

**TOWN COUNCIL MEETING #14-96
MARCH 19, 1996 - 7:00 P.M.
TOWN HALL COUNCIL CHAMBERS
SUMMARY AGENDA**

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- ITEM #57-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, AND VINOUS LIQUOR LICENSE FOR MICHAEL MARINO, D/B/A LOBSTER COOKER (PUBLIC HEARING).
 - ITEM #58-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A SEASONAL MALT LIQUOR LICENSE FOR RICHARD OLSEN, JR., D/B/A FREEPORT COUNTRY CLUB (PUBLIC HEARING).
 - ITEM #59-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES FOR PETER AND BARBARA GUFFIN, MARK LANOUE, JOANNA AND CORY MORRISSEY, AND PETER TILTON (PUBLIC HEARING).
 - ITEM #60-96 TO CONSIDER ACTION RELATIVE TO ADOPTING RULES AND REGULATIONS FOR DUNNING BOATYARD (CHAPTER 18)(PUBLIC HEARING).
 - ITEM #61-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE CONCERNING THE BOARD OF REVIEW AND APPLICATIONS FOR DESIGN CERTIFICATES (CHAPTER 22) (PUBLIC HEARING).
 - ITEM #62-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A FIVE YEAR CAPITAL PLAN FOR THE TOWN OF FREEPORT (PUBLIC HEARING).
 - ITEM #63-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING PROCEDURES, FEES AND VIOLATIONS (CHAPTER 32).
 - ITEM #64-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING THE DUNNING BOATYARD (CHAPTER 48).
 - ITEM #65-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE CHARGE OF THE TRAFFIC AND PARKING COMMITTEE (CHAPTER 2).
 - ITEM #66-96 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE OF FUNDS FROM THE FY 96 MISCELLANEOUS AND CONTINGENCY ACCOUNT.
 - ITEM #67-96 TO CONSIDER ACTION RELATIVE TO THE APPROVAL OF A CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND CUSTOM BUILT HOMES OF MAINE, INC./MACMILLAN.
 - ITEM #68-96 TO CONSIDER ACTION RELATIVE TO THE LIBRARY BUILDING PROJECT.

- ITEM #69-96** TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED FOR PROPERTY LOCATED IN DESERT PINES (MAP 30 LOT 29).
- ITEM #70-96** TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF COASTAL IMPROVEMENT GRANTS FROM THE STATE OF MAINE.
- ITEM #71-96** TO CONSIDER ACTION RELATIVE TO THE PROPOSED RECONSTRUCTION OF THE MAIN/WEST STREET INTERSECTION.
- ITEM #72-96** TO CONSIDER ACTION RELATIVE TO RELEASING THE TOWN OF FREEPORT'S RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN LOT OR PARCEL OF LAND ON BEECH HILL ROAD.
- ITEM #47-96** (TABLED FEBRUARY 20, 1996) TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING LIMITED SETBACKS REDUCTIONS, MISLOCATED BUILDING APPEALS AND THE MEDIUM DENSITY DISTRICT (CHAPTER 24).

OTHER BUSINESS

CHAIRPERSON AND COMMITTEE REPORTS

- ITEM #73-96** TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE POTENTIAL ACQUISITION OF PROPERTY.

ADJOURN

**AGENDA
COUNCIL MEETING #14-96
COUNCIL CHAMBERS
MARCH 19, 1996 7:00P.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:

GLORIA DEGRANDPRE, CHAIRPERSON, WOLF NECK ROAD
EDWARD CAMPBELL, VICE-CHAIRPERSON, GAY DRIVE
GENIE BEAULIEU, LARUE DRIVE
ALAN HINDLEY, WARDTOWN ROAD
KENNETH MANN, MANN ROAD
CHARLOTTE BISHOP, MAQUOIT DRIVE
STAFFORD SOULE, ARNOLD ROAD

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF #12-96 HELD ON FEBRUARY 20, 1996 AND #13-96 HELD ON FEBRUARY 21, 1996 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.

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ITEM #57-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, AND VINOUS LIQUOR LICENSE FOR MICHAEL MARINO, D/B/A LOBSTER COOKER (PUBLIC HEARING).

MOTION: THAT THE FOLLOWING APPLICATION FOR A FULL-TIME MALT, AND VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

MICHAEL MARION, D/B/A/, LOBSTER COOKER, 39 MAIN STREET, FREEPORT.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE APPLICATION FOR A FULL-TIME MALT, & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

ITEM #58-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A SEASONAL MALT LIQUOR LICENSE FOR RICHARD OLSEN, JR., D/B/A FREEPORT COUNTRY CLUB (PUBLIC HEARING).

MOTION: THAT THE FOLLOWING APPLICATION FOR A SEASONAL MALT LICENSE BE SUBJECT TO PUBLIC HEARING.

