

Clerk

**TOWN COUNCIL MEETING #10-2000
MAY 16, 2000 - 7:00 P.M.
TOWN COUNCIL CHAMBERS**

SUMMARY AGENDA

- ITEM #100-2000 To consider action relative to adopting the May 16, 2000 Consent Agenda, Items #95-2000 through #99-2000.
- ITEM #101-2000 To consider action relative to an expenditure from the School Department Reserve Account to support the Future Problem Solving Team.
- ITEM #102-2000 To consider action relative to a proposed amendment to the Zoning Ordinance concerning Groundwater Protection (Chapter 21). (Public Hearing).
- ITEM #103-2000 To consider action relative to appointing delegates to the Greater Portland Council of Governments June 22, 2000 General Assembly.
- ITEM #104-2000 To consider action relative to approving leases for Torrey Hill/Bow Street Standpipe.
- ITEM #105-2000 To consider action relative to a proposed amendment to the Public Peddlers Ordinance concerning non-commercial licenses and locations (Chapter 43).
- ITEM #106-2000 To consider action relative to adopting Fiscal Year 2001 Operating Budgets.

OTHER BUSINESS:

- 1. Discussion on request for resolution concerning the establishment of a cardiac center at Central Maine Medical Center.

COMMITTEE REPORTS:

- 1. Report on Marstaller Land Gift.

Adjourn.

AGENDA
FREERPORT TOWN COUNCIL MEETING #10-2000
TOWN HALL COUNCIL CHAMBERS
MAY 16, 2000 - 7:00 P.M.

SPECIAL NOTE: This agenda is a working agenda that includes background information and is for distribution to Council members only.

FROM: Dale C. Olmstead, Jr.

TO: David Soley, Chairperson, Arnold Road
John Arsenault, Vice Chairperson, Prout Road
Genie Beaulieu, Larue Drive
Edward Campbell, Gay Drive
Kenneth Mann, Mann Road
Gloria Fogg DeGrandpre, Wolf Neck Road
Robert Stevens, Porters Landing

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #9-2000, May 2, 2000 Meeting and accept the Minutes as printed.

SECOND ORDER OF BUSINESS: Public Comment Period - 30 minutes
(Non-Agenda Items Only)

***Citizen of the Year Award**

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

COUNCIL MEETING #10-2000
MAY 16, 2000

ITEM #100-2000 To consider action relative to adopting the May 16, 2000 Consent Agenda, Items #95-2000 through #99-2000.

BE IT ORDERED: That the May 16, 2000 Consent Agenda be adopted.

ITEM #101-2000 To consider action relative to an expenditure from the School Department Reserve Account to support the Future Problem Solving Team.

- Recognition of Team Members.

BE IT ORDERED: That \$500 be expended from the School Department Reserve Account to provide funding for the Future Problem Solving Team.

ITEM #102-2000 To consider action relative to a proposed amendment to the Zoning Ordinance concerning Groundwater Protection (Chapter 21). (Public Hearing)

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance be approved.

ITEM #103-2000 To consider action relative to appointing delegates to the Greater Portland Council of Governments June 22, 2000 General Assembly.

BE IT ORDERED: That _____ and _____ be appointed to represent Freeport at the GPCOG General Assembly which will be held on June 22, 2000.

ITEM #104-2000 To consider action relative to approving leases for Torrey Hill/Bow Street Standpipe.

BE IT ORDERED: That the proposed leases for Ground lease for Bow Street property and the lease for Torrey Hill/Bow Street Standpipe be approved.

ITEM #105-2000 To consider action relative to a proposed amendment to the Public Peddlers Ordinance concerning non-commercial licenses and locations (Chapter 43).

BE IT ORDERED: That a Public Hearing be scheduled for June 6, 2000 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Public Property Peddlers Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

**COUNCIL MEETING #10-2000
MAY 16, 2000**

ITEM #106-2000 To consider action relative adopting Fiscal Year 2001 Operating Budgets.

BE IT ORDERED: That a Public Hearing be scheduled for May 30, 2000 at 7:00 p.m. in the Town Hall Council Chambers to discuss adopting Fiscal Year 2001 Operating Budgets.

OTHER BUSINESS:

1. Discussion on request for resolution concerning the establishment of a cardiac center at Central Maine Medical Center.

COMMITTEE REPORTS:

1. Report on Marstaller Land Gift - Ken Mann and Bob Stevens.

Adjourn.

