

**MINUTES
FREEPORT TOWN COUNCIL MEETING #13-2005
TOWN HALL COUNCIL CHAMBERS
JUNE 21, 2005**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Thomas Rumpf, P.O. Box. 819, S. Freeport
John Arsenault, Prout Road
Charlotte Bishop, Maquoit Drive
Rich DeGrandpre, Timber Ridge Road
Frederick White, 45 Pleasant Hill Road
James Cassida, 5 Timber Ridge Road
Genie Beaulieu, P.O. Box 74

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Chair Rumpf called the meeting to order and noted that Councilor Bishop is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #12-2005 held on June 7, 2005 and accept the Minutes as printed.

Councilor DeGrandpre referred to page 6 under RWS Update. The sentence should have read: *He will be attending an annual RWS Board meeting next week, which will be his 20th year of Board meetings rather than his 20th Board meeting.*

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #11-2005 held on May 24, 2005 and accept the Minutes as amended. (Cassida & DeGrandpre)
VOTE: (6 Ayes) (1 Excused—Bishop)

SECOND ORDER OF BUSINESS: Announcements

Chair Rumpf noted that the composting bins will be available for pick up on June 29 between 9 a.m. and 3:30 p.m. for any Freeport resident who placed an order for them. Pick ups can be made during the regular business hours on or after June 29.

The Appointments Committee recently made a number of appointments to various Town Boards or Committees. Chair Rumpf encouraged members of the public willing to serve on Boards or Committees to consider submitting an application form expressing their particular interest.

Chair Rumpf noted that the State budget was recently revised last week. He doesn't know what the final numbers are as a result of this. There were cuts in State programs which involved funding to municipalities, tree growth reimbursement was pushed off and municipal revenue sharing is being reduced. He does not know what the specific implications are for Freeport but he is fairly certain there will be a loss of revenue from the budget that was passed for next year. It is quite likely that the Council will have to revisit its budget and determine what cuts are necessary in order to balance the budget for next year. He does not expect the details for a couple of weeks but he wanted people to know that decisions made at the State level will impact the Town budget.

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

Chair Rumpf moved on since there were no public comments.

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

ITEM #84-05 To consider action relative to adopting the June 21, 2005 Consent Agenda.

BE IT ORDERED: That The June 21, 2005 Consent Agenda be adopted.
(Beaulieu & Arsenault)

Chair Rumpf highlighted the items on the agenda for members of the public. Mr. Olmstead advised that Pine Tree has not yet paid their fee and their license will not be reissued until they do. Pine Tree's customers may experience an interruption in service because their trucks will not be allowed to collect after July 1. He noted that they have been called numerous times. Councilor Beaulieu urged Pine Tree's customers to contact them because their collections will stop July 1.

Mr. Olmstead noted that the last victualer listed on the agenda has not yet received his State license and will not be issued a local license until he can show proof of a State license.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop)

ITEM #85-05 To consider action relative to proposed amendments to the Zoning Ordinance (Chapter 21), the Subdivision Ordinance (Chapter 25), the Street Acceptance Ordinance (Chapter 26), the Comprehensive Plan, and new Design Standards concerning subdivision in the Village I and Village Commercial II, III and IV Districts. **Public Hearing.**

MOVED AND SECONDED: That the Public Hearing be opened. (DeGrandpre & Beaulieu) **VOTE:** 6 Ayes) (1 Excused—Bishop)

Conan Deady, Vice Chair of the Planning Board, gave a brief description of what the Planning Board has been working on this past year. The moratorium will expire in two days. He answered questions for Councilors. Current Planning Board members were in attendance.

Town Planner, Donna Larson, provided history on these proposed amendments. In 2002 the Council appointed a 28-member Village Planning Committee. The Committee provided a report in July of 2003 to the Council. The Council presented it to the Planning Board. The Planning Board went through a reorganization process and then held a series of public hearings. They also held a public hearing in May of 2005 and standards were discussed. Subjects such as smaller lots, open space, sidewalks, bikeways,

colors, passive solar architecture, etc. were discussed. On June 1 the Planning Board met again and revised the design standards. She explained the proposed standards to Councilors and also showed road configurations and homes in various existing neighborhoods.

Chair Rumpf thanked Ms. Larson and the Planning Board for all the work they did on this proposal.

