years. More modest fee adjustments are being proposed to fees that have been updated more recently. Staff presented the proposed amendments to the Finance Committee at the committee's August 17, 2026 meeting.

Although the fee schedules may be amended by council order in one council meeting, the Finance Committee has proposed that the council utilize a two-meeting review process for considering the proposed amendments. The intent is for the first council meeting to consist of a council discussion, and for the second council meeting to consist of a public comment opportunity and possible vote on the amendments. Please see the attached background memo for additional information.

Attachments associated with this agenda item include:

- Proposed fee schedule amendments
- Background memo

Attachment: [Fee schedule redline.pdf](#)

Attachment: [Background Memo_Fee schedule amendments.pdf](#)

Adjourn

Remote Attachment:

[DRAFT 2026.07.13 Special Town Coun ... champds.com/falmouthme/event/3384](https://play.champds.com/falmouthme/event/3384)
(<https://play.champds.com/falmouthme/event/3384>)

Remote Attachment:

[DRAFT 2026.07.21 Town Council Annu ... champds.com/falmouthme/event/3390\)](https://play.champds.com/falmouthme/event/3390)
(<https://play.champds.com/falmouthme/event/3390>)

Remote Attachment:

[DRAFT 2026.07.27 Town Council Meet ... champds.com/falmouthme/event/3393\)](https://play.champds.com/falmouthme/event/3393)
(<https://play.champds.com/falmouthme/event/3393>)



TOWN OF FALMOUTH

ORDER NO 19-2027

APPROVE THE JULY 13, 2026 SPECIAL TOWN COUNCIL MEETING

BE IT HEREBY ORDERED THIS 24TH DAY OF AUGUST 2026, BY THE FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:

to approve the minutes of the July 13, 2026 Special Town Council Meeting.

Attest: _____
Ellen Planer
Town Clerk



TOWN OF FALMOUTH

ORDER NO 20-2027

**APPROVE THE JULY 21, 2026 TOWN COUNCIL ANNUAL WORK
PLANNING SESSION**

**BE IT HEREBY ORDERED THIS 24TH DAY OF AUGUST 2026, BY THE
FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN
COUNCIL ASSEMBLED:**

to approve the minutes of the July 21, 2026 Town Council Annual Work Planning
Session.

Attest: _____
Ellen Planer
Town Clerk



TOWN OF FALMOUTH

ORDER NO 21-2027

APPROVE THE JULY 27, 2026 TOWN COUNCIL MEETING

BE IT HEREBY ORDERED THIS 24TH DAY OF AUGUST 2026, BY THE FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:

to approve the minutes of the July 27, 2026 Town Council Meeting.

Attest: _____
Ellen Planer
Town Clerk



SPECIAL AMUSEMENT APPLICATION

Name: _____ Bob Boland _____ Contact: 207-869-5100

Residence Address: PO Box 346 Freeport, ME 04032

Business Name: _____ Sicilian Table _____ Phone: 207-805-1133

Business Address: 261 US Rt 1 Falmouth, ME 04105

E-Mail Address: _____ bboland@maineepm.com _____

Class of Permit Requested (please check one)

I ☒ _____

Class I. Permit for live performances of music, provided nevertheless that the Class I permit shall limit the holder of same to three (3) live musicians or singers performing within the restaurant structure. No dancing or floor show entertainment shall be allowed on the premises holding a Class I permit.

II _____

Class II. All of the privileges allowed in a Class I permit plus dancing within the restaurant structure to recorded or live music with no limitation upon the number of live musicians or singers.

III _____

Class III. All of the privileges allowed in Class I and Class II permits plus a floor show type of entertainment within the restaurant structure.

Type of entertainment to be provided: piano music, Mondays and Trio piano w/ singing Tuesdays _____

Specify days and times when entertainment would be provided:

_____ Mondays & Tuesdays, 5:30pm-8:30pm _____

Location of entertainment: _____ inside building _____

Has the applicant ever had their license to conduct business either denied or revoked?

