

M I N U T E S

FREEPORT TOWN COUNCIL MEETING #25-88

FREEPORT TOWN HALL COUNCIL CHAMBERS

NOVEMBER 1, 1988

7:30 P.M.

X Regular

   Special

<u>Chairman's Call to Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Robert Hartnett, Chairman Desert Road	<u>X</u>		
John Nelson, Vice-Chairman Church Street	<u>X</u>		
Edward Bonney, 21 Maple Avenue	<u>X</u>		
William Grady, Elm Street Extension	<u>X</u>		
Kirk Goddard, Mast Landing Road	<u>X</u>		
Robert Stevens, Porters Landing	<u>X</u>		
John Paterson, Flying Point Road	<u>X</u>		

Moved and Seconded - To waive the reading of the Minutes of Meeting #24-88 held October 18, 1988, and accept the Minutes as printed.

(Councilors Nelson & Goddard) (6 Ayes) (0 Nays)

Moved and Seconded - That the following reapplication for a Malt, Spirituous and Vinous License be subject to Public Hearing:

Anna M. Johnson, d/b/a AMJA, Inc., Crabby Lobster, 10 School Street.  
(Councilors Grady & Nelson) (6 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Grady & Nelson) (6 Ayes) (0 Nays)

ITEM #210-88                      Be It Ordered - That the reapplication for a Malt, Spirituous and Vinous License, issued to Anna M. Johnson, d/b/a AMJA, Inc., Crabby Lobster, 10 School Street, be approved.  
(Councilors Grady & Nelson) (6 Ayes) (0 Nays)

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Moved and Seconded - That the Council adjourn and the Licensing Board convene.  
(Councilors Goddard & Grady) (6 Ayes) (0 Nays)

<u>Roll Call of Members</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Robert Hartnett	X		
John Nelson	X		
Edward Bonney	X		
William Grady	X		
Robert Stevens		X	X
Kirk Goddard	X		
John Paterson	X		
Mary Wescott	X		
Dale Olmstead	X		

Moved and Seconded - That the following reapplications for Victualer's License be subject to Public Hearing:

B.F. Schneider, d/b/a State O'Maine B & G & B, Horsefeathers, 175 Main Street.

Barbara McGivaren, d/b/a Maple Hill Bed 'N Breakfast, 18 Maple Avenue.  
(Members Goddard & Bonney) (8 Yes) (0 No)

Moved and Seconded - That the Public Hearing be closed.  
(Members Goddard & Nelson) (8 Yes) (0 No)

ITEM #211-88                      Be It Ordered - That the reapplications for Victualer's License, issued to B.F. Schneider, d/b/a State O'Maine B & G & B, Horsefeathers, 175 Main Street, and Barbara McGivaren, d/b/a Maple Hill Bed 'N Breakfast, 18 Maple Avenue, be approved.  
(Members Goddard & Grady) (8 Yes) (0 No)

Moved and Seconded - That the Licensing Board adjourn and the Council reconvene.  
(Members Goddard & Nelson) (8 Yes) (0 No)

ITEM #212-88

Be It Ordered - That a Public Hearing be scheduled for November 15, 1988 at 7:30 P.M. in the Town Hall Council Chambers to discuss adopting a proposed Shellfish Conservation Ordinance.

Be It Ordered - That 30 copies be made and distributed equally between the Town Clerk's Office and the B.H. Bartol Library for inspection by citizens.

(Councilors Nelson & Grady) (6 Ayes) (0 Nays)

For the record, Councilor Stevens is in attendance at 8:08 P.M.

Moved and Seconded - To amend the proposed amendments to Item #202-88 as brought to Public Hearing, this date, and those amendments (below) identified as "2nd Revision" be incorporated into the Freeport Zoning Ordinance as presented to us this evening by the Town Planner.

(Councilors Nelson & Paterson) (7 Ayes) (0 Nays)

"2nd REVISION"

Adopted November 1, 1988

~~PROPOSED~~ AMENDMENTS: FREEPORT ZONING ORDINANCE

Public Hearing - November 1, 1988

CHAPTER 21

Sec. 104

Net Residential Acreage: -The area-of-a-lot on which development may occur, determined by subtracting the following from-the-total-acreage of the lot:

- a.) Portions of the lot shown to be in the floodway or coastal high hazard area as designated on-the-Department of Housing and Urban Development flood boundary and floodway map or flood insurance rate map.
- b.) Portions of the-lot located in the Resource Protection I (RPI) if such portions constitute more-than 50% of the total-lot-area.
- c.) Portions of the lot below normal high water elevation and 10% exceedance for tidal marsh.
- d.) 15% of the remaining acreage-of-the lot as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than-or less than 15%.

