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**TOWN COUNCIL MEETING #13-99**

**JULY 20, 1999 - 7:00 P.M.**

**TOWN COUNCIL CHAMBERS**

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**SUMMARY AGENDA**

- ITEM #173-99 To consider action relative to the approval of the July 20, 1999 Consent Agenda Items #167-99 through #172-99.
- ITEM #174-99 To consider action relative to the issuance of special amusement permits. (Public Hearing).
- ITEM #175-99 To consider action relative to a proposed amendment to the Design Review Ordinance concerning activities in the Public Right of Way (Chapter 22).
- ITEM #176-99 To consider action relative to proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots (Chapter 47).
- ITEM #177-99 To consider action relative to the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South. (Public Hearing).
- ITEM #178-99 To consider action relative to a re-appointment to the Appeals Board.
- ITEM #179-99 To consider action relative to an appointment to the Appeals Board.
- ITEM #180-99 To consider action relative to a re-appointment to the Assessment Review Board.
- ITEM #181-99 To consider action relative to an appointment to the Assessment Review Board.
- ITEM #182-99 To consider action relative to a re-appointment to the Conservation Commission.
- ITEM #183-99 To consider action relative to an appointment to the Conservation Commission.
- ITEM #184-99 To consider action relative to an appointment to the Conservation Commission.
- ITEM #185-99 To consider action relative to a re-appointment to the Shellfish Commission.
- ITEM #186-99 To consider action relative to a re-appointment to the Shellfish Commission.
- ITEM #187-99 To consider action relative to an appointment to the Shellfish Commission.
- ITEM #188-99 To consider action relative to an appointment to the Traffic and Parking Committee.
- ITEM #189-99 To consider action relative to a re-appointment to the Economic Development Corporation.
- ITEM #190-99 To consider action relative to an appointment to the Economic Development Corporation.
- ITEM #191-99 To consider action relative to an appointment to the Economic Development Corporation.

- ITEM #192-99** To consider action relative to adopting a policy on the disposition of Municipal Property.
- ITEM #193-99** To consider action relative to proposed amendments to the Zoning Ordinance concerning Site Plan Review (Chapter 21).
- ITEM #194-99** To consider action relative to proposed amendments to the Design Review Ordinance concerning review guidelines (Chapter 22).
- ITEM #195-99** To consider action relative to accepting a bid for a brush truck skid tank.
- ITEM #196-99** To consider action relative to the adoption of an Emergency Preparedness Plan.
- ITEM #197-99** To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay.
- ITEM #198-99** To consider action relative to an expenditure from the Cable T.V. Reserve Account (#7100) to provide for the purchase of audio equipment.
- ITEM #199-99** To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking for church activities (Chapter 48).
- ITEM #200-99** To consider action relative to a proposed amendment to the Coastal Waters Ordinance concerning the use of the Town Wharf and Floats (Chapter 31).
- ITEM #159-99** Tabled June 15, 1999.
- To consider action relative to the acceptance of an Open Space Plan.
- ITEM #160-99** Tabled June 15, 1999.
- To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning exiting from Howard Place onto Main Street (Chapter 48).
- ITEM #114-99** Tabled June 15, 1999.
- To consider action relative to an application for a victualer license for Jean/Eldon Macleod d/b/a Ocean Farms Restaurant, 23 Main Street.

**OTHER BUSINESS:**

1. Discussion on the Cumberland County Budget Committee.

**COMMITTEE REPORTS:**

Adjourn.

**AGENDA  
FREEPORT TOWN COUNCIL MEETING #13-99  
TOWN HALL COUNCIL CHAMBERS  
JULY 20, 1999 - 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:** David Soley, Chairperson, Arnold Road  
Genie Beaulieu, Vice Chairperson, Larue Drive  
Edward Campbell, Gay Drive  
Kenneth Mann, Mann Road  
Stafford Soule, Arnold Road  
Gloria Fogg DeGrandpre, Wolf Neck Road  
John Arsenault, Prout Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of #12-99, June 15, 1999 Meeting 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 #173-99 To consider action relative to the approval of the July 20, 1999 Consent Agenda, Items #167-99 through #172-99.

**BE IT ORDERED:** That the July 20, 1999 Consent Agenda be approved.

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ITEM #174-99 To consider action relative to the issuance of special amusement permits for Nancy Gray and Jonathan Soule. (Public Hearing).

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

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

**BE IT ORDERED:** That special amusement permits be issued to the following:

Nancy Gray, Mystic Motor Inn, Inc. d/b/a Harraseeket Inn, 162 Main St.  
Jonathan Soule, Center-Cotton, Inc. d/b/a Gritty McDuff's, 187 Lower Main St.

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ITEM #175-99 To consider action relative to a proposed amendment to the Design Review Ordinance concerning activities in the Public Right of Way (Chapter 22). (Public Hearing).

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

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

**MOTION:** That Item #175-99 be tabled until August 10, 1999.

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ITEM #176-99 To consider action relative to proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots (Chapter 47). (Public Hearing).

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

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

**MOTION:** That Item #176-99 be tabled until August 10, 1999.

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ITEM #177-99 To consider action relative to the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South. (Public Hearing).

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

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

**ORDER DESIGNATING DESTINATION FREEPORT MUNICIPAL  
DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICTS  
AND ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICTS**

**WHEREAS**, the Town of Freeport, Maine (the "Town") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town

**COUNCIL MEETING #13-99  
JULY 20, 1999**

as Municipal Development Districts and Tax Increment Financing Districts and to adopt a Development Program for such Districts; and

**WHEREAS**, there is a need for industrial, retail and commercial development in the Town; and

**WHEREAS**, there is a need to provide continuing employment opportunities for the citizens of Freeport and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

**WHEREAS**, the designation of additional Municipal Development and Tax Increment Financing Districts will help to provide continued employment for the citizens of Freeport and the surrounding region; improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

**WHEREAS**, there is a need to encourage the development, expansion and improvement of commercial facilities within the Town through the establishment of Municipal Development Districts and Tax Increment Financing Districts in accordance with the provisions of Chapter 207 of Title 30-A; and

**WHEREAS**, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. S 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, the Town desires to designate the Destination Freeport Municipal Development District and Tax Increment Financing District and adopt a Development Program for such District; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Development Program for the District;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE FREEPORT TOWN COUNCIL AS FOLLOWS:**

**Section .1.** The Town hereby finds and determines that:

- (a) At least 25%, by area, of the real property within the District, as hereinafter designated, is acreage in need of rehabilitation, redevelopment or conservation as defined in 30-A M.R.S.A. S 5253; and
- (b) The total area of the District does not exceed 2% of the total acreage of the Town, and the total area of all development districts within the Town (including the District) does not exceed 5% of the total acreage of the Town; and
- (c) The aggregate value of equalized taxable property of the District as of April 1, 1998 does not exceed 5% of the total value of equalized taxable property within the Town as of April 1, 1998; and
- (d) The aggregate value of indebtedness financed by the proceeds from tax increment financing districts within Cumberland County, including the proposed District, does not exceed \$50 million adjusted by a factor equal to the percentage change in the

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- United States Bureau of Labor Statistics Consumer Price Index, United States City average, from January 1, 1996 to the date hereof; and
- (e) The Town expects that the acquisition, construction and installment of all real and personal property improvements, buildings, structures, fixtures and equipment within the district contemplated by the Development Program will be completed within five years of the designation of the district by the Commissioner of Economic and Community Development; and
  - (f) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**Section 2.** Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the Destination Freeport Tax Increment Financing Districts, designated and described as more particularly set forth in the document entitled "Destination Freeport Tax Increment Financing Districts" presented to the Town Council in the form attached hereto and such Development Program is hereby incorporated by reference into this resolution as the Development Program for the District (the "Development Program").

**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. 5254, the Town hereby adopts the statement of the percentage of Assessed Value to be retained by the Town set forth in the Development Program for purposes of said Section 5254.

**Section 4.** The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. §5253(l)(F).

**Section 5.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the Town, the Town Council or any other party.

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**ITEM #178-99** To consider action relative to a re-appointment to the Appeals Board.

**BE IT ORDERED:** That Diane Lukac be re-appointed, effective immediately, to serve as a member of the Appeals Board until July 1, 2002.

**BE IT ORDERED:** That Ms. Lukac qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #179-99** To consider action relative to an appointment to the Appeals Board.

**BE IT ORDERED:** That Jennifer Lechner be appointed, effective immediately, to serve as a member of the Appeals Board until July 1, 2002.

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**BE IT ORDERED:** That Ms. Lechner qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #180-99** To consider action relative to a re-appointment to the Assessment Review Board.

**BE IT ORDERED:** That Frank Parker be re-appointed, effective immediately, to serve as a member of the Assessment Review Board until August 1, 2002.

**BE IT ORDERED:** That Mr. Parker qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #181-99** To consider action relative to an appointment to the Assessment Review Board.

**BE IT ORDERED:** That Michael Healy be appointed, effective immediately, to serve as a member of the Assessment Review Board until August 1, 2002.

**BE IT ORDERED:** That Mr. Healy qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #182-99** To consider action relative to a re-appointment to the Conservation Commission.

**BE IT ORDERED:** That Susan Rowan be re-appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2002.

**BE IT ORDERED:** That Ms. Rowan qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #183-99** To consider action relative to an appointment to the Conservation Commission.

**BE IT ORDERED:** That Amos Enos be appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2002.

**BE IT ORDERED:** That Mr. Enos qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #184-99** To consider action relative to an appointment to the Conservation Commission.

**BE IT ORDERED:** That Michael Murphy be appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2002.

**BE IT ORDERED:** That Mr. Murphy qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #185-99** To consider action relative to a re-appointment to the Shellfish Commission.

**BE IT ORDERED:** That James McCormack be re-appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2002.

COUNCIL MEETING #13-99  
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**BE IT ORDERED:** That Mr. McCormack qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #186-99** To consider action relative to a re-appointment to the Shellfish Commission.

**BE IT ORDERED:** That Kenneth Goodenow be re-appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2002.

**BE IT ORDERED:** That Mr. Goodenow qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #187-99** To consider action relative to an appointment to the Shellfish Commission.

**BE IT ORDERED:** That Chad Coffin be appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2002.

**BE IT ORDERED:** That Mr. Coffin qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #188-99.** To consider action relative to an appointment to the Traffic and Parking Committee.

**BE IT ORDERED:** That Jay Yilmaz be appointed, effective immediately, to serve as a member of the Traffic and Parking Committee until December 1, 1999.

**BE IT ORDERED:** That Mr. Yilmaz qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

**NOTE:** Filling the unexpired term of Henry Bird.

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**ITEM #189-99** To consider action relative to a re-appointment to the Economic Development Corporation.

**BE IT ORDERED:** That William Shea be re-appointed, effective immediately, to serve as a member of the Economic Development Corporation until June 1, 2002.

**BE IT FURTHER ORDERED:** That Mr. Shea qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #190-99** To consider action relative to an appointment to the Economic Development Corporation.

**BE IT ORDERED:** That Elizabeth Ruff be appointed, effective immediately, to serve as a member of the Economic Development Corporation until June 1, 2002.

**BE IT FURTHER ORDERED:** That Ms. Ruff qualify by swearing an oath of office before the Town Clerk by July 30, 1999.



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**ITEM #191-99** To consider action relative to an appointment to the Economic Development Corporation.

**BE IT ORDERED:** That Rodney (Chip) Gray be appointed, effective immediately, to serve as a member of the Economic Development Corporation until June 1, 2002.

