

M I N U T E S  
FREEPORT TOWN COUNCIL MEETING #27-88  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
DECEMBER 6, 1988 7:30 P.M.

X Regular

   Special

<u>Chairman's Call to Order</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
John A Nelson, Chairman, Church Street	<u>X</u>		
Robert Stevens, Vice-Chairman, Porters Landing	<u>X</u>		
William Grady, Elm Street Extension	<u>X</u>		
Kirk Goddard, Mast Landing Road	<u>X</u>		
John Paterson, Flying Point Road	<u>X</u>		
Edward Campbell, Gay Drive	<u>X</u>		
Edward Bradley, Flying Point Road	<u>X</u>		

Moved and Seconded - To waive the reading of the Minutes of Meeting #26-88 held November 15, 1988, and accept the Minutes as printed.  
(Councilors Stevens & Goddard) (6 Ayes) (0 Nays)

Councilor Goddard wished to point out that a recent article in a newspaper had erroneously quoted him as having made a statement regarding a tax cap; he wanted it to be on record he was not the one that made the statement.

Moved and Seconded - That the Public Hearing on the proposed  
Condemnation of Dangerous Buildings situated on the Town of  
Freeport Assessor's Map as Map 19, Lot 76, be continued.  
(Councilors Goddard & Stevens) (6 Ayes) (0 Nays)

Town Manager Olmstead explained that the owners, Mr. & Mrs.  
Tibbetts, had signed an agreement stating that at no time would  
the structure be used for human habitation and that it would be  
removed in the spring.

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

Moved and Seconded - That action relative to the Condemnation of  
Dangerous Buildings situated on Tax Map 19 Lot 76 be tabled until  
December 20, 1988.  
(Councilors Paterson & Campbell) (6 Ayes) (0 Nays)

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For the record, Councilor Grady is in attendance at 7:54 P.M.  
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Moved and Seconded - That the Public Hearing on the proposed  
Condemnation of Dangerous Buildings situated on the Town of  
Freeport Assessor's Map as Map 19, Lot 77A, be continued.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

Town Manager Olmstead explained that the building was accidentally  
burned to the ground and that municipal officials are concerned  
about the debris lying around the building.

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That action relative to the Condemnation of  
Dangerous Buildings situated on Tax Map 19 Lot 77A be tabled  
until December 20, 1988.  
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

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

Charles F. Keegan, d/b/a The Freeport Inn and Cafe, U.S. Route #1.  
(Councilors Paterson & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Paterson & Campbell) (7 Ayes) (0 Nays)

Moved and Seconded - That the reapplication for a Malt and Vinous  
License, issued to Charles F. Keegan, d/b/a The Freeport Inn and  
Cafe, U.S. Route #1, be approved.  
(Councilors Paterson & Goddard) (7 Ayes) (0 Nays)  
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Moved and Seconded - That the proposed amendments to the Traffic and Parking Ordinance be subject to Public Hearing.  
(Councilors Grady & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Grady & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Traffic and Parking Ordinance be tabled until December 20, 1988.

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Chairman Nelson wished to emphasize on action regarding the Condemnation of Dangerous Buildings that Council will definitely back the Codes Enforcement Officer as far as the code violations go and the process with which the violations were reached.  
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Moved and Seconded - That the proposed amendments to the Freeport Zoning Map be subject to Public Hearing.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

David Thompson, Chairman of the Planning Board, states that the Board does not recommend these amendments because of the fact of the school being in the area and the problems it would cause.

Chairman Nelson announced there will be a workshop next Tuesday on these proposed amendments with the Planning Board and Assessor.

Following are two letters to be made part of the record:

"December 6, 1988

Freeport Town Council  
Freeport Town Hall  
Main Street  
Freeport, Maine 04032

Dear Freeport Town Council:

Unfortunately, I am unable to attend this evening's Town Council meeting due to being out of town on business.

I would like to express my views as a member of the Freeport Parking and Traffic Committee that I am in favor of removing parking zones in front of the so-called Denney block. This will allow for the area to be used for loading and unloading and further reduce traffic congestion on Main Street. It has been suggested that I am in favor of this move as it will open up visibility to those stores in the Denney block. However, if you will recall the Ty-Lin Hunter Ballew Traffic Study on Freeport recommended removing parking on the entire side of the eastern Main Street section to improve traffic flow. This same recommendation was also endorsed by the Freeport Merchants Association Board of Directors last spring to the Town Council that all parking be removed on this Main Street corridor.

Thank you for your consideration in making your decision.

Sincerely,  
signed/George Denney  
President"

"November 29, 1988

Chairperson and Members  
Freeport Town Council  
Freeport, ME. 04032

Dear Council person:

I will be unable to attend the 12/6/88 meeting at which you will be considering re-zoning of Map 11, Lots 29-35 from V-I to VC-I, I AM OPPOSED TO THAT CHANGE ON THE FOLLOWING GROUNDS:

