

**COUNCIL MEETING #15-19  
JUNE 4, 2019**

Chair Tracy asked Mr. Joseph to bring the Council up to speed because this was an item we didn't take up previously because we were hoping it would be resolved. Mr. Joseph explained that it has not been resolved. It has been on and off the agenda for about three months now. Victualer's licenses are renewed in January and in this case, the vendor did not obtain a Victualer's License because of non-payment of taxes. There are outstanding finances but specifically relevant to the Ordinance there are outstanding real estate taxes on the property. We were told prior to the last Council meeting, and we did work in good faith, that there was a financial arrangement on the way and we were going to receive full payment of 2018 and 2019 taxes. Both installments are past due. 2018 was liened already and would have been in tax foreclosure soon and 2019 is nearing the lien process now. Ms. Maloy advised that the last she heard no payments have been received. The Ordinance is pretty specific. You have to be current on taxes. Mr. Joseph knows there has been concerns about if communication was adequate in this case. The retailer was talked to immediately after by the Town Clerk. She did call and provided an update on what happened at the last Council meeting and was made aware that it was Tabled and it was re-noticed in the paper so there has been communication and that was when we were told financial arrangement was coming but never materialized. That is the history. Our Ordinance is funky in that it asks the Council, before enforcement action for non-obtainance in obtaining a Victualer's License. The first step is that the Council has to make a determination that the vendor should be required to get a Victualer's License before enforcement can move forward. That is all that is in front of the Council right now. The rest of it can be handled just like we would any other enforcement action. This is like the check on staff enforcement of not obtaining a Victualer's License. The Council needs to come to a determination that yes, that qualifies. The minimum standard for a Victualer's License is the preparation of food. It is pretty cut and dried. There is preparation of food that happens at this location. That is not disputed by the owner or the Town. Mr. Joseph advised that there is a copy of the installment contract that was entered into between the Town and the vendor in an attempt to get current to make payments. This is something the Town tried to bend over backwards to make happen for businesses and we did it in this case.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Reighley & Gleeson)

**VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That a determination be made whether Doherty's North Freeport General Store, 130 Wardtown Road is required to obtain a Victualer License pursuant to Section 8 of Freeport's Victualer License Ordinance (Chapter 30). (Horne & Gleeson)

Chair Tracy noted we have heard the background and have tried to defer this decision to try to get an arrangement worked out but it is before us now and we do have a requirement that taxes be paid prior to the issuance of a Victualer's License. We hold other businesses to that standard. This is a difficult decision because Doherty's North Freeport Store is a local institution and the Town continues to try to work with them and maybe Staff can do that in the next phase of discussions.

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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**OTHER BUSINESS:**

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1. Discussion regarding the recent petition to repeal the Retirement Community Overlay District (Approved for Freeport Living LLC in 2006).

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Mr. Joseph mentioned that the Town Council received a petition. The organizer of the petition, Mr. Kennedy, is here in the event there are questions. This is to repeal an overlay district that was created. The Overlay District section in the Ordinance is very specific that the Town Council can repeal it if development has not started within a certain period of time. It's been about 13 years since the project was approved which is far beyond any time requirement in the Ordinance. There are no project approvals in place. The original property owner does still own the property but there is not a vested right to construct what was originally approved under this Overlay District. They would have to come back to the Project Review Board and get re-approved by the Town. This Overlay District does mean what was originally approved could be considered if it was left in place but it would still need an approval. It is not buildable without approval from the Project Review Board. The neighbors have approached and asked the Town Council to rescind it as outlined in the Ordinance. The procedure is outlined in the Ordinance. We have consulted with the Town Attorney and his recommendation is for the Town Council to treat it as a map amendment, so essentially an overlay district is creating a district on the Zoning Map. The map amendment process is a public hearing at the Planning Board, a Planning Board recommendation to the Town Council and then a public hearing at the Town Council and a vote by the Town Council. It is just like any zoning map amendment. To get a map amendment in front of the Planning Board there are three ways it can go. The Town Council can recommend that the Planning Board take it up and provide a recommendation to the Council which we do frequently. We give them direction. The other option is if the Town Council didn't want to do that, or nobody asked you, an applicant can approach the Planning Board on their own with an application fee. In this case, the petitioners, if the Council didn't want to send it to them, have the ability to approach the Planning Board but it is a \$300+ application fee. If there is broad support on the Town Council and things are sent by the Council to the Planning Board so the applicant doesn't have to bear that kind of cost. The other way it can be done is that the Planning Board can take it up on their own and send it to the Council. If the Council feels it is sufficient public interest, that it be taken up essentially on the Town's dime, recommend to the Planning Board and the Planning Board starts the process.

