

**MINUTES
COUNCIL MEETING #07-2003
FREEPORT TOWN HALL COUNCIL CHAMBERS
April 22, 2003-7:00 P.M.**

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Chair, John Arsenault, Prout Road	x		
Vice Chair, Rod Regier, South Street	x		
Charlotte Bishop, Maquoit Drive	x		
Rich DeGrandpre, Timber Ridge Road	x		
Frederick White, 45 Pleasant Hill Road	x		
Thomas Rumpf, P.O. Box 819, S. Freeport	x		
James Cassida, 5 Timber Ridge Road	x		

Chair Arsenault called the meeting to order at 7 p.m.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #6-2003 held on April 1, 2003 and accept the Minutes as printed.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETINGS #6-2003 HELD ON APRIL 1, 2003 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Regier & Rumpf) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: That the public comment period be opened on Non Agenda Items only. (Councilors Regier & Bishop) (7 Ayes)

Chip Gray facetiously proposed that the Council start Spring!

Barbara McPheters explained her concern with the low bid received on the cemetery mowing contract that may Be approved later in tonight's meeting on the Consent Agenda. She has concerns that it appears to be extremely low and the contractor is unknown. The Friends of the Cemeteries want to be assured that the same services are provided that they have experienced over the past few years. Councilor Regier indicated that he has some questions that will come forth when the Consent Agenda is taken up.

Councilor White pointed out that he has received several calls from folks living in Town complaining that an individual came to their home asking them to sign a petition which would give control of the budget back to the taxpayers. Some people were told not to bother to read the petition but to take their word for it and go ahead and sign it. When a resident turned the petition over, they discovered it is a petition to remove the Town Manager by 10% of the Town's registered voters. He read a letter from Town Clerk, Beverly Curry, into the record. Councilor White and Chair Arsenault asked the public to read the petition carefully and if they

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Town Manager by 10% of the Town's registered voters. He read a letter from Town Clerk, Beverly Curry, into the record. Councilor White and Chair Arsenault asked the public to read the petition carefully and if they have concerns, they should get in touch with the Town Clerk. Councilor Rumpf requested that the Town Attorney provide advice on whether or not this constitutes fraud and whether the Council should pursue it. Mr. Olmstead indicated that the Town Clerk has been in touch with the Town Attorney and there is potential violations of law and the matter will be turned over to the Police Department tomorrow.

MOVED AND SECONDED: That the public comment period be closed. (Regier & DeGrandpre) (7 Ayes)

ANNOUNCEMENTS

Chair Arsenault announced that there will be a dye study conducted on April 29 and April 30 and then again on May 30 on the Harraseeket River to track the effluent plume from the Cushing Briggs Sewer plant.

The Village Planning Committee will be meeting tomorrow at 6 p.m. at the Community Library.

The Freeport High School Chorus and Band attended a grand championship gala in Virginia and the chorus won numerous awards and the band took third place. Rick Simard attended the event and will be showing it on Channel 7 in a few weeks.

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

ITEM #52-2003 To consider action relative to adopting the April 22, 2003 Consent Agenda.

BE IT ORDERED: That the April 22, 2003 Consent Agenda be adopted. (White & Cassida)

Chair Arsenault advised that the following withdrew and should be removed from the Consent Agenda:

William R. Giff, d/b/a Domino's Pizza, 491 U.S. Route One
James Friedlander, d/b/a The Old Police Station B&B and The Isaac Randall House B&B, 10 Independence Drive
Elizabeth Collins, d/b/a The Maine Lobstah Caht, 27 Bow Street

MOVED AND SECONDED: To amend the Consent Agenda to reflect these withdrawals. (Degrandpre & Rumpf). (7 Ayes).

MOVED AND SECONDED: To pull #49-2003 for the Cemetery Mowing Contract from the printed Consent Agenda for a separate discussion. (Regier & Bishop) (7 Ayes)

Councilor Regier mentioned the lease for Brewer's and he wanted to make sure that there is still time to change the sign text. Chair Arsenault indicated that this is a good time to make a new sign.

BE IT ORDERED: That the April 22, 2003 Consent Agenda be adopted as amended. (White & Cassida) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To return to Item #49-2003 regarding the bid for cemetery mowing contract. (Regier & DeGrandpre) (7 Ayes).

ITEM #49-2003 To consider action relative to accepting a bid for cemetery mowing.

BE IT ORDERED: That the bidding from Riverport Company in the amount of \$11,567 for mowing and \$650 for yearly leaf removal be accepted. (Regier & Bishop)

Mr. Olmstead explained that every three years a bid is put out for cemetery mowing. The leaf removal is an alternate. The bid includes what needs to be mowed and the frequency of mowing. Reference checks were done on the two lowest bidders. References on Riverport came out fine. Councilor Regier suggested adding some language in the contract to address any performance issues that may arise. Mr. Olmstead offered to look at the existing contract and will beef it up if needed. Discussion followed. Ms. McPheters asked if she could get a copy of the signed contract so that she can monitor the work that will be done.

ROLL CALL VOTE: (7 Ayes).

ITEM #53-2003 To consider action relative to a proposed amendment to the sign ordinance concerning the prohibition of internally illuminated signs in the Village Commercial I and II Zones (Chapter 23). (**Public Hearing**)

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

Chair Arsenault advised that the Codes Officer has suggested including the VC III in this change. Sandy Williams from the Design Review Board asked what prompted this amendment. Chair Arsenault explained that Design Review has permitted two banks to install these signs in Freeport and complaints have been received. Other businesses asked for these types of signs and were told they could not have them. Business people asked the Council to consider doing away with internally-illuminated signs in the VC I and II Zones. Mr. Williams explained the Design Review Board's position on these signs. Cliff Goodall shared his views and provided a printed Alternative Proposed Amendment to the Freeport Sign Ordinance and agreed that the VC III zone be included. He suggested that Desrosiers and the Exxon sign be permitted to remain because of the amount of time they have been in place. Mr. Olmstead discussed the older signs with the Town Attorney and learned that his advice was to treat all signs equally. Councilor Regier suggested getting a formal opinion from Chris Vaniotis. Mr. Cassida asked if there were previously internally-illuminated signs at these two banks. Mr. Williams indicated that the banks' signs were previously internally illuminated. Genie Beaulieu shared her views on what is subjective in Ordinances. She pointed out that the VC III was not included in the advertising for the public hearing and now the Council should have another public hearing. Discussion followed.