_____ Yes ☒ No If yes, describe specifically the circumstances. _____

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Has the applicant, partners, associates, or corporate officers ever been convicted of a felony? ____ Yes x No If yes, the application must describe specifically the circumstances. _____

The fee for a Special Amusement Permit is \$10.00, non-refundable and payable when the application is made for the permit.

[Handwritten Signature]
Applicant's Signature

8-10-26
Date

Applicant's Signature

Date

- No special amusement permit shall be issued for anything or act or premises, if the premises and buildings to be used do not fully comply with all ordinances, codes and regulations of the town.
- The fee for a special amusement permit shall be as set by order of the town council and on file in the town clerk's office and is nonrefundable and must be paid when application is made for the permit.
- A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee as defined in the Maine Revised Statutes who has been issued a special amusement permit may charge admission in designated areas approved in the permit.
- Prior to granting a special amusement permit, the town council shall hold a public hearing after receiving a completed application, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken. Notice of the hearing shall be given a minimum of seven (7) days prior to such hearing to the general public by publication on the Town's website and in writing to the applicant and all abutters within 250 feet from the restaurant structure. The applicant shall pay the cost of the abutters notice. (Amended 04/28/2014)

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- Prior to obtaining a permit, the applicant must show at the public hearing required in this section that:

1. The issuance of the requested permit will not be detrimental to the public health, safety, or welfare;
2. The proposed activity to be licensed will not create a traffic hazard;
3. The applicant has ample parking to accommodate the proposed activity;
4. The proposed activity will not, either by reason of its scope or noise, adversely affect surrounding or abutting property and that it will not unreasonably interfere with the use, enjoyment and value of surrounding and/or abutting property;
5. The applicant is in conformance with all provisions of the town zoning ordinance, all applicable health codes, and other applicable municipal, state and federal codes, ordinances, regulations and statutes;
6. In the case of a facility located in a residential A, B or C zone, that the activities will not tend to change the residential character of the neighborhood, nor will the activities require the addition of new restaurant dining or bar space, excluding food preparation and storage areas.

- In making the determination of whether the applicant has satisfied the criteria set forth in above, the town council shall consider, but shall not be bound by neighborhood opinion and sentiment.
- A special amusement permit shall be valid only for the license year of the applicant's existing liquor license.
- Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are approved for or required by ordinance or state law or are reasonably necessary to secure compliance with any town ordinance, code or regulation or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the town authorized to make the inspection at any reasonable time that admission is requested.
- In addition to any other penalty which may be provided, the town council may revoke the special amusement permit of any licensee who refuses to permit any such officer, official or employee to make an inspection or who interferes with such officer, official or employee while in the performance of his duty, provided that no license or special amusement permit shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises at the time it is sought to make the inspection.

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TOWN OF FALMOUTH

ORDER NO 22-2027

APPROVE A SPECIAL AMUSEMENT PERMIT

**BE IT HEREBY ORDERED THIS 24TH DAY OF AUGUST 2026, BY THE
FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN
COUNCIL ASSEMBLED:**

To authorize a Special Amusement Permit for Sicilian Table, to allow live music.

Attest: _____
Ellen Planer
Town Clerk



MAINE MUNICIPAL ASSOCIATION SINCE 1936

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

To: Key Municipal Officials of MMA Member Municipalities
From: Catherine Conlow, Executive Director
Date: July 27, 2026
Subject: MMA Annual Election: Vice President & Executive Committee Members

DEADLINE: Friday August 28, 2026, 12:00 p.m.

CAST YOUR VOTE FOR THE 2027 MMA EXECUTIVE COMMITTEE

Election Process. Your ballot is attached to help chart the future of MMA. You are voting for Vice President and three committee seats. The Maine Municipal Association (MMA) Executive Committee is elected by member municipal select boards and councils to oversee the Association's operations.

Pursuant to MMA by-laws, these candidates were interviewed by a six-member Nominating Committee, which includes a former Executive Committee past president, an elected municipal officer, a municipal employee, a town or city manager, an MMA affiliate group representative, and an individual from a community-based organization representing the interests of an underrepresented group. As you will note, unlike municipal elections MMA does not provide an option for write-in candidates since our process includes an opportunity to nominate a candidate by petition. The petition process expired on July 20, 2026.