RICHARD OLSEN, JR., D/B/A/ FREEPORT COUNTRY CLUB, 2 OLD COUNTY ROAD, FREEPORT

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE APPLICATION FOR A SEASONAL MALT LIQUOR LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED.

ITEM #59-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES FOR PETER AND BARBARA GUFFIN, MARK LANOUE, JOANNA AND CORY MORRISSEY, AND PETER TILTON (PUBLIC HEARING).

MOTION: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE.

ROLL CALL OF MEMBERS:

CHARLOTTE BISHOP
GENIE BEAULIEU
ALAN HINDLEY
STAFFORD SOULE
PAT GOODWIN

GLORIA FOGG DEGRANDPRE
KENNETH MANN
EDWARD CAMPBELL
DALE OLMSTEAD

COUNCIL MEETING #14-96
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MOTION: THAT THE FOLLOWING APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING.

PETER/BARBARA GUFFIN, D/B/A/ PORTERS LANDING BED AND BREAKFAST, 70 SOUTH STREET

MARK LANOUE, D/B/A PRETZELOGIC (PEDDLER/TOWN PROPERTY) BOW STREET

JOANNA/CORY MORRISSEY, D/B/A JAVA JOES (PEDDLER/PRIVATE PROPERTY) 32 MAIN STREET

PETER TILTON, D/B/A FREEPORT SPORTS BOOSTERS (PEDDLER/TOWN PROPERTY) VILLAGE SQUARE

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

BE IT ORDERED: THAT THE APPLICATIONS AND RE-APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED.

MOTION: THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE.

ITEM #60-96 TO CONSIDER ACTION RELATIVE TO ADOPTING RULES AND REGULATIONS FOR DUNNING BOATYARD (CHAPTER 18)(PUBLIC HEARING).

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #60-96 BE TABLED UNTIL APRIL 2, 1996.

ITEM #61-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE DESIGN REVIEW ORDINANCE CONCERNING THE BOARD OF REVIEW AND APPLICATIONS FOR DESIGN CERTIFICATES (CHAPTER 22) (PUBLIC HEARING).

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #61-96 BE TABLED UNTIL APRIL 2, 1996.

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ITEM #62-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A FIVE YEAR CAPITAL PLAN FOR THE TOWN OF FREEPORT (PUBLIC HEARING).

MOTION: THAT THE PUBLIC HEARING BE OPENED.

MOTION: THAT THE PUBLIC HEARING BE CLOSED.

MOTION: THAT ITEM #62-96 BE TABLED UNTIL APRIL 2, 1996.

ITEM #63-96 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING PROCEDURES, FEES AND VIOLATIONS (CHAPTER 32).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE.

BE IT FURTHER ORDERED: THAT THIRTY (30) COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

ITEM #64-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING THE DUNNING BOATYARD (CHAPTER 48).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS AN AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE.

BE IT FURTHER ORDERED: THAT THIRTY (30) COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

ITEM #65-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE CHARGE OF THE TRAFFIC AND PARKING COMMITTEE (CHAPTER 2).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE.

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BE IT FURTHER ORDERED: THAT THIRTY (30) COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS.

ITEM #66-96 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE OF FUNDS FROM THE FY 96 MISCELLANEOUS AND CONTINGENCY ACCOUNT.

BE IT ORDERED: THAT UP TO \$5,992.00 BE EXPENDED FROM THE FY96 MISCELLANEOUS AND CONTINGENCY ACCOUNT TO COVER OVERDRAFTS IN THE SHELLFISH COMMISSION BUDGET.

ITEM #67-96 TO CONSIDER ACTION RELATIVE TO THE APPROVAL OF A CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND CUSTOM BUILT HOMES OF MAINE, INC./MACMILLAN.

BE IT ORDERED: THAT THE PROPOSED CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND CUSTOM BUILT HOMES OF MAINE, INC./MACMILLAN, CONCERNING AN ENCROACHMENT INTO THE RESOURCE PROTECTION ZONE, BE APPROVED.

BE IT FURTHER ORDERED: THAT THE TOWN MANAGER BE AUTHORIZED TO SIGN THE CONSENT AGREEMENT ON BEHALF OF THE TOWN.

ITEM #68-96 TO CONSIDER ACTION RELATIVE TO THE LIBRARY BUILDING PROJECT.

BE IT ORDERED: THAT THE DESIGN AND CONSTRUCTION PHASE OF THE LIBRARY PROJECT BE AUTHORIZED TO PROCEED.

ITEM #69-96 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED FOR PROPERTY LOCATED IN DESERT PINES (MAP 30 LOT 29).