**BE IT FURTHER ORDERED:** That Mr. Gray qualify by swearing an oath of office before the Town Clerk by July 30, 1999.

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**ITEM #192-99** To consider action relative to adopting a policy on the disposition of Municipal Property.

**BE IT ORDERED:** That the proposed policy on the disposition of Municipal Property be adopted.

**NOTE:** Requested by Councilor Soley.

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**ITEM #193-99** To consider action relative to proposed amendments to the Zoning Ordinance concerning Site Plan Review (Chapter 21).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

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**ITEM #194-99** To consider action relative to proposed amendments to the Design Review Ordinance concerning review guidelines (Chapter 22).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Design Review Ordinance.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

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**ITEM #195-99** To consider action relative to accepting a bid for a brush truck skid tank.

**MOTION:** That the Fire Chief report on bids.

**BE IT FURTHER ORDERED:** That the bid from Emergency Vehicles of Maine in the amount of \$11,948 be accepted.

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**ITEM #196-99** To consider action relative to the adoption of an Emergency Preparedness Plan.

**MOTION:** That the Fire Chief report on the Emergency Preparedness Plan.

**BE IT ORDERED:** That the proposed Emergency Preparedness Plan be adopted.

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**ITEM #197-99** To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay.

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 at 7:00 p.m. in the Town Hall Conference room for the purpose of discussing a proposed referendum question on adding fluoride to Freeport public water supply.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

**NOTE:** This item was requested by Councilor Soley.

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**ITEM #198-99** To consider action relative to an expenditure from the Cable T.V. Reserve Account (#7100) to provide for the purchase of audio equipment.

**BE IT ORDERED:** That up to \$6,000 be expended from the Cable Television reserve account (#7100) to provide for the purchase of audio equipment.

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**ITEM #199-99** To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking for church activities (Chapter 48).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 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 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

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**ITEM #200-99** To consider action relative to a proposed amendment to the Coastal Waters Ordinance concerning the use of the Town Wharf and Floats (Chapter 31).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

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**ITEM #159-99** Tabled June 15, 1999.

To consider action relative to the acceptance of an Open Space Plan.

**BE IT ORDERED:** That the Open Space Plan, as submitted to Public Hearing on June 15, 1999, be accepted as amended.

**COUNCIL MEETING #13-99  
JULY 20, 1999**

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**ITEM #160-99 Tabled June 15, 1999.**

To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning exiting from Howard Place onto Main Street (Chapter 48).

**BE IT ORDERED:** That the proposed amendment to the Traffic and Parking Ordinance, as submitted to Public Hearing on June 15, 1999, be approved.

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**ITEM #114-99 Tabled June 15, 1999.**

To consider action relative to an application for a victualer license for Jean/Eldon Macleod d/b/a Ocean Farms Restaurant, 23 Main Street.

**BE IT ORDERED:** That in accordance with the Victualers Licensing Ordinance Chapter 30, Section 5.3, the Council's action regarding the application for a victualer license by Jean/Eldon Macleod d/b/a Ocean Farms Restaurant, 23 Main Street, [be reversed and the application be denied, be extended until \_\_\_\_\_, or \_\_\_\_\_].

**NOTE:** The victualer license issued to Ocean Farms expired on May 31, 1999. The Town Council approved a new license conditioned on payment of taxes. To date approximately \$14,000 in taxes are past due. The applicants have been notified of this situation.

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**OTHER BUSINESS:**

1. Discussion on the Cumberland County Budget Committee.

**COMMITTEE REPORTS:**

Adjourn.



**TOWN COUNCIL**

**CONSENT AGENDA**

**JULY 20, 1999 - #13-99**

**ITEM #167-99** To consider action relative to applications for victualer licenses for Socorro Espana, Constance Blackmer, C. Carty-Wilbur, Roberta Rhodes, and J. Snyder.

**BE IT ORDERED:** That the applications issued to the following applicants be approved.

Socorro Espana d/b/a Vita's Tortillas Catering, 71 Curtis Road  
Constance Blackmer d/b/a 3 Sisters B&B, 8 Independence Drive  
C. Carty-Wilbur d/b/a The Chocolate Factory, 32 Independence Drive  
Roberta Rhodes, General Mgr. d/b/a Hampton Inn, 194 Lower Main St.  
J. Snyder, General Mgr. d/b/a Ben & Jerry's Peddler Cart, 83 Main St.

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**ITEM #168-99** To consider action relative to the re-issuance of malt, spirituous and vinous licenses for Jean S. Macleod, Jonathan Soule, and Robin Wade.

**BE IT ORDERED:** That malt, spirituous and vinous licenses be re-issued to the following:

Jean S. Macleod d/b/a Ocean Farms of Freeport, Inc., 23 Main Street  
Jonathan Soule, Center-Cotton, Inc. d/b/a Gritty McDuff's, 187 Lower  
Main Street  
Robin Wade, The Leading Edge, Inc. d/b/a The Corsican Restaurant, 9  
Mechanic Street

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**ITEM #169-99** To consider action relative to the acceptance of Cross Street Extension as a Public Way.

**BE IT ORDERED:** That Cross Street extension be accepted as a Public Way.

**NOTE:** The street has been built in accordance with Planning Board approvals and ordinance requirements.

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**ITEM #170-99** To consider action relative to the issuance of a Municipal Quitclaim Deed for property located at Tax Map 26, Lot 4B.

**BE IT ORDERED:** That the following Municipal Quitclaim be authorized.

TO: Scott W. Young  
PROPERTY: Tax Map 26, Lot 4B (Young's Lane)  
TAX YEARS: 1995, 1996, 1997

**NOTE:** All taxes have been paid.



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**ITEM #171-99** To consider action relative to a request to clean and repair Sandy Beach.

**BE IT ORDERED:** That the request from Freeport Citizens to clean and repair Sandy Beach be approved.

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**ITEM #172-99** To consider action relative to a request for the use of Town Property.

**BE IT ORDERED:** That the request from Freeport Community Services for the use of the Town Hall grounds on October 2, 1999 for their annual "Chowdah Challenge" be approved.

**End of Consent Agenda**





**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #13-99**  
**July 20, 1999 – 7 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>
Genie Beaulieu, Vice Chair Larue Drive	X		
David Soley, Chairperson Arnold Road	X		
Edward Campbell Gay Drive	X		
John Arsenault Prout Road	X		
Kenneth Mann Mann Road	X		
Gloria DeGrandpre Wolf Neck Road	X		
Stafford Soule Arnold Road	X		

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**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #12-99 HELD ON JUNE 15, 1999 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #12-99 HELD ON JUNE 15, 1999 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Arsenault & Beaulieu) (7 Ayes).

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**SECOND ORDER OF BUSINESS:** Public Comment Period - 30 Minutes  
(Non-Agenda Items Only)

**MOVED AND SECONDED:** To open the public comment period. (Councilors Beaulieu & Arsenault) (7 Ayes)

No public comments were made.

**MOVED AND SECONDED:** To close the public comment period. (Councilors Campbell & Beaulieu) (7 Ayes)

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

ITEM #173-99 To consider action relative to the approval of the July 20, 1999 Consent Agenda, Items #167-99 through #172-99.

**BE IT ORDERED:** That the July 20, 1999 Consent Agenda be approved.  
(Councilors DeGrandpre & Campbell) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #174-99 To consider action relative to the issuance of special amusement permits for Nancy Gray and Jonathan Soule. (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Mann & Campbell) (7 Ayes)

No comments were made.

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

**BE IT ORDERED:** That special amusement permits be issued to the following:

Nancy Gray, Mystic Motor Inn, Inc. d/b/a Harraseeket Inn, 162 Main St.  
Jonathan Soule, Center-Cotton, Inc. d/b/a Gritty McDuff's, 187 Lower Main St.  
(Councilors Mann & Campbell) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #175-99 To consider action relative to a proposed amendment to the Design Review Ordinance concerning activities in the Public Right of Way (Chapter 22). (Public Hearing).

**MOVED AND SECONDED** That the Public Hearing be opened.(Councilors Beaulieu & Campbell) (7 Ayes).

Barbara Asnes from the Design Review Board shared her views. There were no other public comments made.

**MOVED AND SECONDED** That the Public Hearing be closed. .(Councilors Beaulieu & Campbell) (7 Ayes).

**MOTION:** That Item #175-99 be tabled until August 10, 1999. .(Councilors Beaulieu & Campbell) (7 Ayes).

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ITEM #176-99 To consider action relative to proposed amendments to the Ordinance Prohibiting Camping on Public Streets and in Parking Lots (Chapter 47). (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Soule & Campbell) (7 Ayes).

Councilor Beaulieu explained the reasons for these amendments. Bob Smith, campground owner, expressed his concerns. A discussion followed.

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

**MOVED AND SECONDED:** That Item #176-99 be tabled until August 10, 1999. (Councilors Soule & Campbell) (7 Ayes).

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**ITEM #177-99** To consider action relative to the adoption of a Municipal Development and Tax Increment Financing District for U.S. Route #1 South. (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Campbell & Arsenault) (7 Ayes).

Mr. Olmstead explained this proposal.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Campbell & Arsenault) (7 ayes).

**ORDER DESIGNATING DESTINATION FREEPORT MUNICIPAL  
DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICTS  
AND ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICTS**

**WHEREAS**, the Town of Freeport, Maine (the "Town") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as Municipal Development Districts and Tax Increment Financing Districts and to adopt a Development Program for such Districts; and

**WHEREAS**, there is a need for industrial, retail and commercial development in the Town; and

**WHEREAS**, there is a need to provide continuing employment opportunities for the citizens of Freeport and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

**WHEREAS**, the designation of additional Municipal Development and Tax Increment Financing Districts will help to provide continued employment for the citizens of Freeport and the surrounding region; improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

**WHEREAS**, there is a need to encourage the development, expansion and improvement of commercial facilities within the Town through the establishment of Municipal Development Districts and Tax Increment Financing Districts in accordance with the provisions of Chapter 207 of Title 30-A; and

**WHEREAS**, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. S 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, the Town desires to designate the Destination Freeport Municipal Development District and Tax Increment Financing District and adopt a Development Program for such District; and

**WHEREAS**, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Development Program for the District;

**NOW, THEREFORE, BE IT HEREBY ORDERED BY THE FREEPORT TOWN COUNCIL AS FOLLOWS:**

**Section .1.** The Town hereby finds and determines that:

- (a) At least 25%, by area, of the real property within the District, as hereinafter designated, is acreage in need of rehabilitation, redevelopment or conservation as defined in 30-A M.R.S.A. S 5253; and
- (b) The total area of the District does not exceed 2% of the total acreage of the Town, and the total area of all development districts within the Town (including the District) does not exceed 5% of the total acreage of the Town; and
- (c) The aggregate value of equalized taxable property of the District as of April 1, 1998 does not exceed 5% of the total value of equalized taxable property within the Town as of April 1, 1998; and
- (d) The aggregate value of indebtedness financed by the proceeds from tax increment financing districts within Cumberland County, including the proposed District, does not exceed \$50 million adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City average, from January 1, 1996 to the date hereof; and
- (e) The Town expects that the acquisition, construction and installment of all real and personal property improvements, buildings, structures, fixtures and equipment within the district contemplated by the Development Program will be completed within five years of the designation of the district by the Commissioner of Economic and Community Development; and
- (f) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**Section 2.** Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the Destination Freeport Tax Increment Financing Districts, designated and described as more particularly set forth in the document entitled "Destination Freeport Tax Increment Financing Districts" presented to the Town Council in the form attached hereto and such Development Program is hereby incorporated by reference into this resolution as the Development Program for the District (the "Development Program").