Councilor Horne asked if all the ducks are all lined up, what is the fastest time we are looking at. Mr. Joseph explained that it could be two weeks at the Planning Board and two meetings at the Council. He estimates it could be a month and a half at the fastest.

**MOVED AND SECONDED:** That the Council make a recommendation to the Planning Board to withdraw the Retirement Community Overlay District. (Egan & Reighley)  
**VOTE:** (7 Ayes)

Guy Quartrucci noted he understands the process but the Planning Board generally doesn't meet in July and August. They would like to expedite this. Mr. Joseph offered to work with Planning Staff and invited Mr. Quartrucci to come in and talk with him. It could not be heard tomorrow because they have to notice a public hearing. If there is a second meeting in June, there is no reason it cannot be on it. They are very busy and have been having extra meetings. He committed to working with Staff to get it on there and not delay it.

Chair Tracy feels it is an important thing but it also has been sitting here for 13 years. We will say that we would like them to look at it.

2. Discussion regarding listing the Bartol Library Building with a Commercial Broker.


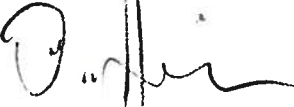
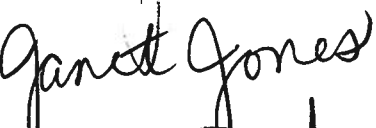
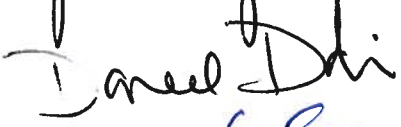





Mr. Joseph mentioned that he and Councilor Gleeson have met and exchanged phone calls with a couple of interested parties. Mr. Joseph contacted five local brokers that are active in Freeport. They got

May 13, 2019

We the undersigned resident property owners of Freeport, Maine, residing in the Winston Hill Retirement Overlay District, (also referred to in town records as *Greystone Freeport Living Retirement Community*) created October 17, 2006, Freeport Town Council Item #144-06 "To consider action relative to amendments to the Zoning Map; Commercial 2, Rural Residential 1, Resource Protection 2 and Medium Density Residential 2, to provide a Retirement Community Overlay District" are requesting that the Town of Freeport, Maine, repeal and terminate all rights and repeal this designated Retirement Overlay District in accordance with and by enforcement of the provisions set forth in Section 531 G. Town of Freeport, Maine Zoning Ordinance:

**Section 531.G.** The town may repeal a Retirement Community Overlay District created at the request of the property owners within the district and terminate all rights in the overlay provision if:

2. Substantial construction has not begun on the improvements shown in the approved subdivision and/or Site Plan within three (3) years of the Town Council's vote to create the district.

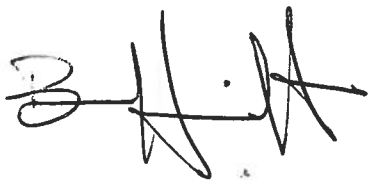
	Gerald Kennedy	47 Pine St
	David Jones	48 pine st
	Janet Jones	48 Pine Street
	Daniel Dafni	48 Pine Street
	Lynn E. Shafer	19 Highview Rd
	JULIA DAHMER	5 HIGHVIEW RD
	DOUGLAS DAHMER	5 HIGHVIEW RD
	Eric Horne	62 Pine Street
	John Beckwith	6 Acadia Lane

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Ben Hamilton 25 Lookout Drive