BE IT ORDERED: THAT THE TOWN MANAGER BE AUTHORIZED TO ISSUE A MUNICIPAL QUIT CLAIM DEED FOR THE FOLLOWING PROPERTY:

TO:	JAMES E AND DIANE E SLEEK
FOR PROPERTY:	TAX MAP 30, LOT 29
FOR TAX YEAR:	1977

NOTE: ALL TAXES HAVE BEEN PAID.

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ITEM #70-96 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF COASTAL IMPROVEMENT GRANTS FROM THE STATE OF MAINE.

BE IT ORDERED: THAT COASTAL IMPROVEMENT GRANTS FROM THE STATE OF MAINE FOR REPLACEMENT OF THE TOWN WHARF AND IMPROVEMENTS TO THE DUNNING BOATYARD, BE ACCEPTED.

ITEM #71-96 TO CONSIDER ACTION RELATIVE TO THE PROPOSED RECONSTRUCTION OF THE MAIN/WEST STREET INTERSECTION.

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED ON APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS THE PROPOSED RECONSTRUCTION OF THE MAIN/WEST STREET INTERSECTION.

BE IT FURTHER ORDERED: THAT A NOTICE OF THE HEARING BE PLACED IN A NEWSPAPER OF GENERAL CIRCULATION TEN (10) DAYS PRIOR TO THE HEARING.

ITEM #72-96 TO CONSIDER ACTION RELATIVE TO RELEASING THE TOWN OF FREEPORT'S RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN LOT OR PARCEL OF LAND ON BEECH HILL ROAD.

BE IT ORDERED: THAT THE TOWN OF FREEPORT RELEASE ITS RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN PARCEL OF LAND IN THE TOWN OF FREEPORT, COUNTY OF CUMBERLAND AND STATE OF MAINE DESCRIBED AS FOLLOWS:

BEGINNING AT A METAL POST ON THE WESTERLY RIGHT-OF-WAY LINE OF BEECH HILL ROAD, SAID METAL POST BEING THE NORTHERLY CORNER OF LAND OF ROBERT S. AND FAMILY R. W. WAYBOER AS RECORDED IN BOOK 6416, PAGE 295, CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD);

THENCE S 54° 28' 11" W ALONG LANDS OF SAID WAYBOER 96.19' FEET MORE OR LESS TO A POINT ON RANGE LINE "D", SAID POINT ALSO BEING THE EASTERLY CORNER OF LANDS OF CEDRIC G. AND RUTH A. LIBBY AS RECORDED IN BOOK 3006, PAGE 527, CCRD:

THENCE APPROXIMATELY N 38°55'04" W ALONG RANGE LINE "D" 453.31' FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEECH HILL ROAD, SAID RANGE LINE ALSO BEING THE EASTERLY LINE OF LANDS OF SAID LIBBY;

THENCE S 55°34'41" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE BEECH HILL ROAD 94.68, FEET TO A POINT;

THENCE S 60°37'30" E CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE BEECH HILL ROAD 286.80' FEET TO A SET #5 REBAR WITH A PLASTIC CAP STAMPED "DES LAURIERS PLS 1314";

THENCE S 18°51'07" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BEECH HILL ROAD 108.41' FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS .78 ACRES MORE OR LESS.

ITEM #47-96 (TABLED FEBRUARY 20, 1996) TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING LIMITED SETBACKS REDUCTIONS, MISLOCATED BUILDING APPEALS AND THE MEDIUM DENSITY DISTRICT (CHAPTER 24).

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP, AS SUBMITTED TO PUBLIC HEARING OF FEBRUARY 20, 1996, BE APPROVED.

OTHER BUSINESS

1. LETTER RECEIVED FROM MAINE STATE DEPARTMENT OF TRANSPORTATION REGARDING TURNBACK OF STATE ROADS.

CHAIRPERSON AND COMMITTEE REPORTS

ITEM #73-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE POTENTIAL ACQUISITION OF PROPERTY.

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

MOTION: THAT THE COUNCIL RECONVENE.

ADJOURN

MINUTES
FREEPORT COUNCIL MEETING #14-96
MARCH 19, 1996 - 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER:	Present	Absent	Excused
Gloria DeGrandpre, Chairperson Wolf Neck Road	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Genie Beaulieu Larue Drive	X		
Alan Hindley Wardtown Road	X		
Charlotte Bishop Maquoit Drive	X		
Kenneth Mann Mann Road	X		
Stafford Soule Arnold Road			X

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETINGS #12-96 HELD ON FEBRUARY 20, 1996 AND #13-96 HELD ON FEBRUARY 21, 1996 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETINGS #12-96 HELD ON FEBRUARY 20, 1996 AND #13-96 HELD ON FEBRUARY 21, 1996 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & Bishop) (6 Ayes) (1 Excused - Soule)

SECOND ORDER OF BUSINESS: PUBLIC COMMENT PERIOD - 30 MINUTES.