The candidates have provided a brief biography of themselves for you to reference.

The ballot must be signed by a majority of the municipal officers (e.g., select board or council), or a municipal official designated by a majority of the municipal officers and received by MMA no later than **12:00 p.m. (noon) on Friday, August 28, 2026**. We have enclosed a self-addressed, stamped envelope for your convenience. Ballots will be counted on the afternoon of August 28, with the election results confirmed by MMA President Justin Poirier, Monmouth Town Manager.

Election results will be available no later than September 1, 2026, and can be accessed by either contacting the MMA Executive Office or visiting MMA's website at www.memun.org. A formal announcement of the election results will be made at the MMA Annual Business Meeting, and the newly elected members will be introduced at the Awards Luncheon, both of which will be held during MMA's annual convention on Wednesday, October 7.

The newly elected Executive Committee members will take office on January 1, 2027.

If you have any questions on the election process, please do not hesitate to contact me or Kelly Maines at 1-207-623-8428 or by e-mail at kmaines@memun.org. Thank you.



WWW.MEMUN.ORG

NOMINATIONS - 2027
Maine Municipal Association
EXECUTIVE COMMITTEE – BIOGRAPHIES

VICE PRESIDENT NOMINEE: 1-YEAR TERM

Shiloh LaFreniere – Town Manager, Town of Jay

Professional & Municipal Experience & Committees:

Jay Town Manager	2014-present
Code Enforcement Officer, Town of Jay	1997-2014
Environmental Code Administrator, Town of Jay	1997-2010
Wellness Coordinator, Town of Jay	2005-2014
E911 Addressing Officer, Town of Jay	2010-2014
Deputy Finance Director, Town of Jay	2012-2014

Education & Certificates:

Bachelor's in business administration
State of Maine Notary Public

Affiliations & Certifications:

- Maine Municipal Association Executive Committee & Strategic Finance Committee
- Maine Town, City and County Management Association Ethics Committee
- Androscoggin Valley Council of Governments – Past President, Executive Committee
- Maine Infrastructure Rebuilding and Resilience Commission Member
- Maine Health Franklin Community Health Network EMS Advisory Board Member
- Institute for Civic Leadership, Maine Development Foundation 2022
- Past Member of the State of Maine Technical Building Codes and Standards Board

EXECUTIVE COMMITTEE NOMINEES: 3-YEAR TERMS

Chris Camire – Town Council Chair, Town of Lisbon

Professional & Municipal Experience & Committees:

Senior Manager, Technical Services, Tyler Technologies, Inc.	2023-present
Manager, Technical Services, Tyler Technologies, Inc.	2021-2023
Town Council, Town of Lisbon	2024-present
General Assembly, Androscoggin Valley Council of Governments (AVCOG)	2026-present

Education & Certificates:

University of Southern Maine – Bachelor of Arts, Political Science and Information & Communications

Michele LaBree Daniels – City Council, City of Brewer

Professional & Municipal Experience & Committees:

City Council Member, City of Brewer	2019-Present
Mayor, City of Brewer	2020-2022
	2024-2025
Budget Committee Member, Penobscot County	2020-2024
Telecommunications, Customer Service, Supervisor/Trainer	1995-2015
General Manager, Hospitality Management	1989-1995

Committee Membership 1999-2019:

Member - Greater Bangor Regional Economic Group
Board Member - Brewer Land Trust
Board Member - Brewer Conservation Commission
Member - Greater Bangor Regional Economic Group
Board Member - Brewer Cemetery Board
President - Brewer Library Trustees
Member - Brewer Parks & Recreation Advisory Commission
Liaison - Penobscot County Commissioners

Education & Certificates:

John Bapst Memorial High School
Trinity College, Burlington, Vermont – U.S. History and Canadian Studies
National League of Cities University – Grant Writing Bootcamp
Maine Municipal Association – Ongoing Training
National League of Cities University – Housing as an Economic Development Tool

Affiliations & Certifications:

- National League of Cities – Public Safety & Crime Prevention; Small Cities Council
- Maine Municipal Association Co-Ambassador for NLC Congressional City Conference -Hill Day.

