

COUNCIL MEETING #09-22
MAY 3, 2022

MINUTES
FREEPORT TOWN COUNCIL MEETING #09-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, MAY 3, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:00 p.m.

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road			X
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #08-22 held on April 19, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of meeting # 08-22 held on April 19, 2022 and to accept the minutes as printed. (Lawrence & Fournier) **VOTE:** (5-Ayes)(1-Abstain-Piltch)(1-Excused)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

Cable TV Regulatory board is looking for volunteers. This Saturday is the first Makers on Main of the year. This is the third year and the event continues to grow. New this year we will have food trucks near the Freeport Historical Society. There is a Boots and Brews 5K event sponsored by the Freeport Chamber of Commerce on Sunday May 15th at 9 am. The first week of May is Municipal Clerk's week and we would like to thank our clerks.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley reported that there will be a meeting this week to discuss the Island Rover boat with Wolfe's Neck Center and discuss the possibility of using a small section of their land for the potential launch.

On June 14th the Town Council will hold a workshop in conjunction with the Conservation Commission to discuss and get public input on the potential building of mountain bike trails at Hedge Hog Mountain. New England Mountain Bike Association has offered to build these at no cost to the town.

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FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

We have been enthralled in the budget process for about a month. He thanked the Department Heads for their input. We will be presenting an operating budget proposal to the Town Council this evening.

The Town would also like to thank the Boy Scouts for helping to clean up of Memorial Park in advance of Memorial Day.

SIXTH ORDER OF BUSINESS: Public Comment Period – (30 Minutes)
(Non-Agenda Items Only)

Alexis (on Zoom): Wanted to get more information on LD2003, the new Housing legislation. Have we been thinking about this and how might this effect the town in the future? Chair Piltch explained that we hosted Speaker of the House Fecteau recently and the consensus of the town council is that we are supportive of this effect to increase housing. The town has already taken action to increase housing in the downtown area and we support LD2003. We had already determined that this would not be a big change for Freeport because we already allow most of the things in the bill.

Stefanie Millette (on Zoom): Stephanie is here to advocate for the condo associations along the railroad tracks. She represents residents that already live in the downtown and may be impacted by increased housing. She is requesting that before events go up (such as the skateboard park) that there be public notice letter to the Condo Associations along the tracks surrounding sound and noise ordinances when this plan gets further along similar to when L.L.Bean has their concerts. One of the challenges for these homeowners is they are mostly working families and it's difficult to attend public meetings. Chair Piltch recognized that the Council needs to reach out and talk with people in the downtown more and outreach the condo associations also.

Cassandra Bemis: Lives on Park Street in the downtown and her street is proposed as a slow street on the Vision Plan. There is already a speeding problem on the street. If there is going to be more traffic flow on that street, what will be done to protect kids, pedestrians and to make sure the speed limits are obeyed.

In other areas of town where we have had speed concerns, the police have a procedure with the Complete Streets Committee where they put up speed monitoring and talk about ways they can control speed, so if it's an issue there is a way to deal with it. We are hoping to be more proactive.

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

ITEM # 88-22 To consider action relative to adopting the May 3, 2022 Consent Agenda.

The Chair reviewed the items on the Consent Agenda.

BE IT ORDERED: That the May 3, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: To waive the reading of the minutes of meeting # 08-22 held on April 19, 2022 and to accept the minutes as printed. (Pillsbury & Lawrence) **VOTE:** (5-Ayes)(1-Abstain- Bradley)(1-Excused-Egan)

(Council Chair Piltch) (5 minutes)

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ITEM # 89-22 To take Item # 90-22 out of order and prior to other items of business as required by the Council Rules of Order and Procedure #6.
We are asking for permission to take the Downtown Vision Plan presentation out of order on the agenda. The Town Council may do so by a majority vote.

BE IT ORDERED: That Item #90-22 be taken out of order.

MOVED AND SECONDED: That Item # 90-22 be taken out of order. (Piltch & Lawrence)
VOTE: (6-Ayes)(1-Excused-Egan)

(Council Chair Piltch) (5 minutes)

ITEM # 90-22 To consider action relative to Accepting the Downtown Vision Plan from Principle Group.

The motion tonight will be to accept the plan and not necessary approve or endorse it. The plan includes a lot of things to do and it is a menu to choose from, a vision to march towards. We have a lot of work to do and changes to make. The plan just got released today and we need time to digest it. There is a website for people to go to for review of the plan and make comments at: www.freeportdowntown.me. The Town Councilors and other interested parties also have emails and phone numbers listed for outreach on that website also.

Russell Preston from Principle Group presented an overview of the Downtown Plan to the Council and public. The plan is as much about action as it is vision. The only way to know if some of these ideas are implementable is to take action on them. It's difficult to say what action to do next, we need to do them all next.

Principle believes they have stayed true to the 5 goals. The introduction includes the things that Freeport has done right in the past and how we can learn from that. These plans are living documents. It's important that we consider the region and those regional benefits and effects. He discussed the early action projects that have already been completed and their success.

The Plan is organized around the town's value set. When ideas come forward later, what are the goals and value sets we want to align with. This Plan is meant to give you something to start conversations with. In 15-30 years will downtown look like the plan, the answer is no. The point of the Plan is to say this is the dream and there will always be refinement.