1. Phil Payson, Project Assist Coordinator, stated that the Project Assist Committee is urging support for Public Law 470. He submitted a copy of a petition signed by over 200 Freeport residents supporting this issue. He urged the

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Council to pass a resolution stating that Freeport favors Public Law 470 at its next council meeting. He submitted a summary of the law for Council review.

Council Campbell thanked Mr. Payson for the committee's efforts.

Manager Olmstead stated that a copy of the wording for the resolution needs to be submitted.

MOVED AND SECONDED: TO CLOSE THE PUBLIC COMMENT PERIOD. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused - Soule)

ITEM #57-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, AND VINOUS LIQUOR LICENSE FOR MICHAEL MARINO, D/B/A LOBSTER COOKER (PUBLIC HEARING).

MOVED AND SECONDED: THAT THE FOLLOWING APPLICATION FOR A FULL-TIME MALT, AND VINOUS LICENSE BE SUBJECT TO PUBLIC HEARING.

MICHAEL MARION, D/B/A/, LOBSTER COOKER, 39 MAIN STREET, FREEPORT.

(Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused - Soule)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Campbell & Beaulieu) (6 Ayes) (1 Excused - Soule)

BE IT ORDERED: THAT THE APPLICATION FOR A FULL-TIME MALT, & VINOUS LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Campbell & Bishop) (6 Ayes) (1 Excused - Soule)

ITEM #58-96 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A SEASONAL MALT LIQUOR LICENSE FOR RICHARD OLSEN, JR., D/B/A FREEPORT COUNTRY CLUB (PUBLIC HEARING).

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MOVED AND SECONDED: THAT THE FOLLOWING APPLICATION FOR A SEASONAL MALT LICENSE BE SUBJECT TO PUBLIC HEARING.

RICHARD OLSEN, JR., D/B/A/ FREEPORT COUNTRY CLUB, 2
OLD COUNTY ROAD, FREEPORT

(Councilors Hindley & Campbell) (6 Ayes) (1 Excused - Soule)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Hindley & Campbell) (6 Ayes) (1 Excused - Soule)

BE IT ORDERED: THAT THE APPLICATION FOR A SEASONAL MALT LIQUOR LICENSE ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Hindley & Campbell) (6 Ayes) (1 Excused - Soule)

ITEM #59-96 TO CONSIDER ACTION RELATIVE TO APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER LICENSES FOR PETER AND BARBARA GUFFIN, MARK LANOUE, PETER TILTON, DENNIS KELLEY, JAMES WILLEY JR AND JAMES WILLEY JR. (PUBLIC HEARING) .

MOVED AND SECONDED: THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Councilors Bishop & Campbell) (6 Ayes) (1 Excused - Soule)

ROLL CALL OF MEMBERS:

CHARLOTTE BISHOP

GENIE BEAULIEU

ALAN HINDLEY

STAFFORD SOULE-excused

PAT GOODWIN

GLORIA FOGG DEGRANDPRE

KENNETH MANN

EDWARD CAMPBELL

DALE OLMSTEAD

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MOVED AND SECONDED: THAT THE FOLLOWING
APPLICATIONS AND RE-APPLICATIONS FOR VICTUALER
LICENSES BE SUBJECT TO PUBLIC HEARING.

PETER/BARBARA GUFFIN, D/B/A/ PORTERS LANDING BED
AND BREAKFAST, 70 SOUTH STREET

MARK LANOUE, D/B/A PRETZELOGIC (PEDDLER/TOWN
PROPERTY) BOW STREET

JOANNA/CORY MORRISSEY, D/B/A JAVA JOES
(PEDDLER/PRIVATE PROPERTY) 32 MAIN STREET

PETER TILTON, D/B/A FREEPORT SPORTS BOOSTERS
(PEDDLER/TOWN PROPERTY) VILLAGE SQUARE

DENNIS KELLEY, D/B/A THE NUT HOUSE
(PEDDLER/PRIVATE PROPERTY) 5 MIDDLE STREET.

JAMES WILLEY JR., D/B/A CANTEEN SERVICE CO., LL
BEAN RETAIL STORE, MAIN STREET.

JAMES WILLEY, JR., D/B/A CANTEEN SERVICE CO., LL
BEAN DISTRIBUTION CENTER, DESERT ROAD.

(Councilors Bishop & Campbell) (8 Ayes) (1 Excused -
Soule)

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE
CLOSED. (Councilors Bishop & Beaulieu) (8 Ayes)
(1 Excused - Soule)

BE IT ORDERED: THAT THE APPLICATIONS AND RE-
APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS
BE APPROVED. ROLL CALL VOTE (Councilors Bishop &
Campbell) (8 Ayes) (1 Excused - Soule)

MOVED AND SECONDED: THAT THE LICENSING BOARD
ADJOURN AND THE COUNCIL RECONVENE. (Councilors
Bishop & Campbell) (8 Ayes) (1 Excused - Soule)

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MARCH 19, 1996

ITEM #60-96 TO CONSIDER ACTION RELATIVE TO ADOPTING RULES
AND REGULATIONS FOR DUNNING BOATYARD (CHAPTER
18) (PUBLIC HEARING) .