MOVED AND SECONDED: That the Public Hearing be closed. (DeGrandpre & Rumpf)
(7 Ayes).

Councilor Cassida noted he would like more information on this issue such as the number of internally-lit signs that currently exist, and the date they were installed, where the districts end and who will be affected. He would also appreciate a legal opinion. Mr. Olmstead offered to do the inventory and get a legal opinion.

BE IT ORDERED: That the proposed amendment to the sign ordinance be tabled indefinitely and that the Council ask the Ordinance Committee to seek a legal opinion in view of the questions that have come up tonight, review the various districts, the current

status of internally-illuminated signs that exist in the district and return to the Council with a specific recommendation regarding action on this issue (Rumpf & DeGrandpre)

Councilor White recommended exploring the historic exposure for the Desrosier sign that would cause it to stand alone in that zone.

ROLL CALL VOTE: (7 Ayes).

ITEM #54-2003 To consider action relative to a proposed amendment to the Freeport Comprehensive Plan concerning Section V – Inventory and Analysis, Section VI – Future Land Use Directions and Section V-II – Policies, Goals and Implementation Strategies. (Public Hearing)

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

Town Planner, Donna Larson, explained that the Planning Board has spent considerable time reviewing the applicants' proposal to construct a hotel on the Eastland Shoe site. Cliff Goodall provided a printed alternative zoning for Eastland Shoe Factory Property to Councilors and members of the public. Genie Beaulieu asked for clarification on surrounding parking lots. She suggested that everything owned by Eastland should be in one zone. Mark Spruall shared his view on zoning and agreed with Mr. Goodall's proposal. Alan Caron noted that the Comprehensive Plan changes need to be voted on first and then the zoning changes need to be made next even though it is awkward. There is strong sentiment from the Planning Board that the hotel should be constructed on the westerly side of Park Street.

Jim Pierce, Director of Independence House, noted his concerns with the proposed zoning amendments. He explained that the Independence House on Park Street is being used as collateral for a federal grant along with an 8 unit building in Brunswick and the Federal Government says that if they vacate this parcel, they will violate the mortgage. If Independence House is to stay there, Mr. Pierce is concerned that this house will become isolated and surrounded by a sea of parking lots.

Jamie Leblanc, developer, explained that this is a very expensive property and they need some flexibility to do something else in the event the hotel doesn't get built.

MOVED AND SECONDED: That the Public Hearing be closed. (Rumpf & Cassida)
7 Ayes

MOVED AND SECONDED: To table Item 54-2003 until later this evening after the Council discussed the proposed zoning change. (Rumpf & Cassida) (7 Ayes)

ITEM #55-2003 To consider action relative to proposed amendments to the Zoning Ordinance and Zoning Map concerning the elimination of the Industrial III District and the creation of a Village Commercial IV District (Chapter 21). (Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened. (Rumpf & Cassida)
VOTE: (7 Ayes).

Jim Pierce, Director of Independence Association, explained that they have had a group home on Park Street since 1978. Their residents are currently well integrated into the Town of Freeport. While they are supportive of this proposal, they want to protect the residents of their group home. Last summer the developers offered to

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purchase their home on Park Street and build a new one someplace else. He explained the funding situation that the group home is in for the next 30 years. HUD is not interested in a collateral substitution for this mortgage.

He

is concerned about being surrounded by parking lots. The house next door is scheduled to be demolished and the parking lot will be within 10'. He would like to see a 25' buffer if the Ordinance change is made. The developers have written to HUD asking if a collateral substitution can be made but received a response back saying that this is not something doable. Mr. Pierce has personally written to HUD about ten days ago and has not heard anything.

Jamie Leblanc, developer, explained that he is part of a group interested in building a Hilton Hotel and Conference Center on the Eastland site. He proceeded with a Powerpoint presentation to give an overview of their plans for the 110-room hotel which will provide 100 jobs. It will be three-story and may have a restaurant in the hotel. They currently have an option to purchase the property. He noted some of the difficulties that they have been working on. It will be difficult to build the hotel on the west side. It will be well landscaped. A lot of discussion has come through the Planning Board process. He feels there is a sense of urgency to get moving to make this site work because their option is running out. They are hoping to open in Spring '05. There have been some major changes made since the beginning of this proposal. The old Town Hall will be made into an attractive structure. The financial impact to the Town of Freeport will be substantial.

Gail Senese, 4 Park Street, noted her concern with the 5' buffer from her home, the size of the hotel being Considered, the possibility of overnight parking. She had questions and provided topics for consideration. She read portions of a letter she submitted to the Planning Board. Mark Spruall also of 4 Park Street noted that whatever happens will be less than 10' from his house. He mentioned the benefit to the Town is just money but this development will add traffic, noise and congestion to the people who live here.

Cliff Goodall noted that the draft the Council has from the Planning Board is not the draft that was voted on and at least one serious error was made on the second page under "Standards". He read two sentences that are not consistent with what was said at the Planning Board meeting. Genie Beaulieu said at every meeting that trucks and/or peddler carts should be prohibited and they have still not gotten into this change. He provided a printed alternative to Councilors and members of the public that permits a hotel and protects the integrity of the zone. The train station was not included in the vote by the Planning Board and Mr. Goodall agrees that it should be left out. He answered questions for the Council. Donna Larson confirmed Mr. Goodall's comments and recalled discussions that took place at the Planning Board. Genie Beaulieu addressed the train station issue. More discussion followed.

