

M I N U T E S
TOWN OF FREEPORT
MEETING OF THE FREEPORT TOWN COUNCIL
#5-84 MARCH 6, 1984 @
7:30 P.M. B.H.BARTOL LIBRARY CONF RM

☐ Regular

☒ Special

<u>Chairman's Call to Order</u>	Present	Excused	Absent
John Swan, Chairman, 48 Bow Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hugh Phelps, Vice Chairman, Porters Lg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Coffin, Bartol Island Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vaughndelia Curtis, Pine Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Davenport, Bartol Island Rd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frederick Palmer, Porters Landing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Lunt, Webster Road	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Moved and Seconded - To waive the reading of the Minutes
of Meeting #4-84 held February 21, 1984 and accept the
Minutes as printed.

(Councilors Palmer & Coffin) (6 Ayes) (0 Nays)

For the record, Mr. Davenport is present at 7:32 P.M.

COUNCIL MEETING #5-84
MARCH 6, 1984

Councilor Lunt objected to Item #25-84 on the Agenda and brought up the definition of "Special Meeting"; Mr. Lunt cited Roberts Rules of Procedure and Council Rules of Procedure in his objections. Councilor Lunt moved to appeal this item (Item #25-84) to the council in order to prohibit acting on the item and Councilor Davenport seconded. There was also some question on whether the meeting should be held or not. Council agreed in the majority to hold the meeting and continue - the vote was 5 Ayes, 1 Abstain, Councilor Davenport, 1 Nay, Councilor Lunt)

ITEM #25-84

Moved and Seconded - That the tabling action on Items 22-84 and #23-84 be rescinded and that Town Council take immediate action on these items.
(Councilors Phelps & Curtis) (6 Ayes) (1 Present, Councilor Lunt)

ITEM #22-84 Be It Ordered - That the Proposed Amendments to the Shellfish Conservation Ordinance, as submitted to Public Hearing on February 21, 1984, be approved.
(Councilors Coffin & Curtis)
(6 Ayes) (1 Present, Councilor Lunt)

ITEM #23-84 Be It Ordered - That the Proposed Amendments to the Freeport Zoning Ordinance, as submitted to Public Hearing on February 21, 1984, be approved.
(Councilors Curtis & Phelps)
(1 Aye) (5 Nays, Councilors Davenport, Phelps, Curtis, Coffin & Swan) (1 Present, Councilor Lunt)

COUNCIL MEETING #5-84
MARCH 6, 1984

Councilor Lunt objected to Item #26-84 and cited Rule #26 of the Council Rules of Procedure. Councilor Lunt moved this item to continue or not. Council voted to continue - the vote was: 5 Ayes, 1 Nay, Councilor Davenport, and 1 Present, Councilor Lunt.

ITEM #26-84

Moved and Seconded - That Item #12-84 be reconsidered by the Freeport Town Council.
(Councilors Palmer & Phelps) (6 Ayes) (1 Present, Councilor Lunt)

ITEM #27-84 Be It Ordered - That the Proposed Appropriation Ordinance for \$16,400 to provide for a Water Main Extension on Royal Avenue, as submitted to Public Hearing on February 7, 1984, be approved.
(Councilors Palmer & Coffin)
(5 Ayes) (1 Nay, Councilor Davenport)
(1 Present, Councilor Lunt)

Moved and Seconded - That the Council adjourn at 8:11 P.M.
(Councilors Coffin & Curtis) (7 Ayes) (0 Nays)

The foregoing was recorded by:

Mary D. Wescott
Mary D. Wescott, Council Secretary

Debate Council Meeting #5-84
~~PROPOSED~~ *March 16, 1984*

AMENDMENTS TO THE FREEPORT ZONING ORDINANCE
OF THE TOWN OF FREEPORT, MAINE

The Town of Freeport Hereby Ordains - That the following Amendments be made to the Zoning Ordinance of the Town of Freeport:

Section 104. Definitions

~~Impervious Surface: Structures and improvements to land and materials covering the land which prevent the infiltration of water. Impervious surfaces shall include, but are not limited to, roofs, and paved areas, parking lots and driveways, regardless of surface material, shall be considered impervious surface.~~

Section 401. Purpose and Land Use Controls

The following tables state the purpose and land use regulations for each of the ~~fourteen (14)~~ zoning districts of this Ordinance.

Section 404. Medium Density Residential District I "MDR-I"

C. Conditional Uses:

1. Multiple Family Dwelling
- ~~2/ Motel~~
- ~~2.3/ Commercial Recreation, Outdoor~~
- ~~3.4/ Construction Services~~
- ~~4.5/ Public Utilities~~
- ~~5/ Business and Professional Office~~
- 5.7/ Accessory Uses and Structures
- ~~6.8/ Hospital~~
- ~~7.9/ Nursing Home~~
- 8.10/ Church
- 9.11/ School
- 10.12/ Cemeteries
- 11.13/ Private Assembly
- ~~14/ Restaurant~~
- ~~15/ Retail Trade~~
- ~~16/ Animal Husbandry and Animal Feedlots~~

D. Space Standards:

5. Minimum land area per dwelling unit: ~~20,000~~ 30,000 s.f.

Section 405. Medium Density Residential District II "MDR-II"

Medium Density Residential District II is identical in all respects to Medium Density Residential District I except: that within the Medium Density Residential District II, Mobile Home is not a permitted use, and Commercial Recreation, Outdoor, ~~Business and Professional Offices~~, Hospital, ~~Motel~~ and Nursing Home are not conditional uses.