At a high level the Plan is "Downtown for All". The Plan is structured as a summary of the effort and some very tactical things that can be done to move that strategy forward. This is meant to be a reference document. The second chapter is around the idea of the New England Village and the missing housing type that is not being delivered. It's not just about providing affordable housing but to provide attainable housing for everyone. Some of this is repairing choices that were made over decades and repair our downtown neighborhoods. Downtown has very little area for new development and there may be only 20-30 buildings that can be built on these parking lots over a generation.

On top of new development and bring housing to town, another element was how to make the retail economy in the downtown more resilient. This is where they started. We have a unique collection of stores with the L.L.Bean anchor. How do we let this flourish with one third local, one third regional and one third national stores. There has to be intention around new businesses that come in. Then how do we promote universal access. When you come to Freeport, you become a pedestrian. Walking has to be

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central to the downtown. Downtowns have walkable streets and return the streets that have been lost to parking lots. This is important because every time you get into a car there are implications around sustainability that you are a participant in. We need to shift to get people out of their cars. Related to that there are other things to do on top of the mobility challenge. The climate change conversation needs to continue to be imbedded into the conversation downtown.

Once the downtown is more sustainable, it will be how do we make downtown more wonderful and remarkable to be here. That will give us the most competitive advantage. Downtown needs to be the outside trail head for the entire state.

Supporting Local and Arts and Cultural Incentives is another component. Thinking about how we support culture. Part of this formula is looking at where we can put public art.

Principle detailed the “Twelve Catalyst Sites” that were identified along with proposed action items as outlined in the Plan.

1. Bow Street & Main Street intersection. (redesign)
2. L.L. Bean’s Flagship Campus
3. Rebuild Main Street
4. Redevelop Depot Street
5. Reposition Freeport Village Station
6. Make Mallet Drive Part of Downtown
7. Create a Square at Main Street and West Street
8. Celebrate Downtown’s Cultural Venues
9. Build a Multi-Use Market and Mobility Hub
10. Improve Memorial Park
11. Redevelop Middle Street
12. Enhance School Street

How do we implement this? Principle organized it into a collection of action items. It’s a way to give us guide posts. At the back of the Plan is an appendix outlining the planning process as to how we all got to this point.

Chair Piltch reminded that this Plan represents the culmination of the three phases of work that have centered around public input. This is the best and brightest ideas we have heard to date. It’s not a map of what we must or will do, it’s a vision of what we could do. These are ideas and conversation starters. Nothing that involves town funding, approval, property will happen without the 7 Councilors being involved.

On May 5, there will be a meeting to bring people into the fold on how to help us figure out which of these things to do. Several groups have been invited to this meeting to express their views. This might be an ongoing monthly meeting. This group will dive into the Plan.

Councilor Bradley gave accolades to Principle Group and Mary Davis along with flowers for all the work done that kept the energy going. Mary gave a brief recap of how we took action and got to this point in the process.

Councilor Pillsbury asked about where do municipalities run into problems once Principle is done. What can we be proactive about. Mr. Preston replied that some municipalities’ plans have moved along faster than others and that we need to keep the community engaged and involved. It takes the community to have energy. Principle realizes and doesn’t just build a plan but are building the social capital between

the connections of people who have participated so there is a working relationship and the plan keeps moving.

Councilor Fournier asked if the town is headed in the right direction taking into account some of the changes we have or will be making in our Zoning. Principle reminded us that if our zoning was perfect they wouldn't have had to do the plan. Zoning is always part of the problem, but is also part of the solution. It's important that the town is open to changes in zoning, that's a battle we don't have to overcome. Zoning is one of the bigger implementation tools that moves the Plan forward.

What is the understanding with Principle Group when we have questions about the implementation? That is a conversation that needs to be had if that's what Freeport wants from them. Principle will also facilitate conversations with other groups that will help us move the plan forward. If we have questions, we can still outreach to Principle Group and they can help us or direct us to the right resources. They have some municipalities that they worked with for years.

NOTE: a copy of the Downtown Plan has been included as a part of the minutes for this presentation.

BE IT RESOLVED: That the Council accept the plan as presented.

MOVED AND SECONDED: That the Council accept the plan as presented. (Piltch & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Councilor Chair Piltch)(60 minutes)

ITEM # 91-22 To consider action relative to Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning. **PUBLIC HEARING**

Town Planner, Caroline Pelletier, gave a history of the Zoning map. A few years ago the town tried to update the Zoning ordinance to meet the minimum shoreland zoning requirements that the State adopted in 2015. We did a partial public hearing process and it came back and needed a lot of changes. We then brought on Mike Morse, shoreland expert, who formerly worked for DEP and he helped us update the ordinance. We had a pandemic and it sat on a shelf. It went through planning board and council process and then at the council level it came up that our shoreland zoning is really confusing and we should look at it and find a better way. One thing that hasn't changed much is the Zoning map. The biggest change in the map is that we used to have a lot of the map that was Resource Protection I because of bird habitat. You can't do pretty much anything in Resource Protection I so the State said we could take them out of that designation and changed it to Shoreland Zoning. They will have set backs from the water, clearing restrictions and meet shoreland regulations, but people will have the use of their property. We had to clean up how we were drawing our streams, some setbacks and show shoreland on the island. The other big piece is that we digitized the map back in 2013. This new map incorporates any zoning map changes since 2013 and the new shoreland zoning changes. One thing previously approved is there used to be red lines along the water designating unstable coastal bluffs that has now been removed and now people will revert to the State's maps. DEP is requiring that we have the addendum of the Coastal Bluffs Map as part of the ordinance. Another problem identified is that our Zoning Map did not accurately reflect the flood plain so now we are referencing the FEMA Flood Maps. The current Flood Maps are the 1980's black and white version that is now

attached as an addendum to the Zoning Ordinance. Both the map and Zoning Ordinance need to be adopted together in order for them to match.