**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. 5254, the Town hereby adopts the statement of the percentage of Assessed Value to be retained by the Town set forth in the Development Program for purposes of said Section 5254.

**Section 4.** The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. §5253(1)(F).

**Section 5.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the Town, the Town Council or any other party. (Councilors Campbell & Arsenault) (6 Ayes) (1 Nay-Mann).

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**ITEM #178-99** To consider action relative to a re-appointment to the Appeals Board.

**BE IT ORDERED:** That Diane Lukac be re-appointed, effective immediately, to serve as a member of the Appeals Board until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes)

**BE IT ORDERED:** That Ms. Lukac qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes)

---

**ITEM #179-99** To consider action relative to an appointment to the Appeals Board.

**BE IT ORDERED:** That Jennifer Lechner be appointed, effective immediately, to serve as a member of the Appeals Board until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes)

**BE IT ORDERED:** That Ms. Lechner qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes)

---

**ITEM #180-99** To consider action relative to a re-appointment to the Assessment Review Board.

**BE IT ORDERED:** That Frank Parker be re-appointed, effective immediately, to serve as a member of the Assessment Review Board until August 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes)

**BE IT ORDERED:** That Mr. Parker qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes)

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**ITEM #181-99** To consider action relative to an appointment to the Assessment Review Board.

**BE IT ORDERED:** That Michael Healy be appointed, effective immediately, to serve as a member of the Assessment Review Board until August 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes)

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**BE IT ORDERED:** That Mr. Healy qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

**ITEM #182-99** To consider action relative to a re-appointment to the Conservation Commission.

**BE IT ORDERED:** That Susan Rowan be re-appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes)

**BE IT ORDERED:** That Ms. Rowan qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #183-99** To consider action relative to an appointment to the Conservation Commission.

**BE IT ORDERED:** That Amos Enos be appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 ayes)

**BE IT ORDERED:** That Mr. Enos qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #184-99** To consider action relative to an appointment to the Conservation Commission.

**BE IT ORDERED:** That Michael Murphy be appointed, effective immediately, to serve as a member of the Conservation Commission until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT ORDERED:** That Mr. Murphy qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #185-99** To consider action relative to a re-appointment to the Shellfish Commission.

**BE IT ORDERED:** That James McCormack be re-appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT ORDERED:** That Mr. McCormack qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #186-99** To consider action relative to a re-appointment to the Shellfish Commission.

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**BE IT ORDERED:** That Kenneth Goodenow be re-appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT ORDERED:** That Mr. Goodenow qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #187-99** To consider action relative to an appointment to the Shellfish Commission.

**BE IT ORDERED:** That Chad Coffin be appointed, effective immediately, to serve as a member of the Shellfish Commission until July 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT ORDERED:** That Mr. Coffin qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #188-99** To consider action relative to an appointment to the Traffic and Parking Committee.

**BE IT ORDERED:** That Jay Yilmaz be appointed, effective immediately, to serve as a member of the Traffic and Parking Committee until December 1, 1999.

**BE IT ORDERED:** That Mr. Yilmaz qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**NOTE:** Filling the unexpired term of Henry Bird. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #189-99** To consider action relative to a re-appointment to the Economic Development Corporation.

**BE IT ORDERED:** That William Shea be re-appointed, effective immediately, to serve as a member of the Economic Development Corporation until June 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT FURTHER ORDERED:** That Mr. Shea qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #190-99** To consider action relative to an appointment to the Economic Development Corporation.

**BE IT ORDERED:** That Elizabeth Ruff be appointed, effective immediately, to serve as a member of the Economic Development Corporation until June 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT FURTHER ORDERED:** That Ms. Ruff qualify by swearing an oath of office before the Town Clerk by July 30, 1999. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #191-99** To consider action relative to an appointment to the Economic Development Corporation.

**BE IT ORDERED:** That Rodney (Chip) Gray be appointed, effective immediately, to serve as a member of the Economic Development Corporation until June 1, 2002. (Councilors Beaulieu & Campbell) **BALLOT VOTE:** (7 Ayes).

**BE IT FURTHER ORDERED:** That Mr. Gray qualify by swearing an oath of office before the Town Clerk by July 30, 1999. . (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #192-99** To consider action relative to adopting a policy on the disposition of Municipal Property.

Councilors indicated that they would like to know what the Town Manager is interested in selling. Mr. Olmstead offered to put a list in the Council's packets prior to the placement on sale of any Town-owned equipment.

**BE IT ORDERED:** That the proposed policy on the disposition of Municipal Property be adopted.

**NOTE:** Requested by Councilor Soley.

**MOVED AND SECONDED:** To amend that the Town Manager shall notify the Town Council in writing prior to the placement on sale of any equipment. (Councilors Campbell & Beaulieu) (7 Ayes).

---

**ITEM #193-99** To consider action relative to proposed amendments to the Zoning Ordinance concerning Site Plan Review (Chapter 21).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors DeGrandpre & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #194-99** To consider action relative to proposed amendments to the Design Review Ordinance concerning review guidelines (Chapter 22).



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**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Design Review Ordinance.

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Mann & Soule) **ROLL CALL VOTE:** (6 Ayes).(1 Excused-Campbell).

---

**ITEM #195-99** To consider action relative to accepting a bid for a brush truck skid tank.

**MOVED AND SECONDED:** That the Fire Chief report on bids.(Councilors Soule & Arsenault) (6 Ayes) (1 Excused-Campbell).

Chief Fournier explained that only one bid was received but he is comfortable with the company that submitted it and it does not exceed the amount budgeted.

**BE IT FURTHER ORDERED:** That the bid from Emergency Vehicles of Maine in the amount of \$11,948 be accepted. (Councilors Soule & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1Excused-Campbell).

---

**ITEM #196-99** To consider action relative to the adoption of an Emergency Preparedness Plan.

**MOVED AND SECONDED:** That the Fire Chief report on the Emergency Preparedness Plan. (Councilors Campbell & Beaulieu) (7 Ayes).

Chief Fournier explained the plan and that it meets all mandated requirements. The Emergency shelters designated are the High School and the new YMCA. Councilor Mann asked the Chief to look into the generators owned by the Town and ensure that they are ready in the event of an emergency.

**BE IT ORDERED:** That the proposed Emergency Preparedness Plan be adopted. (Councilors Campbell & Beaulieu) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #197-99** To consider action relative to a November 2, 1999 Referendum Question concerning the adding of fluoride to the public water supply for the purpose of reducing tooth decay.

Chair Soley explained that there will be one referendum for South Freeport and another referendum for the balance of Freeport. Everyone will be asked to vote regardless of whether they have public water or not.

**MOVED AND SECONDED:** To change "Conference Room" to "Council Chambers" (Councilors Arsenault & Campbell) (7 Ayes)

**MOVED AND SECONDED:** To change "supply" to "systems" (Councilors Soley & Campbell) (7 Ayes).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 at 7:00 p.m. in the Town Hall *Council Chambers* for the purpose of discussing a proposed referendum question on adding fluoride to Freeport public water *systems*.

---

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens.

**NOTE:** This item was requested by Councilor Soley. (Councilors Arsenault & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #198-99** To consider action relative to an expenditure from the Cable T.V. Reserve Account (#7100) to provide for the purchase of audio equipment.

Rick Simard explained what is covered under this expenditure. A discussion followed. Councilor Beaulieu explained that she does not like gooseneck microphones and will be voting against the purchase of them.

**BE IT ORDERED:** That up to \$6,000 be expended from the Cable Television reserve account (#7100) to provide for the purchase of audio equipment. (Councilors DeGrandpre & Campbell) **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Beaulieu).

---

**ITEM #199-99** To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning parking for church activities (Chapter 48).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999 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 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Mann & Soule) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #200-99** To consider action relative to a proposed amendment to the Coastal Waters Ordinance concerning the use of the Town Wharf and Floats (Chapter 31).

**BE IT ORDERED:** That a Public Hearing be scheduled for August 10, 1999

**BE IT FURTHER ORDERED:** That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection by citizens. (Councilors Beaulieu & Campbell) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #159-99** Tabled June 15, 1999.

To consider action relative to the acceptance of an Open Space Plan.

Bob Moore of the Conservation Commission explained that they submitted a revised draft for final approval having omitted a revision that they had intended to make concerning the Shoreland Zoning Maps. Councilor Beaulieu pointed out that she understood that all the maps were being taken out and other Councilors concurred. Mr. Moore submitted a sheet with the changes he recommends.

**MOVED AND SECONDED:** On Page ii, Note 1 the sentence shall read "The maps are illustrative only." (Councilors Campbell & Arsenault) (7 Ayes).

**MOVED AND SECONDED:** On Pg. 7 bottom of left column: Replace sentence "This

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map includes and ends // 25 square miles or more" with: "Freeport's Shoreland Zoning map shows fewer streams because of the narrow definition of streams in the ordinance."

Add:

Definitions of the words shoreland, river, and stream, as used and mapped in this document, do not match those in Freeport Zoning Ordinance, nor is this usage to be construed as replacing those definitions in section 104 of the Zoning Ordinance. (Councilors Beaulieu & Soule) (7 Ayes).

**MOVED AND SECONDED:** On Pg 15 under #2, add underlined text: provision or retention of public access to public trails and public open space. (Councilors Beaulieu & Campbell) (7 Ayes).

**BE IT ORDERED:** That the Open Space Plan, as submitted to Public Hearing on June 15, 1999, be accepted as amended. (Councilors Soule & Campbell). **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Mann).

Chair Soley thanked the Commission for doing such a great job in coming up with this excellent plan. Mr. Olmstead pointed out that a final plan as amended with the acceptance date is needed.

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**ITEM #160-99 Tabled June 15, 1999.**

To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning exiting from Howard Place onto Main Street (Chapter 48).

**BE IT ORDERED:** That the proposed amendment to the Traffic and Parking Ordinance, as submitted to Public Hearing on June 15, 1999, be approved. (Councilors Campbell & Soule) **ROLL CALL VOTE:** (7 Ayes).

---

**ITEM #114-99 Tabled June 15, 1999.**

To consider action relative to an application for a victualer license for Jean/Eldon Macleod d/b/a Ocean Farms Restaurant, 23 Main Street.

Councilor DeGrandpre suggested waiting two more weeks to get clarifying information on the percent of ownership from the Town Attorney. Chair Soley advised that the Macleods' attorney would have that information. Councilors Mann warned of possible litigation and pointed out that there is no existing lien on this property and the taxes are not that far overdue. Councilor Arsenault advised that the Council may two-week this issue forever but he would like to see the applicant come in and work out an arrangement with the Town. There has not been any correspondence received. Councilor Soule suggested that all the loopholes be carefully scrutinized. He noted that the applicants will possibly be fined and will face the possible loss of their building. Councilor Beaulieu would like to see the taxes paid or the applicant on a payment plan.

**BE IT ORDERED:** That in accordance with the Victualers Licensing Ordinance Chapter 30, Section 5.3, the Council's action regarding the application for a victualer license by Jean/Eldon Macleod d/b/a Ocean Farms Restaurant, 23 Main Street, [be reversed and the application be denied unless the applicant arranges a payment plan satisfactory to the Town Manager within 10 days. If the payment plan is not established,

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State Agencies and Mortgage Holders shall be notified and then the Town is authorized to seek appropriate fines and penalties.

