

**COUNCIL MEETING #3-94  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
FEBRUARY 15, 1994 - 7:00 P.M.**

| <u>Chairperson's Call to Order</u>       | <u>Present</u> | <u>Absent</u> | <u>Excused</u> |
|--|----------------|---------------|----------------|
| Elizabeth Ruff, Chairperson, Durham Road | X              |               |                |
| Randall Bennett, Vice-Chair, Park Street | X              |               |                |
| Edward Bradley, Flying Point Road        | X              | (late)        |                |
| Roger Wold, Staples Point Road           | X              |               |                |
| Gloria DeGrandpre, Wolf Neck Road        |                |               | X              |
| Kenneth Mann, Mann Road                  | X              |               |                |
| Edward Campbell, Gay Drive               | X              |               |                |

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #2-94 held on February 1, 1994 and accept the minutes as printed.

**MOVED AND SECONDED:** To amend the Minutes of Meeting #2-94 held on February 1, 1994 on page 10 in the motion vote to read: (2 Nays - Ruff & Campbell) and accept the minutes as amended. (Councilors Ruff & Campbell) (5 Ayes) (0 Nays)

**SECOND ORDER OF BUSINESS:** Public Comment Period - 30 Minutes. There was no public comment.

**MOVED AND SECONDED:** To close the Public Comment Period. (Councilors Campbell & Wold) (5 Ayes) (0 Nays)

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

**ITEM #21-94    TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A VICTUALER'S LICENSE FOR THOMAS HUDAK. (PUBLIC HEARING)**

**MOVED AND SECONDED:** That the Council adjourn and the Licensing Board convene. (Councilors Bennett & Campbell) (5 Ayes) (0 Nays)

**Roll call of Members:**

Elizabeth Ruff  
Randall Bennett  
Edward Bradley (No)  
Roger Wold  
Gloria DeGrandpre (No)

Dale Olmstead  
Kenneth Mann  
Edward Campbell  
Jane Brogli

**MOVED AND SECONDED:** That the following re-application for a Victualer's License be subject to Public Hearing: Thomas Hudak, d/b/a Maple-Hedge B & B, 22 Park Street. (Councilors Bennett & Wold) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

**BE IT ORDERED:** That the re-application issued to the above named applicant, be approved. (Councilors Bennett & Campbell) **ROLL CALL VOTE** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Licensing Board adjourn and the Council reconvene. (Councilors Bennett & Campbell) (7 Ayes) (0 Nays)

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**ITEM#22-94      TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A FULL-TIME MALT & VINOUS LICENSE FOR THE LOBSTER COOKER. (PUBLIC HEARING)**

**MOVED AND SECONDED:** That the following re-application for a Full-Time Malt & Vinous License be subject to Public Hearing: Michael Marino, d/b/a The Lobster Cooker, 39 Main Street. (Councilors Mann & Wold) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Mann & Campbell) (5 Ayes) (0 Nays)

**BE IT ORDERED:** That the re-application for a Full-Time Malt & Vinous License issued to the above named applicant, be approved. (Councilors Mann & Campbell) **ROLL CALL VOTE** (5 Ayes) (0 Nays)

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**ITEM #23-94      TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION FOR A PART-TIME MALT LICENSE FOR THE FREEPORT COUNTY CLUB. (PUBLIC HEARING)**

**MOVED AND SECONDED:** That the following re-application for a Part-Time Malt License be subject to Public Hearing: Michael Olsen, d/b/a The Freeport County Club, Old County Road. (Councilors Wold & Campbell) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Wold & Campbell) (5 Ayes) (0 Nays)

**BE IT ORDERED:** That the re-application for a Part-Time Malt License issued to the above named applicant, be approved. (Councilors Wold & Campbell) **ROLL CALL VOTE** (5 Ayes) (0 Nays)

**ITEM #24-94 TO CONSIDER ACTION RELATIVE TO A PROPOSED HEDGEHOG MOUNTAIN PROPERTY MASTER PLAN AND IMPLEMENTATION SCHEDULE. (PUBLIC HEARING)**

**MOVED AND SECONDED:** That the proposed Hedgehog Mountain Property Master Plan and Implementation Schedule be subject to Public Hearing. (Councilors Campbell & Wold)  
(5 Ayes) (0 Nays)

Bob Hartnett (Chairman) said the Hedgehog Mountain Committee was created to view the property, to explore some of the current uses, and to make recommendations for the short term and long term goals for the use of the property for the Town of Freeport. In October of 1992 we presented the Council with our research of the property--travel paths, topography, drainage, cultural and historical characteristics. No formal action was taken on the presentation. Shortly thereafter we started to prepare short and long term goals, created an administration plan for the park, and a timetable and budget for carrying out these plans. There is one major change and that is on page 13 and that is uses that are rejected by the committee. The committee rejected putting housing out there or selling the property, development of ball fields or other recreational facilities, and siting schools, public works or other Town facilities on the property.

He said the short terms goals include:

- Create a gravel parking area.
- New trail systems.
- Better signage.
- Views opened with selected pruning.
- Move pole gate to allow access to this property.
- Distribute an information sheet and map of property.