Richard Petrie – Town Manager, Town of Jackman

Professional & Municipal Experience & Committees:

Jackman Town Manager	2025-present
North East Mobile Health Services	
- Chief Executive Officer	2023-2025
- Chief Operations Officer	2021-2023
Atlantic Partners EMS - CEO	2011-2021
Kennebec Valley EMS Council - Regional Director	2000-2011
Chair, Maine Trauma Advisory committee	2018- 2025
Member, Maine Legislative EMS Blue Ribbon Commission	
Member, Maine General Medical Center Institutional Review Board	

Education & Certificates:

- MMA Leadership Program
- Adjunct Faculty, National Ambulance Training Schools (Ireland & Northern Ireland)
- Adjunct Professor, Fiji National University
- Active educator and presenter on leadership, governance, and EMS administration
- Contributing Author: Mosby EMT Text, Legal Issues for EMS

Affiliations & Certifications:

- ICS 100, 200, 700, 800
- Local Health Officer Certification
- Town Meeting & Election Law Training
- General Assistance (Foundations & Advanced)
- Vital Records Training
- Transfer Station Operations (Core 1 & Core 3)
- Notary Public
- BMV Registration Training (Standard & Commercial)



**MAINE MUNICIPAL
ASSOCIATION SINCE 1936**

BALLOT

Election of MMA Vice President and Executive Committee Members

Deadline for Receipt of Ballots – 12:00 noon on Friday, August 28, 2026

VICE-PRESIDENT - 1 YEAR TERM

Vote for One

Proposed by MMA Nominating Committee:

Shiloh LaFreniere, Jay Town Manager

☐

EXECUTIVE COMMITTEE MEMBERS - 3 YEAR TERM

Vote for Three

Proposed by MMA Nominating Committee:

Chris Camire, Lisbon Council Chair

☐

Michele LaBree Daniels, Brewer City Council

☐

Richard Petrie, Jackman Town Manager

☐

Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition, which ended on July 20, 2026.

The ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

DATE: _____ **MUNICIPALITY:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

PRINT NAME: _____ **POSITION:** _____

SIGNATURE:

OR

Signed by a majority of Municipal Officers:

Current Number of Officers: _____

PRINT NAME

SIGNATURE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Return to: MMA Annual Election
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
Email: kmaines@memun.org



TOWN OF FALMOUTH

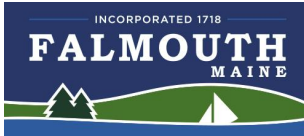
ORDER NO 23-2027

ELECTION OF MMA VICE PRESIDENT AND EXECUTIVE COMMITTEE MEMBERS

BE IT HEREBY ORDERED THIS 24TH DAY OF AUGUST 2026, BY THE FALMOUTH TOWN COUNCIL, FALMOUTH MAINE, IN TOWN COUNCIL ASSEMBLED:

to elect a Vice President and three Executive Committee members to the Maine Municipal Association's Executive Committee.

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**

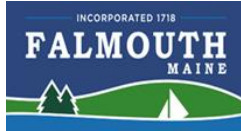
Be it enacted by the People of the State of Maine as follows:

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.



Memorandum

Date: August 4, 2026
To: Town Council
From: Nicholas King, Land Use Planner
Re: Planning Board MRA Hearing – 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.

At its August 4, 2026, meeting, the Planning Board, acting as the Town's designated Municipal Reviewing Authority, held a public hearing on proposed amendments to Ch.II-19 and Ch.II-24 of the Code of Ordinances relative to state mandates regarding poultry, setback variances, and energy systems.

No members of the public spoke at the public hearing.

The Planning Board voted 5-0 to recommend that the Council approve the proposed ordinance amendment as drafted.

