

**MINUTES  
FREEPORT TOWN COUNCIL  
MEETING #17-95  
AUGUST 1, 1995 - 7:00 P.M.**

<b><u>CHAIRPERSON'S CALL TO ORDER:</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>	<b><u>Excused</u></b>
Edward Campbell, Chairperson Gay Drive	X		
Gloria DeGrandpre, Vice-Chairperson Wolf Neck Road	X		
Elizabeth Ruff Durham Road	X		
Randall Bennett Park Street	X (late)		
Roger Wold Staples Point Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #16-95 held on July 18, 1995 and accept the minutes as printed.

(Councilor Bennett arrived at 7:05 P.M.)

**MOVED AND SECONDED:** To amend page 6, #158-95 to include Councilor's Mann's comment re: 14 parking spaces.

(Councilor Mann & Ruff) (1 Aye) (6 Nays - Ruff, DeGrandpre, Wold, Bennett, Bishop, Campbell)

**MOVED AND SECONDED:** To amend the minutes on page 9, to include Councilor Mann's comments, re: hiring a realtor. (Councilors Mann & Bennett) (1 Aye) (6 Nays - Ruff, DeGrandpre, Wold, Bennett, Bishop, Campbell)

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #16-95 held on July 18, 1995 and accept the minutes as printed. (Councilors Wold & Ruff) (6 Ayes) (1 Nay - Mann)

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



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**MOVED AND SECONDED:** To close the Public Comment Period.  
(Councilors Wold & Ruff) (7 Ayes) (0 Nays)

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**ITEM #161-95**      **TO CONSIDER ACTION RELATIVE TO ACCEPTING A GRANT FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (PUBLIC HEARING).**

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors DeGrandpre & Ruff) (7 Ayes) (0 Nays)

Karen Martin, Council of Governments, reviewed the purpose of the grant, to provide technical assistance to communities within this region in pursuit of developing community development block grant applications.

Councilor Wold added that the Town is simply acting as a conduit and asked for confirmation that there are provisions in place to reimburse the Town for any costs incurred.

Manager Olmstead confirmed this.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors DeGrandpre & Old) (7 Ayes) (0 Nays)

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**ITEM #162-95**      **TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, THE ZONING MAP AND THE DESIGN REVIEW MAP CONCERNING NON-CONFORMING USES, PURPOSE AND SPACE STANDARDS AND REZONING MAP 13, LOTS 11,12,13,14,15, AND 26B FROM VILLAGE I (V-I) TO VILLAGE COMMERCIAL II (VC-II) (CHAPTER 21). (PUBLIC HEARING).**

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**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Wold & Ruff) (7 Ayes) (0 Nays)

1. Mr. Vaniotis, Town Attorney, as requested by the Council, addressed the procedural questions relating to the public hearing(s):

a) Whether, in the event the council decides to make changes in the text of the ordinance as it was advertised for the public hearing, there is a requirement to go through the process again with a new public hearing. He stated that the Charter specifically provides that the council may adopt the ordinance with or without amendment after having held a public hearing. The only limit is the basic notion of due process - if the subject matter were changed or a new subject matter introduced, then people would be entitled to be notified and to be heard again.

b) Whether the Freeport Zoning Ordinance requires that a zoning amendment where new construction is proposed be submitted to the provisions of paragraph 5, Section 203(A) of the ordinance which requires the submission of a site plan and the posting of a performance bond. He stated that this has been addressed at the Planning Board level; it is not a requirement of the ordinance, but rather an option that is available to provide for a kind of conditional or contract zoning when the applicant or council or both choose to go that way and limit a proposed rezoning to a specific plan shown on a site plan.

Councilor Mann stated that (under) State Statute, towns operate under home rule authority; home rule authority is broken down two ways, home rule limitation, etc. He asked if there are, i.e., "A, B



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and C", is that all municipalities can do under that statute.

Attorney Vaniotis confirmed this.

Councilor Mann stated that under planning and zoning, we have zoning ordinances - he read the ways enactments could be done.

Mr. Vaniotis stated that the cited statute describes certain procedures that have to be followed; the town's legislative body enacts legislation when it does a zoning change and it has the authority to do that; the procedures in the Freeport Zoning Ordinance are consistent with the State Statute and neither the State Statute nor the Freeport Zoning Ordinance require zoning in accordance with an architect's plan.

2. Phil Kerber, bed and breakfast owner, raised concerns re: denial of a zone change for a hotel/motel at the old public works building lot in 1988 VS. Harraseeket Inn's current request.

3. Nancy Gray, Harraseeket Inn owner, described the plans for expansion and the informational meetings held with the neighbors, reasons for zone change request, etc.

4. Clifford Goodall, attorney for Harraseeket Inn, addressed the process they have gone through to get to this point, the consistency of this plan with the Comprehensive Plan and some of the details of the plan proposed, setbacks' change request, etc.

Councilor Mann raised concerns re: if the proposal did go to VCII and more property was acquired, then there could be more zone expansion; 2 standards of setbacks, no specific plan, etc.

5. Councilor Wold asked for clarification - it appears to him that there is a request to rezone certain properties from VI to VCII, and then a request to change the requirements for a non-conforming use. He stated he does not think that the acquisition of additional property would be included in the VCII zone, without a request for a zone change for that contiguous property and then it could be included in the non-conforming use paragraph.

6. Shawn Riley, general manager Freeport Inn, stated that the expansion would serve as a benefit to all.

7. Ed Hassett, bed and breakfast owner, raised concerns re: the increase in the number of rooms proposed, the potential setback change, etc.

8. William Leonard, attorney representing bed and breakfast owners and neighbors, stated that people are concerned with what has happened; he feels it is contrary to the concept of zoning. He stated that a site plan should have been submitted.

9. Stacy Coffin-Young, resident, stated she supports Mrs. Gray's proposal.

10. Pauline Harris, resident, raised concerns re: proposed parking, potential damage to her lawn, etc.

11. Anna Johnson, business owner, offered her support for the proposal.

12. Mack Cartmell, owner Brewster House, stated that when the 20 room expansion was proposed, he was not opposed to it, but it has changed and he does not favor approval.

13. Amy Cartmell, owner Brewster House, added her concerns and requested examination of the feasibility of rezoning, spot zoning, etc.

14. Gordon Hamlin, abutter, stated he feels the expansion is too large; he reviewed some of the goals in the Comprehensive plan.