5/14/2019

Nancy B. Edwards NANLY B. EDWARDS 43 Primrose Lane

Michael J. Edwards 43 Primrose Lane

Stafford Soule Stafford Soule 40 Primrose Lane

Leslie Soule Leslie Soule 40 Primrose Lane

MARY C BERGQUIST 36 PRIMROSE LANE

13 Craig Bond 18 Lookout Dr

Eesa Andreassen 28 PINE ST

Matt Andreassen 28 pine st

MARIE-CHRISTINE LeHay 28 Pine St

Marie Christine LeHay

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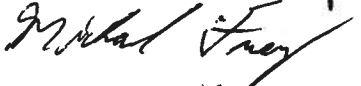
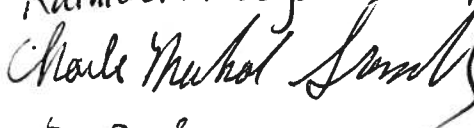


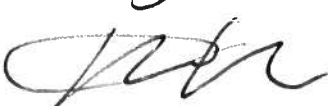

5/14/2019	April Dietert	April Dietert	24 Sea Rose Lane
"	Hugh Bowen	Hugh Bowen	5 Horizon Ln.
"	Michelle Broderick	Michelle Broderick	7 Broad Sound
"	James M. Klick	James M. Klick	5 Ship View Ln
"	Alicia H. Klick	Alicia H. Klick	5 Ship View Lane
"	JoAnn Clayton-Townsend	JoAnn Clayton-Townsend	6 Ship View Lane
"	Emily Grote	Emily Grote	5 sunrise Dr
5/14/19	Stephanie Madore	Stephanie Madore	21 Lookout Dr.
5/14/19	JEAN AARONSON	JEAN AARONSON	20 Look Dr.

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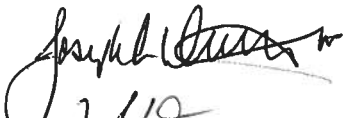


**2.Substantial construction has not begun on the improvements shown in the approved subdivision and/or Site Plan within three (3) years of the Town Council's vote to create the district.**

	Elizabeth Frey	33 Pine St. Freeport
	Michael Frey	33 Pine St. Freeport
Kathleen Keegan	Kathleen Keegan	10 Stagecoach Rd Freeport
	C. Michael Sandburg	21 Pine St.
	Douglas & Deborah	2 Hutton Road Freeport
Mary M. Kennedy	Mary M. Kennedy	47 Pine St. Freeport
Amy Doyle		11 Harbor Ridge Rd.
Preston Noon		11 Harbor Ridge
	Marjorie BENO	74 Pine Street

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2. Substantial construction has not begun on the improvements shown in the approved subdivision and/or Site Plan within three (3) years of the Town Council's vote to create the district.

	Robert Aranson	20 Lookout Drive
	CATHERINE MCGOWAN	18 Lookout Dr. Freeport, ME
	Joseph Dietrich	24 Sea Rose Ln Freeport ME
	Hayden Dietrich	24 Sea Rose Ln Freeport ME
	Julie Coleman	21 Winston Hill Rd Freeport ME 04032

## **Section 531. Retirement Community Overlay District**

### **A. Purpose**

The Retirement Community Overlay District is intended to provide flexibility and creativity in the design and development of retirement communities that provide a continuum of care and a range of living environments for older residents in locations that are appropriate for this type of development. The overlay district is designed to foster high quality communities that are an asset to the Town while assuring that these developments are good neighbors.

### **B. Effect of Designation as an Overlay District**

The Retirement Community Overlay District is intended to function as an overlay district. As such, the requirements of the underlying zoning district will remain in force and will apply to all use of land and buildings within the Overlay District except as specifically modified by the provisions of this Section 531. The designation of an Overlay District is intended to recognize that a planned retirement community has special considerations that do not apply to other uses and to allow for additional flexibility in the permitting of these uses in return for an increased level of community oversight.