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

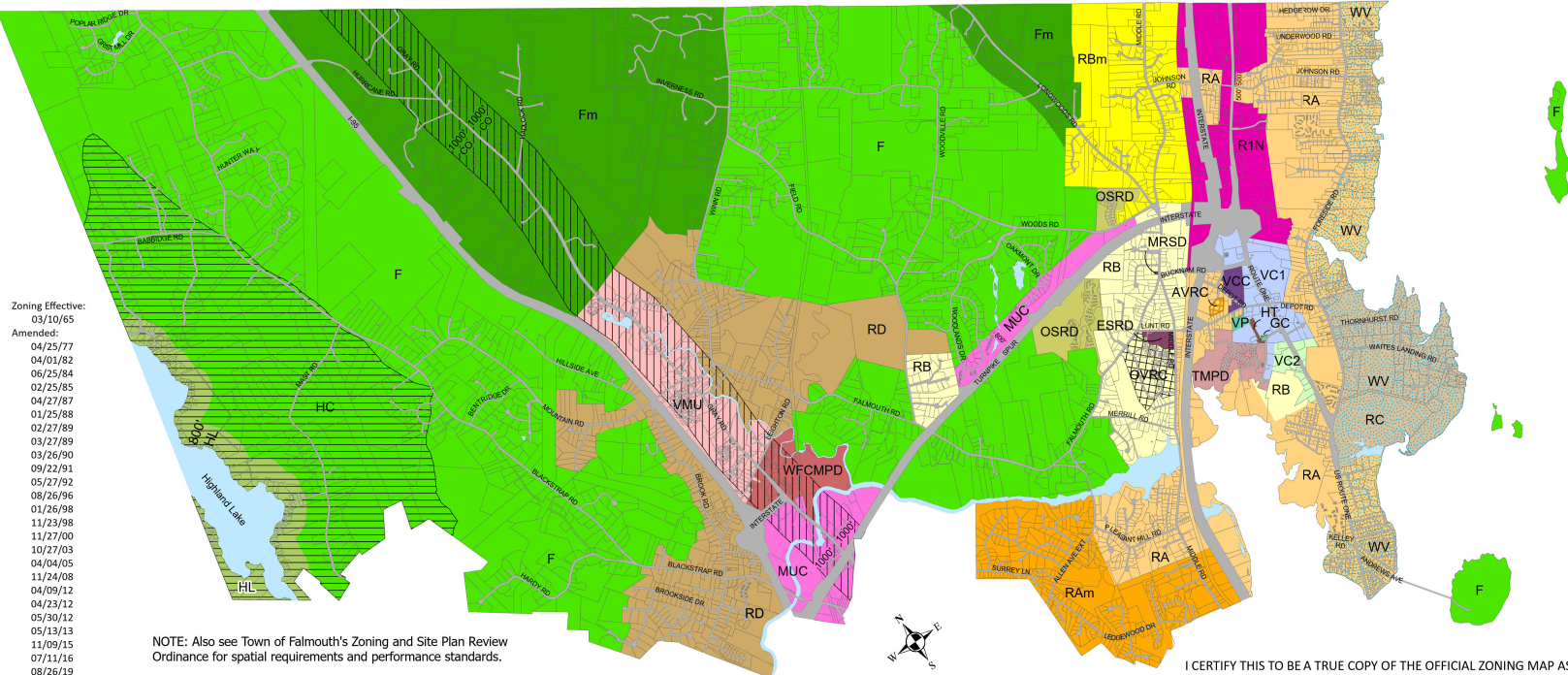
- Village Center 1 (VC1)
- Village Center 2 (VC2)
- Village Center Civic (VCC)
- Mixed Use Cluster (MUC)
- Village Mixed Use (VMU)
- Elementary School Redevelopment (ESRD)
- Route One North (R1N)

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
ORDINANCE NO 24-2027**

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**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances, be amended as follows:



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~~ 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. 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.