**NOTE:** The victualer license issued to Ocean Farms expired on May 31, 1999. The Town Council approved a new license conditioned on payment of taxes. To date approximately \$14,000 in taxes are past due. The applicants have been notified of this situation.

(Councilors Campbell & Beaulieu) **ROLL CALL VOTE:** (4 Ayes-Soley, Campbell, Beaulieu & Arsenault) (3 Nays-DeGrandpre, Mann & Soule).

Mr. Olmstead advised that a letter would be hand carried to the McLeods tomorrow morning.

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**OTHER BUSINESS:**

**Discussion on the Cumberland County Budget Committee.**

Mr. Olmstead explained that there is a seat on the Committee that is open. Councilor Mann suggested that Chair Soley volunteer to serve in this capacity since he is so well qualified There were no other volunteers. Chair Soley agreed.

**Road Reimbursement Money**

Mr. Olmstead asked Councilors to sign a form verifying that Freeport is spending at least this amount of money on highway improvements.

**Passport Agency**

The Freeport Town Clerk's Office is an authorized Passport Acceptance Agency for new and renewed Passports. There will be a \$15.00 additional fee.

**MOVED AND SECONDED:** To adjourn at 9:50 p.m. (Councilors Arsenault & Beaulieu) (7 ayes).

Respectfully,



Sharon Coffin  
Recorder

**TOWN COUNCIL**

**CONSENT AGENDA**

**JULY 20, 1999 - #13-99**

**ITEM #167-99** To consider action relative to applications for victualer licenses for Socorro Espana, Constance Blackmer, C. Carty-Wilbur, Roberta Rhodes, and J. Snyder.

**BE IT ORDERED:** That the applications issued to the following applicants be approved.

Socorro Espana d/b/a Vita's Tortillas Catering, 71 Curtis Road  
Constance Blackmer d/b/a 3 Sisters B&B, 8 Independence Drive  
C. Carty-Wilbur d/b/a The Chocolate Factory, 32 Independence Drive  
Roberta Rhodes, General Mgr. d/b/a Hampton Inn, 194 Lower Main St.  
J. Snyder, General Mgr. d/b/a Ben & Jerry's Peddler Cart, 83 Main St.

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**ITEM #168-99** To consider action relative to the re-issuance of malt, spirituous and vinous licenses for Jean S. Macleod, Jonathan Soule, and Robin Wade.

**BE IT ORDERED:** That malt, spirituous and vinous licenses be re-issued to the following:

Jean S. Macleod d/b/a Ocean Farms of Freeport, Inc., 23 Main Street  
Jonathan Soule, Center-Cotton, Inc. d/b/a Gritty McDuff's, 187 Lower  
Main Street  
Robin Wade, The Leading Edge, Inc. d/b/a The Corsican Restaurant, 9  
Mechanic Street

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**ITEM #169-99** To consider action relative to the acceptance of Cross Street Extension as a Public Way.

**BE IT ORDERED:** That Cross Street extension be accepted as a Public Way.

**NOTE:** The street has been built in accordance with Planning Board approvals and ordinance requirements.

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**ITEM #170-99** To consider action relative to the issuance of a Municipal Quitclaim Deed for property located at Tax Map 26, Lot 4B.

**BE IT ORDERED:** That the following Municipal Quitclaim be authorized.

TO: Scott W. Young  
PROPERTY: Tax Map 26, Lot 4B (Young's Lane)  
TAX YEARS: 1995, 1996, 1997

**NOTE:** All taxes have been paid.

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ITEM #171-99 To consider action relative to a request to clean and repair Sandy Beach.

**BE IT ORDERED:** That the request from Freeport Citizens to clean and repair Sandy Beach be approved.

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ITEM #172-99 To consider action relative to a request for the use of Town Property.

**BE IT ORDERED:** That the request from Freeport Community Services for the use of the Town Hall grounds on October 2, 1999 for their annual "Chowdah Challenge" be approved.

End of Consent Agenda

To: Dale Olmstead  
From: Ed Campbell  
Re: Sandy Beach  
Date: July 12, 1999

A group of citizens has approached me with a request that they be given permission to clean Sandy Beach and repair a building on the beach.. They will do this at no expense to the Town

Please place this request on the July 20, 1999 Council Agenda.







# FREEPORT COMMUNITY SERVICES

53 Depot Street • P.O. Box 119 • Freeport, Maine 04032-0119 • (207) 865-3985 • Fax (207) 865-2236

## Board of Directors

Peter Ainsworth

Lesa Andreassen

Lynne Anderson

Harry Blumenthal

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Robin Farnham

Mary Leigh Hanson

Kathy Hogue

Linda McMahon

Lenny Pressy

Martin Robles

Kim Shepard

Ken Toner

Nancy Traiser

Rev. John Ward-Diorio

Thomas Whelan

July 12, 1999

## Town of Freeport

Attn: Dale Olmstead and Town Council

30 Main Street

Freeport, ME 04032

Dear Dale and Council Members:

It is hard to believe that it is almost "Chowdah Challenge" time! I hope you will continue allowing FCS to host this great community event on the grounds of the Town Hall. The date is October 2, 1999 from 9 a.m. to 3 p.m.

Please hope for great weather, as you know last year we had torrential rain and lost about \$2,500 in revenue! With that in mind, I hope you will support the 7<sup>th</sup> Annual Great Chowdah Challenge!

I look forward to hearing from you.

Sincerely,



Elizabeth R. Finlayson

## Executive Director

Elizabeth R. Finlayson

## Programs and Services

The Clothes Tree

Summer Camp &

Recreation Scholarship

Holiday Helpline

The Food Pantry

Information and Referral

Job Bank

Medical Loan Closet

Caring Callers

Friendly Visitors

Transportation

Family Life Resource Team

Community Dinners



93219

### Cross Street Extension

A certain lot or parcel of land situated on the northeasterly side of Morse Street and running northeasterly to the southwesterly sideline of Cushing Avenue, also known as Justin Way, situated in the Town of Freeport, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at a 4 inch square granite monument set at a point of tangency on a bearing of N 49°-48'-08" E, a distance of 65 feet from a point of intersection where the southeasterly sideline of Cross Street intersects the southwesterly sideline of Morse Street;

Thence from said monument, N 49°-48'-08" E, passing through land now or formerly owned by L. L. Bean, Inc. by a deed from Paul W. and Mary K. Kennedy dated September 28, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12151, Page 297 and a deed from Clifford and Jane Condon dated May 8, 1995 and recorded at said Registry in Book 11914, Page 10; a total distance of 194.97 feet to a 4 inch square granite monument set at a point of curvature;

Thence northeasterly and turning southeasterly along a curve to the right with a radius of 15 feet, a central angle of 87°-16'-30", passing through said land of L. L. Bean, Inc., an arc length of 22.85 feet to a 4 inch square granite monument set on the southwesterly sideline of Cushing Avenue;

Thence N 42°-55'-22" W, by and along Cushing Avenue, a distance of 80.09 feet to a PK nail and washer set in pavement at a point of curvature;

Thence southeasterly and turning southwesterly along a curve to the right with a radius of 15 feet, a central angle of 92°-43'-30", passing through said land of L. L. Bean, Inc., an arc length of 24.28 feet to a PK nail and washer set in pavement at a point of tangency;

Thence S 49°-48'-08" W, passing through said land of L. L. Bean, Inc., a distance of 187.16 feet to a 4 inch square granite monument set at a point of curvature;

Thence southwesterly and turning northwesterly along a curve to the right with a radius of 19 feet, a central angle of 90°-00'-03" passing through said land of L. L. Bean, Inc., an arc length of 23.56 feet to a 4 inch square granite monument set on the northeasterly sideline of Morse Street, S 40°-11'-49" E, a distance of 0.87 feet from the southerly corner of land now or formerly owned by Glennis Y. Tozier by a deed recorded at said Registry in Book 10561, Page 167;

Thence from said monument, S 40°-11'-49" E, by and along Morse Street, a distance of 84 feet to a 4 inch square granite monument set at a point of curvature;



Thence northwesterly and turning northeasterly along a curve to the right with a radius of 15 feet, a central angle of  $89^{\circ}-59'-57''$ , passing through said land of L. L. Bean, Inc., an arc length of 23.56 feet to the point of beginning.

Meaning and intending to describe a 50 foot wide strip of land along with fillets to be used as a public way called Cross Street Extension containing 11,377 square feet, or 0.26 acres, more or less.

Bearings herein are based on a magnetic observation taken in 1992.

DED:jc  
December 29, 1998

*Donald C. White*



Approved July 20, 1999  
Meeting # 13-99, item # 60-9  
P.H. Mtg. # 12-99 (June 15, 1999)

*Adopted*  
**PROPOSED**

**AMENDMENT TO THE TRAFFIC AND PARKING ORDINANCE**

**CHAPTER 48**

**ARTICLE II.**

Section 48-227. No vehicles shall make a right turn onto Main Street from Howard Place after 9:00 a.m. and before 9:00 p.m.





**Destination Freeport  
Tax Increment  
Financing Districts**

**Town of Freeport, Maine**  
**July 1999**

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## **I. DEVELOPMENT PROGRAM NARRATIVE**

# I. DEVELOPMENT PROGRAM NARRATIVE

## Introduction

Since 1989, the Town of Freeport has effectively used tax increment financing to expand its tax and employment base, as well as provide new public facilities which benefit the citizens of Freeport. Beginning with a partnership with L.L. Bean and a local developer to create the Desert Road Business and Industrial Park, tax increment financing has also been used for the expansion of retail operations in the downtown, as well as the recently completed tax increment financing proposal to support Freeport Place, the assisted living facility. As a result of these partnerships new tax revenues have been generated for the Town of Freeport.

Freeport's economic growth, particularly in the area of retail development, has made it a destination for visitors. This growth of the retail sector has recently meant an expansion in the lodging available for people visiting the area. Freeport, rather than being one stop for visitors staying in Portland or in one of Maine's other traditional coastal resort communities has become a complete destination. Overnight visits have continued to increase, and as new beds have been added, the occupancy rate has continued to climb.

This development of Freeport as a complete destination, and the growth in lodging facilities creates opportunities for the continued expansion of the local economy. It also has the potential to exacerbate traffic, congestion and safety issues for Freeport citizens as well as the traveling public. In addition, the proposal to create more meeting rooms and a small conference facility will further assist Freeport in branching out as a destination for travelers.

At the present time, two new motels, the Hampton Inn and the Comfort Suites are under construction, and a third existing facility, the Freeport Inn and Cafe' is planning a major expansion. Another Route One property in the same area is being considered as the site for a major family restaurant. Given this aggressive program of lodging development, the Town anticipates the impacts on the central business district. This lodging boom projects an additional 185 rooms to be added in Freeport, as well as new meeting rooms and a conference facility which can accommodate up to 180 people.

As Freeport's status as a destination is enhanced, it is incumbent upon the Town to capture a portion of the new revenues generated from this growth in lodging to make investments in public facilities to support the central business district. These investments will facilitate the additional vehicular and pedestrian traffic in the destination area – Freeport's central business / retail center, and improve

access to the downtown area. Other investments, to assist downtown business, as well as contribute to the diversification of the economic base are all a part of the goal of improving Freeport as a destination.