MOTION: To open the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Joyce Clarkson Veilleux: Supports putting the Shoreland Zoning as a stand alone ordinance. It will make it much easier to understand for the average user. She spoke about the gray areas. The DEP felt it was so important that they address it in paragraphs 2 and 3 of the Chapter 1000 Rules. She suggests that we also continue to look at the special conditions. The people responsible for state law and Chapter 1000 have not been to Freeport and seen the small lot sizes. Many are 50ft x 100ft lots. When you talk about only 20% can be non-vegetative surfaces, that includes your house, driveway and walkway. Those homes don't get decks and porches, decks or garages because it would cover too much surface. It's so restrictive that they can't do anything on those small 50 ft lots. That needs to be continued to be looked at and some type of variance request written up.

Alexis Grillo-Lower Mast Landing Rd (on Zoom): Here tonight to advocate for passing the new map and ordinance. They bought their property in 2019. It was a derelict building. It is currently in Resource Protection I and will be in Shoreland Zoning if this passes tonight. They have been renovating for the last 3 years and they are half way done and they can't do anything more until these changes pass.

Katrina Van Dusen: Someone asked her how the new ordinance addresses sea level rise. She doesn't think this ordinance or the State's addresses it. Shoreland zoning is one of the ways we can protect our undeveloped coastline of the Harraseeket. She is here to advocate to see the resource protected rather than see more development and erosion control structures and those things. In regards to the Coastal Waters Ordinance amendments, she would like to continue to work on how to collectively regulate where docks are allowed on our small tidal creeks and inlets. Don't feel like they are done thinking about that with the changes you are making to the shoreland zoning tonight.

Rob and Rachel Clegg (on Zoom): Thanked Council for meeting on this tonight. After years of DEP working with the town to depict the zoning map accurately, he hopes it time these changes are solidified. The area has been determined to not need the Resource Protection I designation. With these changes, they will be able to locate to Freeport as residents and raise their family.

MOTION: To close the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

BE IT ORDERED: That Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning be approved. **MOVED AND SECONDED:** (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Town Planner, Caroline Pelletier)(15 minutes)

(this commentary was provided during the public hearing for item #91-22 as they are linked)

This stand alone Shoreland Zoning Ordinance will be easier to use and understand. Mike Morse from Archipelago gave a presentation to the Council highlighting the zoning changes. Overall, the amendments were intended to bring the ordinance into compliance with the State's minimum standards including State Shoreland Zoning law as well as Chapter 1000-Shoreland Zoning Rules. Some of the standards are going to be more restrictive and some may be less restrictive. Some that are unique to the Town of Freeport were preserved.

Highlights of amendments:

Definitions: are at the heart of the regulation. What does this term mean? A number of additions and revisions to existing definitions were made to better explain what is intended and comply with State. Bigger impact change for landowners would be the changes regarding Non-Conforming Structures that don't meet the minimum setback by definition. Previously the town ordinance and DEP standards utilized two very specific metrics to determining what the expansion limit is that were very difficult at times to figure. The new metrics that have been incorporated into the new ordinance use two totally separate metrics that are consistent with the State law change in 2013 and DEP rule changes in 2015. The new metrics are footprint and height. Overall, the consensus is that these standards are less restrictive and simpler. That is the biggest change in the ordinance.

As, previously mentioned, the removal of the town regulations of moderate and high value bird habitat from Resource Protection 1 which was a change made by the State in 2012. These are now regulated under the DEP Natural Protections Act.

Some of the language in the Principles and Accessories Structures Section (306-B.3) clarifies lot coverage within the Shoreland Zone. It also incorporates an exemption the State allows for areas that have naturally occurring ledge.

Section 306.N. Clearing of Vegetation Standards: Significant to landowners trying to figure out what they can remove for trees within the 75-foot buffer.

Section 306.O.: Added a new section for hazard trees, storm damaged trees and dead trees. How do we know if it's that type of tree. There have been some industry standard definitions applied and address when and if replanting needs to occur.

Section 306.P.: Exemptions to Clearing Standards: also a new section but generally consolidates clearing standards that have been in place. A several new exemptions added i.e. hazard waste clean-up. There is a maintenance section so if you've been clearing for years you can continue. There is a section for non-native evasive plant species in the Shoreland Zone.

Section 306.Q. Revegetation Requirements: This is a new section. There have been policies at the town and State level around when replanting needs to occur. This formalizes those policies.

Section 403.C. Incorporates a State law requirement that the town has been administering and enforcing since 2014 which says an excavation contractor who is performing excavation in the shoreland zone more than 1 cubic yard must be certified in erosion control best practices through DEP.