Section 406. High Density "HD"

C. Conditional Uses:

1. Multiple Family Dwelling
- ~~2/ Motel~~
- ~~3/ Retail Trade~~
- ~~2.4/ Commercial Recreation, Indoor~~
- ~~3/ Business and Professional Offices~~
- 3.6/ Public Utilities
- 4.7/ Accessory Uses and Structures
- 5.8/ Church
- 6.9/ School
- ~~7.10/ Restaurant~~
- 7.11/ Private Assembly
- 8.12/ Public Assembly, Indoor

D. Space Standards:

5. Minimum land area per dwelling unit: ~~10,000~~ 15,000 s.f.

Section 407. Village "V"

C. Conditional Uses:

1. Multiple Family Dwelling
2. Home Occupation
- ~~3/ Retail Trade~~
- 3.4/ Public Utilities
- 4.8/ Business and Professional Offices
- 5.6/ Public Assembly, Indoor
- 6.7/ Accessory Uses and Structures
- ~~8/ Restaurant~~
- ~~9/ Motel~~
- 7.10/ Private Assembly
- 11/ ~~Manufacturing/Processing~~

D. Space Standards:

5. Minimum land area per dwelling unit: ~~8,000~~ 12,000 s.f.

Section 408. Village Commercial "VC"

C. Conditional Uses:

1. Public Assembly, Indoor
2. Auto Repair Garage
3. Public Utilities
4. Auto Service Station
5. Accessory Uses and Structures
6. Construction Service
7. Non-Retail Trade
8. Restaurant
9. Multiple Family Dwelling
- ~~10/ Manufacturing/Processing~~
- ~~10.II/~~ Single Family Dwelling
- ~~II.II/~~ Home Occupation

Section 516. Noise Regulation

- A. 1. Resource Protection, Island, ~~and~~ Rural Residential I and II, and Rural-Commercial I

Section 602. Conditional Uses

- B. 2. The Board of Appeals may waive any of these requirements when the Board determines that the scale of the project is of such size as to make the information ~~necessary~~ unnecessary.
4. Before taking action on any application for a conditional use permit, the Board of Appeals shall hold a public hearing on the application within thirty (30) days of the receipt of such application. Notice of such hearing shall be given to the Code Enforcement Officer, Municipal Officers and the Planning Board at least ~~fourteen (14)~~ ten (10) days in advance of the time and place of the hearing, and shall be published at least seven (7) days in advance in a newspaper of general circulation in the area.
- C. Conditional Uses - Findings of Fact/Consideration
1. b. The proposed use will not cause water pollution, sedimentation or erosion; in no case shall the rate of run-off as described in Section 602 B.1.b.II be allowed to increase by a factor of more than 10%.

Approved
~~PROPOSED~~

AMENDMENTS TO THE FREEPORT
SHELLFISH CONSERVATION ORDINANCE

The Town of Freeport Hereby Ordains - That the following Amendments be made to Sections 4 and 5 of the Freeport Shellfish Conservation Ordinance, and that said Amendments have been approved by the Commissioner of Marine Resources and shall become effective in accordance with the Freeport Town Charter, provided a certified copy of the Ordinance is filed with the Commissioner within twenty days of its adoption.

Section 4. Definitions

- C. Shellfish, Clams and Quohogs: When used in the context of this Ordinance, the words "shellfish and clams" mean softshell clams, Mya Arenaria; the word "quohogs" mean hardshell mollusks, Mercenaria.
- E. All flats bordering the Wolf's Neck State Park as of December 8, 1983 are now under the jurisdiction of the Freeport Shellfish Conservation Ordinance.

Section 5. Licensing

- (g) Existing Commercial Licenses are valid until March 31, 1984. The number of Commercial Shellfish Licenses shall be limited to a total of one-hundred (100), effective April 1, 1984.
- (h) Shellfish Licenses are not required in order to dig one (1) peck in State Park areas, where and when it is lawful to do so.

*Approved Council Meeting #5-84
on March 6, 1984*

Approved
~~PROPOSED~~

APPROPRIATION ORDINANCE FOR FUNDING
OF \$16,400. FOR ROYAL AVENUE WATER
MAIN EXTENSION ON ROYAL OAKS PROJECT

The Town of Freeport Hereby Ordains -
That a sum not to exceed \$16,400.00
is hereby appropriated for the purpose
of funding the Town's share of installing
a water main extension on Royal Avenue
at Royal Oaks, and to meet said appro-
priation, the Chairman of the Town Council
and the Town Treasurer are authorized to
issue general obligation securities of the
Town of Freeport in a total principal
amount not to exceed \$16,400.00, and the
discretion to fix the date, maturities,
denomination, interest rate, place of pay-
ment, forms and other details of said
securities including execution and
delivery of said securities on behalf of
the Town of Freeport is delegated to the
Chairman of the Town Council and the Town
Treasurer.

*Approved Council Meeting #5-84
March 6, 1984*

Adopted
~~PROPOSED~~

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delivery of said securities on behalf of
the Town of Freeport is delegated to the
Chairman of the Town Council and the Town
Treasurer.

*Adopted at Council Meeting #5-84 on
March 6, 1984*

*Attest, a true copy. Mary D. Wescott
Council Secretary*