- 1) The guiding principle upon which much of the zoning of central Freeport was established was to zone only the first property on Main St. commercial, if you plan to keep a residential core to the town. That was sound judgment then and now.
- 2) With the school Campus at the end of Morse St., the residential buffer between Main St. Businesses and the school children is essential. Both for kids coming and going to school (and the library) and for buses and parents coming and going to the school.
- 3) The issues cited as reason for this request are, in some cases, overstated. Some are just plain not true! Some of the conditions have improved considerably, since the initial circulation of this request. For example, since the original request was circulated, one home in this area has been purchased for a substantial market price by owners who wanted to come and believed that they were coming to a residential neighborhood.
- 4) Re-zoning would, in all probability, make several of the "problems" cited in the original request worse rather than better. Most notable of these would be the traffic. Business means traffic and parking. It is probable that several of the properties would become parking lots. Commercial properties frequently require a higher density of delivery services than the present residences require.
- 5) Several of people in the area who had initially signed the request have since changed their minds and asked to have their names removed from the request. There is substantial opposition.
- 6) There is still undeveloped space in the existing VC-I zone. It makes no sense to add to a zone that is still under utilized.
- 7) My understanding of the principles of possible change for zoning include the mandate that changes be for the benefit of the town. I submit that a change from residential to commercial for the neighborhood around the school is not in the total communities best interest. I also understand that it is not the custom of the council to support "spot zoning", since it tends to undermine a comprehensive zoning package.
- 8) VC-I zoning would substantially change setback requirements for buildings and allow construction virtually on existing street and property lines...a situation that could both reduce visibility for traffic and the present aesthetics of an existing residences.
- 9) We have been through a public hearing process in front of the Planning Board and that town board has heard all the above and probably much of what you will hear at your December sixth meeting. That town board has sent this request to you with the recommendation that you NOT GRANT such a change. Among other reasons, they cite that such a change would in all probability add to rather than decrease the auto congestion in the area.

Letter continued -

Again, I strongly oppose any straying from the principles of zoning which allow us to retain a central residential village. Say "NO" to this request. Honor the time and energy put in by your supporting boards in reviewing this matter and just say NO!

Sincerely yours,  
signed/Phillip S. Jones, Jr.  
22 Morse Street  
Freeport, ME. 04032  
1-207-865-6421 (home)  
1-207-865-6311 (office)"

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Campbell & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Freeport Zoning Map be tabled until December 20, 1988.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

Chairman Nelson declared a 5 minute recess.

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Moved and Seconded - That the proposed amendments to the Freeport Zoning Map be subject to Public Hearing.  
(Councilors Paterson & Bradley) (7 Ayes) (0 Nays)

David Thompson, Chairman of the Planning Board, spoke in favor of these amendments.

Chairman Nelson stated there will be a workshop on these amendments next Tuesday.

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Campbell & Grady) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Freeport Zoning Map be tabled until December 20, 1988.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

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Moved and Seconded - That the proposed amendments to the Freeport General Assistance Guidelines be subject to Public Hearing.  
(Councilors Grady & Goddard) (7 Ayes) (0 Nays)

Moved and Seconded - That the Public Hearing be closed.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

Moved and Seconded - That the proposed amendments to the Freeport General Assistance Guidelines be tabled until December 20, 1988.  
(Councilors Grady & Goddard) (7 Ayes) (0 Nays)  
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ITEM #230-88      Be It Ordered - That the Town Manager be authorized to issue a Quit Claim Deed releasing any interest of the Town of Freeport for the following property:  
Town of Freeport Tax Map 20, Lot 20  
To: Stella M. Brown  
for Tax Year 1968  
(Councilors Stevens & Goddard) (7 Ayes) (0 Nays)

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ITEM #231-88      Be It Ordered - That Edward Bradley be appointed, effective immediately, to represent Freeport on the Greater Portland Council of Governments Executive Committee.  
(Councilors Goddard & Stevens) (7 Ayes) (0 Nays)

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ITEM #232-88      Be It Ordered - That William Grady be authorized to sign the Town's weekly Warrant in the absence of either the Council Chairman and Vice-Chairman.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

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ITEM #217-88      Be It Ordered - That the proposed Shellfish Conservation Ordinance, as submitted to Public Hearing on November 15, 1988, be approved.  
(Councilors Grady & Stevens) (7 Ayes) (0 Nays)

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Other Business:

1. Council agreed that Edward Bonney should continue as an ad hoc member of the Municipal Facilities Committee.
2. Winslow Park: Chairman Nelson mentioned that the Commission will be dealing with the issues mentioned by the residents in the survey; the consensus of the Council was that the Winslow Park Commission should formulate a plan, hold a public hearing, and have Council vote on the finalization of the plan so that the Commission would have definite working rules and regulations; Council directed Chairman Nelson to so direct the Commission.
3. Town Manager Olmstead mentioned that Freeport would soon be celebrating its 200th birthday; Freeport Historical Society announced they would not be coordinating the activities as previously stated; Chairman Nelson stated that a sub-committee would be formed with the possibility of a full-time paid director.
4. Town Manager Olmstead announced he was due in court next morning at 8:30 in Bath on Coffin vs. Town of Freeport; the issue being "Did the Town's reconfiguration interfere with the navigational rights of the Coffins?"

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Moved and Seconded - That the Council enter into Executive Session to discuss negotiations with the Police Union, and to discuss the potential acquisition of property.  
(Councilors Stevens & Campbell) (7 Ayes) (0 Nays)

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

Moved and Seconded - That the Council adjourn at 1:20 A.M.  
(Councilors Campbell & Stevens) (7 Ayes) (0 Nays)

The foregoing was recorded by:

  
Mary D. Wescott  
Council Secretary

Distribution: Council, Attorney, Auditor, Clerk, Library, Highway,  
Police, Codes, Assessor, Planner, Finance, Welfare