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15. Jim Friedlander, owner Isaac Randall House, stated he has concerns as to how things are proceeding, etc.
16. Elaine Carolan, Morse Street, asked for clarification of rezoning request procedures.
17. Dick Harris stated that a site plan is needed before the Council can pass or fail it.
18. Barbara McGivaren presented a petition with 97 signatures to the Council; she requested a site plan be presented.
19. Dr. Dietrich, resident, offered his support for Mrs. Gray's proposal.
20. Alden Grant, Main Street, raised concerns about the procedures.
21. John Creasy, Chairman Planning Board, reviewed previous concerns raised.
22. Bill D'Amico, Chapel Street, stated his opposition to the proposal and requested consideration of the definition of "a unit".
23. Sandy Williams, Maple Avenue, stated he would encourage the site plan requirement.
24. Peter Taggart, Maple Avenue, requested consideration of the process and conforming to it.
25. Dick Doucette, resident, stated there is a need to clarify the process.
26. Phil Kerber, resident, questioned the concept of "hardship" for a zoning change.
27. Ruby McDermott offered her support to the proposal.
28. Councilor DeGrandpre read a letter from Marie McCann, which offered objection of changing zones.
29. Louis Cortiss, owner Village Inn, requested approval of the request.

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.**  
(Councilors Wold & DeGrandpre) (7 Ayes) (0 Nays)

**MOVED AND SECONDED: THAT THE PROPOSED AMENDMENTS TO  
THE ZONING ORDINANCE, ZONING MAP, AND DESIGN REVIEW MAP  
BE TABLED UNTIL SEPTEMBER 5, 1995.**  
(Councilors Wold & Ruff) (7 Ayes) (0 Nays)

Councilor Wold raised concern as to the definition of a "unit", as it relates to voting on the above item.

John Creasy stated that this will be addressed in a future meeting (of the Planning Board).

Ms. Cohen stated that this could be addressed at the Planning Board and brought back to the Council.

Discussion followed re: the possibility of including an amendment which would define a unit, ratios of meeting rooms to guest rooms, "unit" currently in the ordinance, but without definition, etc.



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**ITEM #163-95      TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO  
THE ZONING ORDINANCE CONCERNING RESTAURANT DRIVE-UP  
WINDOWS IN THE VILLAGE COMMERCIAL II ZONE (CHAPTER 21)  
(PUBLIC HEARING).**

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**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.**  
**(Councilors Ruff & Wold) (7 Ayes) (0 Nays)**

1. John Creasy, Planning Board, stated that the unanimous vote of the Board was this amendment ought not to pass, that is, to allow as a permitted use in a VCII district, restaurant/drive-up provided there is no vehicle access to Main Street. The Board felt the definition was not sufficient; some members felt drive-up would not be appropriate. He added that the Board will be taking up the issue of amending the definition of "drive-up" at the next meeting.

Councilor Wold asked if the wording were changed, would the Planning Board bring this to the Council with favorable support to allow it.

Mr. Creasy replied that it was possible, but there was not a majority of the members to vote on this as it was.

Discussion followed re: traffic patterns, pedestrian safety, vehicular access, desirable seating capacity, timing requirements for the ordinance, preference for supporting the Planning Board process etc.

2. David Lourie, Attorney for TMM Inc., reviewed the process to date to be allowed the drive-through, the need for it, seating requirements, consistency with the Comprehensive Plan as an accessory use, etc. He described the site plan concept.

Councilor Mann asked what specific language is found in the Comprehensive Plan which makes this proposal pursuant to and consistent with the Plan.

Mr. Lourie stated that it is this legislative body makes the decision as to whether it is pursuant to and consistent to the Plan. He added that the Plan talks about expansion of businesses, the developing of alternatives, provision of parking, and there is nothing in the Plan that prohibits this, etc.

Discussion followed re: court cases, on-going discussions between the Town and McDonald's over the sale of abutting land, etc.

3. Steve Goble, owner of McDonald's, stated that the drive-through and sale of property are totally unrelated and separate issues. He provided an overview of the research done for this project and positive reasons for the drive-through, etc. He reviewed some of the community projects in which they have participated.

4. Diane Dennison raised concerns re: additional traffic and trash on Mallet Drive.

5. Paul Driscoll, attorney for Friendly's, related concerns of traffic patterns, appearance of "spot zoning", number of seats, etc.

6. Beverly Scammon offered her support for the drive-through.

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.**  
**(Councilors Ruff & Wold) (7 Ayes) (0 Nays)**



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**MOVED AND SECONDED: THAT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE BE TABLED UNTIL SEPTEMBER 5, 1995.**

**(Councilors Ruff & Wold) (7 Ayes) (0 Nays)**

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**ITEM #164-95**      **TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP (MAP 11 LOTS 31,32,48,49,52,53, 54,55,56,56A,57,58,59,77,78,78A,79,80,81,86,87) FROM VILLAGE I TO VILLAGE COMMERCIAL I. (PUBLIC HEARING)**

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**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.**

**(Councilors Wold & Ruff) (7 Ayes) (0 Nays)**

1. Councilor Mann stated that he felt this item should be two separate amendments.

Ms. Cohen stated that there were two formal applications (Morse and Cross Streets, and Cushing and Elm Streets) for zoning amendments, which she described; she referenced the memo of July 6, 1995 she sent to the Board, which outlines the various actions the Board took on all different sections bordered by I-95, the railroad tracks and Mallet Drive. She clarified confusion about lot #55.

2. Phil Jones described the concerns, i.e., loss of living units, current status of the neighborhood, etc. He described the recently approved change area, Planning Board recommendations, L. L. Bean expansion, etc. He stated that the residents in the affected areas want to be able to adapt to the changes forced upon them, by finding a commercial path out.

3. Elaine Carolan, Morse Street, questioned the re-zoning process and loss of property value.

4. Barbara McGivaren, requested the Council do what was best for the property owners.

5. Joyce Racine raised concerns of losing property value and desire for a buffer zone.

6. Councilor Mann stated he had talked with some of the property owners who are sincere in their request for a zone change.

7. David Thompson stated that some of the properties, if rezoned to VCI, while other properties left as Village I, would create a disservice to the owners, due to the buffer strip requirement.

Discussion followed re: pros and cons of rezoning, L. L. Bean's position on this, etc.

Councilor Wold asked requested clarification re: buffering.

John Creasy stated that the rationale was that if the section were rezoned, when L. L. Bean comes in with the site plan for the expansion, there will be no requirement for a buffer. He stated that the Board recommended that there be no changes in language in the Plan until information is received from the Traffic and Parking study.