### **C. Definitions Applicable in the Retirement Community Overlay District**

1. Care bed. A resident's bed located within an elderly housing room and designed to be occupied by only one person.
2. Elderly housing dwelling unit. A room or group of rooms within a retirement community designed and equipped as living quarters for one elderly household, including living, sanitary, sleeping and kitchen facilities, and not located within a multi-unit building which also contains central dining facilities in which meals are made available to residents as part of a supportive services program.
3. Elderly housing unit. A room or group of rooms within a retirement community designed and equipped for occupancy by one elderly household, including living, sanitary and sleeping facilities, but not including kitchen facilities, except that kitchen facilities may be provided if the room or group of rooms is located within a multi-unit building which also contains central dining facilities in which meals are made available to residents as part of a supportive services program.
4. Elderly housing room. A room within a retirement community that is not part of an elderly housing dwelling unit or an elderly housing unit, which contains sleeping facilities and may contain sanitary facilities, but does not contain kitchen facilities or living facilities.



5. Elderly person. A person age 55 or older.
6. Elderly household. A household which includes at least one elderly person and no occupant less than 55 years of age unless any such occupant less than 55 years of age is a full-time caregiver to the elderly person, or the spouse or companion of the elderly person.
7. Kitchen. A room or portion of a room equipped for the preparation of full meals, including, at minimum, a range (or built-in cooking top and oven), a sink and a refrigerator.
8. Nursing home. As defined in Section 104, including those facilities categorized under state and federal law as “assisted living facilities.” A nursing home may include non-elderly persons with disabilities as residents.
9. Retirement community. A planned community which provides housing for elderly households in a variety of housing types, at least some of which are elderly housing dwelling units or elderly housing units; which may include a nursing home; which can accommodate at least 150 residents; which provides a variety of levels of care and a range of services to elderly households; and which is designed to provide a sense of unified development with a common design character.
10. Senior center. A building or portion of a building located within a retirement community and used for recreational, social, educational or cultural activities designed primarily for elderly persons.

#### **D. Designation of a Retirement Community Overlay District**

The Town Council may designate any area of 30 acres or more, which will be served by public water and sewer, as a retirement community overlay district, utilizing the procedures for amending this ordinance under Section 203 and in accordance with the requirements of state law for zoning amendments.

#### **E. Submission Requirements**

If the request for the designation of a Retirement Community Overlay District is initiated by the owners of the property within the proposed overlay district, the request shall be accompanied by the following submissions, which shall be in addition to the submissions required by Section 203:

- a. A narrative description of the range of care and service options to be offered and a discussion of how these are consistent with the definition of a retirement community.

- b. A conceptual master plan drawn to scale and showing, in general terms, the proposed location and size of buildings, roads and drives, parking areas, recreational facilities, and other development features. The conceptual master plan shall be prepared by a registered landscape architect, registered architect, or registered professional engineer. The scaled plan shall show in a conceptual nature the primary drainage features and patterns of the proposed district, environmentally sensitive areas, prime development areas, potential points of vehicular access, and other significant manmade and natural features of the proposed district.

#### **F. Amendments or Expansions**

The Town Council may modify or expand the boundaries of a Retirement Community Overlay District at any time, following the same procedures and standards as used in the creation of the district.

#### **G. Repeal**

The Town Council may repeal a Retirement Community Overlay District created at the request of the property owners within the district and terminate all rights in the overlay provisions if:

1. Necessary Subdivision and/or Site Plan approvals have not been obtained for the retirement community within two (2) years of the Town Council's vote to create the overlay district, and/or
2. Substantial construction has not begun on the improvements shown on the approved Subdivision and/or Site Plan within three (3) years of the Town Council's vote to create the district.
3. The use of the property no longer qualifies as a Retirement Community as defined in section C above.

#### **H. Subdivision and/or Site Plan Approval**

All retirement communities, as defined in this Ordinance, are subject to Subdivision and Site Plan Review.

Once a Retirement Community Overlay District has been designated, all applications for Subdivision and/or Site Plan approval shall be generally consistent with the conceptual master plan if such a plan was submitted as part of the designation process. A plan for Subdivision and/or Site Plan approval shall be deemed generally consistent with the conceptual plan provided there are no changes to items such as increased density, additional buildings, reduction in buffers, or significant changes in parking areas and/or road layouts

An applicant for an approval that is subject to a conceptual master plan may request a change to the master plan by filing a revised plan with the Town Council. A change may include, but is not limited to, items such as increased density, additional buildings, reductions in buffers, or significant changes parking areas and/or road layouts. The Council shall consider the submission as an amendment to the district designation and shall use the same procedures and approval standards as for the initial designation of a district.