Section 403.D. adds another State law provision that there has to be a photographic record submitted with an application in the Shoreland Zone. This is an enforcement tool.

Lastly, there a handful of changes in the Administration Section that are mostly housekeeping.

Mr. Morse believes having a separate Shoreland Zoning Ordinance will work for the town.

Councilor Bradley asked if he needed a permit to deal with erosion in the Shoreland Zone. He was informed that yes, if it's at the shoreline and it's shoreline erosion you would need to have CEO review.

Chair Piltch did a side by side comparison of the DEP Chapter 1000 Shoreland Rules (which are the minimum standards) and he had the new shoreland zoning ordinance open and went through them

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paragraph by paragraph. He had a list of 2 pages worth of questions for the CEO and Town Planner as to discrepancies he found between what the State requires and what we require and they those were explained to him but it was a very similar document.

If the Council takes action on this tonight, it will still need to go to the DEP for review within 45 days of receipt. The ordinance may be returned from DEP for additional changes so this is not a final document tonight.

Councilor Daniele asked if any resident had lobbied for something to be included. No person lobbied for the standards to be more restrictive. Anything they added incorporated the minimum standards. There is some concern in Freeport because there are parts with really small lots and they can only cover 20% of their lots. There is a provision to go get a variance, but to be realistic that is hard to get. So, this was flagged. If we get the minimums through, we can decide if we want to continue to talk with DEP to see if there is some flexibility to change lot coverage. Two things the Town Planner had inquiries on. One was changing the Zoning Map because there were people who couldn't do anything on their property because they were in Resource Protection I. Also, we do have residents who would be helped by getting rid of the big volume calculation which will enable them to add on.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOTION: To close the Public Hearing **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

BE IT ORDAINED: That a new proposed Shoreland Zoning Ordinance Chapter 65 for the Town of Freeport be adopted. **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

Are we going to look into the paragraph 2 & 3 at a later time. Ms. Pelletier stated it was a big relief to get this ordinance cleaned up, but there will continue to be amendments as they start using it. She is already working with the DEP on a potential amendment. She has also been working with the South Freeport Water District on some amendments to Resource Protection. The Planning Board was interested in seeing if the DEP has any flexibility with lot coverage on small lots. If they are open to the concept, it would follow the same process. The Planning Board would notify the whole shoreland zone, make a recommendation and then return the ordinance to the Council. This ordinance wouldn't change that either way. This ordinance has the State minimum of 20% lot coverage.

If there are suggested amendments by residents, they will be directed to work with staff to float the proposals by DEP program staff just to see if there is a possibility. There are a few more than just the lot coverage that people have been asking about. It was felt by staff and the Planning Board that the best course was to get the Ordinance adopted and then start a conversation with DEP and see where it goes.

Note: The new Ordinance would be based on existing shoreland zoning regulations that are contained in the current Zoning Ordinance which would be put into a new ordinance. The

language would also be updated to comply with the minimum requirements of the State of Maine's Mandatory Shoreland Zoning Act.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 93-22 To consider action relative to amendments to Chapter 31- Coastal Waters Ordinance. **PUBLIC HEARING**

Last spring there was conversation between Coastal Waters and the Council about limiting the length of docks in certain areas and there was question about some of the language. The town planner met with the town manager, CEO, chair of Coastal Waters, the former chair of the Coastal Waters, and the town attorneys to look at the language.

Piers, docks and wharfs are actually a shoreland zoning standard, they are in the Chapter 1000. It's optional to municipalities to regulate them, but Freeport has always decided to regulate them. Twenty years ago we had them in our zoning ordinance and we had them go to our Planning Board. In the mid 2000's we changed that process and took those standards out and put them in the Coastal Waters Ordinance and we switched the reviewing authority to Coastal Waters. It's a fine approach but we still have to be compliant with the DEP minimum. At the meeting about the new dock length, it was also identified that if we are going to start changing standards that are really shoreland zoning, not only do they need to look at what Coastal Waters wanted to add but also meeting the State's minimum requirements for shoreland zoning. In our current regulations we are missing minimums but we are already more restrictive. For example, we have a length restriction of 125 feet. That's not DEP a standard.

Ms. Pelletier went through the Coastal Waters Ordinance and amendments for the Council: There are a series of definitions that are required to make the ordinance conform with the applicable sections of shoreland zoning along with some clean up. Also omitting the fees and adding them into fee structure as a best practice and omitting terms defined but not used. The biggest changes are going to come under Article 13-Piers, Docks and Wharfs and other structures. This is the language the town attorney advised us we need to consider putting in as the minimum. One of the items that came up at the Planning Board that wasn't in the original draft was the standard regarding certified letters. That was updated based upon feedback to reflect the boards current practice.

The biggest changes are the approval standards. After working with the attorney, standard 2 was added: in addition to the length of 125 feet, no part of the project may extend more than ¼ of the way across the width of a water body or wetland as measured by the straight line distance from the highest annual tide of the shoreline in which the project would be placed to the highest annual tide mark on the opposing shoreline. There has been a lot of discussion on this. If you have two shorelines where do you measure to figure how far they can go and what is something we can enforce. The compromise was to go by the HAT (highest annual tide), not taking up more than 25% which provided some consistency with the way the Army Corp. does some of their measuring. It is further limiting them 125 feet in narrow places.