Councilor Beaulieu asked for clarification on where the zones actually exist so that members of the public would understand what was being considered. Councilor Arsenault had concerns with the restrictions on one-story ranch style homes. Councilor DeGrandpre asked if current mobile home owners would be able to replace their homes when necessary. Ms. Larson addressed these questions.

Chair Rumpf opened the podium to the public. Rodney Curtis of Oak Avenue had questions on the 200' buffering from I-95 and asked where the line was drawn. Pauline Harris of Royal Avenue noted concerns with mandating that garage doors must not face the street. Andrew Simmons of Snow Road noted his objections to the garage door mandate as well as the prevention of large landscaping rocks being brought in. He also had concerns with the restrictive list of street trees. He recently planted trees that are not on the recommended list. He asked about adding bike lanes that connect to other areas.

Chair Rumpf addressed the bike lane issue and Cynthia Orcutt addressed questions on landscaping rocks, and the list of street trees and buffering material. Ms. Orcutt clarified that "shall" means you must do it and "should" is your choice. The "shalls" are street trees and screening plants. The "should" is something recommended (buffers and any other landscaping proposed in this district). Chair Rumpf suggested changing the sentence to read: *It is recommended that plant material be chosen from the plants listed in the plant material list.* Other Councilors concurred. Discussion followed on rocks. Councilor DeGrandpre clarified that what is being discussed is multi-family and sub-division. Chair Rumpf suggested going through each design standard headings and review who it applies to. Ms. Larson agreed. Ed Bonney called for a point of order—this is a public hearing and people should be able to speak, even if it is stupid. It is not a work session. Chair Rumpf noted it is important for everyone to understand exactly what is being proposed in order to make intelligent comments about what the impact is. He asked if anyone had a time constraint and would like to speak right away.

Pam Wagner of Dennison Avenue noted that she doesn't think we should try to preserve the rural areas of Freeport by decreasing the lot sizes in the village. She noted that people are concerned about houses being put closer together. They are concerned about 3 or more units being allowed in areas where they can't be put in right now. She has no concerns with affordable housing in the village. She would prefer to see the lot sizes and setbacks remain as they are.

Peter Bogle of Park Street echoed what Ms. Wagner said. He had objections to Page 24 dictating what size trim needs to be used on houses. On page 27 regarding fencing, he feels he should be able to install a chain link fence for his dog. He understands the need for standards but feels these standards are over-regulating and asked the Council to respect what people can afford.

Rod Regier of South Street asked the Council to consider the Zoning Ordinance proposals and it has been stated tonight several times that the design standards proposed would not be applicable to single family homes. There are several places where you see the phrase under "Other Standards" **Any new construction, addition or reconstruction in this district are also subject to the Freeport Village Design Standards.** He hopes that this ambiguity will be clarified as the Council works through it.

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Ms. Larson indicated that the Town Attorney has reviewed this and it is meant to cross reference to the design standards. Councilor Beaulieu suggested stating right up front what the standards apply to or do not apply to.

Kirk Goddard noted his concern about recommended changes to the Comprehensive Plan that he thought was scheduled this evening. He printed off the information from the Town's website. He has concerns with amending pieces of the Comprehensive Plan. Ms. Larson explained that the changes Mr. Goddard is talking about are not part of tonight's public hearing. She apologized to Mr. Goddard as did Chair Rumpf.

Jackie Soley of 201 Main Street suggested that anything recommended not be included in this document to prevent misinterpretation.

Susie Saunders, former Village Planning Committee member and property owner in the Village, indicated that the Design Review Ordinance has been a "godsend" to the village since the result is a really beautiful downtown area. She recalled a tenant wanting to add rubber palm trees in front of a building.

Ed Bonney apologized for his point of order and offered to wait to speak. Chair Rumpf encouraged him to speak now. He has spent 40 years trying to do good things for Freeport. He sees a great difference between the need to regulate commercial activity in VC-I from the need to strictly regulate what is going to happen in the donut around that. In his opinion the math doesn't work on this particular plan. He has concerns with the 30 pages of regulations that may hinder the goal of infilling some property downtown. He suggested that the Council make it easy for people to live downtown where there are existing utilities. He noted that there is a desperate need for elderly and affordable housing.