## **I. Permitted Uses**

In addition to the uses allowed in the underlying zoning district, the following uses shall be permitted uses in any Retirement Community Overlay District:

1. Elderly housing dwelling units
2. Elderly housing units
3. Nursing homes
4. Supportive facilities as part of a retirement community including, but not limited to, administrative facilities, dining facilities, care facilities, common areas, recreational spaces and facilities, maintenance facilities, and similar facilities necessary for the operation of the retirement community or the provision of services to the residents or that provide services or activities for residents of the retirement community and other elderly people and/or people with disabilities, such as healthcare, physical therapy, speech therapy, occupational therapy, rehabilitation services, financial services, personal care services, and other convenience services that meet the day-to-day needs of the residents of the community
5. Day care centers for children
6. Day care centers for adults
7. Senior centers

## **J. Space and Bulk Standards**

Notwithstanding the requirements of the underlying zoning district, a retirement community and all uses, buildings and structures associated with it shall be governed by the following provisions:

1. Minimum site and lot size – a retirement community shall include a minimum of thirty (30) acres.

2. Maximum net residential density for elderly housing dwelling units – one elderly housing dwelling unit per six thousand (6,000) square feet of net residential acreage within the retirement community.
3. Maximum net residential density for elderly housing units – one elderly housing unit per three thousand (3,000) square feet of net residential acreage within the retirement community.
4. Maximum net residential density for care beds – one care bed per two thousand (2,000) square feet of net residential acreage within the retirement community.
5. Maximum lot coverage – the maximum lot coverage of the entire parcel shall be not more than 25%.
6. Minimum building separation – no detached building or structure shall be located closer than 10 feet to any other building or structure within the retirement community.
7. Setback requirements from adjacent properties – buildings and structures of the following heights must maintain the following minimum setbacks from the external perimeter boundary of the retirement community:

<b>Height</b>	<b>Minimum Setback</b>
Less than thirty (30) feet	fifty (50) feet
Between thirty (30) feet and thirty-five (35) feet	ninety (90) feet

#### **K. Parking requirements**

A retirement community shall provide off-street parking in compliance with the requirements of Section 514 of this Ordinance in the following numbers:

1. One parking space for each employee based on the expected average number of employees per largest shift; and
2. One parking space (which may include garage spaces and single width driveways) for each elderly housing dwelling unit; and
3. One parking space for every two elderly housing units; and
4. One parking space for every three care beds.

The Project Review Board may modify the parking requirements if the applicant for the retirement community demonstrates that a reduction in the number of spaces is appropriate due to the particular circumstances of the proposed development.

#### **L. Development Along Adjacent Roads**

When the development proposal provides for the construction or expansion of a building within seventy-five (75) feet of an existing road on the perimeter of the retirement community site, special consideration shall be paid to the design of the building and site to be compatible with other development along the road. In general, buildings shall be designed so that they front on the road, or as an alternative, do not turn their backs to the road. No service or storage area shall be located between the building and the road. Vehicular access shall be from internal streets or combined entrances where practical. Parking lots shall be located on the retirement community side of these buildings where practical rather than between the buildings and the existing road. If a sidewalk or pedestrian way exists along the existing road, provisions shall be made to extend this past the site and to link it with the planned buildings.

#### **M. Design Elements**

The design of the retirement community shall reflect an overall sense that the entire community is part of a single development with a pedestrian friendly, neighborhood scale. As such, the buildings shall convey a common character but need not be similar in either design or scale. Common elements such as signs, lighting, and site furniture and improvements should be used where practical to establish a sense of community. Where appropriate, provisions for pedestrian and cart linkages should be made to bring the elements of the retirement community together. In general, high intensity/high traffic uses and core facilities should be sited in central locations within the community where feasible, with lower intensity uses on the perimeter.

**MOVED AND SECONDED:** To open the Public Comment Period on non-agenda items only. (Beaulieu & White) **VOTE:** (7 Ayes)

Bill Becker explained the TABOR referendum that he drafted which will appear as Question 1 on the November ballot. Lois Kilby-Chesley, Freeport teacher, spoke in opposition to TABOR. Martin Robles, Chair of Freeport School Committee spoke in opposition to TABOR. Colin Hill, visiting his aunt in Freeport, spoke in favor of TABOR. Anne-Marie Spizzuoco, president of the Freeport Education Association, spoke in opposition to TABOR.