Caroline outlined the changes for the Council that are before them tonight. Language added was in reference to portions of a project being no wider than 6 feet which is a DEP requirement for non-tidal waters. So we need to add a stand for non-tidal waters but we don't need the standard for tidal waters. Six feet width is stricter than DEP requirements and Coastal Waters has not have time to vet through this. We have the DEP minimum worked into the ordinance, so the council

wants to strike that requirement if they want to. We use this ordinance not only for coastal waters but for piers, docks and wharfs in non tidal waters, so we need to add a provision tonight. The proposed amendment would strike proposed #4 by the Planning Board and replace that. We are adding non-tidal waters to a coastal waters ordinance. We are putting these shoreland zoning provisions in our Coastal Waters Ordinance but they apply to tidal and non tidal and other authorities like the Code Officer who uses the same standards so we need to incorporate that. The proposal is to keep the standard on non- tidal areas and remove the width about tidal areas for now.

Standard 16 that was flagged at Planning Board: When not in use as a functionally water dependent structure all temporary portions of a project shall be stored to meet the required shore setback of the applicable Shoreland Zoning district. A lot of these projects are seasonal so they keep a portion of the pier but they take the floats out and store in different places. Once you take them out they are not water dependent they turn into structures and structures have setbacks to protect the vegetation. DEP stated we don't need the standard in the ordinance, but that is a policy decision by DEP and that's how we need to be enforcing it so we are better off to have it included.

Mark Morrissey, chair of Coastal Waters, supports striking the projects in the tidal areas. Additional housekeeping amendments will be coming to the Council after notification and Planning Board approval. They can make amendments that do not affect shoreland zoning without triggering the State's extensive notification policy. It could be tabled now, but it depends on the changes they want to make. If we don't pass it tonight we don't have the more restrictive dock language and we are not compliant with Shoreland zoning.

Councilor Fournier clarified that if a dock is removed from the water that had previously been laid on ledge and tied to a tree for the off season, it will now have a setback that will require them to lift them up and put on mainland with a certain setback from the water. DEP stated we don't have to have it in our ordinance that way, but that's how we have to enforce it that way which is more difficult if not included in the ordinance language.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Carter Becker spoke in support of passage of the ordinance and striking the one section. Tim Forrester from Atlantic Environmental spoke (via Zoom): supports changes and Mr. Becker's comments. He has worked with people to get them to remove their floats from the resource. He did that by building boat haul outs that were done correctly where they are over ledge and not damaging trees, or expanding non conforming issues, etc. There is not currently a definition for a haul out, but if you attach the haul out to a pier it becomes part of that structure and you can get approvals for that. Right now if someone on the island has a dock, they could have to haul it back to the mainland for storage in the off season. He hopes that conversation around this can continue.

Councilor Fournier asked Mr. Becker if proposal this would have a detrimental effect on his customers or the fisherman. He said it does as there are large expenses with boat removal from the water. Floats will have to be moved substantially more and that is an inconvenience and expense for the customer.

Councilor Bradley inquired whether a dock that breaks loose and ends up on his property each year will be illegal without being permitted? In our ordinance, we enforce the

shoreland zoning, and this would be considered a non-water dependent structure and would need to meet the structure set back on the property which is usually 75 feet from the high water mark or the top of the bank. We are enforcing it, we don't need the standard, but it's not clear. The clearest standard is on page 23, 2nd paragraph down #16: "When not in use a functionally water dependent structure, all temporary portions of a project shall be stored to meet the required shore setback of the applicable Shoreland Zoning District". If this wasn't in hear the CEO would not come and say the docks that you have been storing on the shore for 20 years are in violation. He could come today, but he'd have to cite in a very confusion way how it violates instead of reading the clearer ordinance language and we can do that because we regulate structures in the Shoreland Zone and their setbacks. Councilor Bradley would move to strike this standard language (#16) however, we can enforce it now. He would prefer to not make it clear and let DEP come down. DEP is saying we have a correct interpretation of the standard. It is a minor violation on a couple hundred parcels in town, but it's not at the top of our list for the past 5 years. Project Review Board is making sure the storage issue is addressed when a new application for a dock is received.

Councilor Fournier was concerned about the enforcement aspect and potential abuse or use of the standard to perpetuate neighbor complaints. If we want to address the area where the sea grass comes in and tidal areas like that, he is comfortable. He's not comfortable doing every shore around the area. The tidal areas are already covered.

Mr. Morse clarified #16: this is the section suggested by DEP for enforcement. Section 8. Approved. a.iii-this is the other controlling language that is not in the town ordinance today. It falls under umbrella to regulate piers, docks and wharfs the town needs to incorporate this core language. If you scrap the recommended language, there is nothing the DEP can do about that because it's not in the State's language. If you scrap Section 8.a.iii-(no more than one pier...), he can't predict what the DEP would do with that but he envisions that they would issue a conditional order where they approve the amendments but add this as a condition. This applies to applications for new projects.

When this issue arose with DEP, Carter Becker and Tim Forrester were instrumental in trying to amend this statutory language to allow for a float haul out in addition to a pier ramp or float project.