Gordon Hamlin of Chapel Street disagreed with Mr. Bonney. He builds 35 houses every year and asked the Council to show some leadership in not gutting this Ordinance. He encouraged the Council to simply tweak it.

Richard Harris of Royal Avenue indicated that some standards are needed but the question is how many standards need to be in place. There are some design standards that have problems.

Alice of 9 Somerset Street has concerns with sprawl and how many lots will be allowed. She had questions about open space and asked the Council to look at the numbers.

Andrew Simmons commented on what other people said earlier. He feels that the majority of people in Town are not going to subdivide. He agrees that having the restrictions too tight is going to inhibit growth.

Joe Migliaccio of South Freeport Road and Planning Board member agreed that this document is very difficult from a resident's perspective. It is up to the Council to decide to send it back to the Planning Board for more work or look at the reason why it is being dealt with in a piece meal fashion. People need guidance from the Council.

Chair Rumpf pointed out that a new Subdivision Ordinance was adopted for the rest of the Town but it exclusively excluded consideration of the Downtown. This is an attempt to complete the picture for the entire Town on the Subdivision end.

MOVED AND SECONDED: That the Public Hearing be closed. (Cassida & Arsenault)
VOTE: 6 Ayes) (1 Excused—Bishop).

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Councilor DeGrandpre pointed out that he is not opposed to having some sort of design standards in the village area but he is uncomfortable with the design standards as written for infill single family and existing homes. He feels he can work with the space standards. Councilor Beaulieu has no problems with the Subdivision Ordinance other than the design standards. She has a problem with *all roads being public*. She asked at the last meeting for the number of potential miles this may mean. In a bad tax time, this could have serious consequences. She also has a real problem with not being able to have a ranch house. The rock thing is not a big deal to her. She asked who would police under landscaping, the use of bare root plant material. She noted it does not make sense to make Ordinances that will not be enforced. She also has a problem with the mandate that the garage doors be put on the side. She has a problem with the wording in the Comprehensive Plan saying that we are voting to change the Comprehensive Plan and technically it will mean that we are changing everything that has been changed on the web. Councilor Cassida indicated he agrees with Councilors Beaulieu and DeGrandpre. He feels it is too much regulating and we don't need this much detail to encourage infill development. He would appreciate reasonable, concise design standards. Councilor Arsenault has concerns with the design standards but feels it is important to have some design standards in place. He has a concern with the requirement of houses being a story and a half.

Councilor White appreciates all the work the Planning Board did on this proposal. He supports it generally and feels that standards are a necessary evil. He has a concern with standards when they drive the price of construction up. The only people that can afford to live here are folks that have a significant income.

Chair Rumpf supports the intent of providing for more infill and density in the village but he does that with the understanding that it is done in a way that continues to support a viable, walkable village community where people can live and work in the same village and don't necessarily have to get in a car to get from one thing or another or buy a quart of milk. The Council will need to take a look at the proposed design standards and find a way to simplify them and decide which ones are really critical and which ones are not as important and really don't accomplish that much in reality.

Mr. Deady offered to readdress some of the concerns that were brought up tonight such as the large rocks, bare root plants and garage doors. He did not recall a conversation on any of these.

Chair Rumpf mentioned extending the Moratorium and discussion followed. Councilor Cassida does not want to extend the Moratorium. Councilor Beaulieu suggested that Councilors submit a list of concerns with the design standards to the Town Planner. Ms. Larson noted that the next Planning Board meeting is on July 6 and encouraged Councilors to come in and workshop if possible. She did not recommend extending the Moratorium. Chair Rumpf mentioned that members of the public might participate in the Planning Board's meeting. Members of the public can contact their respective Councilor or the Town Planner.

MOVED AND SECONDED: To table Item #85-05 until the Council has an opportunity to have further discussions with the Planning Board about simplifying the design standards. (Arsenault & Cassida) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

MOVED AND SECONDED: To take Item #88-05 out of order (White & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

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ITEM #88-05 To consider action relative to a loan from Municipal Reserve Funds to provide for the purchase of a piano for the High School Performing Arts Center.

BE IT ORDERED: That a loan of \$10,000 from Municipal Reserving Funds be authorized to provide for the purchase of a piano for the High School Performing Arts Center.