The long term goals include:

- Development of environmental educational activities for Freeport students--orienteering and natural science courses, as well as archaeological studies.
- A registered forester should be engaged to characterize the forest and to describe options for managing this resource.
- The long term management of the property and maintenance of the trail system should be carried out to offer the greatest number of uses, and the environmentally sound public ownership of the land.

(Mr. Bradley arrived at 7:28)

## **Item #24-94 Continued**

Mr. Hartnett said the committee recommended that the first year budget of \$5,000 should include construction of all signs, two foot bridges, moving the access road gate, building a parking area, and producing an information sheet and trail map of the property. In subsequent years, annual budgets for maintenance of the trails and signs should be \$500 to \$1,000. He also said that private and public monies were combined to buy this property--more money was raised than was needed to buy the property. There is a sizable dedicated fund for this property. He said that \$5,000 is readily available from that fund.

The Hedgehog Mountain Committee recommended that the Land Bank Commission administer the property. Mr. Hartnett said that the Commission was very interested in administering this property. He thanked the committee for working so long and hard. He said the committee was composed of: John Albright, Heddy Fillmore, Louis Marstaller, Elizabeth Moore, Michael Perry, Gary Profenno, Elizabeth Soule, and Paul Wentworth.

Chairman Ruff asked if snowmobiles currently use the property. Mr. Hartnett said that they do and it is not a problem.

Councillor Mann suggested that before the Council approved this proposal that a more specific regulation was written regarding vehicles--where permitted and where not permitted. He said the rules on page 12 are not clear.

Councillor Wold suggested a coded map for usage would be easy to read and understand.

Councillor Bradley said there should be an amendment to the document to include a process to expand the uses of the property. He said it appears that the committee is just approving the existing uses of the property.

Mr. Hartnett said the committee felt very strongly that things not change dramatically--the study has an emphasis on traditional uses.

Mr. Wold said that when the Council accepts this report that the motion should have wording to pass the property to the Land Bank Commission at that time.

Joe Hahn said the Land Bank Commission has had conversations with the Hedgehog Mountain Committee and are willing to administer this property. He reminded the Appointments Committee that they need to appoint two more members of the Land Bank Commission.

Mr. Mann asked if the property was turned over to the Land Bank Commission, would the authority over Hedgehog Mountain go to them too?

**Item #24-94 Continued**

Chairman Ruff said that this document would be used as guidance but the authority would rest with the Council for any major changes similar to the way that the Winslow Park Commission operates.

Mr. Campbell thanked Bob Hartnett and the Hedgehog Mountain Committee for picking up the challenge and putting all the hours into this document and said it was a real gift to the town.

**MOVED AND SECONDED:** That the Public Hearing be closed.  
(Councilors Campbell & Wold) (6 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the proposed Hedgehog Mountain Master Plan and Implementation Schedule be tabled until March 1, 1994. (Councilors Campbell & Bennett) (6 Ayes) (0 Nays)

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**ITEM #25-94      TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF REVISIONS TO THE FREEPORT COMPREHENSIVE PLAN. (PUBLIC HEARING)**

**MOVED AND SECONDED:** That the adoption of Revisions to the Freeport Comprehensive Plan be subject to Public Hearing. (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

Chairman Ruff said that the Council has had a fair amount of time to go through the document and have questions answered and has had two workshops with the Planning Board. She said that the Council is looking for public comment and the Council will not be asking questions.

John Creasey, Vice Chair of the Planning Board gave a brief overview of the Comprehensive Plan. He said the existing Comprehensive Plan was adopted in 1985 and this is the first revision of that plan. In 1988 the state wrote management laws which required revisions to existing comprehensive plans. In response to that, the town formed the Comprehensive Plan Revision Committee of 26 individuals that worked for two years and produced a completed revision in June of 1991. This revision was sent up to the state for their review and to the Planning Board. In the Fall of 1991, the Planning Board held a public hearing on this revised document. As a result of the public hearing and the review process, the Planning Board spent two years in the process of editing and making minor revisions and producing a second draft. The second draft went to public hearing last September and it is the blue document (from the packet of information on the Comprehensive Plan Public Hearing).

Mr. Creasey said further revisions were made and they are printed as a pamphlet of pages that replace pages on which changes were made during this most recent public hearing process. He pointed out the three important

## **Item #25-94 Continued**

features of the Plan. The first is a "Summary of Major Issues" to be addressed by the community in the next five years "and Recommendations" addressing these issues. The second is a section which sets "Policies, Goals, and Implementation Strategies" to accomplish and address these issues and finally "Future Land Use Directions". He said there is also an "Action Plan Matrix" setting out the five year implementation strategy in detail. He said that although it is the Planning Board that brings this document to the Council, it represents a tremendous amount of effort by many community spirited individuals over the years. He recommended that those people be recognized in some fashion too.

David Thompson, Chairman of the Planning Board, presented the major issues and recommendations in the document:

1. Preservation and Protection of Natural Resources, Open Space and Significant Scenic Areas.
2. Management of Impacts of Commercial Development/Encouragement of Local Business.
3. Management of Future Commercial Development on Route 1 South.
4. Encouragement of Economic Diversification.
5. Provision of Affordable Housing.
6. Expansion and Improvement of Public Access to the Coast.
7. Improvement of Coastal Water Quality.
8. Preservation of Historical, Archaeological and Architectural Heritage.
9. Management of Residential Growth in Rural Areas.