In regards to storing a float, we don't need to have the language in the ordinance and we are correctly interpreting that you can't store a float within 75 feet of the high water mark or top of the bank. Our Code Officer should still enforce that requirement even if not in our ordinance.

Would this be retroactively enforced? It is enforceable today, but that's a question for the Codes Officer.

MOTION: To close the Public Hearing (Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused)

BE IT ORDAINED: That amendments to Chapter 31- Coastal Waters Ordinance be adopted. **MOVED AND SECONDED:** (Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOVED AND SECONDED: To add the proposed amendments to Coastal Waters Ordinance changes per all DEP changes noted in blue text of the presented document. (Daniele & Lawrence) **VOTE:** (5-Ayes)(1-Nay-Bradley)(1-Excused-Egan)

MOVED AND SECONDED: to strike Article 13, Section 8 subsection xvii- “when not in use as a functionally water dependent structure, all temporary portions of a project shall be stored to meet the required shore setback of the applicable Shoreland Zoning District”. (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOVED AND SECONDED: to strike Article 13, Section 8 subsection a. subsection iv “for projects in tidal areas, except for the float portion of a project, any project used for non-commercial uses shall not be wider than six (6) feet” and and renumber the sections accordingly (Piltch & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Note: Proposed amendments include text changes to make sections of the Ordinance consistent with the minimum requirements of the State of Maine’s Mandatory Shoreland Zoning Act; updated standards for Float, Dock and Wharf permits including a new standard for the length of a Float, Dock or Wharf; removal of an outdated reference to aquaculture; removal of fees from the Ordinance text; and additional non-substantive text amendments.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 94-22

To consider action relative to amendments to Chapter 21-Freeport Zoning Ordinance, including removal of Shoreland Zoning regulations and additional non-substantive text amendments throughout the Ordinance. **PUBLIC HEARING**

This is the new ordinance with the Shoreland Zoning removed and a lot of language clean up. Two things to note, we are repealing the Shoreland provision and there was a section we have used for map corrections. Any changes to the map are Zoning Map amendments and you need to treat them like that, i.e. it has to go through Planning Board and Council hearings and council approval.

This adds a provision for Board of Appeals-if someone in the shoreland goes for a variance, we have to notify DEP. Also, there was a standard under Site Plan Review, one of their standards for environmental consideration is based on DEP language and that has been updated.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOTION: To close the Public Hearing **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

BE IT ORDAINED: That amendments Chapter 21-Freeport Zoning Ordinance be adopted. **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Note: Text amendments are proposed to the following Sections: Section 104, 201, 202, 203, 204, 302, 304, 402, 403, 404, 405, 406, 407, 407.A, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 420, 421, 422, 423, 424, 425, 426, 428, 504.A, 504.C, 504.D, 505, 507, 509, 515, 520, 524, 525, 526, 526.A, 527, 528, 531, 534, 601, 602.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 95-22 To consider action relative to setting a public hearing to discuss the FY23 Operating, Capital and TIF Budgets.

BE IT ORDERED: That a public hearing be set for June 7, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss the FY23 Operating, Capital and TIF Budgets.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website.

MOVED AND SECONDED:(Bradley & Lawrence)**VOTE:** (6-Ayes)(1-Excused-Egan)

(Finance Director, Jessica Maloy) (5 minutes)

ITEM # 96-22 To consider action relative to setting a public hearing to discuss a new liquor license application for Sam's Italian Food.

BE IT ORDERED: That a public hearing be set for May 17, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for Sam's Italian Foods at 7 Main Street, Freeport

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website.

MOVED AND SECONDED:(Bradley & Lawrence)**VOTE:** (5-Ayes)(2-Excused-Egan & Fournier)

(Council Chair Piltch) (5 minutes)

ITEM # 97-22 To consider action relative to setting a public hearing for May 17, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss proposed amendments to Chapter 31- Coastal Waters Ordinance in regard to Mooring Assignments.

BE IT ORDERED: That a public hearing be set for May 17, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss proposed amendments to Chapter 31- Coastal Waters Ordinance.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website.

This would incorporate into the changes to the Coastal Waters Ordinance that we just made tonight. These changes involve moorings outside the Harraseeket River. It is the CWC (Coastal Waters Commission) that is bringing this forward and promoting mooring fees and assignments outside the Harraseeket Harbor. The Chair stated this has been discussed the CWC for at least 3 years.

Jeff Stenzel, member of the CWC, explained that there has been an expanding number of moorings outside the anchorage and the Harbor Master is concerned about safety issues. He wants to keep track through registration of these moorings. Not imposing the same fee structure as inside the anchorage. He wants to ensure the safety of the both the placement and how they're constructed and how they are configured. It will be a light touch. The waiting list is years long and with the growth of aquaculture, it has created some conflicts.

Councilor Bradley inquired about the number of man hours required to carry out the provisions. The Harbor Master did not address that but he is out and about also with his Shellfish Warden duties. He's also responsible when people submit permits for LPAs and Leases, he has to go out and give feedback to the State so he is all over these waters. The CWC was asked to come back to the Public Hearing with more information on man hours and costs. Mr. Stenzel's understanding is that the Harbor Master had already gone out and tallied the number of moorings this would affect.