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE
OPENED. (Councilors Beaulieu & Bishop) (6 Ayes)
(1 Excused - Soule)

Councilor Mann stated that most of the rules proposed are a
direct result of the Dunning Boat Yard Committee Report and
have gone through the Ordinance Committee procedure.

Councilor Campbell stated that the rules and regulations
proposed are intended to be as user friendly as possible.

Discussion followed re: use of the building, potential
violation of these rules, etc.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE
CLOSED. (Councilors Beaulieu & Campbell) (6 Ayes)
(1 Excused - Soule)

MOVED AND SECONDED: THAT ITEM #60-96 BE TABLED
UNTIL APRIL 2, 1996. (Councilors Beaulieu &
Campbell) (6 Ayes) (1 Excused - Soule)

ITEM #61-96 TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE DESIGN REVIEW ORDINANCE
CONCERNING THE BOARD OF REVIEW AND APPLICATIONS FOR
DESIGN CERTIFICATES (CHAPTER 22) (PUBLIC HEARING) .

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE
OPENED. (Councilors Mann & Campbell) (6 Ayes) (1
Excused - Soule)

Barry Saxe, Chairman Design Review Board, described the
proposed amendments which are intended to clarify the
Ordinance.

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Discussion followed re: majority of members present,
"motion to deny", number of days for approval of
applications, etc.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE
CLOSED. (Councilors Mann & Campbell) (6 Ayes) (1
Excused - Soule)

MOVED AND SECONDED: THAT ITEM #61-96 BE TABLED
UNTIL APRIL 2, 1996. (Councilors Mann & Campbell)
(6 Ayes) (1 Excused - Soule)

ITEM #62-96 TO CONSIDER ACTION RELATIVE TO ADOPTING A FIVE
YEAR CAPITAL PLAN FOR THE TOWN OF FREEPORT (PUBLIC
HEARING).

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE
OPENED. (Councilors Campbell & Bishop) (6 Ayes)
(1 Excused - Soule)

Marty Robles, School Committee, reviewed the requested plan
for FY 1997, adding that an additional figure of \$10,000 for
asbestos removal be added. Superintendent Lyman described
the need for the phone system upgrade. The request totals
\$245,000.

Discussion followed re: school buses, ADA accessibility,
phone system upgrade, etc.

Fire Chief Daly reviewed the need for replacement of Tank 1
for a cost of \$30,000.

Fire Chief Daly, on behalf of the Rescue Unit, described the
need to replace Rescue 2 and the need for a Rapid Response
Vehicle and AED; he noted that currently, there is \$123,000
in a reserve account to be used toward the purchase of
Rescue 2. Cost: Rescue 2 \$125,00; rapid response vehicle
\$15,000.

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Al Thompson, Public Works Director, provided the needs for dump truck and loader replacement. Cost: dump truck \$49,000, loader \$49,000.

Manager Olmstead, for Solid Waste/Recycling, explained the transfer station for demolition material conversion, negotiations with DEP. Councilor Campbell described procedure, potential of generating revenue to defray cost of closure, etc. Cost: \$25,000.

Al Thompson, Public Works Director, described the requests for Comprehensive Town Improvements including, Burnett Road, Marquis Road, sidewalk reconstruction and replacement of trees. Manager Olmstead explained the collector road development program with MDOT which includes 12 miles of roads. Cost: Burnett Road \$10,000, Marquis Road \$30,000, Sidewalks \$20,000, Oak/West Streets \$20,000, Tree Grant \$5,000, Collector Road Development Program (?).

Manager Olmstead explained the need for a town hall addition under Municipal Facilities request. Cost: \$400,000.

Hedy Fillmore, Finance Director, presented the request for a computer upgrade and network configuration. Cost: \$46,000.

Jackie Cohen, Town Planner, described the list of uses for the GIS Mapping System. Cost: \$45,500.

Manager Olmstead provided an overview for Dunning Boat Yard improvements and the Cove Road Site Improvements. Cost: Dunning Boat Yard \$25,000, Cove Road Site Improvements \$10,000.

Laura Girr, Chairperson Friends of Morse Street School Committee, described the request for buffering. Cost: \$40,000.

Kay Haines, B. H. Bartol Library, explained the need for a new photo copier for the library. Cost: \$7,000.

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Police Chief Schofield described need for an aluminum boat replacement. Cost: \$3,000.

Jay Pinkham, Harbor Master, presented the Coastal Waters Commission request for a ramp for the main float. Cost: \$4,700.

Manager Olmstead described the Town Wharf Replacement request. Cost: \$350,000.