Councilor Mann stated there is language in the Plan which states, "...give priority to residents in issues of rezoning...", which is basis in the Plan for the change.

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.**

**(Councilors Wold & Ruff) (7 Ayes) (0 Nays)**



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**MOVED AND SECONDED: THAT THE PROPOSED AMENDMENT TO THE ZONING MAP BE TABLED UNTIL SEPTEMBER 5, 1995.**

**(Councilors Bennett & Ruff) (7 Ayes) (0 Nays)**

**ITEM #165-95**

**TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN CONCERNING THE REVISION TO THE GROWTH AREAS MAP AND REVISION TO THE FOLLOWING PLAN SECTIONS: FUTURE LAND USE DIRECTIONS, LAND USE AND LOCAL ECONOMY. (PUBLIC HEARING)**

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE OPENED.**

**(Councilors Mann & Ruff) (7 Ayes) (0 Nays)**

Ms. Cohen stated that these amendments went to public hearing accompanied by a public hearing on the whole area; if it is desired to rezone the two areas, the language may need to be amended.

Councilor Mann raised concern that the Guptill Avenue residents did not favor rezoning. He felt that it was not the intent of the Planning Board to put this area in a potential VCI zone.

Mr. Creasy affirmed this, adding that the Board was recommending no changes until such time as the Traffic and Parking study was done.

Councilor Wold stated that if the Board's recommendation was not to rezone certain parts of this, he does not see where the Plan forces them to rezone people who do not want to (be rezoned).

Discussion followed re: amending sections of the Plan, protection of residential areas in VI, etc.

**MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED.**

**(Councilors Mann & Ruff) (7 Ayes) (0 Nays)**

**MOVED AND SECONDED: THAT THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN BE TABLED UNTIL SEPTEMBER 5, 1995.**

**(Councilors Mann & Ruff) (7 Ayes) (0 Nays)**

**ITEM #166-95**

**MOVED AND SECONDED: To table Item #166-95, proposed amendments to the Charter of the Town of Freeport, until August 15, 1995.**

**(Councilors Wold & Mann) (7 Ayes) (0 Nays)**

**ITEM #167-95**

**MOVED AND SECONDED: To table Item #167-95, an executive session to discuss the acquisition of property, indefinitely. (Councilors Bennett & Bishop)**

**(7 Ayes) (0 Nays)**

**OTHER BUSINESS:**

**1. REVIEW REQUEST TO DISCONTINUE A PORTION OF THE FORMER LOWER FLYING POINT ROAD OR WAY.**

Manager Olmstead described the former Flying Point Road, the existing Lower Flying Point Road, and the request to discontinue a portion of it. Mrs. Bowe presented a petition for the Town to abandon the entire former way. Other residents requested having input - a public hearing would allow this.

Discussion followed re: the Town's loss of control legally, right-of-way, etc.

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR AUGUST 15, 1995 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PETITION FOR THE DISCONTINUANCE OF THE RIGHT OF WAY KNOWN AS THE FORMER LOWER FLYING POINT ROAD (PLAN OF FLYING POINT SHORES, SEC. 1, DATED SEPTEMBER, 1944 AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS, BOOK 31, PAGE 31.

**BE IT FURTHER 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. **ROLL CALL VOTE** (Councilors Ruff & Wold) (7 Ayes) (0 Nays)

**2. DISCUSSION ON RENDERING THE TOWN CHARTER GENDER NEUTRAL.**

Manager Olmstead stated that in order to render the Charter gender neutral, the entire text has to be rewritten and published, at a substantial cost, an estimated \$3,500. He suggested that Jack Shephard can donate the legal work.

**BE IT ORDERED:** THAT JACK SHEPHARD BE REQUESTED TO DO THE LEGAL WORK INVOLVED TO MAKE THE TOWN CHARTER GENDER NEUTRAL AND THAT UP TO \$1,500 BE APPROPRIATED UNDER THE MISCELLANEOUS CONTINGENCY FUND FOR ADVERTISING. **ROLL CALL VOTE** (Councilors Ruff & DeGrandpre) (4 Ayes) (3 Nays - Wold, Bennett, Bishop)

**CHAIRPERSON AND COMMITTEE REPORTS.**

1. Manager Olmstead stated that the Tax Commitment Date is August 14, 1995; the tax rate came in at \$17.15, an under 1% increase.

**MOVED AND SECONDED:** THAT THE MEETING BE ADJOURNED AT 12:29 P.M. (Councilors Wold & Bennett) (7 Ayes) (0 Nays)

Respectfully submitted,

Pat Goodwin, Recording Secretary



W3

c. Buffering, consisting of natural features, plantings and/or fencing, shall be required to provide an effective visual and physical screen between residential and nonresidential uses at the lot boundaries and surrounding parking areas. During site review, the Planning Board shall review and approve the type, size and quantity of materials which will provide the harmonious transition between uses.