Mr. Thompson said a lot of time had gone into this document and he thanked everyone involved in this process.

Kerry Corthell, representative from the Freeport Housing Trust, expressed appreciation to the Planning Board for working with the Trust and incorporating many of their suggestions on affordable housing and land use. She said in the land use section on page VII-6 on Goal #10, they would like to see some stronger wording in favor of density bonuses for affordable housing. She said on page VII-9, Section 5.C.7. there is a mention of affordable housing but it is stated negatively and should be stated in a positive manner.

Ms. Corthell said there are three places that they recommend the Council consider further changes. She said the first two are clarifications of language. Goal #2 under Affordable Housing (page VII-13) refers to encouraging rental housing affordable to "low income and low-moderate income families." The first section of this goal uses the terms "lower and moderate income families" which is consistent with affordable housing language in the state growth management law. The term "low-moderate income families" used in the second part is found only in the CDBG program, and carries essentially the same definition as "lower income families".

## **Item #25-94 Continued**

The second clarification is to Affordable Housing Implementation Strategy 2.B.2. on page VII-14. The language here allows for density bonuses only in areas with public water and sewer. The Trust recommends that the words "with public water and sewer" be deleted to make this section consistent with the language in Land Use Implementation Strategy 5.B. on page VII-9. This section encourages higher density development in areas not served by public services as long as they are environmentally suitable.

She said that she didn't see any mention of expanding MDR zones which had been a very big point in discussions of changes to the document and the Trust strongly urges that the higher density areas be expanded so there are more opportunities for affordable housing options.

Adam Nappi said that his family runs a small local business in Freeport. He said it is his belief that they help provide a community service. They also like the location of their business. He said he was here to support the idea that it is important to encourage local business in Freeport. In the section called Local Economy, located in the revised Comprehensive Plan on page VII-22, and under the language of implementation strategy 1 sections B and C, the language is very positive. In section C of these strategies the way it reads now is: "investigate zoning and other incentives to encourage small local businesses". We would support adding the following language to this section: *including to encourage existing nonconforming local businesses to expand and remain in Freeport*. He said his family had owned Bow Street Market for 22 years. The store was build in 1946.

Bob Moore said in the Action Plan Matrix, on page VIII-3 under 3. Avoid Strip Development--he noted that the whole southern part of Route 1 is a long strip proposed for development. He hoped there was some way to make the development that occurs not a strip development or doesn't appear that way.

Mr. Bradley said that a meeting on the 17th has been scheduled to talk with residents and property owners of Route 1 regarding these issues.

Rod Regier asked if the amendments dated 11/3/94, in the packet, were approve and are a part of the Comprehensive Plan. Mr. Thompson said they were.

Louie Marstaller expressed concern about the word "scenic" used on page VII-1 under Natural Resources--"Preserve, protect and, where appropriate, enhance Freeport's land and water resources and wildlife habitat; the recreational and scenic opportunities afforded by Freeport's hills, forests, farmlands, streams and shorelines, and the wise use of the Town's nonrenewable earth, mineral and water resources." He felt the word "scenic" could mean something different to everyone. He said that if he cut some trees that would affect the scenic forest that someone was looking at. He feels that this is an undefined term that he'd rather see left out of the document. He said that "scenic" appears a number of times in this document.

## **Item #25-94 Continued**

Mr. Marstaller also noted that our industrial space is all used up and hoped the document would leave a tract open for an industrial zone.

Fred Robie, local cyclist and a member of the Alternative Transportation Advisory Committee, said in the section on Transportation on VII-19 under Goal #2 "Improve the safety of Route One, the major access to and from Freeport, for motorists and pedestrians" -- he'd like to add *and bicycles* to encourage other modes of transportation. Mr. Robie said Route 1 is the backbone for transportation and access for anyone using a nonmotorized vehicle or human-powered vehicle.

Cliff Goodall, member of the Revision Committee for the Comprehensive Plan, said he was here to represent the Historical Society. He said they appreciate what is in the document, the recommendations, the implementation schedule, and encouraged the Council to adopt it as presented.

Tom Marstaller felt that there was a duplication of effort in some of the ordinances being proposed for the Comprehensive Plan. He noted on page VII-2, under Section 2. Protection of natural resources: "Amend existing ordinances and maps or develop a new ordinance, with reasonable objectives and standards, that establishes a procedure for the review of proposed alterations to protected wetlands."-- if you do anything with the wetlands, you have to go to the Army Corps or DEP--and it appears here that the town wants to take on that responsibility and he doesn't feel that would be a wise use of the town.

Mr. Marstaller also expressed concern regarding VII-3, Section 3, item E. Important Scenic Areas under number 3.: "Identify and catalogue properties that are adjacent to sites or areas of significant, natural, recreational, scenic or agricultural value, and future development proposals should not alter significantly these special lands." He feels that would be quite a restriction on someone that happens to own land next to another piece of property. He said he'd only leave number 4. out of Section E. On the same page, under H. Clean Air, Access to Sunlight and the Night Sky, he said it seems like it's duplicating something the DEP and EPA already do.