Mr. LeBlanc pointed out that their plans always called for a 65,000 sq. ft. above-grade building. He would like this language added to the Ordinance. The Town Planner clarified that when the Planning Board looks at gross floor area, it looks at all of it—above and below grade and it all counts.

Ken Mann spoke on behalf of Independence House. His parents worked hard to get this house started up at its inception. Vice Chair Regier distributed a copy of a letter supporting the rezoning as long as it is compatible with the transitional and residential nature of the surrounding properties from Rita Armstrong, abutter. He read it into the record.

MOVED AND SECONDED: That the Public Hearing be closed.(Rumpf & Cassida)
VOTE: (7 Ayes).

Councilor Regier has spoken to a lot of people that live in this area and it is fair to characterize that the majority sense of guarded acceptance for this, consideration of possible jobs, and support for the Planning Board's decision to build on the westerly side. He is reminded that there is a neighborhood along Park Street.

Councilor DeGrandpre also spoke to numerous people and is reminded of an intense use that existed there. He is troubled by some of the language and space standards. He thinks this is an opportunity to anchor this side of town and the Council needs to keep in mind that the train will be coming at some point in the future. He is supportive of this proposal.

Councilor Rumpf does not have a problem with a hotel in this area. The Planning Board has taken a tough look at this situation and recommends that the hotel be located near the tracks. He is sensitive to the neighborhood situation but we need to make something of a site which is currently nothing right now. This is an opportunity to expand the tax base to help control taxes if it can be done in the right way.

Councilor Cassida is also supportive of the project but notes some details need to be ironed out. He is supportive of including some sort of train station in this zone. He likes the language Mr. Goodall used in describing this as a transitional zone. Whatever gets built here needs to blend in with the residential area in a harmonious manner.

Councilor White noted that this proposal is probably ahead of its time. If this proposal were not before the Council, there may be a different solution to an obsolete zone and a defunct building. The 65,000 sq. ft. building above ground is not a building he would choose to have in a transitional zone but the Council has to deal with this. He is concerned about the unknown of a railroad station and feels the Planning Board was wise in not getting into this because of the impact to this area. He can support the hotel going in on the left hand side of the west side of Park Street. The Council needs to be consistent in addressing square footage. The Council needs to be concerned about the east side of Park Street and would support something similar to what Mr. Goodall is recommending. He has concerns for the Independence House and it would be wonderful if it could be resolved. There has not been any discussion on the impact of traffic on Park and East Streets yet the impact will be tremendous. People are resigned to the fact that it is going to happen and are feeling powerless about it. He would not support the proposal coming from the Planning Board on the east side of Park Street. His only concern is the location for this proposal.

Councilor Bishop noted that no one likes change. It is not always likeable. She would be more concerned if it was a different building. She feels it is a bad building and no one wanted their kids around it when she was growing up. This proposal is an improvement to this area.

Chair Arsenault supports the project. It brings an economic enhancement to the Town. It will add to the tax base and provide jobs. It speaks to the 2010 Vision a lot. He has some buffering concerns that need to be addressed before going forward for the neighborhood. He supports the entire proposed request.

There was consensus that Councilors were not comfortable making a decision at this hour (10:45 p.m.). Councilor Regier suggested making a list of questions and basically going through them. The alternative is to go through the draft line by line. Councilor Cassida suggested going through the lines—there may be agreement on more than suspected.

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Short Break was taken

Chair Arsenault announced that after discussing this with the applicants, the Council has decided to continue the meeting to a workshop on Thursday at 6 p.m. and then will meet again on Tuesday, April 29.

MOVED AND SECONDED: To continue the next two specific items until April 29 and set a workshop for Thursday at 6 p.m. in the Council Chambers. (DeGrandpre & Rumpf)
VOTE: (7 Ayes).

ITEM #56-2003 To consider action relative to a proposed amendment to the sign ordinance concerning internally illuminated signs in the Village Commercial I and II zones (Chapter 23).

MOVED AND SECONDED: To Table Item 56-2003 to be considered in the same process as Item #53-2003 (Regier & Rumpf) **VOTE:** (7 Ayes).

ITEM #58-2003 To consider action relative to investigating the creation of a standing Planning Committee and separate Project Review Committee.

BE IT ORDERED: That the Planning Board review and report back with a recommendation to the Council on the feasibility of creating a standing Planning Committee responsible for all land use planning activities in the Town of Freeport, and a separate consolidated Freeport Project Review Committee (or Planning Board if that name is required by state law), responsible for all land use project review and approval functions.

BE IT FURTHER ORDERED: That the Planning Board consult with the Design Review Board, the Town Planner and the Codes Enforcement Officer as part of its review and that the Planning Board submit its report and recommendation to the Council no later than October 1, 2003. (White & Regier)

NOTE: This item requested by Councilor Rumpf.

Councilor Rumpf explained that he requested that this be placed on the agenda—this is not a new idea. It is an idea that has been talked about many times before. Councilor DeGrandpre suggested holding a workshop to see what comments the Planning Board can provide. The Town Planner indicated to Councilor Regier that the Planning Board has some openings in their schedule at this time of the year.

Ken Mann shared his views on this issue. He circulated a petition years ago to create a Planning Committee but At that time, the Council was clearly against it.

ROLL CALL VOTE: (7 Ayes).

ITEM #58-2003 To consider action relative to an Executive Session for an application for Property Tax Abatement because of poverty and/or disability.

MOVED AND SECONDED: That the Town Council enter into Executive Session to consider an application for Property Tax Abatement because of poverty and/or disability. (Regier & Rumpf) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Council reconvene at 12:45 a.m. (Rumpf & Regier)
VOTE: (7 Ayes).

NOTE: Council action is anticipated after the Executive Session ends.

MOVED AND SECONDED: To grant an abatement of \$891 and further move that a payment schedule be entered into with the Town of Freeport prior to May 15, 2003 and further move that a full property tax payment be in place by November 1, 2003 for current taxes. (Regier & DeGrandpre) **VOTE:** (7 Ayes).