The statute governing tax increment financing anticipates the need to construct and maintain facilities which may be located outside the district, but which contribute directly to the economic activity within the district (§ 5252 Subsection 8 A. (9))

## **The Project**

The Town of Freeport is proposing to create four discrete geographic districts to be linked under a single Development and Financial Plan which will utilize the tax increment derived from these districts actions to provide needed facilities and services to enhance Freeport's ability to provide a safe, quality experience as a destination. At the same time, these investments will improve the safety and ease of access to downtown Freeport and its services for both residents and the visiting public.

By creating a project cost account, the Freeport Economic Improvement Fund, the Town Council will be able to annually allocate these newly derived tax revenues to support economic development projects and public facilities investments which will enhance Freeport as a destination. An example list of the projects to be supported through the Freeport Economic Improvement Fund is provided in the Development Program below

## **The Development Program**

The Town of Freeport has identified four distinct geographic districts which encompass the new lodging and hospitality facilities being built primarily along the Route One Corridor. These 185 new rooms, together with their support facilities, form the basis for the new taxable value which will comprise the District.

Based on the need to provide additional services as Freeport grows as a destination, the Town will commit 100% of the new tax revenues from the captured value to fund the project cost account to be known as the Freeport Economic Improvement Fund. This will be a 10 year program which will allow a 100% capture of the new property taxes in years 1 through 10 over the existing base of \$2,400,500. The attached Schedule A illustrates how the district financing will work.

The Freeport Economic Improvement Fund, which will be funded as a project cost from the proceeds generated by this tax increment financing district as well as other funds which may be allocated to this non-lapsing reserve account by the Town Council, will be used to fund projects which will contribute to the economic vitality and diversity of the Town of Freeport.

In order to enhance the economic viability of the project, the Town proposes to create a sinking fund to contribute toward the completion of the development program with captured tax increment financing revenues based on the following formula:

Year 1- 10: 100% of all new taxes captured

This development program is based upon the design created by the Maine Legislature that enables local governments to establish districts in order to encourage orderly commercial and industrial development and mitigate the impacts of such development. Using tax increment financing in this way creates a number of advantages for the Town of Freeport including:

- No impact on the existing tax base of the municipality since only new taxable value will be included in the district;
- No unfunded liability generated for the municipality since no bonds will be issues to support this project, and;
- Residents and the traveling public will benefit from enhanced facilities and services as Freeport continues to expand as a destination.

## **Statement of Means and Objectives**

The goal of this proposal is to create a mechanism for the ongoing improvements to the Town's facilities, infrastructure and services which will enhance Freeport as a destination. This goal is in line with the Town of Freeport's Tax Increment Financing Guidelines in that it is aimed at:

- Creating and retaining employment opportunities;
- Making significant increases in the local tax base; and
- Supporting compatibility with the local zoning ordinance, comprehensive plan and economic development program.

The implementation of this development program, and the creation of the Freeport Economic Improvement Fund will provide the resources necessary to improve facilities and services in support of the downtown commercial district which is central to Freeport's emerging role as a destination for travelers. At the

same time, the enhancement of services and facilities will improve the quality of life for Freeport residents by improving safety and mitigating some of the impacts of the increased number of visitors as a result of Freeport's status as a destination.

Implementation of the District and creation of the Freeport Economic Improvement Fund described here will provide significant economic benefit to the Town by assisting in the management and continued orderly growth of the downtown commercial district even as the tax base and employment opportunities as a result of the development of these new lodging and hospitality businesses.

### **Description of Improvements to the Public Infrastructure**

On an annual basis, or as needed, the Freeport Town Council will set priorities and allocate the expenditures to be undertaken from the Freeport Economic Improvement Fund. Here are the projects which may be undertaken by the Town and funded from the Freeport Economic Improvement Fund:

Sidewalk Construction (Rt1; Pine to Stonewood)	\$ 125,000
Sidewalk Reconstruction (Main; West to Holbrook)	\$ 23,500
Sidewalk Reconstruction (Main; Holbrook)	\$ 15,100
Sidewalk Reconstruction (School to Bugle Boy Store)	\$ 10,000
Sidewalk Reconstruction (Maine to Middle; School)	\$ 17,900
Sidewalk Reconstruction (Mallet Drive to Church)	\$ 26,500
Tour Bus Parking Lot (Town Match for MDOT)	\$ 100,000
Park & Ride / Rail Platform (Town Match)	\$ 150,000
Signalization Bow and Main (Town Match)	\$ 40,000
Capitalization of Downtown RLF	\$ 100,000
Downtown Signage Program	\$ 25,000
Sidewalk Safety and Maintenance Equipment	\$ 224,000
Administration of Freeport Economic Development	\$ 80,000

Funding of projects through the Freeport Economic Improvement Fund will be made on an ongoing basis, so no bonding is anticipated at this time.

Since this is development of a new lodging and hospitality facilities is on land which has been zoned for this purpose, there will be no dislocations caused by that proposed development program. A portion of the tax increment financing revenues will be used to mitigate the impacts of further development by providing for the improvement of facilities and services in the downtown commercial area, which is the impacted destination area.

Further, any environmental controls which need to be applied in the redevelopment, will be put in place. All necessary environmental permits will be obtained.

During the life of this project, the Town Manager of Freeport or his/her designee will be responsible for administration for the District, as well as the Freeport Economic Improvement Fund. Accordingly, a portion of the proceeds from the tax increment financing district may be used for the administration of this District.



## **II. PHYSICAL DESCRIPTION**

## II. PHYSICAL DESCRIPTION

1. Total taxable acreage of municipality 16,640 Taxable Acres.

2. Total taxable acreage proposed for tax increment financing district

Freeport Inn & Cafe	13	Taxable Acres
Steele Property	14	Taxable Acres
Hampton Inn	2.65	Taxable Acres
Comfort Suites	2.14	Taxable Acres
Total	31.79	Taxable Acres

3. Percent line 2 of line 1 (line 2 divided by line 1, line 3 cannot exceed 2%)  
0.19%

4. Total acreage of all existing TIF districts in the municipality  
240.4 Taxable Acres

5. Percent line 4 of line 1  
1.44 %

6. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:

a. Blighted acres \_\_\_\_\_. Line 6(a) divided by line 2 = \_\_\_\_\_.

b. Acreage in need of rehabilitation, redevelopment or conservation. 31.79  
Line 6(b) divided by line 2 = 100%.

c. Acreage suitable for industrial sites = \_\_\_\_\_.  
Line 6(c) divided by line 2 = \_\_\_\_\_.

7. Enclosed municipal maps:

a. Municipal map showing site location of TIF district in relation to municipal boundaries.

b. Tax map showing TIF district.

I certify that all of the above physical description is true and accurate to the best of my knowledge:

\_\_\_\_\_  
Tax Assessor, Town of Freeport

## This is a black and white topographical map of the Chesapeake Bay region. The map shows the coastline of Maryland and Virginia, with the Potomac River forming part of the border between them. Major transportation routes are highlighted, including Interstate 95 running north-south through the center and U.S. Route 50 running east-west across the middle. Numerous cities and towns are labeled, including Washington, D.C., Arlington, Fairfax, Alexandria, Loudoun, Prince Georges, Anne Arundel, Howard, Montgomery, and Baltimore. The map also depicts various islands and smaller bodies of water within the bay system, such as Patuxent River, Rappahannock River, York River, James River, and the Pamlico River. Topographical features like hills and mountains are indicated by shading and contour lines. A compass rose is visible in the upper left corner, and a scale bar is located in the lower right corner.



# TAX MAP (Hampton Inn, Comfort Inn, Steele Property)



### **III. FINANCIAL PLAN**

---

### III. FINANCIAL PLAN

#### Costs and Sources of Revenues

The proposed new tax increment financing districts will encompass approximately 31.79 of taxable property with an original value of \$2,400,500.

The development in these districts will produce approximately \$13,581,900 of new tax base for the Town. The TIF district will produce new taxable revenues, 100 percent of which will be used to support the development plan through the development of public facilities and services as outlined in the Development Program above.

The table below outlines the projected sources and uses of this development.

Activity	Municipal TIF Proceeds	Equity (Private)	Debt (Private)	Other	Total
1. Land Acquisition					
2. Building Acquisition					
3. Relocation Costs					
4. Clearance/Demolition					
5. Street/Site Improvements	\$611,900				
6. Water/Sewer					
7. Building Construction			\$12,481,900		\$12,481,900
8. Parking Facilities					
9. Capital Equipment	\$224,000		\$1,100,000		\$1,100,000
10. Professional Fees					
11. Administrative Costs	\$750,000				\$750,000
12. Discretionary Payments					
13. Other Costs	\$100,000				
Total					

The attached Schedule A details the projections based on the anticipated development program. While these schedules have been developed using conservative assumptions, Schedule A is a projection included for demonstration purposes only. No assurances are provided as to the results reflected therein.

#### Development Program Fund

The Development Program requires the establishment of a development program fund which will consist of a project cost account pledged to and charged with the payment of the project costs in the manner outlined herein below pursuant to the authority granted in 30-A M.R.S.A. §5254 (3) (A) (2). Tax increment revenues shall be deposited into the project cost account which shall be used to fund a non-lapsing reserve account to be known as the Freeport

## Financing Plan

Year 1-10: Amount: 100% of newly generated property tax

## ~~Financial Data~~

- 13



6. Total annual value of development sinking fund:

See Schedule A for details. Total annual value of development sinking fund will average \$245,242 over the ten year life of the district, which will be placed into the project cost account for payments to be made to the non-lapsing reserve account -- the Freeport Economic Improvement Fund.

7. Annual principal and interest payment of bonded indebtedness:  
No bonding anticipated

8. Financial assumptions and safeguards:

Since the Town of Freeport will be issuing no bond, but rather is providing an annual payment to a non-lapsing reserve account, it has exposure only insofar as new tax revenues are generated from the new development within the district.

9. Statement of impact of TIF on taxing jurisdictions within the county:

---

In accordance with Maine statutes governing the establishment of Tax Increment Financing Districts, the following tax shifts which result from the establishment of the District have been identified:

▪ Education Tax Shift:	\$ 82,161
▪ Revenue Sharing Tax Shift:	\$ 7,630
▪ County Tax Shift:	\$ 553

**Proposed Project Costs**

See attached Schedule A

# **Destination Freeport Tax Increment Financing Project Schedule A**

<b>Year</b>	<b>Total New Real Property</b>	<b>Total New Personal Property</b>	<b>Total New Value</b>	<b>Total New Tax Revenues</b>	<b>% of Retention</b>
1	\$12,481,900	\$1,100,000	\$13,581,900	\$249,228	100%
2	\$12,481,900	\$1,045,000	\$13,526,900	\$248,219	100%
3	\$12,481,900	\$992,750	\$13,474,650	\$247,260	100%
4	\$12,481,900	\$943,113	\$13,425,013	\$246,349	100%
5	\$12,481,900	\$895,957	\$13,377,857	\$245,484	100%
6	\$12,481,900	\$851,159	\$13,333,059	\$244,662	100%
7	\$12,481,900	\$808,601	\$13,290,501	\$243,881	100%
8	\$12,481,900	\$768,171	\$13,250,071	\$243,139	100%
9	\$12,481,900	\$729,762	\$13,211,662	\$242,434	100%
10	\$12,481,900	\$693,274	\$13,175,174	\$241,764	100%
<b>Average</b>	\$12,481,900	\$882,779	\$13,364,679	\$245,242	100%
<b>Total NPV</b>				\$2,452,419	

## **Assumptions**

**Mill Rate** 18.35

### **Real Property Values**

Freeport Inn & Cafe  
Steele Property  
Hampton Inn  
Comfort Suites

\$4,980,500  
\$1,300,000  
\$2,862,400  
\$3,339,000

**Total**

\$12,481,900

### **Personal Property Values**

\$300,000  
\$200,000  
\$300,000  
\$300,000

\$1,100,000

**Personal Property Depreciation Rate**

5%

# **APPENDICES**

**APPENDIX A    Notice of Public Hearing**  
**APPENDIX B    Council Order Creating District**

---

## APPENDIX A

**APPENDIX B -- NOTICE OF PUBLIC HEARING**

**APPENDIX C -- COUNCIL ORDER -- July 20, 1999**

**Summary by Freeport Conservation Commission  
Changes in July 1999 Draft of Open Space Plan As Compared to May 19, 1998 Version**

**Title page**

--deleted "Draft--May 19, 1998"

**Letter**

--changed date

--para. 1--deleted "draft of an"

--changed 2nd sentence to start "It is our community's ..."