Mr. Marstaller also said on page VII-4 it talks about a study from Brunswick funded by the Casco Bay Estuary Study Program which analyzes septic waste management program--what is that? Jackie Cohen said the Casco Bay Estuary Project has funded a study that is going on in Brunswick to look at issues of how to maintain septic systems over the long run. The study is still going on and so we have no recommendations at this moment.



**Item #25-94 Continued**

Chairman Ruff said that the plan is to schedule a workshop to discuss the Comprehensive Plan on March 1st which will take into consideration the comments we heard tonight and any of our (the Council's) comments we would like to put forward as a result of the workshops we've already had. She said the second public hearing will incorporate additional changes. She suggested that this Public Hearing be continued until March 15th at which time we'd bring forth any other changes and it would be another opportunity for public input on the Plan. Then it would come back to the Council for final vote, perhaps by April 1st. She said the Council wants everyone who has concerns or questions to have an opportunity to be heard and be shared with the Council. She suggested that if anyone knew someone with concerns that didn't come tonight, that they write them down and send them to the Council. It was the consensus of the Council to start discussions at the next workshop which is on February 22 after the workshop with the Winslow Park Committee.

**MOVED AND SECONDED:** That the Public Hearing on the Freeport Comprehensive Plan be continued until March 15, 1994. (Councilors Bennett & Campbell) (6 Ayes) (0 Nays)

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**ITEM #26-94 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE. (CHAPTER 48) PUBLIC HEARING**

**MOVED AND SECONDED:** That the proposed amendments to the Traffic & Parking Ordinance be subject to Public Hearing. (Councilors Bradley & Bennett) (6 Ayes) (0 Nays)

Jackie Cohen stated that the Traffic and Parking Committee has recommended two changes to the Traffic and Parking Ordinance. She said the proposal deals with the section of Main Street that goes along where the Historical Society is. She said when the new building, next to where Maxwell's Pottery used to be, was constructed, a curb cut was eliminated between Maxwell's and the next building which made it possible to park in that section. She said what is being proposed is to create a loading zone for only a certain time limit in that section so that trucks can load and unload from 7 - 9 a.m.. Then after 9 a.m. it would revert to normal parking which would be one hour parking. The second provision is that on that section of Main Street it is a 30 minute parking zone and we are proposing that that be increased to one hour. She said that most of the parking that still exists along Main Street is one hour parking. The committee felt that 30 minutes is too short a time and people end up getting ticketed very quickly.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Bradley & Campbell) (6 Ayes) (0 Nays)

**Item #26-94 Continued**

**MOVED AND SECONDED:** That the proposed amendments to the Traffic & Parking Ordinance be tabled until March 1, 1994. (Councilors Bradley & Campbell) (6 Ayes) (0 Nays)

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**ITEM #27-94 TO CONSIDER ACTION RELATIVE TO THE ASSIGNMENT OF PARKING SPACES IN THE MUNICIPAL PARKING LOT LOCATED AT THE END OF HOWARD PLACE.**

**BE IT ORDERED:** That three (3) parking spaces be assigned to L. L. Bean, Inc. to compensate for spaces lost when an interconnection was made between parking lots owned by L. L. Bean, Inc. and the Boulos Company. **Note:** This interconnection was recommended by the Planning Board when the Boulos Company went through the Site Review Process for their development on 57 Main Street. (Councilors Mann & Campbell) **ROLL CALL VOTE** (6 Ayes) (0 Nays)

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**ITEM #28-94 TO CONSIDER ACTION RELATIVE TO A REQUEST FOR THE INSTALLMENT OF A STREET LIGHT.**

**BE IT ORDERED:** That a Public Hearing be scheduled for March 1, 1994 at 7:30 p.m. in the Town Hall Council Chambers to discuss a request by petition for the installation on a street light near the intersection of U. S. Route #1 North and Frost Brook Lane. **BE IT FURTHER ORDERED:** That 30 copies of the petition be made and distributed equally between the Town Clerk's Office and the B. H. Bartol Library for inspection by citizens. (Councilors Campbell & Bradley) **ROLL CALL VOTE** (5 Ayes) (0 Nays) (Mr. Wold left.)

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**OTHER BUSINESS:**

**1. UPDATE ON THE PLANNING OF A REGIONAL DEMOLITION SITE - COUNCILOR CAMPBELL.**

Councilor Campbell reported that he and Mr. Olmstead met with the representatives from several towns--North Yarmouth, Gray, New Gloucester, Phippsburg, Durham and Pownal. They met to plan for a regional demolition site and transfer station being driven by a state mandate. Some of the issues were the designation of a specific area for this to occur and how to diminish non-recyclable refuse.

## **Regional Demolition Site Discussion continued**

Mr. Olmstead said the committee talked about three potential administrative options. One would be an operation that is owned and managed by the host community should Freeport be that host. He said they are also looking at an entity that would be formed through an agreement that would share ownership and whether other towns would propose to pay Freeport a portion of the value of the facility. The last option would be a private entity.

Mr. Olmstead said a bill has been submitted to extend the land fill closures by two years. DEP and the Governor's office are in agreement with this bill. It doesn't really do much for Freeport's facility because the landfill engineers estimate that by the end of 1994 we'll be out of space.