Underlined sections are proposed amendments.

Bracketed sections are additional proposed amendments.

Crossed out sections are proposed to be eliminated.

Add:

Net Residential Acreage: That portion of a tract-or-parcel-on-which-as determined by the Planning-Board, a planned unit development or a subdivision is suitable. [The area of a tract or parcel of land which, as determined by the Planning Board, is suitable for development as a planned unit development or a subdivision. The area shall be calculated by subtracting the following from the total acreage of the tract or parcel:]\*

- a. Portions of the tract or parcel in the 100 year flood plain, floodway and/or coastal high hazard area as designated on the most recently adopted Flood Insurance rate map of the National Flood Insurance Program for the Town of Freeport.\*
- b. Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic.\*
- c. Portions of the tract-or parcel located in the Resource-Protection I District.
- [c] d. Portions of the tract or parcel below high water elevation (non-tidal) and below 10% exceedance high water (tidal) as defined in Section 104.\*
- [d] e. Portions of the tract or parcel covered by surface water bodies if-they-are larger-than 25% of the minimum-lot size of the District in which the majority of the lot is located. [that cover 25% or more of any subdivision lot or that cover 25% or more of a parcel on which a PUD will be located.] \*
- f. Areas of special biological concern including,-but not limited to:
  - 1. Known habitats for any plant or animal species included on any of the following lists:
    - a. Ur-6.-Fish and Wildlife Service Endangered Species List (endangered or threatened categories);
    - b. Maine Endangered Wildlife List of MDIFW (endangered or threatened categories):
    - c. Maine Official List of Endangered and Threatened Plants of the State Planning Office (endangered-or-threatened categories).
  - 2. Known habitats for any plant or animal (vertebrate and invertebrate) species or natural community type that are not on the above lists but which are ranked S1, S2, or S3 by the Maine Natural Heritage Program of the Nature Conservancy-
  - 3. Areas included on the Register of Critical Areas, which is maintained by the Critical Areas Program of the State Planning Office-

- [e.] Unbuildable Land. The following environmentally sensitive land which, if disturbed, may adversely impact the ecological balances in the environment. No construction or development shall occur on the land areas listed below unless otherwise permitted as provided below. Only where an interpretation of the geographical boundaries of the unbuildable land is necessary, the Planning Board shall be guided by the following standards:

Whether a portion of the unbuildable area could be incorporated into a minimum sized subdivision lot in such a manner that an adequate developable area for buildings and site improvements with conforming setbacks is retained.

Whether the environmentally sensitive land is adequately protected from disturbance or degradation.] \*

- [1.] 4. Deer yards as identified in the Maine Department of Inland Fisheries and Wildlife, Identification and Management of Significant Fish & Wildlife Resources in Southern Coastal Maine, February, 1988. \*

- g. Portions of the tract-or-parcel-which-are unsuitable for development in their natural state due to drainage or subsoil conditions, such as,-but -not-limited to, the following:

1. All land-area-identified as having-soil-that-is-very-poorly drained, such as, but not limited to Saco, Sebago, Biddeford, Chocorua, -Tidal Marsh, Whately, Scarborough, and Whitman, in the U.S. Department of Agriculture, Soils-Conservation Service, -Hydric Soils of the United States, 1985-and subsequent amendments.

- [2. All land area having slopes of zero to two percent and which are identified in the U. S. Department of Agriculture, Soils Conservation Service, Hydric Soils of the United States, 1985 \* and subsequent amendments, as soil that is very poorly drained, such as, but not limited to, Saco, Sebago, Biddeford, Chocorua, Tidal Marsh, Whately, Scarborough and Whitman. Construction or development shall not occur on these soils. However, if it is proved that a specific site improvement(s), such as roads and utilities, and excluding buildings, cannot be reasonably located elsewhere, they may be located on this soil but only to the extent necessary and such improvements shall be engineered to adequately relieve the very poorly drained condition and to minimize the soil disturbances. Proposed engineering shall be approved by the Planning Board].