Adjournment

MOVED AND SECONDED: To adjourn at 12:50 a.m. (Regier & Cassida)
VOTE: (7 Ayes).

Respectfully Submitted,



Sharon Coffin
Council Secretary

**TOWN OF FREEPORT, MAINE
STANDARD FORM**

PARKING LEASE

LEASE made as of the date shown below, by and between the TOWN OF FREEPORT, a municipal corporation located at Freeport, Maine ("Tenant") and Brewers South Freeport Marine (John Brewer), South Freeport, Maine ("Landlord").

WITNESSETH:

- 1) **PREMISES LEASED:** Landlord does hereby lease to Tenant, and Tenant does hereby lease from Landlord, the right to use twenty-five (25) parking spaces at the parking facility of Landlord in South Freeport, Maine as shown on Exhibit A, attached hereto on Tax Map 2, Lot 52.
- 2) **TERM:** The term of this Lease shall be from June 24 to October 1, for year 2003, 2004, and 2005. This Lease may be renewed by Landlord upon mutually agreeable terms.
- 3) **RENT:** Tenant covenants and agrees to pay rent of \$7,500 annually. Such rent to be payable on June 19 of each year.
- 4) **DAMAGE OR DESTRUCTION BY FIRE, EMINENT DOMAIN OR CASUALTY:** In the event that the Premises or any part thereof shall be taken by eminent domain or shall be so damaged or destroyed by fire or unavoidable casualty, that the Premises are thereby rendered untenable, then either Landlord or Tenant may terminate this Lease upon written notice to the other and the rent shall be prorated as of the date of such termination.
- 5) **MAINTENANCE:** The Landlord agrees to maintain a fence around the parking lot and the Tenant agrees to provide a periodic maintenance of the lot which includes litter control.
- 6) **DEFAULT AND TERMINATION:** If Tenant shall default in the performances of its obligations hereunder, Landlord may terminate this Lease.
- 7) **INSURANCE:** The Lessee hereunder, shall maintain a policy of public liability insurance on the Premises, naming the owner an additional insured, with reasonable policy limits. If Lessee becomes responsible for insurance hereunder, Lessee agrees that Landlord shall be relieved of any damages.

- 8) **SIGNAGE:** The Town to provide a sign and support to state:

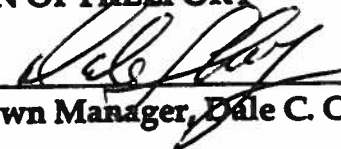
This property of Brewers South Freeport Marine has been leased by the Town of Freeport between June 24 - October 1 as public parking. Absolutely no overnight parking. Thank you. The Town of Freeport.

- 9) **OPTION:** Both parties agree to enter into negotiations during 2005 to extend this Agreement. Terms to be acceptable to all parties.

Dated: 3/27, 03

By: 
Landlord, John Brewer

TOWN OF FREEPORT

By: 
Town Manager, Dale C. Olmstead, Jr.

TOWN OF FREEPORT

MEMO

MEMO TO: Beverly Curry, Town Clerk
FROM: Johanna Hanselman, GA Administrator
SUBJECT: Complaint about Petition Circulation
DATE: April 18, 2003



I spoke with a woman by the name of Leslie Sullivan, 11 Jean Street, this morning. She contacted the Town Hall as she was very upset about how the current local petition is being circulated. She stated that the person circulating the petition (Bob Greenleaf) told her that the petition was about the budget and also told her she didn't need to read the petition prior to signing it as he had explained to her what it was about. Specifically he said that the petition was to "return the budget to the townspeople". She instead read the petition and was quite surprised to discover that the petition was not at all about what he had stated it was about. She felt strongly that the petition circulator was misrepresenting the truth about the petition. She contacted her neighbor after the circulator left her home and her neighbor stated that the circulator had also indicated to her that the petition was about the budget (he told her it would lower the threshold the Town Council could spend without voter approval) and she had signed it assuming he had spoken truthfully about the intent of the petition.

I recommended that Ms. Sullivan contact her District Councilor, Rick White, and/or write a letter to the Town Clerk, expressing her concerns about how this petition was being circulated.

cc: Dale C. Olmstead, Jr. Town Manager

Tabled Indefinitely

PROPOSED AMENDMENT

FREEPORT SIGN ORDINANCE

CHAPTER 23

Section 5. Specific Standards.

- 5.8 Internally illuminated signs are permitted in all districts except Village Commercial I and Village Commercial II Districts.



To: Dale Olmstead
From: Fred Reeder
Re: Internally Illuminated Signs
Date: April 14, 2003

Over the past 10 years we have had approximately 20 requests for internally illuminated signs in the VC-I & VC-II zones to the Design Review Board. I discourage applicants from asking for internally illuminated signs because they are usually turned down. Of all our requests, we have had only 2 approvals, Key Bank because they had an exiting internally illuminated sign, and Norway Savings, because Coastal Bank had also had a previously approved sign. The DeRosiers' sign is grandfathered since before Design Review and has never applied for a new sign. If internally illuminated signs were made illegal in these zones, then per sign ordinance, any changes to them would require that they be brought into conformity with the ordinance. I think VC-III should also be included in this amendment!



TO: Town Council
FROM: Dale C. Olmstead, Jr.
RE: Internally Illuminated Signs
DATE: April 16, 2003

I have discussed with the Town Attorney the options available to the Town Council is dealing with the existing internally illuminated signs in the VC I and II Zones. Chris Vaniotis advised that any action taken by the Town Council must treat all existing signs in the same manner. Chris has drafted two options for Council consideration. The Council may wish to send one or both to public hearing.



Town
options drafted by Attorney

**AMENDMENT TO THE SIGN ORDINANCE
CHAPTER 23**

OPTION 1

Section 5. Specific Standards.