### **2. DISCUSSION ON REQUEST BY L. L. BEAN, INC. FOR THE USE OF BOW STREET PARK FOR THE ANNUAL JULY 4TH ROAD RACE.**

**MOVED AND SECONDED:** To give permission to L. L. Bean to use the Bow Street Park for the Annual July 4th Road Race. (Councilors Bradley & Bennett) (5 Ayes) (0 Nays)

### **3. DISCUSSION ON BOTTLE DRIVES AT THE TOWN'S RECYCLING FACILITY.**

Chairman Ruff said that Mr. Olmstead has brought attention to the fact that various groups use the Town's recycling facility for bottle drives. Mr. Olmstead said that people bring glass returnables that normally would be crushed. A year ago, groups started coming to the landfill to ask if they could have the returnables and that lead into bottle drives and the Town Recycling Facility became the collection site for those drives (all nonprofit groups). He said that we now have two or three requests that have been submitted and Cynthia Kimball-Strout asked that the Council be made aware of this activity. Mr. Olmstead said that they would like some ground rules established for these bottle drives. Mr. Campbell felt it would be an administrative function to come up with the rules.

### **4. UPDATE ON THE CONDITION OF THE TOWN WHARF.**

Chairman Ruff said the Council had a workshop meeting with the Shellfish Commission last Tuesday. She said they were presented with information about the town wharf which led them to inquire about additional information regarding the town wharf.

Mr. Olmstead reported that Mr. John Love, an engineer, expressed his concern about the condition of the town pier and felt that there were some immediate dangers down there that needed to be addressed. The Council asked for a

## **Town Wharf Discussion continued**

second opinion which was solicited from Mr. Oatley, a professional engineer who has spent quite a bit of time working on the water front on private projects and had some direct knowledge of the facility. He submitted a written report to us (attached). Mr. Oatley agrees with Mr. John Love's assessment of the wharf, raises some additional issues, but he feels more immediacy in this issue than Mr. Love. Mr. Olmstead asked the town crew to put up some barriers to prevent vehicle usage of the town wharf.

Mr. Olmstead reported that a local engineer, Reid Potter of South Freeport, feels that some adjustments or minor repairs could be made to get us through the summer and then this Fall plan on doing something with the area after October 1st (letter attached). He felt that 8-10 weeks would be needed for construction. He reviewed the cost estimates by Mr. Love and felt they were in the ball park. Both Reid Potter and Mr. Oatley admitted that because of the ice they couldn't inspect the facility thoroughly and would like to look at the site when the ice moves out. Mr. Olmstead said that his recommendation was the Council assign this issue to the Municipal Facilities Committee and have them look into the actual condition of the wharf. He talked with Al Thompson, who was involved in the 70's with improvements to the wharf, and Al said that David Coffin and Sonny Williams did the actual work. Al provided some equipment and manpower. Al had some thoughts on doing some minor repairs. Mr. Olmstead felt the committee could spend some time on this and bring a recommendation back to the Council prior to the Capital Budget process.

Councillor Mann said that if major work needs to be done and we need to determine that for sure, it should be planned for the off-season. He said he wouldn't be looking to support major work this year but might change his mind based on recommendations from the Municipal Facilities Committee.

Councillor Bennett also felt that minor repairs could be done to carry us through the season and but also take recommendations from the engineers.

Chairman Ruff reminded the Council that if the Council is looking at a major capital outlay, we'll have to have that before us soon so that it can go into the Capital Budget. She asked the Committee not to come with a plan that had to be put into affect right now but to try to sort out all the information and come forward with what alternatives there are and what costs we are talking about. She suggested the committee propose some short as well as long term choices. She says that this should be at the top of the agenda for the Municipal Facilities Committee.

Councillor Campbell said that there were public safety issues and felt that there would be both short/quick fix and long term plans but would need engineering information too.

## **Town Wharf Discussion continued**

Chairman Ruff said that the Public Wharf is closed to vehicular traffic now until we are able to determine the safety issues down there. The parking areas-- six spaces on both sides are included.

Councilor Campbell said the Municipal Facilities Committee would come back to the Council with recommendations in two weeks.

## **5. UPDATE ON DEBORAH LIBBY ISSUE.**

Mr. Olmstead reported that he sent a letter to Deborah Libby yesterday outlining what the town's position should be regarding this matter. There has been an appeal filed. The appeal process lies with the Rescue Unit. We have to determine if the Rescue Unit can hear this appeal. Mr. Olmstead said he has established a process to make that determination. He said he would not be contacting the Rescue Appeals Board nor will the town's attorney. He said he has asked an independent council to do that to determine whether or not he feels there can be a fair hearing at that level. He asked Deborah Libby and her representatives not to contact the Appeals Committee either so we don't tarnish that committee and prevent them from hearing an appeal. If it is determined that a fair hearing can not be achieved at that level, then alternatives will have to be discussed. The independent council is John Lloyd-- the same person that handled the Denny-Gilliam lawsuit.

Councilor Bennett asked when Deborah Libby will know if the appeal will be heard by the Rescue Unit level. Mr. Olmstead said he hoped within a week. Mr. Bennett also asked if the Rescue Unit can not hold an Appeal Board what is the next option. Mr. Olmstead said there are a series of options--an independent board can be established, the Council can be asked to hear an appeal, or there are private arbitrating agencies that operate for this purpose. He said it would have to be agreed upon by the two parties--Mr. Olmstead and Ms. Libby.