Manager Olmstead explained the Recreation Committee land acquisition request. Cost: \$300,000.

Manager Olmstead explained the effect on the tax rate; first year impact of 1 cent and 2.5 cents the second year. Total funds requested, \$1,854,000.

Miscellaneous discussion followed re: various items requested.

MOVED AND SECONDED: THAT THE PUBLIC HEARING BE CLOSED. (Councilors Campbell & Beaulieu) (6 Ayes)
(1 Excused - Soule)

MOVED AND SECONDED: THAT ITEM #62-96 BE TABLED UNTIL APRIL 2, 1996. (Councilors Campbell & Bishop) (6 Ayes) (1 Excused - Soule)

MOVED AND SECONDED: TO TAKE ITEM #67-96 OUT OF ORDER. (Councilors Campbell & Bishop) (6 Ayes)
(1 Excused - Soule)

ITEM #67-96 TO CONSIDER ACTION RELATIVE TO THE APPROVAL OF A CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND CUSTOM BUILT HOMES OF MAINE, INC./MACMILLAN.

BE IT ORDERED: THAT THE PROPOSED CONSENT AGREEMENT BETWEEN THE TOWN OF FREEPORT AND CUSTOM BUILT HOMES OF MAINE, INC./MACMILLAN, CONCERNING

COUNCIL MEETING #14-96
MARCH 19, 1996

AN ENCROACHMENT INTO THE RESOURCE PROTECTION ZONE,
BE APPROVED.

BE IT FURTHER ORDERED: THAT THE TOWN MANAGER BE
AUTHORIZED TO SIGN THE CONSENT AGREEMENT ON BEHALF
OF THE TOWN.

Glen Gervais, Custom Homes of Maine, Inc., described the
purpose for the request.

Discussion followed re: resource protection zone, future
breezeway and garage, legal fees, etc.

ROLL CALL VOTE (Councilors Campbell & Beaulieu)
(5 Ayes) (1 Nay - Hindley) (1 Excused - Soule)

ITEM #63-96 TO CONSIDER ACTION RELATIVE TO PROPOSED
AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE
CONCERNING LICENSING PROCEDURES, FEES AND
VIOLATIONS (CHAPTER 32).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED
FOR APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL
COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO
THE SHELLFISH CONSERVATION ORDINANCE.

BE IT FURTHER ORDERED: THAT THIRTY (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 Hindley & Campbell) (5 Ayes) (2
Excused - Bishop, Soule)

ITEM #64-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED
AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE
CONCERNING THE DUNNING BOATYARD (CHAPTER 48).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED
FOR APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL

COUNCIL MEETING #14-96
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COUNCIL CHAMBERS TO DISCUSS AN AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE.

BE IT FURTHER ORDERED: THAT THIRTY (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 Beaulieu & Campbell) (6 Ayes) (1 Nays)

ITEM #65-96 TO CONSIDER ACTION RELATIVE TO A PROPOSED AMENDMENT TO THE ADMINISTRATIVE CODE CONCERNING THE CHARGE OF THE TRAFFIC AND PARKING COMMITTEE (CHAPTER 2).

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS A PROPOSED AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE.

BE IT FURTHER ORDERED: THAT THIRTY (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 Bishop & Campbell) (6 Ayes) (1 Excused - Soule)

ITEM #66-96 TO CONSIDER ACTION RELATIVE TO AN EXPENDITURE OF FUNDS FROM THE FY 96 MISCELLANEOUS AND CONTINGENCY ACCOUNT.

BE IT ORDERED: THAT UP TO \$5,992.00 BE EXPENDED FROM THE FY96 MISCELLANEOUS AND CONTINGENCY ACCOUNT TO COVER OVERDRAFTS IN THE SHELLFISH COMMISSION BUDGET. ROLL CALL VOTE (Councilors Mann & Campbell)

MOVED AND SECONDED: TO AMEND ITEM #66-96 TO \$5,000. (Councilors Bishop & Campbell) (6 Ayes) (1 Excused - Soule)

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ROLL CALL VOTE ON ITEM #66-96 AS AMENDED. (6
Ayes) (1 Excused - Soule)

ITEM #68-96 TO CONSIDER ACTION RELATIVE TO THE LIBRARY
BUILDING PROJECT.

BE IT ORDERED: THAT THE DESIGN AND CONSTRUCTION
PHASE OF THE LIBRARY PROJECT BE AUTHORIZED TO
PROCEED. ROLL CALL VOTE (Councilors Hindley &
Beaulieu) (4 Ayes) (2 Nays - Hindley, Mann) (1
Excused - Soule)

ITEM #69-96 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE
OF A MUNICIPAL QUIT CLAIM DEED FOR PROPERTY
LOCATED IN DESERT PINES (MAP 30 LOT 29).