MOVED AND SECONDED:(Fournier & Lawrence)**VOTE:** (6-Ayes)(1-Excused-Egan)

(Harbor Master, Charles Tetreau) (5 minutes)

ITEM # 98-22 To consider action relative to an EMS Week Proclamation May 15- May 21, 2022:

Chief Conley explained that this is an annual event. Back in 1974 President Ford signed into Proclamation that in the month of May we would celebrate EMS and honor our workers. He is developing ways to highlight the EMS workers in Freeport as we have had a few tough years with COVID fatigue. During the week of May 15-24 they will have some special events and trainings to honor.

WHEREAS, emergency medical services is a vital public service; and

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WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, be it resolved: that May 15-21, 2022 be proclaimed as emergency medical services week in the Town of Freeport.

MOVED AND SECONDED:(Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Fire/Rescue Chief Conley)(10 minutes)

ITEM # 99-22 To consider action relative to amending the Town of Freeport Fee Schedule.

These are relating to the Coastal Waters Ordinance and the removal of fees from the ordinance. That allows us to amend the fees at any time rather than amending the Ordinance. The fee schedule will be returning on the next agenda to deal with moorings outside the anchorage.

BE IT ORDERED: That amendments to the Town of Freeport Fee Schedule be accepted. **MOVED AND SECONDED:**(Bradley & Daniele) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Town Planner Caroline Pelletier)(5 minutes)

TABLED:

Chair Piltch explained that we have the following two tabled items that have been basically replaced and are essential mute now with the amended Zoning Ordinance and new Shoreland Zoning Ordinance adoptions. The Council can take a vote to take them off the agenda or just not act on them and they go away. We technically still have a standing motion on the floor that was tabled in October and the town manager would recommend to just vote it down. It's on the table so there needs to be a yes or no vote or

a vote to table it indefinitely. Discussion continued on the best course of action to dismiss these two tabled items.

ITEM # 194-21

To consider action relative to amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

BE IT ORDAINED: That proposed amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations be approved. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

VOTE ON THIS PREVIOUSLY TABLED ITEM: (6-Nays)(1-Excused - Egan)

ITEM # 195-21

To consider action relative proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning).

BE IT ORDAINED: That proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning) be approved.

VOTE ON THIS PREVIOUSLY TABLED ITEM: (6-Nays)(1-Excused - Egan)

Note: The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amended to "shoreland area". Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Maps, as adopted by the Town Council.

OTHER BUSINESS:

1. Discussion RE: South Freeport Duplicate Street Names (Town Manager, Peter Joseph)(5 minutes)

In the early to mid 90's for E911 purposes the town explored renaming three duplicate streets in South Freeport: Main, Middle and Park. There was pushback from homeowners. The town E911 addressing committee did some research, talked with state officials and were advised that as long as the town could differentiate between the street names in our dispatching system. What resulted was the suffix SF being added to the streets in South Freeport. While not ideal, that works for dispatching at this time. For example, there is a 30 Main Street and a 30 Main Street SF both with 04032 zip codes. There are approximately 15 duplicates like this example. These addresses in South Freeport are not able to be added into the postal service database because SF is not a legally recognized suffix. So these people do not exist in UPS, Fed Ex, DHL, USPS databases. The complaint was brought to us that these residents are not able to receive packages as they end up at the post office. They get bounced around and most times sent back. Renaming the streets was massively unpopular. We spoke with USPS, they said the SF is the problem not that we have two streets with the same name. We need to change it to just S, which is recognized by the post office. That is the staff's recommendation. The town manager is asking for the Council's thoughts on this before he sends out notices to those affected.

Councilor Lawrence suggested making the official name of the street Main Street SF, so the suffix is actually part of the name. We could call it Main SF Street but that would mean changing account names and things like that. What we can do is call it Main Street S. Those addresses don't receive mail. However, legal addresses for voter registration, driver's licenses and passports and the major shipping agencies are tied to that.

We could also change the name to South Main Street or Main Street S which is what the post office will recognize. This is going to get people riled up and Councilor Fournier thinks we should go with South Main Street to ease confusion for EMS also. It's used for parcel addresses and legal addresses. They want a suffix after street to make it a different street for 911 and the postal service.

The town manager's proposal is to send out notices to get feedback to see how impactful this will be. The real issue is that people are having trouble getting packages and they are driving the issue. Councilor Pillsbury supports getting the resident's opinions and do what best serves them. This does not incorporate anything the Postal Service might do or change.

The plan is to send out a letter from the Assessing Department saying we are considering this. The town manager will bring it back to the Council.

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***Joyce Clarkson-Veilleux came to the podium to speak on a Item 97-22: setting a public hearing for amendments to the Coastal Waters Ordinance in regards to moorings outside the Harraseeket Harbor. The town was having technical difficulties with the Zoom feed and she could not make her comments from home. She is here to answer Councilor Bradley's question as to why no one was here this evening to talk about this item. She informed the council that it was because no one knew about it. It has not been on the agenda for the CWC agenda for the last 3 months. She is concerned as a boat owner, living on the coast and follows the CWC. There has been no notice or public hearing at the commission level. She is requesting that we rescind the Public Hearing just set and send it back to Coastal Waters for them to notify the public and have a public hearing on this issue.