## **OTHER ISSUES:**

Councilor Mann asked about the status of questions that were asked of Joe Hahn regarding ECO Analysts. Mr. Olmstead said that he hoped to have the answers before the March 1st meeting.

Mr. Mann said that one of the peddlers on public property has requested an appeal to the Town Council on a decision made by the Town Clerk. At the agenda meeting, he was told that the Council has no process to guide us through any appeal of the public peddler's ordinance. He said he thinks that the Town Council needs to make clear some kind of process so that we as Councilors will know how to conduct the meeting and the person appealing will have some idea what the rules are before the appeal starts. Mr. Olmstead said the town attorney could give us some suggested guidelines. Chairman Ruff said we need to adopt a process to hear an appeal and then we need to hear the appeal.

## **Other Issues continued**

Councilor Mann asked for a written statement from the Manager as to how the Council funded the purchase of the 4-wheel drive truck for the shellfish warden. He asked how the money was appropriated if it was not budgeted--he doesn't feel it was a legal appropriation. Chairman Ruff said a legal opinion would be requested.

Chairman Ruff reminded the Council that there was a budget workshop meeting with the School Committee at the Mast Landing School on February 16th at 7 o'clock.

Mary Kennedy expressed concern that the last remaining doctor had left town. She asked whether there was any method to search for a doctor for Freeport as the senior citizens were concerned. She asked the Council to investigate this issue.

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**ITEM #29-94 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS AN APPLICATION FOR PROPERTY TAX ABATEMENT.**

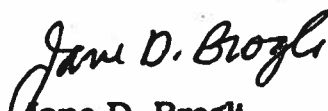
**MOVED AND SECONDED:** That the Council enter into Executive Session to discuss an Application for Property Tax Abatement due to poverty and/or disability. (Councilors Campbell & Bennett) (5 Ayes) (0 Nays)

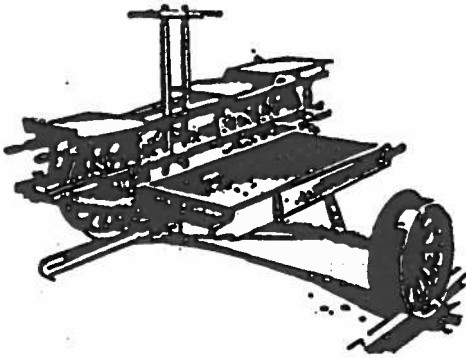
**MOVED AND SECONDED:** That the Council reconvene. (Councilors Campbell & Bennett) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** To table Item #29-94 until March 1, 1994. (Councilors Campbell & Bennett) (5 Ayes) (0 Nays)

**MOVED AND SECONDED:** To adjourn at 10:40 p.m. (Councilors Campbell & Bennett) (5 Ayes) (0 Nays)

Respectfully submitted,

  
Jane D. Brogli  
Council Recorder



**REID H. POTTER ASSOCIATES, INC.**

103 SOUTH FREEPORT ROAD

FREEPORT, MAINE 04032

TEL 207-865-4222

FAX 207-865-3681

14 February 1994

Jay Pinkham  
Harbor Master  
Town of Freeport  
30 Main Street  
Freeport, Maine 04032

Subject: South Freeport Town Wharf

Dear Mr. Pinkham:

Thank you for the opportunity to meet with you and discuss the problems associated with repairs to the wharf.

Reid H. Potter Associates is a small local business specializing in structural engineering. I am a registered professional engineer in Maine, New Hampshire, Vermont and Florida and a registered land surveyor in Maine. I have been in the structural engineering business for forty years. Wayne Duffett is a registered professional engineer, and certified diver who has worked with me for seven years. We do bridge and structural engineering for twelve railroads and three state agencies. We have worked in association with TEC Associates of South Portland to provide structural analysis and design for several waterfront projects including the Portland International Ferry Terminal; Portland Fish Pier; and town wharves in Eastport, Maine and Marshfield, Massachusetts. TEC Associates has engineered dozens of coastal structures and facilities and recently assisted the Freeport Coastal Planning Committee with Freeport's Comprehensive Harbor and Waterfront Plan. Reid H. Potter Associates and TEC Associates are pleased to submit the following proposal for engineering services. Enclosed is our brochure and resumes of principal Associates.

We propose to make an inspection of the existing wharf to determine the cause of the settlement as soon as the ice is out. The purpose of the study would be two-fold; one to decide if temporary repairs can be made to open the wharf to vehicular traffic for the summer of 1994, and two, to do an engineering study for permanent repairs.

In reviewing the site with ice in the harbor, but with a local knowledge of the project, any holes in or under the planking behind the timber piling could probably be patched. A survey would locate any trouble spots. Any holes in the fill would be filled and pavement patched. This survey would take about four days to complete with a report and sketches of required work.

Mr. Jay Pinkham

-2-

14 February 1994

The next step would be to take soundings and make a survey of the area utilizing past surveys to determine land available within the Town's right-of-way. This along with negotiations with the abutters would determine the type of construction to be utilized. (To go in front or behind the existing wall which will affect the cost.)

The town should strenuously object to any dredging against or near the existing timber walls as this could accelerate any settlement problems. Before dredging is approved on the north side of the wharf negotiations should be entered into with the abutter to permit the piling to be driven on the outside of the wharf (if a boundary conflict exists) and a portion of the wall on the north side should be apportioned to the dredging project.