5.9 Internally illuminated signs are permitted in all districts except the Village Commercial I and Village Commercial II districts, where they are prohibited. Notwithstanding anything to the contrary in 1 M.R.S.A. section 302, any sign installed after April 1, 2003 must comply with this section, whether or not an application was filed or a permit was issued prior to the effective date of this section. Any internally illuminated sign lawfully existing in the Village Commercial I or Village Commercial II districts on April 1, 2003 may continue to be used, but may not be replaced with another internally illuminated sign and must be removed no later than April 1, 2008.

OPTION 2

Section 5. Specific Standards

5.9 Internally illuminated signs are permitted in all districts except the Village Commercial I and Village Commercial II districts, where they are prohibited. Notwithstanding anything to the contrary in 1 M.R.S.A. section 302, any sign installed after April 1, 2003 must comply with this section, whether or not an application was filed or a permit was issued prior to the effective date of this section. Any internally illuminated sign lawfully existing in the Village Commercial I or Village Commercial II districts on April 1, 2003 may continue to be used, but must be converted to or replaced by a sign which is not internally illuminated if changed or modified in any way.



**ALTERNATIVE
PROPOSED AMENDMENT
FREEPORT SIGN ORDINANCE
CHAPTER 23**

Section 5. Specific Standards.

- 5.8 Internally illuminated signs are permitted in all districts except the Village Commercial I, II and III Districts.**

Non conforming signs that do not meet this standard and that were new and/or replaced an existing sign after January 1, 2002 shall be made conforming to this standard by June 1, 2004 notwithstanding the provisions of Section 4.10 and 1 M.R.S.A. §302.

Prepared by Cliff Goodall 4/22/03



TO: Rod Regier

April 19, 2003

FR: Rita Armstrong

RE: April 22 Public Hearing on Eastland Re-zoning

I will not be able to attend the public hearing due to vacation travel. I would appreciate it if you, as my town councilor, would represent my views at the hearing. As owner of a residence abutting the property in question, I support the rezoning of the obsolete manufacturing zone as long as the new zone specifics and parameters are compatible with the transitional and residential nature of the surrounding properties.

The key points I would like conveyed at the public hearing are:

- I understand the need to change the existing, obsolete manufacturing zone.
- I suggest that the town council consider a change to the manufacturing zone as it currently exists, excluding the Independence House and any other parcels not currently in the zone. The developers have indicated in their presentations that they can achieve their objectives without the acquisition of the Independence House. Implementing a zoning change only to the existing manufacturing zone and excluding the Independence House and additional parcels will help this area retain an overall character that is more residential and transitional in nature. Conversely, if the zone change included the Independence House and other residential parcel as proposed, it could conceivably be converted to a very large parking lot. This would not only significantly impact the current neighborhood, but would continue to increase the area of town covered by parking lots. The recent village planning committee town forum identified the sprawl of parking lots as one of the key issues to be addressed going forward, so we should think hard before we zone a currently residential area for additional parking.
- While I urge the town council to not unduly delay a decision on this rezoning request, I believe it is important for the council to thoroughly review and make appropriate edits to the recommendation from the Planning Board. My hope is that the council will expedite, but not rush, a decision.

Thanks for representing my views at this public hearing.

Rita



PROPOSED VC-IV ZONE DESCRIPTION - Revised 03/20/03
(Eastland Shoe Factory Property)
Map 13, Lot Numbers 41, 60, 61, 62, 63, 65, 66, 67

Section 415A. Village Commercial IV "VC-IV"

A. Purpose:

It is the intent of this District to mix commercial and residential activity within the Village Center.

B. Permitted Uses:

1. Single Family Dwelling
2. Two Family Dwelling

The following uses are subject to site review regardless of size:

3. Business and Professional Offices
4. Municipal Facility
5. Public Assembly - Indoor
6. Public Utilities
7. Multiple Family Dwelling
 - a. Existing buildings shall not be subject to the provisions of Section 415A.C.1 below.
8. Hotel/Motel
 - a. Gross floor area of a new structures shall not exceed 65,000 s.f.
9. Religious Institution
10. School
11. Private Assembly
12. Bed and Breakfast Inn
13. Day Care Center Facility
14. Nursing homes
15. Buildings in existence prior to (date of acceptance) within the VC-IV District may contain one or more of the following uses;
 - (a) restaurant
 - (b) restaurant carry-out
 - (c) business and professional office
 - (d) personal service store such as but not limited to beauty and barber shops, Laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services, and alteration services
 - (e) meeting space accessory to a hotel

C. Space Standards:

1. Minimum lot size: 8,000 SF

2. Minimum road frontage: 50 feet
3. Maximum building height: 35 feet
4. Minimum setback/front:
10 feet, except (see additions to enlargement of existing structures below)

Additions to or enlargement of existing structures - the interior edge of sidewalk or the existing building line, whichever produces the greater setback ("building line" means a line parallel to the property line or edge of sidewalk from which the setback is being measured and which touches the existing building at the point nearest to that property line or edge of sidewalk);

Landscaping or other amenities such as planters, benches or expanded sidewalk shall be required within the front setback.

5. Minimum setback side and rear: 25 feet, except that the minimum side and rear setback shall be 200 feet for buildings greater than 20,000 s.f. gross floor area that abut a property presently used for residential purposes, and the minimum rear setback adjacent to a railroad right-of-way shall be 5 feet.
6. Minimum land area per dwelling unit: 2,000 square feet.
7. Maximum impervious surface to lot area ratio: 80%
8. Maximum gross floor area per lot: 30,000 s.f, except where otherwise noted

D. Other Standards:

1. A buffer zone shall be at least 10 feet in depth when a commercial property abuts the V-I District, and 5 feet in depth when a commercial abuts a property that is currently used for residential purposes. The buffer zone maintain the natural features of the land when possible, or, if necessary, fencing or screening may be used and shall be located and constructed in such a manner that it can be maintained from the developer's property except that where a commercial property abuts a residential use, the screening shall be vegetated in nature. The buffer area may only be used for walkways, or vehicular connectors or points of access. Notwithstanding the above, when a lot is transected by a zoning district boundary, the buffer required by this section may be maintained from the lot line rather than the district boundary line.
2. Overnight parking is allowed in VC-IV.
3. Peddler trucks are prohibited.
4. Offsite parking is allowed provided the parking area is within the VC-IV District.