2. 50% of any land area identified as-having soil that-is-poorly drained and-somewhat poorly drained, such as, but not limited to Seantic, Swanton, -Waipole, Au Gres, Limerick, Ridgebury, Rumney and Gaugauk, in the U.-S.-Department of Agriculture, Soils Conservation Service, Hydric Soils-of-the United-States, 1985 and subsequent-amendments.

Identification and location of these soils shall be determined by a high intensity soils survey prepared according to the standards of the Maine Association of Professional Soils Scientists.\*

- [3.] h. Portions of the tract or parcel containing slopes over 20% which, [because of unstable soils,] would be subject to erosion if development were to be located on them. \*
- [f.] 4. For multi-family planned unit developments: 15% of the remaining acreage of the tract or parcel as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than or less than 15%. \*

For other subdivisions: Total acreage used for street right-of-way. \*

ITEM #202-88

Be It Ordered - That the proposed amendments to the Freeport Zoning Ordinance, as submitted to Public Hearing on October 18, 1988, be approved, and amendments submitted to Public Hearing on November 1, 1988, be approved, as amended.\*  
(Councilors Bonney & Grady) (7 Ayes) (0 Nays)

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Moved and Seconded - To amend the proposed amendments to Item #203-88 by adopting the document entitled "2nd Revision" as presented this evening by the Town Planner. (The amendments follow below)  
(Councilors Nelson & Stevens) (7 Ayes) (0 Nays)

*2nd REVISION*  
*Adopted November 1, 1988*  
~~PROPOSED~~ AMENDMENTS: FREEPORT SUBDIVISION ORDINANCE  
*Public Hearing November 1, 1988*

Underlined sections are proposed amendments.  
Bracketed sections are additional proposed amendments.  
Crossed out sections are proposed to be eliminated.

CHAPTER 20

Sec. 20-301 Add.

Net Residential Acreage: That portion of a tract-or-parcel-on-which, as determined by the Planning Board, a planned unit development or a subdivision is suitable. [The area of a tract or parcel of land which, as determined by the Planning Board, is suitable for development as a planned unit development or a subdivision. The area shall be calculated by subtracting the following from the total acreage of the tract or parcel:] \*

- a. Portions of the tract or parcel in the 100 year flood plain, floodway and/or coastal high hazard area as designated on the most recently adopted Flood Insurance rate map of the National Flood Insurance Program for the Town of Freeport. \*
- b. Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic.\*
- c. Portions of the tract-or parcel located in the Resource-Protection I District.
- [c] d. Portions of the tract or parcel below high water elevation (non-tidal) and below 10% exceedance high water (tidal) as defined in Section 104.\*
- [d] e. Portions of the tract or parcel covered by surface water bodies if-they-are larger-than 25% of the minimum-lot size of the District in which the majority of the lot is located. [that cover 25% or more of any subdivision lot or that cover 25% or more of a parcel on which a PUD will be located.] \*
- f. Areas of special biological concern including,-but not limited to:
  - 1. Known habitats for any plant or animal species included on any of the following lists:
    - a. U.S.-Fish and Wildlife Service Endangered Species List (endangered or threatened categories);
    - b. Maine Endangered Wildlife List of MDIFW (endangered or or threatened categories):
    - c. Maine Official List of Endangered and Threatened Plants of the State Planning Office (endangered or threatened categories).
  - 2. Known habitats-for-any-plant-or-animal-(vertebrate-and-invertebrate) species or-natural community type-that are not-on-the above list but which are ranked S1,-S2,-or-S3-by-the-Maine-Natural-Heritage Program of the Nature Conservancy.
  - 3. Areas-on the Register of Critical Areas, which is maintained by the Critical Areas Program of the State-Planning-Office.

- [e. Unbuildable Land. The following environmentally sensitive land which, if disturbed, may adversely impact the ecological balances in the environment. No construction or development shall occur on the land areas listed below unless otherwise permitted as provided below. Only where an interpretation of the geographical boundaries of the unbuildable land is necessary, the Planning Board shall be guided by the following standards:

Whether a portion of the unbuildable area could be incorporated into a minimum sized subdivision lot in such a manner that an adequate developable area for buildings and site improvements with conforming setbacks is retained.