New Construction and Major Renovation Requirements:

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.~~

Attest: _____
Ellen Planer
Town Clerk

Proposed Amendments Community Development Department Fee Schedules

CODE OFFICE FEE SCHEDULE AMENDMENTS

Residential

New Construction:

Finished Areas - ~~\$.6025~~ per sq ft
 Unfinished Areas - ~~\$.2505~~ per sq ft
~~Shed: to 200 sf \$25, over 200 sf, \$25 plus \$0.05/sf~~
~~Accessory Building, over 200sf, \$25 plus \$0.05/sf~~
 Porch/Deck - ~~\$10 plus \$.3015 per /sq ft of floor area~~

Renovation: ~~\$105 per /~~ \$1,000 of estimated construction cost

Commercial/Industrial

New Construction:

~~\$1540~~ per \$1,000 ~~of estimated construction cost for new commercial~~

Renovation: ~~\$20 + \$107 per/ 1,000 of estimated construction cost~~ ~~fraction thereof of the estimated cost~~

Miscellaneous

Swimming Pools: ~~\$15075~~
 Demolition Permits: ~~\$5025~~

Electrical-~~Administrative~~: ~~\$5025 per component~~
 Electrical: ~~\$0.063~~ per sq ft

HVAC, heating/air conditioning: ~~\$5025 per component~~
 Signs: ~~\$50 per sign face~~ ~~25 for the first plus \$5 for each additional sign or face~~

LAND USE PERMIT FEE SCHEDULE AMENDMENTS (Planning Board)

Subdivision

Minor final or major preliminary	\$1500 first 3 lots/units	~~\$4500~~ each additional lot/unit
Major final	\$500	~~\$100~~ lot/unit

Private Way

Application fee	\$400	~~\$4500~~ lot/unit
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Site Plan Review

~~\$3500~~ dwelling unit

Shoreland Permit

Planning Board Review	~~\$3500~~
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Fill Permit

Planning Board Review	~~\$3500~~
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**Proposed Amendments
Community Development Department Fee Schedules
Town Council Discussion
8/24/2026**

Background/Purpose:

The FY 2027 budget contemplates increasing permitting fees associated with applications administered by the Community Development Department in order to generate an additional \$100,000 in revenue annually. In addition to increasing fees, the fee schedule amendments being proposed are intended to modernize the fee schedules by simplifying certain fee calculations and by providing a more consistent and equitable fee structure for certain permit types. In addition to generating the desired additional revenue, these changes should help to improve administrative efficiency and ease of use for applicants and staff.

Overview of Proposed Fee Changes:

The proposed fee amendments were developed after considering different factors, including:

- The duration of time since specific fees have been increased
Fees that have not been updated for a long time are being proposed to be increased more than fees that have been updated more recently. Fees associated with Planning Board applications were comprehensively updated in 2022, so more modest fee adjustments are being proposed for these fees. Fees associated with permits issued by the Code Office have not been comprehensively updated since 2002. Accordingly, there is a greater opportunity to generate additional revenue from fee increases to these Code fees.
- A comparison of fees charged by neighboring municipalities
Staff reviewed some fee schedules from surrounding municipalities. It can be difficult to perform an “apples to apples” comparison of fees from different municipalities because every community assesses fees in a different way. Still, it is apparent that, in certain cases, some of the Town's fees are quite a bit lower than those charged by some surrounding communities.
- The complexity of permit administration
Certain fee structures have had a tendency to generate confusion for applicants. This, in turn, generates the need for frequent follow-up clarification and correspondence from staff to explain the fee structures. Simplifying these fee structures, by eliminating extraneous fee components and/or by removing the need for performing multiple calculations to determine a fee, should help reduce this administrative burden and should be of benefit to both applicants and staff.

Fiscal Impact:

Predicting the amount of revenue that will be generated annually by development-related permitting fees is an inherently unpredictable exercise due to the nature of development. Development activity is driven by factors beyond the Town's control including, without limitation, the personal desires of property owners and market forces. In general, revenue generated by residential fees is more predictable and consistent than revenue generated by non-residential fees, which can fluctuate wildly from year to year. Actual revenue generated by development-related fees in any given year will always fluctuate based on the scope of construction activity and the volume of permits received in any given year. With that caveat, and using previous permit activity as a comparison, the fee schedule amendments being proposed have attempted to generate the desired additional \$100,000 in annual revenue.