--deleted last sentence

**Acknowledgements**

--made minor changes

**Page ii**

--changed 1st sentence to "This plan recommends that Freeport pass a bond issue ..."

--added notes at bottom of page

**Page iii**

--changed 2008 to 2009 in 2nd column

--changed all 1998 to 1999

--in 3rd column, 1st box, changed No. 2 to "Request Freeport Conservation Commission to develop or oversee the development of a priority list ..."

--in 3rd column, 4th box, No. 1, deleted "\$1 million". Also added at end of No. 1 "No money to be spent without Town Council approval."

**Page iv**

--in 2nd column header, deleted ADOPTED WITH THIS PLAN"

--in 2nd column, 2nd box, No. 4, changed "Provide" to "Consider"

--in 2nd column, 4th box, deleted No. 5

**Page 2**

--in 2nd column, changed to "Maine Audubon's Mast Landing Sanctuary".

Page 10

--in 1st column, deleted "Adopted With This Plan" after "Additional Policies"

--changed 2008 to 2009

--in 2nd column, changed 1998 to 1999

--in 2nd column, changed No. 2 to "The Conservation Commission will develop and update periodically a priority list of natural areas ..."

Page 14

--in 1st column, deleted "Adopted With This Plan" after "Additional Policies"

--changed 2008 to 2009

--changed 1998 to 1999

Page 15

--changed 1998 to 1999

Page 17

--in 1st column, under Current Status, in 1st sentence, delete "still".

--in 1st column, added Sanctuary after "Mast Landing"

Page 18

--in 2nd column, deleted "Adopted With This Plan" after "Additional Policies"

--changed 2008 to 2009

Page 19

--changed 1998 to 1999

--in No. 2, 1st and 8th line, changed "will" to "may".

Page 22

--in 2nd column, in No. 5, deleted "Dedicate" and replace with "Consider creating a reserve account from". Also deleted 2nd sentence.

--change 2008 to 2009

--in 2nd column under Action Recommendations, deleted "bonding up to \$1 million" and replaced with "a bond".



Page 23

--in 1st column, after "This money" added ",which will only be spent with Town Council approval,". Also changed 1998 to 2000.

--under No. 2 & 4, changed 1998 to 1999.

--under No. 3, changed 2003 to 2004 and 2008 to 2009.

--in box at bottom,in middle paragraph, changed "\$12,000" to approximately \$13,000". Also changed "\$59,000" to approximately \$62,000". In last sentence of this paragraph, changed "up to \$1 million" to "more money".

10



AMENDED: JULY 8, 1999

# Open Space & Public Access Plan

An Element of Freeport, Maine's Comprehensive Plan

PHOTO GOES HERE

Prepared by the  
Freeport Conservation Commission

With Assistance From  
H. Dominie, Inc.

July 20, 1999

*Dear Freeport Citizens:*

*I am pleased to share with you this open space plan for Freeport. It is our community's first such plan. It is designed to establish a clear and positive direction for striking a balance between land conservation and development and maintaining opportunities for enjoying open space in ways townspeople value.*

*The 1994 Comprehensive Plan called for the preservation and protection of wildlife habitat, forests and farmlands, streams and shorelines, wetlands, and scenic values. This Open Space Plan identifies Freeport's special natural areas as well as natural resources which require additional identification.*

*The 1994 Comprehensive Plan recommended working with landowners, volunteers, and conservation organizations to protect special places and establish a trail system and public access where appropriate. It also called for capitalizing and encouraging donations to the land bank already established through the conservation commission ordinance. This Open Space Plan provides a framework of measurable goals, policies, and strategies for accomplishing these charges, including a means of funding conservation projects.*

*But the plan itself will not make the difference. Only collaboration, hard work, and constancy to its vision can ensure that Freeport remains the kind of place that we all cherish. Only commitment among us all can ensure success -- commitment to finding win-win ways for landowners to profit from or pass on their lands to the next generation without compromising open space values.*

*This plan is the culmination of many hours of Conservation Commission deliberation. It began in 1997 with Town Council authorization to accept a State Planning Office grant and later to hire planning consultant H. Dominie, Inc.. In the process we have sorted out available information; compiled, mapped, and analyzed resource information; and consulted town and area organizations and the public for direction.*

*Now we invite you to review and help us refine the plan so that it may become a powerful and effective tool for Freeport, with broad support among citizens, landowners, town officials, civic organizations, and local businesses.*

*Sincerely,*

*Joseph Hahn, Conservation Commission Chairperson*

# Acknowledgements

This Open Space Plan accomplishes tasks stipulated in the Town's 1994 Comprehensive Plan and the Conservation Commission Ordinance. It was made possible by a grant from the Maine State Planning Office's Growth Management Program with matching town funds.

The plan was prepared by:

## Conservation Commission

Joseph Hahn, Chair, Conservation Comm.  
Stewart Fefer, Chair, Open Space Subcomm.  
Marjorie Hall  
Lex Holley                      Susan Rowan  
Robert Moore                 Arthur Spiess  
Mary Sauer  
Annee Tara  
Peter Polovchik  
Stephen Walker

## Planning Consultant

H. Dominie, Inc.  
93 Old Fairground Road  
Readfield, Maine 04355  
(207)685-7356

## Mapping Consultants

Northern Geomatics  
146 Water Street  
Hallowell, Maine 04347

## Freeport Conservation Trust

Tom Rumpf, President

Melissa Gormley, Freeport, ME.

With special thanks to local organizations whose representatives shared information and ideas:

Freeport Town Council	Freeport Public Schools	Tri-Town Penguins
Freeport Recreation Comm.	Freeport Conservation Trust	Snowmobile Club
Freeport Planning Board	Wolf Neck Farm	Greater Portland Council of
Freeport Town Planner	Tidebrook Conservation Trust	Governments
Freeport Town Assessor	Winslow Memorial Park	Casco Bay YMCA

Our appreciation also goes to:

- Alison Truesdale who encouraged the Commission to undertake this project;
- interested citizens who attended one or more meetings;
- Casco Bay Estuary Program, U.S. Fish and Wildlife Service, and Maine State Planning Office which provided technical and/or financial assistance;
- ME. Dept. of Inland Fisheries & Wildlife, Dept. of Conservation, Div. of Property Taxation;
- Falmouth Town Planner, Yarmouth Town Planner, Maine Coast Heritage Trust, Orono Land Trust, Portland Trails, Boxford (MA) Trails and Land Trust, Brunswick Topsham Land Trust, Town of Amherst (MA) Planning and Conservation staff;
- Munro Associates of Portland, Maine, which compiled inventory information from local, state, regional, and private sources; Consulting Forester David Rock of Troy, Maine; and Maine Mapping of Damariscotta which prepared preliminary computerized maps; and
- other organizations and individuals who helped in many ways.

Cover Photo: Freeport Conservation Trust

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# Summary

## Vision

This plan identifies a vision for Freeport's future that retains and enhances the best of what our community has to offer:

- special resource values,
- trails and natural areas for public enjoyment,
- scenic views and landscapes, and
- a pleasing and vital open space pattern.

A summary of this vision and the goals, strategies, and policies recommended for attaining it is included on pages iii and iv.

## Ten Year Goals

The goals of the plan are measurable. This is so that citizens can evaluate the Town's progress toward its implementation. These goals reach ten years ahead with concrete gains that can realistically be achieved, such as:

- doubling the amount of permanently protected open space from 1523 acres to 3000 acres,
- conserving assemblages of contiguous properties greater than 500 acres in size to accommodate wildlife populations and traditional pastimes such as hunting,
- conserving one or more open space corridors to create a core trail system connecting Freeport's five key natural areas,
- creating modest trail systems near every major neighborhood,
- helping farmers maintain their land in

traditional uses and educating other landowners about state tax reduction programs, and

- putting in place a signage program that identifies public use areas and trails and encourages responsible behaviors.

## Strategies

Strategies for achieving these goals are many-faceted. Highlights include:

Inventory Work. First, Freeport needs to finish collecting vital information, including:

- confirming areas valuable for terrestrial wildlife habitat which the Department of Inland Fisheries and Wildlife is in the process of developing for the Conservation Commission, and
- identifying scenic views, roads, and areas. Freeporters highly value the visual resources of this community but no methodical and current inventory is available.

Trails Planning. From our meetings with the public and organizations, it is clear that citizens place high priority on trails. The Conservation Commission, Recreation Committee, and Freeport Conservation Trust will collaborate to develop a trails plan, consulting neighborhoods and citizens in the process.

**Acquisitions and Landowner Contacts.** This plan recommends that Freeport pass a bond issue to leverage state, federal, and private funds for the purchase of conservation lands over the next ten years. It proposes that the Freeport Conservation Trust, in close association with the Conservation Commission, take the lead in helping landowners who want to sell, conserve, or creatively develop property to protect open space values or allow public use. The Conservation Commission will periodically hold field days to showcase and celebrate progress.

**Alignment of Land Use Ordinances With Comprehensive Plan.** Freeport's land use regulations need to be updated in conformance with policies and strategies in the 1994 Comprehensive Plan. This will ensure that regulatory and conservation efforts reinforce one another. The Conservation Commission, in consultation

with the Planning Board, will review and propose changes that make ordinances more effective in conserving open space. Examples of incentives or requirements to be considered include: cluster and creative design of developments, conservation overlay zoning, open space set asides or land bank payments in lieu of land dedication, retention/provision of public access, and rural roadside buffers.

## **Policies**

This plan incorporates policies already adopted by Freeport in the 1994 Comprehensive Plan and the Conservation Commission Ordinance. It also recommends additional ones to fill in noteworthy gaps. Together, these policies provide guidance for making Town decisions about matters relating to open space.

### **Notes:**

1. The maps in this plan are representative only and may not adequately depict actual physical features.
2. Nothing in this plan takes precedence over existing ordinances of the Town of Freeport.