Whether the environmentally sensitive land is adequately protected from disturbance or degradation.] \*

- [1.] 4. Deer yards as identified in the Maine Department of Inland Fisheries and Wildlife, Identification and Management of Significant Fish & Wildlife Resources in Southern Coastal Maine, February, 1988. \*

- g. Portions of the tract-or-parcel-which-are unsuitable for development in their natural state due to drainage or subsoil conditions, such as,-but -not-limited to, the following:

1. All land-area-identified as having-soil-that-is-very-poorly drained, such as, but not limited to Saco, Sebago, Biddeford, Chocorua, Tidal Marsh, Whately, Scarborough, and Whitman, in the U.S. Department of Agriculture, Soils-Conservation Service, Hydric Soils of the United States, 1985 and subsequent amendments.

- [2. All land area having slopes of zero to two percent and which are identified in the U. S. Department of Agriculture, Soils Conservation Service, Hydric Soils of the United States, 1985 and subsequent amendments, as soil that is very poorly drained, such as, but not limited to, Saco, Sebago, Biddeford, Chocorua, Tidal Marsh, Whately, Scarborough and Whitman. Construction or development shall not occur on these soils. However, if it is proved that a specific site improvement(s), such as roads and utilities, and excluding buildings, cannot be reasonably located elsewhere, they may be located on this soil but only to the extent necessary and such improvements shall be engineered to adequately relieve the very poorly drained condition and to minimize the soil disturbances. Proposed engineering shall be approved by the Planning Board]. \*



2. 50% of any land area identified as having soil that is poorly drained and somewhat poorly drained, such as, but not limited to Seantic, Swanton, Walpole, Au Gres, Limerick, Ridgebury, Rumney and Gaugatuak, in the U.S. Department of Agriculture, Soils Conservation Service, Hydric Soils of the United States, 1985 and subsequent amendments.

Identification and location of these soils shall be determined by a high intensity soils survey prepared according to the standards of the Maine Association of Professional Soils Scientists. \*

- [3.] h. Portions of the tract or parcel containing slopes over 20% which, [because of unstable soils,] would be subject to erosion if development were to be located on them. \*
- [f.] 4. For multi-family planned unit developments: 15% of the remaining acreage of the tract or parcel as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than or less than 15%.\*

For other subdivisions: Total acreage used for street right-of-way. \*

**ITEM #203-88**

Be It Ordered - That the proposed amendments to the Freeport Subdivision Ordinance, as submitted to Public Hearing on October 18, 1988, be approved, and amendments submitted to Public Hearing on November 1, 1988, be approved, as amended.\*

(Councilors Stevens & Nelson) (7 Ayes) (0 Nays)

Moved and Seconded - To introduce an item not on the printed Agenda.  
(Councilors Bonney & Paterson) (7 Ayes) (0 Nays)

**ITEM #214-88**

Be It Ordered - That revisions to the Freeport Zoning Ordinance and Freeport Subdivision Ordinance, adopted on November 1, 1988, shall not affect applications which have been submitted to the Town Planner as of November 1, 1988, except as otherwise specified in the adopted amendments.

(Councilors Bonney & Goddard) (7 Ayes) (0 Nays)

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Chairman Hartnett called for a 5 minute recess.

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Councilor Nelson briefly went through the Town Manager's Evaluation pointing out strengths and skills.  
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Other Business:

1. Councilor Bonney reminded councilors that the Regional Management Growth Meeting will be held in the Cumberland Town Hall on this coming Thursday evening; he will attend along with David Thompson from the Planning Board; Councilor Nelson agreed he will also attend.
2. Councilor Bonney invited councilors to act as Wardens for the upcoming November 8 Election.
3. Councilor Grady mentioned the fact that Mrs. Theo Morrill would like to use the old Municipal Building to coordinate her Christmas projects; some councilors were concerned that town property is being used for a secular organization; Councilor Hartnett will check into this.
4. Councilor Paterson inquired "When will Cable TV be available?" Town Manager Olmstead reported "within days".

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Moved and Seconded - That Council enter into Executive Session to discuss contract negotiations with the Police and Dispatch Unions.  
(Councilors Nelson & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - That the Council reconvene.  
(Councilors Bonney & Nelson) (7 Ayes) (0 Nays)

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Moved and Seconded - That the Council adjourn at 10:07 P.M.  
(Councilors Goddard & Bonney) (7 Ayes) (0 Nays)

The foregoing was recorded by:

*Mary D. Wescott*  
Mary D. Wescott, Council Secretary

Dist: Council, Auditor, Attorney, Clerk, Police, Highway, Codes, Library,  
Planner, Finance, Fire