BE IT ORDERED: THAT THE TOWN MANAGER BE AUTHORIZED
TO ISSUE A MUNICIPAL QUIT CLAIM DEED FOR THE
FOLLOWING PROPERTY:

TO: JAMES E AND DIANE E SLEEK
FOR PROPERTY: TAX MAP 30, LOT 29
FOR TAX YEAR: 1977

NOTE: ALL TAXES HAVE BEEN PAID.

ROLL CALL VOTE (Councilors Bishop & Beaulieu) (5
Ayes) (2 Excused - Campbell, Soule)

ITEM #70-96 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE
OF COASTAL IMPROVEMENT GRANTS FROM THE STATE OF
MAINE.

BE IT ORDERED: THAT COASTAL IMPROVEMENT GRANTS
FROM THE STATE OF MAINE FOR REPLACEMENT OF THE
TOWN WHARF AND IMPROVEMENTS TO THE DUNNING
BOATYARD, BE ACCEPTED.

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MOVED AND SECONDED: TO TABLE ITEM #70-96 UNTIL
APRIL 2, 1996. (Councilors Bishop & Hindley) (6
Ayes) (1 Excused - Soule)

ITEM #71-96 TO CONSIDER ACTION RELATIVE TO THE PROPOSED
RECONSTRUCTION OF THE MAIN/WEST STREET
INTERSECTION.

BE IT ORDERED: THAT A PUBLIC HEARING BE SCHEDULED
ON APRIL 2, 1996 AT 7:00 P.M. IN THE TOWN HALL
COUNCIL CHAMBERS TO DISCUSS THE PROPOSED
RECONSTRUCTION OF THE MAIN/WEST STREET
INTERSECTION.

BE IT FURTHER ORDERED: THAT A NOTICE OF THE
HEARING BE PLACED IN A NEWSPAPER OF GENERAL
CIRCULATION TEN (10) DAYS PRIOR TO THE HEARING.
ROLL CALL VOTE (Councilors Mann & Campbell) (6
Ayes) (1 Excused - Soule)

ITEM #72-96 TO CONSIDER ACTION RELATIVE TO RELEASING THE
TOWN OF FREEPORT'S RIGHT, TITLE AND INTEREST IN
AND TO A CERTAIN LOT OR PARCEL OF LAND ON BEECH
HILL ROAD.

BE IT ORDERED: THAT THE TOWN OF FREEPORT RELEASE
ITS RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN
PARCEL OF LAND IN THE TOWN OF FREEPORT, COUNTY OF
CUMBERLAND AND STATE OF MAINE DESCRIBED AS
FOLLOWS:

BEGINNING AT A METAL POST ON THE WESTERLY RIGHT-
OF-WAY LINE OF BEECH HILL ROAD, SAID METAL POST
BEING THE NORTHERLY CORNER OF LAND OF ROBERT S.
AND FAMILY R. W. WAYBOER AS RECORDED IN BOOK 6416,
PAGE 295, CUMBERLAND COUNTY REGISTRY OF DEEDS
(CCRD);

THENCE S 54° 28' 11" W ALONG LANDS OF SAID WAYBOER,
96.19' FEET MORE OR LESS TO A POINT ON RANGE LINE

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"D", SAID POINT ALSO BEING THE EASTERLY CORNER OF LANDS OF CEDRIC G. AND RUTH A. LIBBY AS RECORDED IN BOOK 3006, PAGE 527, CCRD:

THENCE APPROXIMATELY N 38°55'04" W ALONG RANGE LINE "D" 453.31' FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEECH HILL ROAD, SAID RANGE LINE ALSO BEING THE EASTERLY LINE OF LANDS OF SAID LIBBY;

THENCE S 55°34'41" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE BEECH HILL ROAD 94.68, FEET TO A POINT;

THENCE S 60°37'30" E CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY LINE OF THE BEECH HILL ROAD 286.80' FEET TO A SET #5 REBAR WITH A PLASTIC CAP STAMPED "DES LAURIERS PLS 1314";

THENCE S 18°51'07" E ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BEECH HILL ROAD 108.41' FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS .78 ACRES MORE OR LESS.

ROLL CALL VOTE (Councilors Bishop & Campbell) (6 Ayes) (1 Excused - Soule)

ITEM #47-96 (TABLED FEBRUARY 20, 1996) TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP CONCERNING LIMITED SETBACKS REDUCTIONS, MISLOCATED BUILDING APPEALS AND THE MEDIUM DENSITY DISTRICT (CHAPTER 24).

BE IT ORDERED: THAT THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND ZONING MAP, AS SUBMITTED TO PUBLIC HEARING OF FEBRUARY 20, 1996, BE APPROVED.