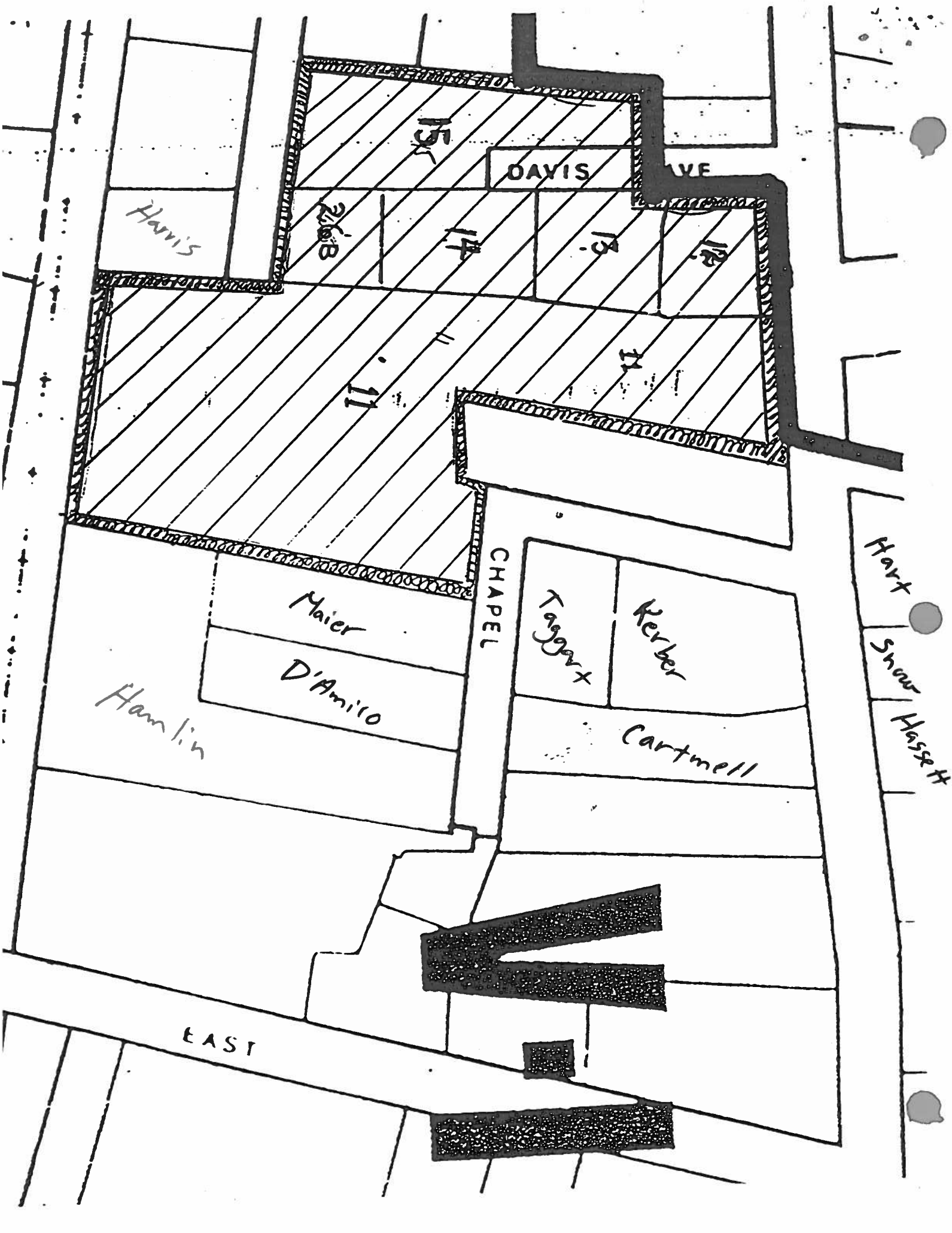
3. If an existing building, which is classified A or B in the Freeport Design Review Ordinance and is going to be converted to non-residential use, does not have sufficient space on site or within 300 feet to meet the existing parking requirements, and municipal parking spaces are unavailable, the parking requirements may be satisfied by permitting spaces to be owned and developed within the VC-I and/or VC-II Districts. The purpose of this provision is to encourage the preservation of historically significant structures.

Map Changes: Amend the zoning map by changing Map 13, Lot 11, 12, 13, 14, 15, 26B from V-I to VC-II

eln.11021

Chris J - Not spot zoning -  
would have to be  
specific to  
① Can Harvacebet Inn  
use the 15<sup>th</sup> to expand.  
as well as the 30 addit  
units - Yes, unless you  
change wording  
no prob.  
② Council set P.T.  
before PB decision on  
reclaim.





Harris

DAVIS

AVE

15

14

13

12

11

11

CHAPEL

Maier

D'Amico

Hamlin

Tager

Kerber

Cartmell

Hart

Snow

Hassett

EAST



We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseeket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name	Address	Signature	Date
1. Philip Kerber	178 Main St	Philip C. Kerber	7-29-95
2. CARL FREDERICK	55 ELM ST.	[Signature]	7/29/95
3. Jack Hopkins	5 Oak Av	JUDITH HOPKINS	7/29/95
4. Candace J. Steins	37 Woking Ave	[Signature]	7-29-95
5. SALLY H. SAUNDERS	Porters Landing Freeport	Sally H. Saunders	865-1200
6. Norma Phelps	2 Porters Landing	Norma J. Phelps	7-29-95
7. Thelma E. Sommer	27 Cove Road	[Signature]	7/29/95
8. Denise Novotny	17 Cove Rd	[Signature]	7/29/95
9. BEVERLY CURRY	179 Main St.	Beverly Curry	7-28-95
10. BENJAMIN CURRY	Main St.	Benjamin Curry	7-29-95
11. Marliss Sweet	3 Main St.	Marliss Sweet	7/29/95
12. Robert Sweet	"	Robert I. Sweet	7/29/95
13. Virginia Holder	3 Main St. So. Freeport	[Signature]	7/29/95
14. Matthew Holden	15 Pleasant St Freeport	Matthew Holden	7/29/95
15. Lois J. Rowe	92 So. Street So Freeport	LOIS J ROWE	7/29/95
16. Peter Agnes	87 S. Freeport Rd.	Peter Agnes	7/29/95
17. Stephen Agnes, Schuchert	18 S. Freeport Rd. So Freeport,	[Signature]	7/29/95
18. [Signature]	13 Main St So Freeport	[Signature]	7/29/95



We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseeket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name	Address	Signature	Date
1. Marilyn Graves	33 Park St - Freeport		7/31/95
2. MARILYN GRAVES			
3. WALLACE S. GROVES	33 PARK ST	Wallace S. Groves	7/31/95
4. Anne E. Whitworth	19 EAST ST. FREEPORT		7/31/95
5. Paul Whitworth	19 EAST ST		7/31/95
6. Kathleen Leman	20 east st. freeport		9/31/95
7. Keantha Leman	20 East St., Freeport, Me.		7/31/95
8. Adelaide Moore	219 Main St Freeport		8-1-95
9. Roanne y Demmeion	3 Veronica La Freeport		8-1-95
10. Valma T. Bogan	16 Halbrook St Freeport		8-1-95
11. Alan C. Demmeion	3 Veronica La		8-1-95
12. Glennis Tozier	3 Tidal Beach Rd		8-1-95
13. Modeline Thayer			8-1-95
14. Thelma Groves	Torrey's Hill		8-1-95
15. Paul A. Strachan	31 Park St		8-1-95
16. V. Hordach	27 Webster Rd.		8/1/95
17. Michelle Christensen	18 Foxcroft Ave		8/1/95
18.			