**TOWN COUNCIL
CONSENT AGENDA
MAY 16, 2000**

ITEM #95-2000 To consider action relative to applications for victualer licenses for William Joynt, Loretta Bradley, F. Carolyn Dobson, Denis J. Albert, John Nappi, John L. Stiles, Nancy D. Gray, Thomas Willett, Marc Trottier, John P. Lewis, Beth Finlayson, Steve Goble, Tamantha Wilson, Gerald Clements, Richard Wagner, Cynthia Wellito, Bob Pottle, Michael Marino, Loren Goodridge, Thomas Ring, Lewis Corliss, David Coffin, Paul Kelley, Aileen Labrie, Joseph Yilmaz and Mary Ann Anthony.

BE IT ORDERED: That the applications issued to the following applicants be approved.

William Joynt d/b/a **BB&P of Freeport (Ben & Jerry's)**, 83 Main Street
Loretta Bradley d/b/a **Capt. Josiah Mitchell House B&B**, 188 Main Street
F. Carolyn Dobson d/b/a **Desert of Maine**, 95 Desert Road
Denis J. Albert d/b/a **Village Nut Shoppe**, 123 Main Street
John Nappi d/b/a **Bow Street Market, Inc.**, 79 Bow Street
John L. Stiles d/b/a **Jameson Tavern**, 115 Main Street
Nancy D. Gray d/b/a **Harraseeket Inn**, 162 Main Street
Thomas Willett d/b/a **Anita's Cottage St. Inn**, 13 Cottage Street
Marc Trottier d/b/a **Holbrook Inn**, 7 Holbrook Street
John P. Lewis d/b/a **Blue Onion Restaurant**, 193 Lower Main Street
Beth Finlayson for **Freeport Rotary Hot Dog Stand**, Morse Street
Steve Goble d/b/a **McDonald's Restaurant**, 11 Mallet Drive
Tamantha Wilson for **Harraseeket Grange #9**, 13 Elm Street
Gerald Clements d/b/a **Sam's Italian Foods**, 7 Main Street
Richard Wagner d/b/a **DeRosler's Market**, 120 Main Street
Cynthia Wellito d/b/a **Isaac Randall House**, 10 Independence Drive
Bob Pottle d/b/a **Cindy's Fish & Fries**, 292 U.S. Route 1
Michael Marino d/b/a **The Lobster Cooker**, 39 Main Street
Loren Goodridge d/b/a **Subway**, 475 U.S. Route 1
Thomas Ring d/b/a **Atlantic Seal B&B**, 25 Main Street, So. Freeport
Lewis Corliss d/b/a **The Village Inn**, 186 Main Street
David Coffin d/b/a **Harraseeket Lunch**, Main St., So. Freeport
Paul Kelley d/b/a **Freeport Merchant's Assoc. Food Cart**, 23 Depot Street
Aileen LaBrie d/b/a **Mister Bagel**, 15 Depot Street
Joseph Yilmaz d/b/a **Levi's Take-Out Window**, 57 Main Street
Joseph Yilmaz d/b/a **Freeport Hot Dog Co.**, 34 Main Street
Mary Ann Anthony d/b/a **"4" Kids Hot Dog & Ice Cream**, 150 U.S. Route 1

ITEM #96-2000 To consider action relative to the re-issuance of a malt, spirituous and vinous license for Sam's Italian Sandwich Shop.

MOTION: That a malt, spirituous and vinous license be re-issued to the following:

Gerald Clements d/b/a Sam's Italian Sandwich Shop, 7 Main Street

BE IT ORDERED: That the application issued to the above named applicant be approved.

ITEM #97-2000 To consider action relative to the issuance of a "Going Out of Business" permit.

BE IT ORDERED: That a Going Out of Business permit be issued to Dinnerware Plus Holdings, Inc. d/b/a Mikasa.

ITEM #98-2000 To consider action relative to the release of Scholarship Trust Funds.

BE IT ORDERED: That the following trust funds be released for Scholarship Awards.

<u>FUND</u>	<u>AMOUNT</u>
The Fitts Award	\$ 130.00
Solomon H. Plummer Fund	\$ 300.00
Wallace Morse True Fund	\$ 200.00
Millard A. and Enid M. Crooker	\$1,000.00
Alice M. Pollack Fund	\$ 200.00
Auldis E. Foster Award for Outstanding Craftsmanship	\$ 25.00
Kenneth C. Thompson Fund	\$ 230.00

ITEM #99-2000 To consider action relative to the confirmation of a warden for the June 13, 2000 Primary Election.