**MOVED AND SECONDED:** To close the Public Comment Period on non-agenda items only. (White & Bishop) **VOTE:** (7 Ayes)

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**FOURTH ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

**ITEM #143-06** To consider action relative to adopting the October 17, 2006 Consent Agenda.


**BE IT ORDERED:** That the October 17, 2006 Consent Agenda be adopted. (Bishop & DeGrandpre)

Chair Cassida explained the items on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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**ITEM #144-06** To consider action relative to amendments to the Zoning Map; Commercial 2, Rural Residential 1, Resource Protection 2 and Medium Density Residential 2, to provide for a Retirement Community Overlay District. Public Hearing



**MOVED AND SECONDED:** That the Public Hearing be opened. (DeGrandpre & Arseneault) **VOTE:** (7 Ayes)

Chair Cassida explained that the Council is not here tonight to debate the merits of this particular project but rather to determine that the proposed amendments to the Zoning Map are consistent with the Comprehensive Plan. He asked everyone to keep their comments brief and to the point.

Mr. Olmstead mentioned that the Town Planner is in attendance. Town Attorney, Chris Vaniotis is also on hand.

Drew Wing, Managing Partner of Freeport Living, LLC, provided a brief overview of the plan to construct a 151 resident retirement community on nearly 48 acres bordered by Pine Street, Stagecoach Road and the Winston Hill Road. He addressed all of the questions that were raised

**TOWN COUNCIL MEETING #18-06  
OCTOBER 17, 2006**

at the last meeting. He mentioned that the Resource Protection area will be offered to the Conservation Trust to manage walking trails for the general public. As for affordability, Mr. Wing indicated that some of the cottages would be offered at prices considered affordable for Freeport residents or family of Freeport residents. People will be able to pick and choose the services they want. He estimated that some of the housing could be offered for \$169,797 but pricing is ultimately decided by market trends. He indicated that they would have a gate on Pine Street to prevent vehicular traffic but he did not know what it would look like. He noted that they have met all the criteria in the Ordinance and are asking the Council to vote in favor of the Zoning Map amendments.

Almost every speaker supported the need for a retirement community in town but some voiced concern with the location chosen.

Sharing viewpoints were the following: Edward Bonney, longtime Freeport resident, Carter Becker, Freeport resident, Lesa Andersen, Pine Street resident, Dan Broderick, Freeport Resident, Stephanie Slocum of FEDC, Victoria Devlin of Randall Road, Ken Nye of Lambert Road, Bob Stevens of Porter's Landing, Doug Reighley of Harbor Ridge Road, Eric Horne of Pine Street, George Congdon of Giddings Way, Douglas Martin, Freeport resident, Peter Moore of Torrey's Hill, Tom Schwarm of Grover's Crossing, Harry Senter of Kendall Lane, Cathy Bither of Bishop Farm Road, Edna Rosengren of Lambert Road, Mike Fox, David Latulippe of Primrose Lane, Jerry Kennedy of Pine Street, Jay Broderick, Stephanie Helms of Cottage Street, Julie Coleman of Winston Hill.

Robert Aranson from the Winston Hill area submitted a list of questions for Councilors. Kevin McElroy explained that he was approached by the developer for a right-of-way through his property so he does have a financial interest in this project. He owns the Frost Gully Violin building on Route One South.

Jim Katsifias, attorney representing Citizens for Neighborhood Preservation, explained the reasons why they oppose this project at this location.

John Seavey, engineer and geologist whose expertise is ground water, pointed out that the environmental issues would be dealt with independently by the Project Review Board under Site Plan Review. This project will tie into the Town's sewer system and will be safer than residential homes with private septic systems.

**MOVED AND SECONDED:** That the Public Hearing be closed.  
(Migliaccio & Arseneault) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

Councilor Beaulieu pointed out that if this parcel was developed into two-acre lots with houses and septic systems, it would have a more adverse effect on wells in the area. The proposed project is planning on using the Town Sewer so it takes the groundwater concern right off the table for the neighbors. Councilor Migliaccio noted that he would like to get a clarification on the bedrock aquifer.