We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseeket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name

Address

Signature

Date

1. William J. D'Amico 12 Chapel St. William J. D'Amico 7/30/95
2. Lynda J. D'Amico 12 Chapel St. Lynda J. D'Amico 7/30/95
3. Alfred W. Maxwell III 193 Main St. Alfred W. Maxwell III 7/30/95
4. Frances E. Taisey 207 Main St. Frances E. Taisey 7/30/95
5. Mark I. Kent 203 Main
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We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name	Address	Signature	Date
1. JAMES M. FRIEDLANDER	5 INDEPENDENCE DR	<i>James M. Friedlander</i>	7-29-95
2. Virginia Smith	Desert Rd Freeport	<i>Virginia Smith</i>	7-29-95
3. John F. Robinson	3 Grant	<i>John F. Robinson</i>	7-31-95
4. Glynrose Friedlander	5 Independence Dr	<i>Glynrose Friedlander</i>	
5. Tammy MacLaren	4 Desert Rd Freeport Me	<i>Tammy MacLaren</i>	7-31-95
6. CYNTHIA WELLITO	5 Independence Dr. Freeport, ME.	<i>Cynthia Wellito</i>	8/01/95
7. JOHN ROHNER	90 MAQUOIT DR FREEPORT, ME	<i>John Rohner</i>	8/1/95
8. William Harris	20 island view Lane Free	<i>William Harris</i>	8-1-95
9. COOKS LD	10 school St Freeport. 865-6886	<i>Cooks LD</i>	8-1-95
10. WYNN LY	12 ELM ST. 865-6323	<i>Wynn Ly</i>	8-1-95
11. ANNA CHAN	12 ELM ST. 865-9732	<i>Anna Chan</i>	8-1-95
12. 29 Hamlin	14 CHAPEL ST., FREEPORT 865-4618	<i>29 Hamlin</i>	
13. PAULINE HARRIS	20 ROYAL AV FREEPORT 865-3667	<i>Pauline Harris</i>	8/1/95
14.			
15.			
16.			
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We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name	Address	Signature	Date
1. MARY ARVOT	93 Maquoit Dr.	Mary Arvot	7/30/95
2. Carla Kerber	178 Main St	Carla Kerber	7/30/95
3. Audra Galloway	3 Oak Ave	Audra Galloway	7/30/95
4. Randall Wade Thomas	51 Byram Ave	Randall W. Thomas	7/30/95
5. Elizabeth Andrews	22 Byram Ave	Elizabeth Andrews	7/30/95
6. John C. Thomas	51 Byram Ave	John C. Thomas	7/30/95
7. STEPHEN BAKER Steph Bd	22 BYRAM AVE	Steph Bd	7/30/95
8. WILLARD Dyer	14 West Shore Dr	Willard Dyer	7/30/95
9. ROBERT M. BROWN	28 W. Shore Dr.	Robert M. Brown	7-30-95
10. BOB FALCON	MAQUOIT DR	Bob Falcon	7-30-95
11. JIM MASON	78 " "	J. MASON	7/30/95
12. David Buckman	116 Maquoit Dr	David Buckman	30 July 95
13. Agnes Schuchert	78 So. Freeport Rd.	Agnes Schuchert	7.30.95
14. Susan Dyer	14 W. Shore Dr	Susan Dyer	7/30/95
15. Amy Cartmell	180 Main St.	Amy Cartmell	7/31/95
16. Matthew Cartmell	180 Main St	Matthew Cartmell	8/1/95
17.			
18.			

We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseeket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name

Address

Signature

Date

1. Edward HASSETT 181 Main St. Sw. 1st fl. 7/29/95

2. PATRICK CLARK 26100/FINECK RD 7/30/95

✓ 3. Brad Swan 177 Main St 8/1/95

4. Glaird Cates 181 Main St 8/1/95

✓ 5. Marie A. Mares 10 Chapel St 8/1/95

6. Elizabeth P. Sorel Powna Rd 8-1-'95

7. Richard Leland 93 Hunter Rd. 8-1-95

8. Nancy Trelawny " " "

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We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseeket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name

Address

Signature

Date

1. James A. Dickey 37 Bowst. Freeport [Signature] 7-28-95
2. E Howell 4 Harold's Way, Freeport [Signature] 7-30-95
3. Cathy Howell 4 Harold's Way, Freeport [Signature] 7-30-95
4. Mary Atkins 10 Old Flying Pt Rd Freeport [Signature] 7-31-95
5. [Signature] 8 Arrowhead Ridge Rd Freeport, ME 04032
6. Harold S. Estabrook 5 Old Flying Pt. Rd. Freeport Me 04032
7. Sylvia Estabrook 5 Old Flying Pt Rd Freeport Sylvia Estabrook 7/31/95
8. DAVID H. DRAKE 173 Flying Pt Rd, Freeport David H Drake 7-31-95
9. Karen J. Lafatis 173 Flying Point Rd Freeport 7/31/95
10. Jane [Signature] 34 Flying Point Rd
11. Barbara W. Colamare 2 Pellegri Rd. Freeport Barbara W. Colamare 8-1-95
12. E. Lee B. Hat 175 Main St, Freeport, Me. 7/31/95
13. Joan S. Knestner 4 The Meadows Freeport [Signature]
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_

We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name	Address	Signature	Date
1. BARBARA M. WARE	18 Maple Ave	Barbara Whitman	7/29
2. Richard P. Kelley	22 Maple Ave	Richard P. Kelley	7/30
3. Carol S. Kelley	22 Maple Ave	Carol Kelley	7/30
4. Doris Dubay	28 Maple Ave	DORIS DUBAY	7-30-95
5. RICHARD LEETE	18 MAPLE AV.	Richard Leete	7/31/9
6. Dorothy Brown	10 Maple Ave	Dorothy Brown	7/31/95
7. KENNETH H. BROWN		Kenneth H. Brown	7/31/9
8. Esther Valtier	24 Maple Ave		8/1/9
9. Thomas Valtier	24 Maple Ave		8/1/9
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We, the undersigned, urge the Freeport Town Council to deny the application of the Harrasseeket Inn to add thirty units and to expand its restaurant and accessory uses without limitation. We further implore our elected officials to protect our quality of life by upholding the Freeport Zoning Ordinance as it currently exists.

Print Name	Address	Signature	Date
1. Mary Huff	13 Holbrook St.	Mary Huff	7/31/95
2. Norma Murray	8 Holbrook St	Norma Murray	7/31/95
3. Teresa M. Murray	5 Hayboat Pt.	Teresa M. Murray	7/31/95
4. Esther M. Routher	14 Holbrook St	Esther M. Routher	Freeport, N.H.
5.			
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**AGENDA  
COUNCIL MEETING #17-95  
COUNCIL CHAMBERS  
AUGUST 1, 1995 - 7:00 P.M.**

**SPECIAL NOTE:** THIS AGENDA IS A WORKING AGENDA THAT INCLUDES BACKGROUND INFORMATION AND IS FOR DISTRIBUTION TO COUNCIL MEMBERS ONLY.