Chair Piltch encouraged the public to attend the public hearing and speak on the issues at that time. We don't have to vote on it next week. We can make suggestions to go back to CWC or the Ordinance Committee. We may not want to take action next week. The minutes have not been published for public viewing. Councilor Bradley agrees with Joyce due to some of the conversations we just had on Item # 97-22. There may be a fair amount of development that still needs to occur on this and thinks it should be flushed out at Coastal Waters before it comes to the council. The public hearing we just set can be tabled at the next meeting to a future date. That item could be reconsidered or it could be tabled. She asked for a consensus of the councilors that this would be tabled on May 17th, which she got.

Ken Mann-Has had a mooring for 50 years and this is 3rd time the town has tried to regulate moorings outside of the harbor. Every time they do there is public interest and the reason they are not here is because no one knows about it. He disagrees with the proposal to have residents with rights of ways have their moorings lined up with that right of way. This needs more work and go back to CWC. Why doesn't the council just repeal the public hearing for the 17th and send it back and not waste time?

We could reconsider this item, but the Chair is hesitant to make that change as the public may already be under the belief the public hearing will be held in 2 weeks. Councilor Fournier would rather repeal the public hearing as it's cleaner. The Rules of Order were checked and it was determined they could take a motion to reconsider. Councilor Pillsbury is not comfortable with reconsideration of the item.

MOVED AND SECONDED: To reconsider the item setting the public hearing for May 17, 2022 and vote to rescind our decision to hold a public hearing on the item pending the Coastal Waters Commission consideration of the issues. (Bradley & Lawrence)(4-Ayes)(2 Nays -Piltch & Daniele)(1-Excused-Egan)

Councilor Daniele asked about the process for taking things out order and changing the Rules of Order in order to take this up for reconsideration. The town manager spoke about keeping to the Rules of Order and the importance of public perception when we don't follow them.

MOVED AND SECONDED: To take the item (#97-22) out of order on our agenda. (Lawrence & Bradley)(5-Ayes)(1-Nay-Piltch)(1-Excused-Egan)

We do not have a public hearing for #97-22 and to refer it back to Coastal Waters Commission.

2. Budget Presentation (Town Manager & Finance Director)(30 minutes)

Jessica Maloy presented a Powerpoint presentation of the budget to the Council starting with Proposed Tax Changes for FY2023. For FY23, the county is coming in at a levy increase of \$2,233 dollars. The RSU is proposing an increase of \$593,363. Transit came in at an increase of

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\$3,231. The RSU still needs to be voted on. The local levy is being proposed at an increase of \$534,800. The total proposal that is before you is for all four taxing bodies is a .55 cent increase to the mil rate.

The town manager talked about his philosophy in providing the tax levy first, because that is what we are sending to the tax payers. There is a big number showing for budget expenditures, but you will also see on revenues a big number. His focus is the levy impact because that's what you are taking out of people's pockets.

The town has a 1,201,000 increase in expenditures this year. The major drivers were additional staff positions (\$335,000) considered, COLA (\$225,000) as well as salary and benefit changes (\$129,000), increase in paving budget-overlays (\$100,000). The town manager clarified the additional staff positions (PD Mental Health Professional, Zoning Administrator, Fire/Rescue Conversion and a Sustainability Coordinator).

Continuing with expenditures, we have grant matches of \$60,000, \$40,000 for ordinance work, \$36,105 for Debt Service increase and Miscellaneous of \$276,000.

There is an offsetting revenue of \$666,200. Increases include \$425,000 revenue sharing increase, \$75,000 use of fund balance, \$50,000 building fee income increase, \$50,000 excise tax increase, \$35,000 interest income increase and \$20,000 solid waste.

This means there is a tax levy impact which is equivalent to 9.9%. Which would mean from our municipal FY22 tax rate of \$2.81 it would increase to \$3.07. Some items for consideration that are were not included are: new communications position of \$100,000, Port Teen Center \$8,250 (historically supported-application not received in time), Grange Hall of \$10,000.

May 11th-Public Information Sessions: 7:30 am – 8:30 am, 5:00 pm – 6:00 pm in Council Chambers

May 17th – Council Workshop

June 7th – Public Hearing on Operating Budget

June 21st -Target Date for Budget Adoption.

The town manager took some time to speak on the inflation numbers in relation to our municipal levy increase. The last two budget cycles the budget has been held flat through the Covid pandemic. This year you are seeing the items that were cut or put on hold the last two budgets. The biggest increases are in programs we've been asked to include. The ARPA funding can be used here, but that is a one-time revenue. Councilor Bradley encouraged a grant administrator position. Could that tie into the Sustainability position? It would be tough to find someone who is a grant writer let alone a grant writer with sustainability skills too.

MOVED AND SECONDED: To adjourn 10:45 pm. (Lawrence & Bradley)(6-Ayes)(1-Excused-Egan)

END OF AGENDA (Estimated time of adjournment 11:05 PM)

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	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATE D ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#3	Schedule dates for touring facilities		Chair Piltch	
#3	Schedule dates for touring facilities		Chair Piltch	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	
#16	Attend RSU Budget meetings- send new Superintendent a letter to work with us on schedule-legislative action	4/19/22	John Egan	