BE IT ORDERED: That the Town Clerk's appointment of Genie Beaulieu as warden for the June 13, 2000 primary election be confirmed.

End of Consent Agenda.

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-2000
TOWN HALL COUNCIL CHAMBERS
May 16, 2000 – 7 P.M.

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Genie Beaulieu, Larue Drive	X (arrived at 7:06 p.m.)		
David Soley, Chairperson Arnold Road	X		
Edward Campbell Gay Drive	X		
John Arsenault, Vice Chair Prout Road	X		
Kenneth Mann Mann Road	X		
Gloria DeGrandpre Wolf Neck Road	X		
Robert Stevens Porters Landing			X

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #9-2000 HELD ON MAY 2, 2000 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #9-2000 HELD ON MAY 2, 2000 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Arsenault) (5 Ayes) (2 Excused—Beaulieu & Stevens)

MOVED AND SECONDED: To take ITEM 101-2000 out of order. (Councilors Campbell & Arsenault) (5 Ayes) 2 Excused-Beaulieu & Stevens).

ITEM #101-2000 To consider action relative to an expenditure from the School Department Reserve Account to support the Future Problem Solving Team.

- Recognition of Team Members.

BE IT ORDERED: That \$500 be expended from the School Department Reserve Account to provide funding for the Future Problem Solving Team. (Councilors Campbell & DeGrandpre) **ROLL CALL VOTE :** (6 Ayes) (1 Excused-Stevens).

Each student was introduced by Chair Soley and was presented with a Freeport pin to wear at Athens, Georgia by Councilor Mann. Chair Soley thanked them for their hard work and dedication. Councilor Campbell noted that the parents and coaches deserve recognition as well for helping these young people for staying focused and representing the community so well. The students were given a standing ovation.

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

Councilor DeGrandpre asked if there were any public comments to come forward before she announced the Citizen of the Year Award. There were none.

Councilor DeGrandpre announced that the winner of this year's Citizen of the Year Award is being presented to Edward Bonney for his many years of volunteerism and dedicated service to the community. She pointed out the committees that Mr. Bonney served on since the early 70s. She advised that Frank Small couldn't be in attendance tonight but sent his best wishes. He was presented with a plaque. Edgar Leighton, Betsy Ruff, Councilor Campbell and Dale Olmstead shared their memories of working with Mr. Bonney on various projects and committees. Councilor Beaulieu explained that because of prior commitments, Vaugndella Curtis, George Denney, Bill Shea and the Kevin and Paul Kelly were unable to be here tonight. Councilor Arsenault thanked Mr. Bonney for being a friend and mentor and for all that he did for Freeport. Mr. Bonney thanked everyone and noted that he hopes that others will develop a commitment to their town and help the community to grow.

Councilor Beaulieu asked everyone to celebrate with Michele Hart for obtaining her Masters Degree in Business Administration. Mr. Olmstead offered to send her a congratulatory letter on behalf of the Town Council.

MOVED AND SECONDED: To take a break and enjoy the refreshments. (Councilors Soley & Mann(6 Ayes) (1 Excused-Stevens).

MOVED AND SECONDED: To close the Public Comment Period (Campbell & Beaulieu) (6 Ayes) (1 Excused—Stevens)

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

ITEM #100-2000 To consider action relative to adopting the May 16, 2000 Consent Agenda, Items #95-2000 through #99-2000.

BE IT ORDERED: That the May 16, 2000 Consent Agenda be adopted. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

ITEM #102-2000 To consider action relative to a proposed amendment to the Zoning Ordinance concerning Groundwater Protection (Chapter 21). (Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened. (Councilors Arsenault & Campbell) (6 Ayes) (1 Excused—Stevens).

Town Planner, Jacki Cohen explained the reasons for this proposed amendment. Rick Knowlton of Consumers Water answered questions.

MOVED AND SECONDED: That the Public Hearing be closed. . (Councilors Arsenault & Campbell) (6 Ayes) (1 Excused—Stevens).

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance be approved. (Councilors Arsenault & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

ITEM #103-2000 To consider action relative to appointing delegates to the Greater Portland Council of Governments June 22, 2000 General Assembly.