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ROLL CALL VOTE (Councilors Campbell & Bishop)
(6 Ayes) (1 Excused - Soule)

OTHER BUSINESS

1. LETTER RECEIVED FROM MAINE STATE DEPARTMENT OF TRANSPORTATION REGARDING TURNBACK OF STATE ROADS.

Manager Olmstead reviewed the letter, dated March 12, 1996, from MDOT, regarding this item. He stated that it is important to meet with MDOT officials to resolve the problem of the poor conditions of these roads, define the Town's responsibility for maintenance once these roads are turned back (to Freeport) compared to the State's responsibility, etc. He stated that the Town needs to begin dialogue with the State, starting at the Commissioner level; if we cannot get the attention of MDOT, then we invite our legislators to join us in these discussions. He added that Freeport should send copies of the letter from the State to each legislator and let them know what the Town's plan is and that we will be asking for their assistance as we work through this process with MDOT.

CHAIRPERSON AND COMMITTEE REPORTS

Councilor Campbell reported on Municipal Facilities Committee, regarding space needs. The Committee recommends that support the acquisition of the building on West Street. The ideal goal is that the needs will be met at a lower cost.

Discussion followed re: Schedule A of the TIF application, the credit enhancement agreement language, negotiations with L. L. Bean, \$40,000 in the mitigation account, etc.

Chairperson DeGrandpre referenced the list of committee report dates scheduled.

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Councilor Hindley reported on the COG meeting he attended. The speaker was Paul Violette from the Maine Turnpike Authority.

Councilor Bishop requested that people who reside in areas affected by the browntail moth be notified. Manager Olmstead stated that public notice will be given.

ITEM #73-96 TO CONSIDER ACTION RELATIVE TO AN EXECUTIVE SESSION TO DISCUSS THE POTENTIAL ACQUISITION OF PROPERTY.

MOVED AND SECONDED: THAT THE COUNCIL ENTER INTO EXECUTIVE SESSION TO DISCUSS THE POTENTIAL ACQUISITION OF PROPERTY. (Councilors Campbell & Bishop) (6 Ayes) (1 Excused - Soule)

MOVED AND SECONDED: THAT THE COUNCIL RECONVENE. (Councilors Campbell & Bishop) (6 Ayes) (1 Excused - Soule)

MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT 11:55 P.M. (Councilors Bishop & Campbell) (6 Ayes) (1 Excused - Soule)

Respectfully submitted,

Pat Goodwin
Recording Secretary

(approved)
CHAPTER 21
PROPOSED AMENDMENT
FREEPORT ZONING ORDINANCE

Section 601 G.2. Add:

- d. Limited setback reduction. To hear and decide requests for a limited setback reduction for a lot in residential use, in order to permit (i) the expansion or enlargement of an existing building or structure, (ii) the construction of a new building or structure which will be accessory to an existing building or structure, or (iii) the construction of a new building or structure on a vacant non-conforming lot of record which can be built upon pursuant to Section 202(D) of the Ordinance.

"Limited setback reduction" means the reduction of a front, side or rear setback (but not a shore setback) by no more than 50% of the requirement of the applicable zoning district regulations. "Lot in residential use" means a lot on which a dwelling has existed for at least three years prior to the date the limited setback reduction is requested or a vacant non-conforming lot of record on which a dwelling is proposed. A limited setback reduction may be granted only by a majority vote of those members present and voting and may include such conditions and safeguards as are appropriate under this Ordinance.

- (1) The applicant for a limited setback reduction must demonstrate the following:

- (i) the existing buildings or structures on the lot were erected at least three years prior to the date the limited setback reduction is requested, or the lot is a vacant non-conforming lot of record which can be built upon pursuant to Section 202(D) of this Ordinance;
- (ii) the limited setback reduction is reasonably necessary to permit the owner or occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district;
- (iii) due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable setback requirements;

accept an application for a variance from the same setback dimension on the same property.

- e. Mislocated building appeal. To hear and decide, only by majority vote of those members present and voting, setback reduction appeals in specific cases where existing buildings are found to be in violation of the setback requirements and where the Board concludes it would not serve the public interest to require the building to be relocated or removed and that allowing the building to remain in its existing location would not be contrary to the public health, safety or welfare. Before granting an appeal under this subsection, the Board must find that the setback violation is not the result of a willful, premeditated act or of gross negligence on the part of the applicant, a predecessor in title to the applicant or an agent of either of them. An appeal under this subsection shall permit the existing building or structure to remain, but shall not authorize any expansion, enlargement or relocation of the structure.

**CHAPTER 21
FREEPORT ZONING ORDINANCE
PROPOSED AMENDMENTS**

Section 406. Medium Density District +- "MD A and MD B"

C. Space Standards:

1. Minimum lot size:

MD-A 50,000 s.f.

**MD-B 40,000 s.f. without public
water and sewer
20,000 s.f. with public
water and sewer**

PROPOSED MAP AMENDMENTS