Final plans, estimates, and specifications will take about ten weeks to complete. After negotiations are completed and permits obtained funds could be appropriated in early summer, bids taken, and contracts awarded for fall construction. The project could be completed in the fall. Fill placed for the roadway would be left to settle and pavement placed in the spring of 1995.

Reid H. Potter Associates, Inc. would be pleased to discuss this project and go over details with you.

Attached is a proposed scope of work and fee schedule.

Sincerely,



Reid H. Potter, P.E.

Enclosure

cc: Dale Olmstead

RHP/nn/Freeport/0214-94



Henry C. Oatley, P.E.

# OATLEY

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ENGINEERING ASSOCIATES

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February 11, 1994

Mr. Jay Pinkham  
Harbor Master  
Freeport, Maine, 04032

Subject: Town Wharf

Dear Jay:

This morning I reviewed the history and present condition of the Town Wharf with you. I have also discussed the wharf with Mr. John Love, and have reviewed his report of February 7, 1994.

The wharf is constructed of timber piles and timber sheeting, with cables and turnbuckles, as needed. At least one timber pile has rotted through so that it swings back and forth with the tides. Apparently the plank sheeting was replaced in the mid 1970's, but it is not known exactly how old the piles are.

I understand that there is serious erosion of granular fill from within the existing bulkheads, to the extent that there is as much as one foot of settlement in places along the edge of the wharf. This loss of fill material is apparently occurring along much of the perimeter of the wharf.

Given the age of the facility, and the serious loss of fill, it seems evident that there are serious problems with the timber piles and planking. Because of the snow and ice that is present, I could not examine any of the structure nor see for myself the extent of the settlements. However, based on the information given to me, I can offer the following conclusions:

1. In my opinion the deterioration has gone too far to permit repair of the facility. The wharf probably needs to be completely re-built, probably with new steel sheet piling, tie rods and deadmen, granular fill and filter fabric to keep the soil from washing out again.
2. The Town's decision to close the wharf to vehicular traffic is, in my opinion, a wise one. It is impossible to quantify the extent of the defective bulkhead and the amount of the resulting soil loss. Therefore,

it seems to me, the only prudent course is to close the wharf until the condition has been fully remedied.

I well understand that closing this wharf will be a real hardship for the Town, especially during the summer months. It might be possible to utilize an interior part of the parking area, properly cordoned off to prevent access to the perimeter, after soil borings had been taken to make certain that there is solid fill beneath the pavement in this area.

As to re-building the wharf, it might just be possible to do this in time to have some use of it during this coming summer, but the work would have to begin immediately. The following is a broad outline of the program that would be required.

1. Begin a soil exploration program immediately to ascertain the required length of the sheet piling, and the nature and shape of the bottom.
2. Provide a survey of the wharf to establish the exact geometry of the area and to provide a location plan for the soil borings.
3. Contract with a professional engineer for the preparation of drawings and specifications for the new wharf.
4. Put these construction documents out to bid as early as possible, and arrange to begin construction.

If this program were initiated right away, the work could conceivably be completed so that the wharf would be available for at least part of the summer.

I appreciate the opportunity to work with the Town of Freeport on this problem. If I can be of any further assistance, please do not hesitate to call me.

Very truly yours,

Oatley Engineering Associates



Henry Oatley, P.E.

**A G E N D A**  
**COUNCIL MEETING #3-94**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**FEBRUARY 15, 1994 - 7:00 P.M.**

**SPECIAL NOTE:** This Agenda is a working Agenda that includes background information and is for the distribution to Council members only.

**FROM:** Dale C. Olmstead, Jr

**TO:** Elizabeth Ruff, Chairperson, Durham Road  
Randall Bennett, Vice-Chair, Park Street  
Edward Bradley, Flying Point Road  
Roger Wold, Staples Point Road  
Gloria DeGrandpre, Wolf Neck Road  
Kenneth Mann, Mann Road  
Edward Campbell, Gay Drive

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #2-94 held on February 1, 1994 and accept the minutes as printed.

**SECOND ORDER OF BUSINESS:** Public Comment Period - 30 Minutes.

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

**COUNCIL MEETING #3-94  
FEBRUARY 15, 1994**

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**ITEM #21-94      TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION  
FOR A VICTUALER'S LICENSE FOR THOMAS HUDAK.  
(PUBLIC HEARING)**

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**MOTION:** That the Council adjourn and the Licensing Board convene.

**Roll call of Members:**

Elizabeth Ruff  
Randall Bennett  
Edward Bradley  
Roger Wold

Gloria DeGrandpre  
Kenneth Mann  
Edward Campbell  
Jane Brogli  
Dale Olmstead

**MOTION:** That the following re-application for a Victualer's License be subject to Public Hearing.

Thomas Hudak, d/b/a Maple-Hedge B & B, 22 Park Street.

**MOTION:** That the Public Hearing be closed.

**BE IT ORDERED:** That the re-application issued to the above named applicant, be approved.

**MOTION:** That the Licensing Board adjourn and the Council reconvene.

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**ITEM#22-94      TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION  
FOR A FULL-TIME MALT & VINOUS LICENSE FOR THE  
LOBSTER COOKER. (PUBLIC HEARING)**

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**MOTION:** That the following re-application for a Full-Time Malt & Vinous License be subject to Public Hearing.