BE IT ORDERED: That Kenneth Mann and Gloria DeGrandpre be appointed to represent Freeport at the GPCOG General Assembly which will be held on June 22, 2000. **ROLL CALL VOTE:** (Councilors Mann & Campbell) (6 Ayes) (1 Excused—Stevens).

ITEM #104-2000 To consider action relative to approving leases for Torrey Hill/Bow Street Standpipe.

BE IT ORDERED: That the proposed leases for Ground lease for Bow Street property and the lease for Torrey Hill/Bow Street Standpipe be approved. . (Councilors DeGrandpre & Campbell)

Mr. Olmstead explained the leases and that the Town is potentially giving up \$3,500 for the potential to bring in a quarter of a million dollars. The tank is owned by the Town of Freeport but Consumers owns the land.

MOVED AND SECONDED: To amend that the Town Manager be authorized to execute the Ground lease for the Bow Street property and the lease for the Torrey Hill/Bow Street Standpipe. (Councilors Soley & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens)

ITEM #105-2000 To consider action relative to a proposed amendment to the Public Peddlers Ordinance concerning non-commercial licenses and locations (Chapter 43).

BE IT ORDERED: That a Public Hearing be scheduled for June 6, 2000 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Public Property Peddlers Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Campbell & Arsenault).

Councilor Beaulieu noted that the Parking and Traffic Committee requested that at the public hearing the Fire and Rescue Departments bring a schematic of where the cart will be placed. Proceeds will be used for Fire and Rescue needs, scholarships, etc. Two spots are being identified but there will only be one cart.

ROLL CALL VOTE: (6 Ayes) (1 excused—Stevens).

ITEM #106-2000 To consider action relative to adopting Fiscal Year 2001 Operating Budgets.

BE IT ORDERED: That a Public Hearing be scheduled for May 30, 2000 at 7:00 p.m. in the Town Hall Council Chambers to discuss adopting Fiscal Year 2001 Operating Budgets. (Councilors Beaulieu & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Stevens).

OTHER BUSINESS:

Discussion on request for resolution concerning the establishment of a cardiac center at Central Maine Medical Center.

Councilor Beaulieu noted that she would not vote for this. She does not want to get involved in this type of situation. Chair Soley agreed. Councilors Campbell and Mann noted that they feel it would be great to have more cardiac centers available. Councilor DeGrandpre noted that driving to Lewiston is kinder than driving into Portland for an emergency.

John Baillargerion noted that he feels this is politics. He shared his views on preferring one hospital that offers the best care rather than having many hospitals that have less than the best equipment. Rescue Chief Conley agreed that this is a battle between two hospitals but citizens may have to wait for services if only one hospital offers cardiac services. He had an article that appeared in a Lewiston newspaper to share with Councilors.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Councilors Campbell & Arsenault) (6 Ayes) (1 Excused—Stevens).

MOVED AND SECONDED: To vote to approve the resolution concerning the establishment of a Cardiac Center at Central Maine Medical Center. (Councilors Campbell & DeGrandpre) (3 Ayes—Campbell, DeGrandpre & Mann) (3 Nays—Beaulieu, Soley & Arsenault) (1 Excused—Stevens). Motion Failed.

COMMITTEE REPORTS:

Report on Marstaller Land Gift - Ken Mann gave some background information on the property being given to the Town by the Marstaller family for use by its citizens. Money has been appropriated to clear up items that needed to be clarified. Councilor Stevens drafted a letter of agreement signed by the Marstallers making them responsible for seeing that this work was done. The proceeds approved by the Town will be used to offset expenses at the time the land is transferred to the Town.

Councilor Mann talked to Lex Holly of the Conservation Commission and learned that the wetlands have been preliminarily located on a draft plan. Decisions still need to be made on the trails. Discussion is on-going with the Town Planner on the remaining land that the Marstallers propose to develop.

Councilor Mann feels that things are moving along slowly but steadily and it appears that the expense to the Town will be less than anticipated.

Browntail Moth Spraying

Chair Soley announced that the spraying will take place tomorrow morning beginning as soon as weather permits. Pets should be kept inside.

Water Testing of Clam Flats

Councilor Beaulieu referred to the Appropriations Report and noted that it appears that no water testing was done of the flats this year. She asked how it was being handled. Mr. Olmstead noted that he thinks it was moved to the Police Budget but could not find a budget line for it. He needed more time to figure it out.