# SUMMARY OF OPEN SPACE VISION, GOALS, AND STRATEGIES

VISION	GOALS FOR 2009	STRATEGIES Conservation Commission is responsible except where noted.
<b>SPECIAL RESOURCE VALUES</b> <b>Freeport will be a place where:</b> <ol style="list-style-type: none"> <li>Most species have sufficient space and habitat</li> <li>Waters, shoreland, wetlands, islands, retain natural character</li> <li>Abundant, healthy forests sustain values</li> </ol>	<ol style="list-style-type: none"> <li>Attain high landowner awareness and action to protect special resource values.</li> <li>Add terrestrial wildlife goals when IF&amp;W reports back.</li> </ol>	<ol style="list-style-type: none"> <li>Add terrestrial habitat information to plan/maps and request IF&amp;W to field check relevant areas. Schedule: 1999</li> <li>Request F. Conservation Commission to develop or oversee the development of a priority list of natural areas and work w/ landowners to conserve them. Schedule: 1999 and ongoing</li> <li>In conjunction with Planning Board, develop recommendations to conserve valuable resource areas in development projects. Schedule: 1999</li> </ol>
<b>TRAILS &amp; NATURAL AREAS FOR PUBLIC ENJOYMENT</b> <b>Freeport will be a place with:</b> <ol style="list-style-type: none"> <li>Access to ocean from various locations</li> <li>Trails connecting key areas and providing for variety of activities</li> <li>Access to trails and natural areas from neighborhoods</li> </ol>	<ol style="list-style-type: none"> <li>Create at least one trail connector between two key natural areas.</li> <li>Provide every major neighborhood w/ at least one modest trail system and natural area.</li> <li>Provide signage program for all public use areas.</li> <li>Make one island trail or area available for public use.</li> </ol>	<ol style="list-style-type: none"> <li>Conservation Commission, Recreation Committee, F. Conservation Trust will develop Master Trails Plan. Schedule: 1999</li> <li>In conjunction w/ Planning Board, develop recommendations to retain or provide access in development projects. Schedule: 1999</li> </ol>
<b>SCENIC VIEWS &amp; LANDSCAPES</b> <b>Freeport will be a place with:</b> <ol style="list-style-type: none"> <li>Plentiful, attractive, unobstructed views of ocean, bays, &amp; mountains</li> <li>Views of working farms, pastures; unbroken stretches of forested roadside</li> </ol>	<ol style="list-style-type: none"> <li>Retain all working farms.</li> <li>Maintain or increase acreage in state taxation reduction programs.</li> <li>Add visual resource goals when inventory is complete.</li> </ol>	<ol style="list-style-type: none"> <li>Inventory visual resources and incorporate into plan/maps. Schedule: 1999</li> <li>Town Council may request F. Conservation Trust to work w/ CC and be the point of contact for landowners and actively approach those who own land on Resource Values Summary Map. Schedule: 1999 and ongoing.</li> <li>In conjunction w/ Planning Board, develop recommendations for strengthening regulations to conserve scenic &amp; heritage lands. Schedule: 1999-2000</li> </ol>
<b>PLEASING &amp; VITAL OPEN SPACE SYSTEM</b> <b>Freeport will be a place with:</b> <ol style="list-style-type: none"> <li>A system of interconnected open spaces that maintains wildlife populations, geographic balance, settlement patterns, and community appearance</li> <li>Large, interconnected forested areas throughout town</li> <li>Key natural areas as focal points of the system</li> </ol>	<ol style="list-style-type: none"> <li>In accomplishing the preceding goals, double the amount of dedicated open space from 1500 to 3000 acres and add to existing conservation areas where possible to create contiguous blocks of 500 acres or more.</li> </ol>	<ol style="list-style-type: none"> <li>Propose a referendum for a bond issue for Land Bank fund. No money to be spent without Council approval. Schedule: 1998</li> <li>Town Council will continue to request CC to review Town-owned lands prior to sale. Commission will review existing undeveloped town-owned land and recommend properties for inclusion in open space system. Schedule: 1999 and ongoing</li> <li>Report annually to Council on open space plan implementation; update plan every five years; and update natural resources inventory as necessary. Schedule: annual report/update in 2003</li> <li>In conjunction w/ Planning Board, develop recommendations for conserving a system of open space. Schedule: 1999-2000</li> </ol>

# SUMMARY OF POLICIES INCORPORATED WITHIN FREEPORT'S OPEN SPACE PLAN

POLICIES ADOPTED PREVIOUSLY (Comprehensive Plan (CP) and Conservation Commission Ordinance)	ADDITIONAL POLICIES
<p><b>SPECIAL RESOURCE VALUES</b></p> <ol style="list-style-type: none"> <li>1. Preserve, protect, and, where appropriate, enhance Freeport's land and water resources. Preserve and protect wildlife habitat, . . . forests, . . . streams, and shorelines, and the wise use of the Town's non-renewable earth, mineral, and water resources. (CP page VII-1)</li> <li>2. Create a network of significant wildlife habitats. (CP page VII-3)</li> <li>3. Protect the most significant natural . . . resources. (CP page VII-5)</li> </ol>	<ol style="list-style-type: none"> <li>1. Protect streams, rivers, ponds, coastal waters, shorelands, wetlands and their buffers, forests, and wildlife habitats on a holistic basis that sustains integrity and functions of natural systems and populations.</li> <li>2. Give priority for conservation to areas with high open space values and field check each one prior to any Town purchase.</li> </ol>
<p><b>TRAILS &amp; NATURAL AREAS FOR PUBLIC ENJOYMENT</b></p> <ol style="list-style-type: none"> <li>1. Enhance Town natural resources for public use by all appropriate means. (CP page VII-2)</li> <li>2. Preserve and protect . . . recreational opportunities . . . [associated with Freeport's land and water resources] (CP page VII-1)</li> <li>3. Continually assess needs and opportunities so that a wide range of recreational services &amp; facilities can be made available to all residents regardless of age, season, or location. (CP page VII-15)</li> <li>4. Consider the effects of development, including subdivisions, on the availability of, and access to, lands which provide opportunities for recreation. Provide such access where feasible. (CP page VII-15)</li> <li>5. Encourage the establishment of recreational trail systems, with adequate public access . . . (CP page VII-15)</li> <li>6. Support efforts by private individuals and organizations to work independently and with the Town to create, with landowner permission, walking, cross-country skiing, cycling, and snowmobiling trails within Freeport and connecting to adjacent communities where appropriate . . . and create easements or [accomplish] Town purchase, where appropriate, to maintain existing trails (CP page VII-16)</li> <li>7. Encourage the creation of new or improved public access ways to the ocean, including islands, along with an adequate amount of associated parking in accessible locations. (CP page VII-16)</li> </ol>	<ol style="list-style-type: none"> <li>1. Site public recreational facilities for organized or indoor sports in a manner that complements and provides access to, and parking for, Freeport's open space system, whenever possible.</li> <li>2. Site trails and public use areas in a manner that minimizes impacts on sensitive natural resources and avoids conflicts among users and with abutters.</li> <li>3. Clearly identify places which are available for public use and promote appropriate behaviors for using private and public property.</li> <li>4. Consider financial and other incentives to encourage landowners to make their properties available for public use.</li> <li>5. Collaborate with neighboring communities to link trail systems wherever appropriate.</li> <li>6. Open land to public use only after developing a management plan and allocating responsibility for its maintenance.</li> <li>7. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and public use areas and take responsibility for their oversight and maintenance.</li> </ol>
<p><b>SCENIC &amp; HERITAGE LANDSCAPES</b></p> <ol style="list-style-type: none"> <li>1. Preserve and protect . . . Freeport's scenic vistas, forests, farmlands . . . (CP page VII-1)</li> <li>2. Identify vistas or views . . . and encourage acquisition of protective easements or, more effectively, purchase, and provide access to them, where appropriate. (CP page VII-3)</li> <li>3. Encourage creative development that preserves fields, forests, farmland, shoreland, and related scenic vistas. (CP page VII-5)</li> <li>4. Use whatever tax or land management incentives are at the Town's disposal to encourage the permanent preservation of agricultural, forest and open space land. (CP page VII-6)</li> <li>5. To the maximum extent permitted by law, provide property tax relief to landowners who preserve open space and conduct agricultural and forestry activities through the State's farm and open space and the tree growth tax law. (CP page VII-9)</li> </ol>	<ol style="list-style-type: none"> <li>1. Actively assist landowners in finding creative ways to keep their lands in forest and farm production, and retain the visual quality of heritage landscapes and scenic views.</li> <li>2. Educate landowners about state property tax incentives available for conserving land in tree growth, farming, or open space use.</li> </ol>
<p><b>PLEASING &amp; VITAL OPEN SPACE SYSTEM</b></p> <ol style="list-style-type: none"> <li>1. The Commission shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition. (Conservation Commission Ordinance)</li> </ol>	<ol style="list-style-type: none"> <li>1. Actively promote and support the creation of a system of interconnected open spaces that maintains plant and wildlife populations, geographic balance, and community appearance and character.</li> <li>2. Give priority to acquisition and conservation efforts that expand and connect key natural areas.</li> <li>3. Take advantage of state and federal financial incentives, e.g. grants, provided to encourage the conservation of open space.</li> <li>4. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and natural areas and take responsibility for their oversight and maintenance.</li> </ol>

# Open Space Vision

## Introduction

Who would have predicted in 1960 that Freeport would become a mecca for shoppers! The Town has changed dramatically since then -- more stores, more visitors and traffic, more residents and houses.

Yet Freeport still has attractive stretches of country road, small town neighborhoods, and villages and buildings that retain their historic character. But development pressures threaten these and other qualities that townspeople value most such as forests, ocean access, pastures, farmland, wildlife habitat, and views of ocean and bays (see 1994 Comprehensive Plan survey results in Appendix I). New homes, in particular, are sprouting up in rural areas and chopping the remaining forests and open spaces into smaller and smaller pieces.

Zoning alone cannot curb the fragmented pattern of development that will destroy the open space qualities which Freeporters desire. Rather, Freeport also needs to consciously and assertively create a viable pattern of open space using non-regulatory tools as well, such as conservation easements, acquisition, and creative site planning.

By working with willing landowners, the Town can influence the future of its neighborhoods and rural areas. But to do so, townspeople must first agree upon a common vision of the kind of natural landscape they want for Freeport now and in future generations.

Such a vision can be a touchstone for townspeople to continuously evaluate whether town policies and actions are resulting in the kind of town they want Freeport to be.

## Vision

The following vision draws both from the 1994 Comprehensive Plan and from meetings with the public and local organizations during the development of this open space plan. It builds on the general ideas contained in the Comprehensive Plan (see Appendix II and Comprehensive Plan pages referenced below) and fills in gaps that were not addressed.

The Vision embraces four basic objectives:

- protect special resource values and functions (see Comp. Plan (CP) pp. VII-1 to 4),
- provide trails and natural areas for public enjoyment (see CP pp. VII-15 to 16),
- conserve scenic views and landscapes (see CP pp. VII-1 to 4), and
- create a pleasing and vital open space system (see Conservation Commission Ordinance).

## Resource Values and Functions

Freeport will be a place where:

- large forested areas connect with one another and with smaller forested areas in every part of town;
- wildlife species and plant communities thrive and coexist with humans because they have sufficient space and

environmental qualities to meet their needs; and

- shorelands, wetlands, and islands retain their natural character and functions.

#### Ready Access to the Ocean and Nature

Freeport will be a place where:

- people have access to the ocean from a variety of locations for recreation and commercial marine harvest;
- many trails are available on land owned by the public or by landowners who are willing to allow public access. Freeport residents can engage in a variety of pursuits including walking, cross-country skiing, snowmobiling, picnicking, hunting, fishing, dog walking, and enjoyment of nature; and
- those who live or work in town have ready access to trails and natural areas without driving, even from the most heavily developed areas, and can easily get from one special natural area or neighborhood to another by way of such trails.

#### Scenic Views and Landscapes:

Freeport will be a place where:

- views of the ocean and bays from public places are plentiful, attractive, and unobstructed; and
- roads around town still provide views of working farms, pastures, unbroken stretches of forested roadside, and other valued features.