**FROM:** DALE C. OLMSTEAD, JR.

**TO:** EDWARD CAMPBELL, CHAIRPERSON, GAY DRIVE  
GLORIA DEGRANDPRE, VICE-CHAIRPERSON, WOLF NECK ROAD  
ELIZABETH RUFF, DURHAM ROAD  
RANDALL BENNETT, PARK STREET  
ROGER WOLD, STAPLES POINT ROAD  
KENNETH MANN, MANN ROAD  
CHARLOTTE BISHOP, MAQUOIT DRIVE

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #16-95 HELD ON JULY 18, 1995 AND ACCEPT THE MINUTES AS PRINTED.

**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD - 30 MINUTES  
(NON-AGENDA ITEMS ONLY)

**THIRD ORDER OF BUSINESS:** TO TAKE ACTION ON THE FOLLOWING ITEMS OF BUSINESS AS READ BY THE COUNCIL CHAIRPERSON.



**COUNCIL MEETING #17-95  
AUGUST 1, 1995**

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**ITEM #161-95**      **TO CONSIDER ACTION RELATIVE TO ACCEPTING A GRANT FROM THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (PUBLIC HEARING).**

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**MOTION: THAT THE PUBLIC HEARING BE OPENED.**

**MOTION: THAT THE PUBLIC HEARING BE CLOSED.**

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**ITEM #162-95**      **TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, THE ZONING MAP AND THE DESIGN REVIEW MAP CONCERNING NON-CONFORMING USES, PURPOSE AND SPACE STANDARDS AND REZONING MAP-13. LOTS 11,12,13,14,15, AND 26B FROM VILLAGE I (V-I) TO VILLAGE COMMERCIAL II (VC-II) (CHAPTER 21). (PUBLIC HEARING).**

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**MOTION: THAT THE PUBLIC HEARING BE OPENED.**

**MOTION: THAT THE PUBLIC HEARING BE CLOSED.**

**MOTION: THAT THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE, ZONING MAP, AND DESIGN REVIEW MAP BE TABLED UNTIL ~~AUGUST 15~~, 1995.**

*Part 5*

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**ITEM #163-95**      **TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ZONING ORDINANCE CONCERNING RESTAURANT DRIVE-UP WINDOWS IN THE VILLAGE COMMERCIAL II ZONE (CHAPTER 21) (PUBLIC HEARING).**

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**MOTION: THAT THE PUBLIC HEARING BE OPENED.**

**MOTION: THAT THE PUBLIC HEARING BE CLOSED.**

**MOTION: THAT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE BE TABLED UNTIL ~~AUGUST 15~~, 1995.**

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**ITEM #164-95**      **TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE FREEPORT ZONING MAP (MAP 11 LOTS 31,32,48,49,52,53, 54,55,56,56A,57,58,59,77,78,78A,79,80,81,86,87) FROM VILLAGE I TO VILLAGE COMMERCIAL I. (PUBLIC HEARING)**

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**COUNCIL MEETING #17-95  
AUGUST 1, 1995**

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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE PROPOSED AMENDMENT TO THE ZONING MAP BE TABLED UNTIL AUGUST 15, 1995.

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<b>ITEM #165-95</b>	<b>TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN CONCERNING THE REVISION TO THE GROWTH AREAS MAP AND REVISION TO THE FOLLOWING PLAN SECTIONS: FUTURE LAND USE DIRECTIONS, LAND USE AND LOCAL ECONOMY. (PUBLIC HEARING)</b>
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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN BE TABLED UNTIL AUGUST 15, 1995.

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<b>ITEM #166-95</b>	<b>TO CONSIDER ACTION RELATIVE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT.</b>
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**BE IT ORDERED:** THAT THE FOLLOWING PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FREEPORT SHOULD BE CONSIDERED:

**ARTICLE VII, SEC. 803 OF THE CHARTER OF THE TOWN OF FREEPORT IS REPEALED AND A NEW SECTION 8.03 IS ENACTED AS FOLLOWS:**

**OPTION 1**

**ORDINANCES SUBMITTED TO POPULAR VOTE.** THE TOWN COUNCIL SHALL SUBMIT ANY ORDINANCE APPROPRIATING AN AMOUNT WHICH EXCEEDS THE GREATER OF \$133,500 OR .023 % OF THE LAST CERTIFIED STATE VALUATION OF THE TOWN FOR A SINGLE CAPITAL IMPROVEMENT AND ANY ORDINANCE AUTHORIZING GENERAL OBLIGATION BOND ISSUES IN AN AMOUNT WHICH EXCEEDS THE GREATER OF \$133,500 OR .023 % OF THE LAST CERTIFIED STATE VALUATION OF THE TOWN FOR CAPITAL IMPROVEMENTS TO THE VOTERS AT A REGULAR OR SPECIAL ELECTION.

*1 asked.  
Aug. 15*



**OPTION 2**

**ORDINANCES SUBMITTED TO POPULAR VOTE. THE TOWN COUNCIL SHALL SUBMIT ANY ORDINANCE APPROPRIATING \$133,500 OR MORE FOR A SINGLE CAPITAL IMPROVEMENT, AND ANY ORDINANCE AUTHORIZING GENERAL OBLIGATION BOND ISSUES OF \$133,500 OR MORE FOR CAPITAL IMPROVEMENTS TO THE VOTERS AT A REGULAR OR SPECIAL ELECTION. THE ABOVE LIMITS OF \$133,500 SHALL BE ADJUSTED UPWARDS ANNUALLY, COMMENCING IN 1996, BY THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX.**

**EXPLANATION**

**THE PROPOSED AMENDMENT WOULD INCREASE THE AMOUNT THE TOWN COUNCIL MAY, BY ORDINANCE, APPROPRIATE OR BORROW FOR CAPITAL IMPROVEMENTS WITHOUT SUBMITTING THE ORDINANCE TO A POPULAR VOTE. THE CURRENT LIMIT IS \$50,000 AND WAS ESTABLISHED IN 1976. THE PROPOSED AMENDMENT WOULD INCREASE THAT AMOUNT TO REFLECT INFLATION FROM 1976 TO 1996.**