BE IT FURTHER ORDERED: That the loan be fully repaid no later than June 30, 2008 and be conditioned on a signed pledge as printed and dated June 21, 2005. (Cassida & Arsenault)

Dr. Steve Putnam, Manager of the Performing Arts Center, explained the history behind this piano purchase. L.L. Bean donated \$15,000 and the Performing Arts Boosters set aside \$2,800. Private donors have pledged \$1,500. A 75-year old Steinway 7' concert level grand has been located in Massachusetts for \$29,300.

MOVED AND SECONDED: To amend the motion to read a Steinway 7' concert grand piano. (Cassida & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Bishop)

Chair Rumpf thanked Dr. Putnam and Rod Regier for all their work in bringing this Steinway to Freeport. Councilor DeGrandpre asked who was taking care of the donations. Dr. Putnam indicated that he would keep track of donations but the check from L.L. Bean is in the Superintendent's office. Mr. Olmstead advised that donations would come to the Town and be accepted by the Council. He requested that the check from L.L. Bean be transferred to Town Hall for acceptance by the Council. He will open an account.

Dr. Putnam explained how the piano would be cared for when it arrives.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop).

MOVED AND SECONDED: To take Item #1 under Other Business out of order—Discussion on request for funding from the BRAC Task Force. (Beaulieu & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

Al Austin, BRAC member, explained how the task force is working to save the Brunswick Naval Air Station. He noted that this is a regional issue and not simply a Brunswick issue. He asked for support from Freeport. Discussion followed.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Beaulieu & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Bishop).

BE IT ORDERED: That \$2,500 be expended from the fiscal year 2005 Operating Budget Miscellaneous Contingency Account to support the activities of the BRAC Task Force. (Beaulieu & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

Mr. Austin thanked the Council and indicated that he would like to come back at some time.

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- ITEM #86-05** To consider action relative to adopting the ECO Maine Interlocal Solid Waste Agreement, the ECO Maine Waste Handling Agreement and forming a non-capital stock non profit corporation.

BE IT ORDERED: That the Town of Freeport

1. enter in and adopt the ECO Maine Interlocal Solid Waste Agreement, substantially in the form attached and incorporated herein by reference, pursuant to the provisions of Title 30-A, Chapter 115 and Title 38, Chapter 13, Section 1304-B(5) of the Maine Revised Statutes; and
2. Authorize the formation of a non-capital stock nonprofit corporation under the provisions of Title 13-B and Title 38, Section 1304-B(5) of the Maine Revised Statutes, the name of such corporation to be "ECO Maine," to operate a regional waste management system pursuant to the provisions of the said ECO Maine interlocal Solid Waste Agreement; and
3. Enter into and adopt a Waste Handling Agreement with ECO Maine substantially in the form attached and incorporated herein by reference. (Arsenault & Beaulieu)

Chair Rumpf indicated that materials were included in Councilors' packets. Mr. Olmstead advised that Schedule A is excluded but if we expand our recycling efforts, we will have to come up with a schedule. Discussion followed.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop).

- ITEM #87-05** To consider action relative to appointing an ECO Maine Board of Directors member to represent the Town of Freeport.

BE IT ORDERED: That Rod Regier be appointed effective July 1, 2005 to the ECO Maine Board of Directors representing the Town of Freeport. (White & DeGrandpre).

There was consensus that Mr. Regier would be a fine representative.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Bishop)

OTHER BUSINESS:

Informational Exchange

Chair Rumpf mentioned that Freeport will likely experience some impact by the cuts in the State budget from last week. David Webster was in attendance. Mr. Olmstead noted that if the State were to find a way to pick up the entire cost of Homestead Exemption improvements that were made, it would more than offset the numbers he has seen in the way of an impact. If none of that happens, Freeport will have a significant issue to deal with. He is having an emergency meeting with his department heads tomorrow and they will start their year off with a budget freeze. It is important that Council leadership relay to School Committee leadership that they need to be taking some action to protect themselves because we will have to reopen the budget process in the next couple of months should the State not find a way to offset these revenue reductions. Discussion followed.

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Chair Rumpf thanked Representative Webster for coming in and he indicated that he would talk to Chris Leighton and Elaine Tomaszewski.

Adjournment

MOVED AND SECONDED: To adjourn at 11:25 p.m. (White & Arsenault)
VOTE: (6 Ayes) (1 Excused—Bishop).

Respectfully Submitted,

Sharon Coffin
Council Secretary