Proposed Changes to the Freeport Comprehensive Plan

**As revised at the
March 19, 2003
Planning Board Meeting**

Commercial

Most of the commercial activity within Freeport is concentrated in the Town Center. The presence of the L.L. Bean Retail Store has encouraged the recent proliferation of discount retail stores, which has made Freeport's commercial business district a national and international tourist attraction. Although it is already densely developed, there is room for some additional expansion of commercial businesses in the Town Center through the demolition and replacement of existing buildings and the expansion of existing buildings. More recently, commercial development has been occurring along the southern section of Route 1 in the vicinity of Freeport Crossing and Maggie's General Store. Public sewer and water service has been recently expanded along Route One South, down to the Super 8 Motel. There are several small scale commercial establishments in other parts of the Town, but the potential for extensive business development is limited in the sections of Freeport zoned for commercial uses because of the lack of public utility service.

In 1983, there were approximately 215,400 square feet of commercial (retail, office, and restaurant) uses in the Village. It is estimated that the total is now closer to 400,000 square feet, with the predominant uses being retail and some restaurants. Along Route One North, bed and breakfasts have been developed from existing older homes. On Route One South, new motels and retail establishments are located on land served by new sewer and water lines that were extended to serve these establishments. Further south on Route One, additional retail establishments totaling approximately 60,000 square feet have been constructed. These properties are located on both sides of Route One and scattered along the entire stretch of roadway. The Planning Board and the Traffic and Parking Committee began a preliminary review of sidewalk facilities in this area to ensure coordination with future development.

Future commercial demand is difficult to predict. If the trends of the 1980's continue, even to a lesser degree, there will be demand for new commercial development along the entire Route One South roadway. This demand will exist because Freeport is a popular destination for shopping and because there is available vacant land. Future extension of water and sewer lines will determine the types of use that could locate there; restaurants and motels will require utility extensions because the poor soils would not support septic systems for these uses.

Industrial

Freeport has a small amount of industrial and manufacturing activity at the present time. The Town has seen a decline in the number of industrial establishments over the past few years. Recent losses include the Dingley Press (which moved to Lisbon) and an L.L. Bean manufacturing division (which moved to Brunswick), and in 2001 the closure of the last remaining major manufacturing company, the Eastland Shoe Factory. Much of the current industrial land use is made up of the L.L. Bean office and distribution facility. The Eastland Shoe Factory is the last remaining shoe manufacturing company in the Town, and has maintains a warehouse/distribution facility in Freeport as well.

In 1989, the Desert Road Industrial and Business Park was created in order to increase the amount of industry in Freeport over the next few years. A Tax Increment Financing (TIF) District was developed for this industrial park, mainly to help finance the extension of public sewer and water to the site and to pay for necessary road improvements. This industrial park comprised 65 acres, seven buildable lots, and had DEP approval for up to 270,000 square feet of industrial/office space. In 1992, L.L. Bean purchased the entire parcel, succeeded in rezoning two adjacent parcels, and received approval for 326,000 square feet of warehouse and returns center facilities. The company expects to propose additional development in the future at that site. Two additional parcels totaling 43 acres on Desert Road have been rezoned from RR-I to I-II for future industrial development.

Analysis

Freeport's existing land use pattern is a study in contrasts. Within its borders can be found a densely developed commercial center attracting over 4 million shoppers a year, historic villages with existing and traditional maritime activities, new subdivisions on new roads, and residential uses strung along existing roadways.

Most of the Town is relatively undeveloped, with about 80 percent of the land area consisting of forest land, pastures, and other undeveloped areas. A high percentage (22%) is enrolled in the Tree Growth Tax Program. Residential uses are located in densely developed in-town areas that contain a mixture of single and multi-family homes, housing clusters around the harbor and coastline, and individual homes are scattered on large lots throughout the Town. New housing subdivisions have recently located in the rural areas west of I-95.

During the 1980's, substantial residential and commercial growth occurred in Freeport. A new industrial park was constructed, the Village Center became a predominantly retail commercial area, and the rural area west of I-95 began to attract increased residential development.

In the 1990's, the Route One South corridor will most likely be the location of new commercial development, especially when public utilities are extended southward. Residential development undoubtedly will continue to occur, since the rural qualities of the Town are a major attraction. The industrial area, as it is developed or redeveloped, will create a more diversified economy. The challenge will be to balance continued economic and residential growth with the retention of the patterns of land use that make Freeport unique.

Freeport Comprehensive Plan

Over the past ten to twenty years, Freeport has been transformed from a community with a large manufacturing base (primarily shoes) and a small number of retail stores into a major "destination shopping" center with very little manufacturing activity. During this time period, L. L. Bean has experienced a substantial amount of growth, which has increased the number of local employment opportunities. The proliferation of discount retail stores has also increased the number of jobs in Freeport and total taxable sales.

It appears that there is an increasing desire to diversify Freeport's economy, so that the Town's employment and tax base are not as vulnerable to fluctuations in the national economy or consumer spending. The expanded I-II District on Desert Road will be the location of new, diversified businesses, which will be aided by the fact that it has on-site water and sewer service. Expansion of water and sewer service to Route One South has will increased the area available for new commercial and industrial uses. There is also a desire to attract some new businesses that cater to the needs of townspeople. Recent efforts to attract such locally oriented establishments, however, have not met with much success. The recent loss of the village's last major manufacturer, Eastland Shoe Factory, could provide an opportunity to revitalize the village and provide a combination of local services, and uses associated with tourism such as lodging and restaurants.