**BE IT FURTHER ORDERED: THAT A PUBLIC HEARING SHALL BE CONDUCTED ON THE SUBJECT MATTER OF THIS PROPOSED CHARTER AMENDMENT ON SEPTEMBER 5, 1995 AT 7:00 P.M. AT THE FREEPORT TOWN OFFICE, NOTICE OF WHICH, TOGETHER WITH THE TEXT OF THIS PROPOSED AMENDMENT, SHALL BE PUBLISHED IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE TOWN AT LEAST SEVEN (7) DAYS BEFORE THE HEARING.**

**OTHER BUSINESS:**

- 1. REVIEW REQUEST TO DISCONTINUE A PORTION OF THE FORMER LOWER FLYING POINT ROAD OR WAY.**
- 2. DISCUSSION ON RENDERING THE TOWN CHARTER GENDER NEUTRAL.**

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<b>ITEM #167-95</b>	<b>TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF PROPERTY.</b>
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**COUNCIL MEETING #17-95  
AUGUST 1, 1995**

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**MOTION: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO  
DISCUSS THE ACQUISITION OF PROPERTY.**

**MOTION: THAT THE COUNCIL RECONVENE.**

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**CHAIRPERSON AND COMMITTEE REPORTS.**



# TOWN OF FREEPORT

Municipal Offices

(207) 865-4743



July 20, 1995

## MEMO

To: Freeport Town Council  
From: Freeport Planning Board  
Subject: Harraseeket Inn rezoning request

On July 19, 1995, the Planning Board held a public hearing on the Harraseeket Inn's request to revise the Zoning Ordinance and Map. The Board, on a 5-0 vote, made the following recommendation to the Council:

"Be it ordered to recommend to the Town Council that Section 202.B.7 as amended (Non-Conformance) be added to the Zoning Ordinance, that Section 413.C.4 be revised (decrease front setbacks on Davis Ave and the east side of Main St), and that the Zoning Map be revised as follows: Change Map 13, Lots 11,112,13,14,15 and 26B from V-I to VC-II for the following reasons:

Conformance with the Comprehensive Plan "Business Strategies" (Local Economy Section), which includes the following strategies: examine limitations on non-conforming uses, encourage business to expand and remain in Freeport and examine rezoning at the Mallet Drive and Route One intersection.

We also recommend that the Council revise the Design Review Map to include all parcels in the Design Review District which are rezoned to any of the Village Commercial Districts."

The Planning Board held a total of two public hearings on two different amendment proposals. The first proposal would have permitted hotel/motel use with an unlimited number of units to locate in the VC-II District. Present regulations limit hotel/motel use in the VC-II District to 10 units. Based on public input which opposed this unlimited expansion, a second version was developed and the final version which was approved by the Board on July 19 would permit an existing, non-conforming hotel/motel to expand by a maximum of 30 additional units, subject to site plan review. To our knowledge, the only non-conforming hotel/motels are the Harraseeket Inn and the Village Inn on Main Street.



**PROPOSED ZONING ORDINANCE AMENDMENTS AND MAP CHANGE  
ARTICLE 21**

**Ordinance Changes:**        Deletions are lined out  
                                 Additions are underlined

**Sec. 202.        Non-Conformance**

**B. Non-Conforming Uses**

7.    Hotels and Motels: Upon approval of a site plan by the planning board, a hotel or motel existing on July 5, 1995 which is a non-conforming use in the zoning district where it is located (including a hotel or motel which is non-conforming because it exceeds the maximum number of units allowed in the zoning district) may increase the number of units by up to 30 units more than the number existing on July 5, 1995 and may, in connection with such increase, expand accessory facilities such as restaurants, meeting rooms and recreational facilities. Such increase and expansion shall not be considered an extension of use subject to section 202(B)(2) and may include expansions of buildings or structures onto land contiguous to the lot on which the hotel or motel is located.

**Sec. 413.        Village Commercial II        "VC-II"**

**A. Purpose**

It is the intent of this District to begin the transition from the Village Commercial District to the neighboring residential districts.

**B. Permitted Uses**

1.    Single Family Dwelling
2.    Two-Family Dwelling
3.    Peddler on Private Property subject to requirements of Section 526

The following uses are subject to site review regardless of size:

4.    Religious Institution
5.    School
6.    Municipal Facility
7.    Multiple Family Dwelling
8.    Retail Trade

A minimum 20,000 sq. ft. lot may contain one of the following:

- (a)    New Structure: Gross floor area of a new structure shall not exceed 5,000 sq. ft. No floor shall exceed a maximum of 2,500 sq. ft. A maximum of 5,000 sq. ft. of floor area may be used for retail trade; or
- (b)    Existing Structure: A maximum of 6,000 sq. ft. of gross floor area in an existing building may be used for retail trade; or



- (c) Combined New and Existing Structure: Total gross floor area shall not exceed 5,000 sq. ft.

9. Public Utilities

10. Business and Professional Offices

New, existing or combined new and existing structures: Total gross floor area shall not exceed 10,000 square feet. No floor shall exceed a maximum of 5,000 square feet.

11. Public Assembly, Indoor

12. Bed & Breakfast Inn

13. Hotel or Motel not over 10 units

14. Private Assembly

15. Restaurant

16. Restaurant - Carry-Out

17. Parking Lots serving A & B building, as defined in the Freeport Design Review Ordinance, located in the VC-II District, when such parking is provided pursuant to Section 413.D.2

C. Space Standards:

- |   |                |
|---|----------------|
| 1. Minimum lot size:  | 20,000 sq. ft. |
| 2. Minimum road frontage:   | 100 feet       |
| 3. Maximum building height:   | 35 feet        |
| 4. Minimum setback front:   | 25 feet,       |
| <u>except for the east side of Main Street and the north side of Davis Avenue where it shall be 10 feet from the interior edge of any sidewalk or 15 feet from lot line if no sidewalk.</u> |                |
| Side:   | 15 feet        |
| Rear:   | 25 feet        |
| 5. Minimum land area per dwelling unit:   | 5,000 sq. ft.  |

D. Other Standards:

1. Peddler trucks are prohibited.
2. The following conditions shall be met for all non-residential uses which are located on parcels having access to Main Street or Mallett Drive as well as minor streets as defined in the Street Acceptance and Standards Ordinance of the Town of Freeport:
  - a. Access to Map 12, lots 7, 30A, 30D, 31A, and 33A shall be from Mallett Drive only. Access for lots on Oak Avenue and Guptill Avenue shall not be from Mallett Drive. Lots on Davis Avenue shall not provide access directly to Main Street. Wherever possible, common access ways shall be created for adjacent lots.
  - b. Parking areas shall not be located within the side and rear setback. Driveways and drive-throughs shall not be located within the side and rear setback.