**TOWN COUNCIL MEETING #18-03  
OCTOBER 17, 2003**

Councilor Migliaccio asked what the Council could do should the project become very visible. Mr. Vaniotis pointed out that the Town Planner and Project Review Board would have to look at the project and if it is not consistent, it would have to return to the Council.

More discussion followed. Councilor Migliaccio doesn't see a compelling reason to change the zones if there is no guarantee of affordable housing or generation of taxes. He does not see the need to violate the neighbors' expectations on what zoning is in this town. He would prefer to send it back to the Planning Board. He mentioned that almost everyone spoke about a need in the community this evening and yet this project is really about land use.

Councilor Beaulieu noted that it appears the Council is getting lost in its role and in what the Project Review's Board role is. She mentioned that the Council must agree with the overlay district or not. If Councilors feel comfortable with it, they should send it off to the Project Review Board and let them perform their role. They will hold the necessary public hearings.

Councilor Bishop noted that when sewer and water was extended down Route One South, there wasn't much there and the Town did not want a strip mall developed. The bulldozers are not coming in tomorrow morning and she is confident that the Project Review Board and the DEP will take a look at the existing issues. She is confident that the area is secluded enough that it will not be as big an impact as what could occur in that area. She is aware that no one wants their neighborhood to change but changes happen and it is not always the change that we want. This is happening in every neighborhood, noting the Litchfield Road and its two proposed housing developments.

Councilor Arsenault pointed out that this project has gone through multiple public processes and the developer has spent a considerable amount of money to get this far. He feels it is a good project and the developer has every right to apply for it. He will support it.

Councilor DeGrandpre shares the neighbors concerns but feels the existing trees will shield the height of the buildings and the project will not be very visible. He supports the project.

Councilor Beaulieu mentioned that she has received calls from people that are in support of this project.

Chair Cassida pointed out that this is not a debate about the merits of the project. The Council needs to determine if the project is compatible with the surrounding area. He feels it is and is a wonderful use of this property. Everything else will be handled through local reviews as well as State reviews. He views it as a perfect bridge between the commercial and residential zones.

Councilor White indicated that he does not like the Overlay District being handled in this manner and the Council should designate where one belongs and not have it float. He can support the changes with the following three recommendations:

1. The Council should give specific direction to the Project Review Board of what its concerns are regarding groundwater.



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2. The developer should be required to enter into an agreement that ensures that a consistent flow of revenue continues to the Town should the retirement community become nonprofit.
3. Direct the Town Manager to enter into discussion with the developers about placing a conservation easement on the property that is zoned RP and MDR zones to prevent future development in those zones.

Mr. Vaniotis pointed out that the Town does not have contractual zoning available and can only rely on the developer to follow through on these recommendations. Councilor White asked for support in these three recommendations. Chair Cassida noted he would be comfortable as long as they are in the form of a recommendation and Mr. Wing is willing to have discussions on them.

Councilor White suggested that the Council direct the Planning Board to review the Overlay District and recommend an amendment to eliminate it so the Council won't have to go through this again. Chair Cassida suggested discussing it with the Planning Board in November.

**BE IT ORDERED:** That the proposed amendments to the Zoning Map to provide for a Retirement Community Overlay District be approved based on findings made by the Planning Board and the Council's determination that the proposed amendments are consistent with the Comprehensive Plan. (DeGrandpre & Arsenault)

**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Migliaccio)

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**ITEM #145-06** To consider action relative to proposed amendments to the General Assistance Ordinance concerning Appendixes Updates (Maximum Levels of Assistance) (Chapter 46). Public Hearing

**MOVED AND SECONDED:** That the Public Hearing be opened. (Arsenault & Bishop) **VOTE:** (7 Ayes)

Mr. Olmstead explained that the levels of assistance have to be established each year.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Migliaccio & Arsenault) **VOTE:** (7 Ayes)