VI. FUTURE LAND USE DIRECTIONS

The purpose of this section is to summarize the goals and objectives relating to land use in Freeport during the next decade. Existing land use regulations are the foundation of the management plan. Recommendations for modifications to those regulations, plus improved approaches to environmental regulation, will accommodate the projected population growth and retain the traditional development pattern and rural qualities of the community.

EXISTING LAND USE MANAGEMENT SYSTEM

The Town of Freeport has adopted several ordinances which regulate land use. They include a zoning ordinance, subdivision ordinance, sign ordinances, street design ordinance, building code (BOCA) and a design review ordinance. The zoning ordinance is the principal legislation impacting land use. In 1986, the zoning ordinance was rewritten as a result of adoption of the last revision to the Comprehensive Plan. This Ordinance has subsequently been revised to address new issues and to fine tune existing language, but its basic structure and the organization and purpose of its districts and map remain essentially intact. We propose to retain this document as the foundation of Freeport's system of land use regulation and to modify it as proposed in this section. Other ordinances will also be amended in order to be compatible with this Plan.

The present zoning ordinance guides land use by dividing the Town into twenty-two Districts which represent a variety of purposes, uses and densities. Some are predominantly residential and located in rural to moderately rural areas (e.g., Rural Residential-1 and 11, Resource Protection -11, Medium Density Residential - 1 and 11). The Rural Residential 1-A district combines residential uses and selected small resident owned businesses. Other residential districts are located in the two densely developed villages -one in the Town Center (Village-1) and one in South Freeport Village (Village -11). Some districts combine residential and commercial uses to varying degrees (Medium Density, Village Commercial -111). The commercial districts are designed to reflect historical patterns of use and to encourage a variety of commercial patterns of use ranging from the densely developed village center (Village Commercial-1 and 11) to highway oriented commercial activity (Commercial-1, 11, and 111) to a district whose purpose is to encourage the development of businesses serving the needs of local residents (Local Business). Each of the ~~three~~ two types of industrial districts accommodate the needs of different kinds of industries and different locations (Industrial-1, ~~and 11 and 111~~). The Marine Waterfront district is designed to provide appropriate locations for water oriented activities such as fishing, marinas and boat building. Two districts focus on environmentally sensitive areas- resource protection lands and aquifer recharge areas (Resource Protection -1 and 11). One overlay district (Mining and Extraction Overlay District) permits and regulates mining and extraction activities where the resources are located.

FUTURE LAND USE DIRECTIONS

When residents were asked, in the Community Attitude Survey, which criteria were most important in determining the locations for future residential, commercial and industrial growth, a majority of respondents chose the following criteria as critical factors: protection of natural resources, historic resources, rural character, neighborhood character and commercial marine

5. I-III. This District was previously the site of the Eastland Shoe Factory manufacturing plant in Freeport Village. The manufacturing portion of the business was closed in the fall of 2001, given the statewide decline in manufacturing, it is unlikely that another similar business would move into the building. The permitted uses in this district are limited to manufacturing and processing and warehouse and storage facilities. The site is adjacent to the VC-I District and residential neighborhoods. A new zone is proposed which is slightly larger than the existing I-III District which will be a combination of lodging for those visiting the retail core of the village, local business, other commercial businesses, and a variety of residential uses.

- 56. Marine Waterfront District. The two districts located on the Harraseeket River will continue to be water-dependent business locations and existing water-dependent businesses will be actively encouraged to remain in the MW Districts.

C. INDUSTRIAL

Industrial development is possible in two Districts where adequate vacant land for future development is available.

1. I-11. This District was expanded in 1992 to add two lots to the Industrial Park facility on Desert Road being developed by L.L. Bean and one other small parcel on Desert Road. The 40 acre parcel northerly of the Park was rezoned from RR-1 to I-11 to provide additional locations for industrial or office uses requiring public utilities. The boundaries of this District should not be expanded westward in order to protect properties in the adjacent residential areas. New development in this District should occur in a manner that is sensitive to the impact on these residential areas.
2. C-11. This District permits manufacturing and processing as well as other commercial and retail uses and is designated as both a commercial and industrial growth area. Rather than expanding the I-11 District, the expansion of public utilities to this area should be encouraged.

II. RURAL AREAS

A. NATURAL RESOURCE PROTECTION AREAS.

As Freeport changes from a low density, rural community to a more densely developed one, it is important to affirm the commitment to protect from harm those areas which are environmentally sensitive.

The Zoning Ordinance now protects most of these areas. Completion of identification is a recommendation of this Plan. For example, the definition of Net Residential Acreage prohibits

GOAL #4

Use whatever local tax or land management incentives are at the Town's disposal to encourage the permanent preservation of agricultural, forest and open space land.

GOAL #5

Blend new housing developments into the landscape as much as possible by incorporating the positive elements of traditional village/neighborhood patterns or planned unit or cluster developments when feasible.

GOAL #6

The size and design of new roads and transportation systems should be consistent with Freeport's existing system of traditional, rural roads and should direct traffic away from residential areas.

GOAL #7

Encourage the creation of additional green space and the protection of existing trees in the VC-1 and VC-11 and VC-IV Districts.

GOAL #8

Encourage reciprocal communications and notifications with neighboring towns about any proposed zoning changes or significant development proposals that might increase traffic volumes and have other impacts between the towns.

GOAL #9

Support those private and public organizations that can assist in the preservation of Freeport's open space and rural character and encourage coordination of their efforts.

GOAL #10

Retain existing permitted dwelling unit densities in the Rural Management Areas except where the Town Council adopts density bonuses.

GOAL #11

Preserve and protect the integrity of residential neighborhoods.

IMPLEMENTATION STRATEGIES

1. Future Land Use Directions

A. Revise the Zoning Ordinance and Map as follows:

1. Revise the densities of the southern one-half of the MD district to 40,000 s.f. without public water and sewer and 20,000 s.f. with public water and sewer and explore the possibility of linking the provision of affordable housing with density increases.
2. Develop a new district for the five lots on the north side of Desert Road between Hunter Road and the railroad tracks which combines elements of the LB and I-II (including office and convenience stores) and also protects existing residences

from harm during the conversion from residential to commercial use.