- c. Buffering, consisting of natural features, plantings and/or fencing, shall be required to provide an effective visual and physical screen between residential and nonresidential uses at the lot boundaries and surrounding parking areas. During site review, the Planning Board shall review and approve the type, size and quantity of materials which will provide the harmonious transition between uses.

3. If an existing building, which is classified A or B in the Freeport Design Review Ordinance and is going to be converted to non-residential use, does not have sufficient space on site or within 300 feet to meet the existing parking requirements, and municipal parking spaces are unavailable, the parking requirements may be satisfied by permitting spaces to be owned and developed within the VC-I and/or VC-II Districts. The purpose of this provision is to encourage the preservation of historically significant structures.

Map Changes: Amend the zoning map by changing Map 13, Lot 11, 12, 13, 14, 15, 26B from V-I to VC-II

eln.11021



VC-II

DAVIS

AVE

CHAPEL

EAST

Rezoning  
Request to  
VC-II  
(Harnaseket  
Inn)

20/8

15

14

13

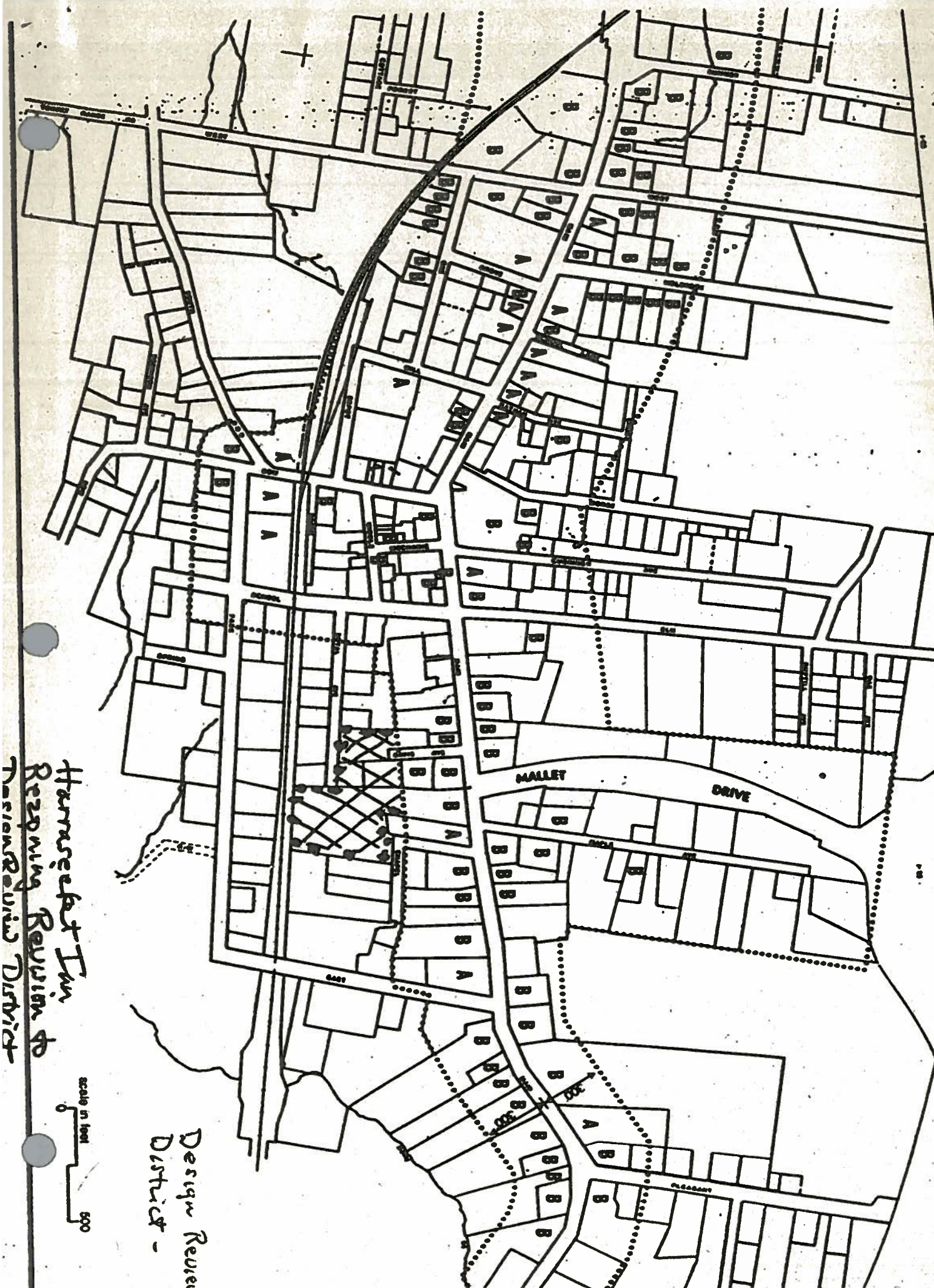
12

11

11



PROPOSED AMENDMENT TO THE FREPORT DESIGN REVIEW MAP



Design Review District -

Harrogate Town  
Design Review District



**MINUTES  
FREEPORT TOWN COUNCIL  
MEETING #17-95  
AUGUST 1, 1995 - 7:00 P.M.**

<b><u>CHAIRPERSON'S CALL TO ORDER:</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>	<b><u>Excused</u></b>
Edward Campbell, Chairperson Gay Drive	X		
Gloria DeGrandpre, Vice-Chairperson Wolf Neck Road	X		
Elizabeth Ruff Durham Road	X		
Randall Bennett Park Street	X (late)		
Roger Wold Staples Point Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #16-95 held on July 18, 1995 and accept the minutes as printed.

(Councilor Bennett arrived at 7:05 P.M.)

**MOVED AND SECONDED:** To amend page 6, #158-95 to include Councilor's Mann's comment re: 14 parking spaces.

(Councilor Mann & Ruff) (1 Aye) (6 Nays - Ruff, DeGrandpre, Wold, Bennett, Bishop, Campbell)

**MOVED AND SECONDED:** To amend the minutes on page 9, to include Councilor Mann's comments, re: hiring a realtor. (Councilors Mann & Bennett) (1 Aye) (6 Nays - Ruff, DeGrandpre, Wold, Bennett, Bishop, Campbell)

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #16-95 held on July 18, 1995 and accept the minutes as printed. (Councilors Wold & Ruff) (6 Ayes) (1 Nay - Mann)

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