Budget Issues

Chair Soley asked Councilors to keep their minds open as they go through the process but to let he, Mr. Olmstead and Councilor Arsenault know where they are standing.

Adjournment:

MOVED AND SECONDED: To adjourn at 8:35 p.m. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused—Stevens)

Respectfully Submitted,



Sharon Coffin
Council Secretary

**TOWN COUNCIL
CONSENT AGENDA
MAY 16, 2000**

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MOTION: That a malt, spirituous and vinous license be re-issued to the following:

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BE IT ORDERED: That the application issued to the above named applicant be approved.

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BE IT ORDERED: That a Going Out of Business permit be issued to Dinnerware Plus Holdings, Inc. d/b/a Mikasa.

ITEM #98-2000 To consider action relative to the release of Scholarship Trust Funds.

BE IT ORDERED: That the following trust funds be released for Scholarship Awards.

<u>FUND</u>	<u>AMOUNT</u>
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Alice M. Pollack Fund	\$ 200.00
Auldis E. Foster Award for Outstanding Craftsmanship	\$ 25.00
Kenneth C. Thompson Fund	\$ 230.00

ITEM #99-2000 To consider action relative to the confirmation of a warden for the June 13, 2000 Primary Election.

BE IT ORDERED: That the Town Clerk's appointment of Genie Beaulieu as warden for the June 13, 2000 primary election be confirmed.

End of Consent Agenda.

TOWN OF FREEPORT

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



MEMO

TO: Freeport Town Council
FROM: Freeport Planning Board
SUBJECT: GROUNDWATER REGULATIONS
DATE: April 12, 2000

On April 5, 2000, at the conclusion of its Public Hearing, the Planning Board voted unanimously (6-0) to recommend, to the Town Council, amendments to the Freeport Zoning Ordinance, Section 523, Groundwater Protection.

Consumers Water Company intends to locate a second well on its property off Webster Road to serve customers in Freeport. The existing well is now used at capacity and a second well will be needed to serve peak usage times and future growth. Section 523, which was added to the Zoning Ordinance in 1986, includes four standards which must be met; the Board does not have the authority to waive these standards regardless of circumstances.

The purpose of the proposed amendments is to give the Planning Board the authority to waive these standards only for a water utility. If a waiver would affect anyone's existing well, the utility must provide a new well or a public connection at the utility's expense. Please note that granting a waiver does not exempt an applicant from the requirement that it meet all criteria and standards of Site Plan Review. The discussion on waivers would occur during the site plan review process and the applicant has the burden of proof to explain why a waiver is needed and what its impact would be.

The proposed amendments are "permissible" only. The Board may waive requirements only for a water utility. The Board is not required to waive any requirements and the Board retains the authority to impose any conditions which it deems necessary for the project to meet the criteria and standards of site plan review.

The final adopted motion was to:

"Recommend to the Town Council the adoption of the proposed amendments to Section 523-Groundwater Protection, Freeport Zoning Ordinance, which give the Planning Board the authority to waive provisions of this Section only for a water utility, for the following reasons:

1. The Ordinance language was originally intended for general development and was not designed to deal with a municipal water supply proposal.
2. The amendments will give to the Planning Board the flexibility to waive these standards as well as retaining the authority to impose conditions on the applicant in order to protect potentially affected landowners."

PH- May 16, 2000
Mtg # 10-2000
Item # 102-00

Adopted
PROPOSED AMENDMENT
FREEPORT ZONING ORDINANCE
CHAPTER 21

Section 523. Groundwater Protection

C. The Planning Board may waive the requirements of Section 523(B)(1) to allow the development of a well or wells by a water utility, as defined in 35A M.R.S.A. § 102(22), provided that:

1. The utility demonstrates to the Planning Board that in the event a drinking water well, existing at the time of the request for a waiver and located on any property not owned by the utility, should become adversely affected by the utility's well or wells, the utility will provide service to the affected property owner and will install the service connection at the utility's expense or, alternatively, will develop an alternate supply of well water for the affected property owner at the utility's expense, and

2. As a condition of site plan approval, the utility conducts a survey of potentially affected water wells and provides written assurances to the owners of such potentially affected water wells that it will perform its obligations under subparagraph (1) above. The Planning Board may also require the utility to provide a financial guarantee in a form and amount satisfactory to the Planning Board to ensure performance of the utility's obligations under subparagraph (1) above, if the Planning Board determines that circumstances warrant a financial guarantee.