Michael Marino, d/b/a The Lobster Cooker, 39 Main Street.

**MOTION:** That the Public Hearing be closed.

**BE IT ORDERED:** That the re-application for a Full-Time Malt & Vinous License issued to the above named applicant, be approved.

**COUNCIL MEETING #3-94  
FEBRUARY 15, 1994**

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**ITEM #23-94      TO CONSIDER ACTION RELATIVE TO A RE-APPLICATION  
FOR A PART-TIME MALT LICENSE FOR THE FREEPORT  
COUNTY CLUB. (PUBLIC HEARING)**

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**MOTION:** That the following re-application for a Part-Time Malt License be subject to Public Hearing..

Michael Olsen, d/b/a The Freeport County Club, Old County Road.

**MOTION:** That the Public Hearing be closed.

**BE IT ORDERED:** That the re-application for a Part-Time Malt License issued to the above named applicant, be approved.

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**ITEM #24-94      TO CONSIDER ACTION RELATIVE TO A PROPOSED  
HEDGEHOG MOUNTAIN PROPERTY MASTER PLAN AND  
IMPLEMENTATION SCHEDULE. (PUBLIC HEARING)**

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**MOTION:** That the proposed Hedgehog Mountain Property Master Plan and Implementation Schedule be subject to Public Hearing.

**MOTION:** That the Public Hearing be closed.

**MOTION:** That the proposed Hedgehog Mountain Master Plan and Implementation Schedule be tabled until March 1, 1994.

**COUNCIL MEETING #3-94  
FEBRUARY 15, 1994**

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**ITEM #25-94      TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF  
REVISIONS TO THE FREEPORT COMPREHENSIVE PLAN.  
(PUBLIC HEARING)**

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**MOTION:** That the adoption of Revisions to the Freeport Comprehensive Plan be subject to Public Hearing.

**MOTION:** That the Public Hearing be closed.

**MOTION:** That the Revisions to the Freeport Comprehensive Plan be tabled until March 15, 1994.

**NOTE:** Instead of closing the Public Hearing the Council could continue the Public Hearing to a certain date.

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**ITEM #26-94      TO CONSIDER ACTION RELATIVE TO PROPOSED  
AMENDMENTS TO THE TRAFFIC AND PARKING  
ORDINANCE. (CHAPTER 48) PUBLIC HEARING**

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**MOTION:** That the proposed amendments to the Traffic & Parking Ordinance be subject to Public Hearing.

**MOTION:** That the Public Hearing be closed.

**MOTION:** That the proposed amendments to the Traffic & Parking Ordinance be tabled until March 1, 1994.

**COUNCIL MEETING #3-94  
FEBRUARY 15, 1994**

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**ITEM #27-94      TO CONSIDER ACTION RELATIVE TO THE ASSIGNMENT  
OF PARKING SPACES IN THE MUNICIPAL PARKING LOT  
LOCATED AT THE END OF HOWARD PLACE.**

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**BE IT ORDERED:** That three (3) parking spaces be assigned to L.L. Bean, Inc. to compensate for spaces lost when an interconnection was made between parking lots owned by L.L. Bean and the Boulos Company.

**Note:** This interconnection was recommended by the Planning Board when the Boulos Company went through the Site Review Process for their development on 47 Main Street.

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**ITEM #28-94      TO CONSIDER ACTION RELATIVE TO A REQUEST FOR  
THE INSTALLMENT OF A STREET LIGHT.**

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**BE IT ORDERED:** That a Public Hearing be scheduled for March 1, 1994 at 7:30 p.m. in the Town Hall Council Chambers to discuss a request by petition for the installation on a street light near the intersection of US Route #1 North and Frost Brook Lane.

**BE IT FURTHER ORDERED:** That 30 copies of the petition be made and distributed equally between the Town Clerk's Office and the B.H. Bartol Library for inspection by citizens.

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**OTHER BUSINESS:**

1. UPDATE ON THE PLANNING OF A REGIONAL DEMOLITION SITE - COUNCILOR CAMPBELL.
2. DISCUSSION ON REQUEST BY L.L. BEAN FOR THE USE OF BOW STREET PARK FOR THE ANNUAL JULY 4TH ROAD RACE.
3. DISCUSSION ON BOTTLE DRIVES AT THE TOWN'S RECYCLING FACILITY.
4. UPDATE ON THE CONDITION OF THE TOWN WHARF.

**COUNCIL MEETING #3-94  
FEBRUARY 15, 1994**

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**ITEM #29-94      TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE  
SESSION TO DISCUSS AN APPLICATION FOR A  
FOR PROPERTY TAX ABATEMENT.**

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**MOTION:** That the Council enter into Executive Session to discuss an Application for Property Tax Abatement due to poverty and/or disability.

**MOTION:** That the Council reconvene.

**BE IT ORDERED:** That the Application for a Property Tax Abatement because of poverty and/or disability, be approved.

**Note:** The Council has the options of approving the full or partial abatement. Of course the Council can deny the request depending on the results of the hearing. Carol Kaplan will be present for the hearing.

**END OF AGENDA**