3. Review the "permitted uses" section of the Zoning Ordinance to evaluate whether additional uses should be allowed in the following zoning districts and review the setback and buffering requirements in these districts to ensure that they are consistent. Examples of potential uses are:

C-1 Convenience stores without gas pumps, boat yards, auto sales establishments;

C-11 Two family residences, campgrounds*, convenience stores;

C-111 Retail sales, hotel/motel;

MD Construction services, campgrounds*, remove size limitations on convenience stores and hotel/motel;

LB Restaurant (See Local Economy, Strategy 1A).

V1 Convenience Stores

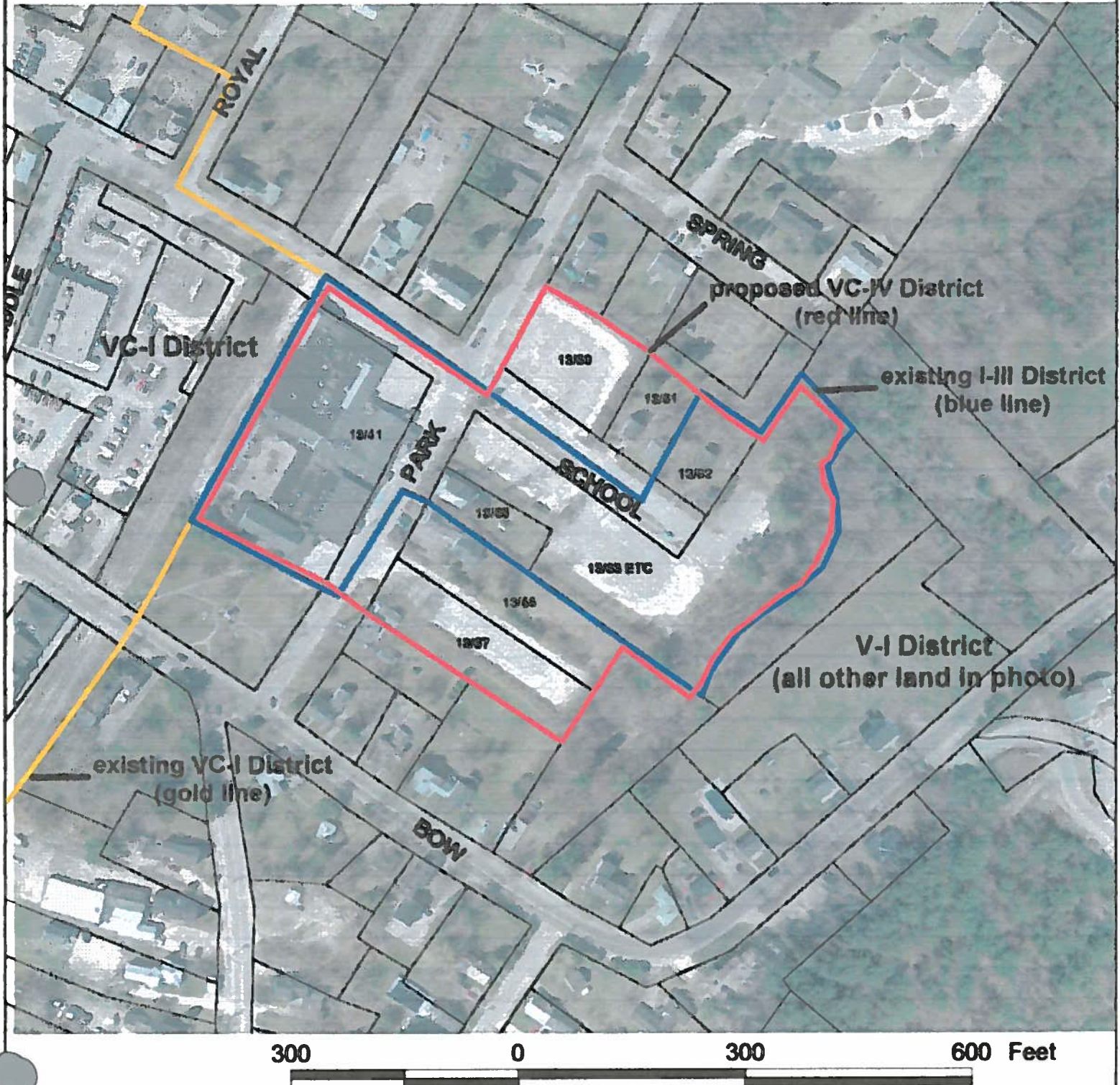
- Review to determine if campground uses, subject to site plan review, should be added to the permitted uses in order to provide for RV camping close to the Village to discourage illegal overnight parking of RV's in parking lots in the Village.

4. Eliminate the Industrial III (I-III) District create a new VC-IV District that allows for mixed use such as retail, lodging, local businesses, offices and all types of residential uses. Revise the Official Zoning Map to enlarge the VC-IV District. Review the parking requirements and make changes as necessary to reduce the amount of impervious surface on a property while still providing adequate parking for the uses proposed.

4. Prohibit overnight RV camping in the VC-I District's parking lots.
5. Identify any additional natural resource protection areas and special protection areas, as defined in the Future Land Use Section, and determine the appropriate level of protection.
6. Explore whether Bed and Breakfast Inns, as defined in the Zoning Ordinance, should be further regulated in the entire Harraseeket Historic District.
7. Investigate the expansion of the boundaries of the MDR-1 District on the Wardtown Road for future affordable residential development.
8. Revise setback requirements for R.V.'s and tenting sites in campgrounds so that they do not exceed the setback requirements for structures in the same zoning

Freeport Village
Area Proposed for
Comprehensive Plan
and
Zoning Ordinance Amendments

VC-IV District



April 22, 2003 public hearing
prepared by the Freeport Planning Department