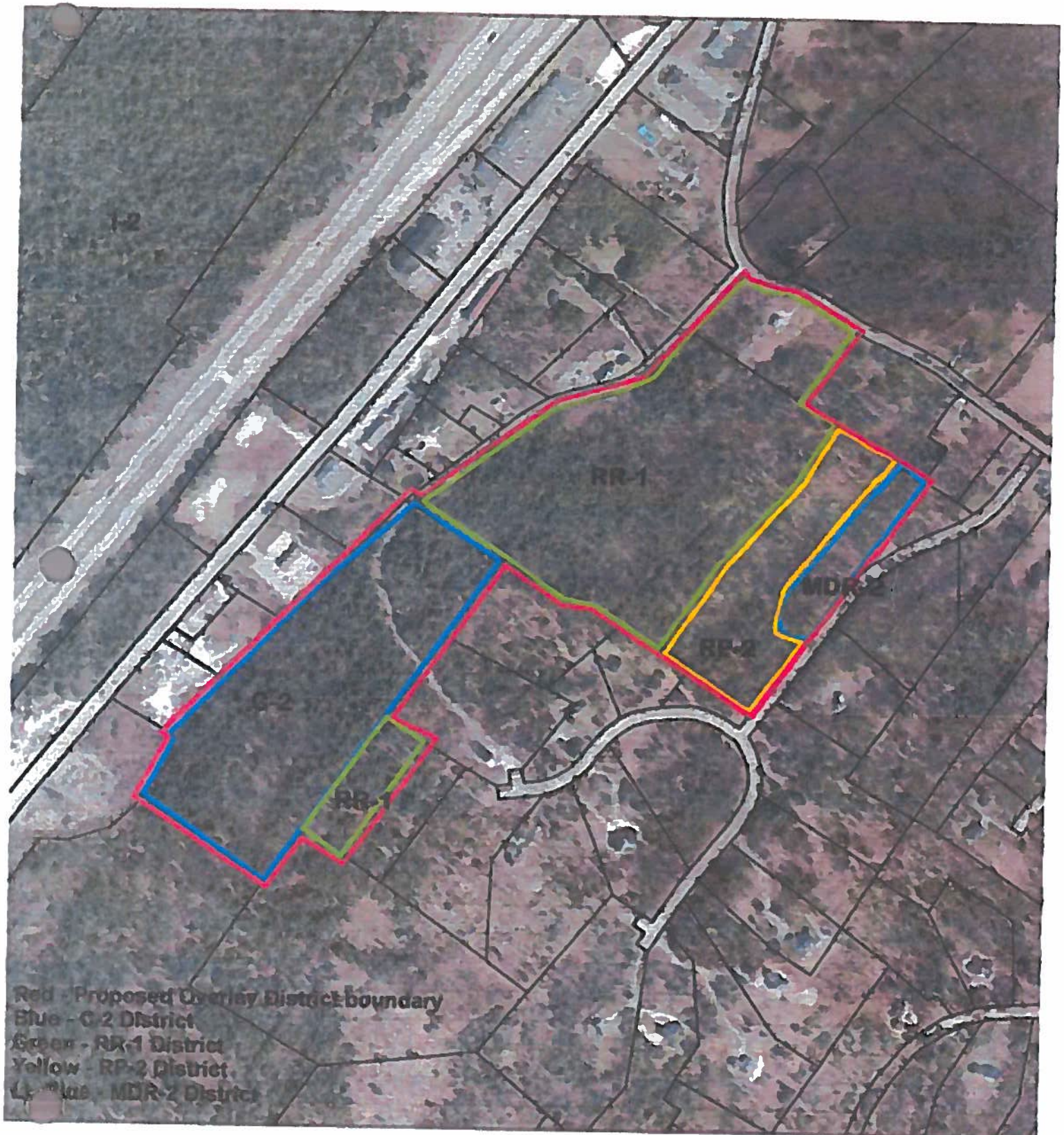
**BE IT ORDERED:** That the proposed amendments to the General Assistance Ordinance be approved. (Arsenault & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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**ITEM #146-06** To consider action relative to establishing fees for the use of Cable Studio equipment.

**BE IT ORDERED:** That the following Cable Studio equipment fees be established.

# Proposed Retirement Community Overlay District Freeport Zoning Districts



Prepared by the Freeport Planning Department  
September 26, 2006