#### Pleasant and Vital Open Space Pattern:

Freeport will be a place where:

- open space areas and their connections comprise a rational system that sustains wildlife populations, geographic balance, traditional settlement patterns, and community appearance; and
- special places such as Hedgehog Mountain, Winslow Park, Wolf Neck, Maine Audubon's Mast Landing Sanctuary, Pettingill Farm, and Harraseeket River and Harbor form the focal points for the Town's open space system.

# Land Use Trends: Potential Open Space Reality

## Trends

Freeport's population is growing only moderately, compared with some communities in Southern Maine, but the town is changing in subtle and irreversible ways. Lot-by-lot, residential growth continues along roads and, to a lesser extent, along ocean shorefronts. And I-95 and compact commercial and residential development are forming a barrier between the eastern and western parts of the town.

According to the 1994 Comprehensive Plan, Freeport's population is expected to increase 17% in the 1990s, reaching about 8900 by the year 2000. According to the Town Planner, new housing growth has slowed from 65 new homes a year built in the 1980s to somewhere in the vicinity of 50 a year in this decade, mostly in small subdivisions or on single lots.

Most single family development continues to occur west of I-95. Recent multi-family development is locating on the easterly side of I-95 where public sewer and water are available. Some residential growth is occurring on undeveloped lots which remain in compact neighborhoods such as South Freeport, Porters Landing, and Mast Landing Sanctuary.

Much of the backland away from roads has not yet been developed, however.

## Likely Future Under Current Zoning

Who can say how much Freeport will grow over the next decades or century? Who knows what life style changes or events outside of Freeport's control will influence where people want or can afford to live? These are substantial uncertainties. The only thing we do know is that the Town's current zoning, by itself, will result in a decidedly distinct pattern of land use, if and when all the buildable land is developed.

The Future Build Out Map following page 4 depicts a potential scenario for the land use pattern that is likely to result under current zoning. This map was developed by Melissa Gormley with information from the Casco Bay Estuary Program. The reader should note that this is a generalized scenario owing to the imprecision of the computer mapping.<sup>1</sup> The ultimate growth of each district is based upon the character of existing neighborhoods deemed to be "typical" of what might happen under existing zoning.

<sup>1</sup> The accuracy of satellite mapping is limited. The computer cannot distinguish between development and exposed soil and ledge. Consequently, not all of the areas that appear developed actually are, especially in shoreland (rocky coast) and backland areas (gravel pits). The computer also cannot detect development hidden by trees so more development exists than shown. The imagery provides a general snapshot of the extent of remaining large tracts of land that have not yet been excessively fragmented by roads, driveways and structures.

While we cannot know exactly where new development, roads, and driveways will occur, current zoning leads to a few probable outcomes. These include the following:

- East/West Barrier. The Route One corridor, Freeport's "growth area," will continue to expand in a dense band with commercial and, in the north, medium density residential development. This will reinforce the "wall" created by the I-95 corridor which bars easy travel for people and wildlife between the western and eastern portions of Freeport;
- Continuous Development Along Roads and Shores. Since it is less expensive to build single homes and small subdivisions adjacent to existing roads, development pressure will continue along them. Similarly, as long as some people can pay higher land prices, pressure will also continue on shorelands until no buildable land remains on the market. The character of Freeport will feel increasingly "suburban" as the remaining fields and woodlands along roads and shorelands are developed. Too few vegetated places along roads will also deter wildlife from crossing roads and from moving around freely enough to sustain their populations; and
- Fragmented Backlands. Development in rural areas on lots of 2.5 acres or more, the prescribed minimum lot size, could gradually fragment open space into areas that are too small to sustain wildlife or outdoor activities such as hunting, cross-country skiing, and enjoyment of nature. Such

fragmentation is making some wildlife such as songbirds easy targets for domesticated cats and other threats. One study of suburbanization in Westchester, New York, showed that 30% of the area's amphibian and reptile species was eradicated because the landscape was networked by roads, drainage ditches, lawns, and parking areas.<sup>2</sup>

This is not to say that Freeport's growth and zoning are intrinsically bad. They are not, but their spin-off effects do need to be anticipated and understood in order to shape the kind of open space system that Freeport envisions. That's what this plan is all about.

## Existing Conservation and Recreation Areas

As a result of ongoing conservation efforts, Freeport is lucky to have over 1500 acres already permanently reserved for either conservation or recreation. Of this acreage, about 1100 acres, is available for public use. Four hundred acres, protected by conservation easements, do not accommodate public use.

This "Dedicated Open Space" is shown on the Conservation & Recreation Use Map and listed in Appendix III. Together, conservation areas and parks constitute about 6 percent of Freeport's 23,727 acre land area.

The "Other Recreation Facilities" shown on the map are not guaranteed for conservation or public use over the long term. For example, private, fee-based commercial enterprises such as campgrounds, the golf course, and marinas are included because they provide outdoor recreation opportunities. But they should be recognized as privately owned and subject to

<sup>2</sup> The New York Times, Sept. 7, 1997

development which might preclude public use. One can see from the Conservation and Recreation Use Map that the number and size of areas dedicated long term for conservation or recreation purposes falls far short of Freeport's open space vision. These areas do protect

some vital resources and provide limited trails and open space for public enjoyment. But they do not as a whole conserve the town's character and ensure a vital and interconnected open space system. More work needs to be done!

## People perceive that conservation takes revenues off the property tax roll. . .

### Conservation may not generate property tax revenues but it pays!

Traditionally, buildings have been the underpinning of Freeport's tax base, comprising 67% of the total valuation in 1980. But building values have appreciated more slowly than land, so that their valuation comprised only 58% of the total by 1997. This means that the tax burden is shifting to improved land, such as house lots. Unimproved land remains taxed at a relatively low value, especially if it is enrolled in one of the state's taxation programs (see box, page 16). Such open space may not generate much income in comparison with improved land and buildings, but it doesn't require much service either.

In contrast, residential development costs more to serve than it generates in tax revenues. The amount has been shown to vary in Freeport, depending upon the study. In 1993-94, the average house cost the school district \$1,484 more than it brought in property tax revenues, according to a study for Maine Coast Heritage Trust. A more recent study by the Greater Portland Council of Governments estimated that educational costs created only a \$567 gap. No matter which amount one uses, converting open space to residential development also increases state valuation which can mean less state aid for education.

Public purchase of open space has a much less dramatic effect on the tax base than does residential development. The Maine Coast Heritage Trust study showed that a property tax bill on a \$100,000 home would have increased by only \$0.15 if a conservation organization had bought 500 acres of land in Freeport valued at \$500,000. Developing homes on the same property, depending upon the number, would, have resulted both in a larger tax loss and decline in state aid.

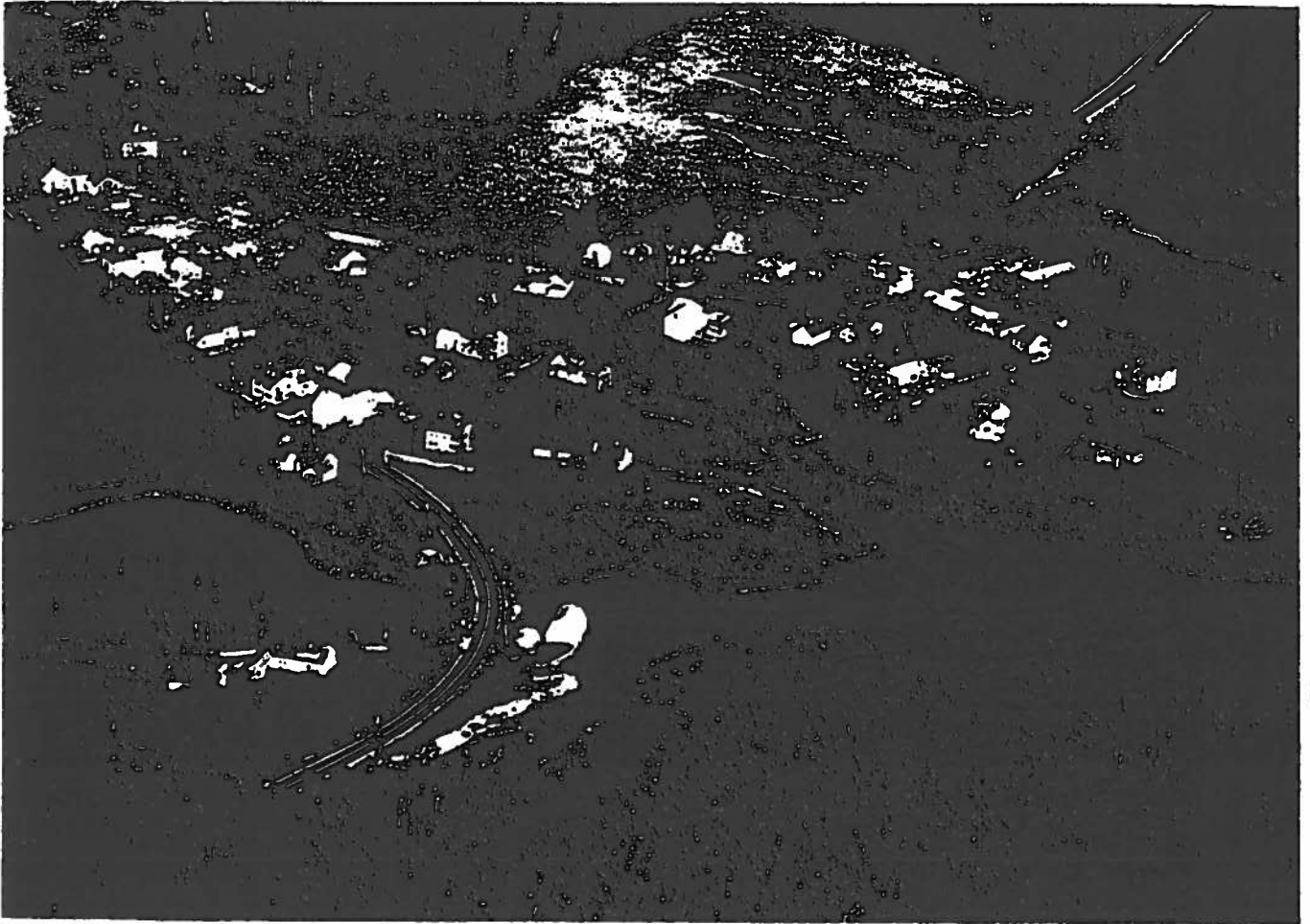
Obviously Freeport can't stop residential development. Nor is more commercial-industrial development by itself necessarily the right answer. Data shows that such development, while creating a positive balance sheet in regard to property taxes, generally attracts more residential growth in its wake and thus increase taxes. Freeport can, however, moderate the overall tax burden by finding the right balance between new homes and open space, uses which generally compete in the same zoning districts.

#### Sources:

Ad Hoc Associates. *Property Taxes in Freeport, Maine (1996) and Open Land, Development, Land Conservation, and Property Taxes In Maine's Organized Municipalities (1997)*, Maine Coast Heritage Trust.

Greater Portland Council of Governments, January 1998. *Growth Trends in Freeport, Maine. Preliminary Report.*

Fields and forest surrounding neighborhoods make Freeport a great place to live!  
(Porter's Landing, Bob Moore photo)





# Objective 1:

## Protect special resource values & functions!

### Vision

- sufficient space and habitat for most wildlife species and plant communities
- fresh and salt waters, shorelands, wetlands, and islands which retain their natural character, quality, and functions
- abundant and healthy forests to sustain water and air quality, stormwater control, wildlife, recreation, soils, and other values

### Current Status

#### Extent of Resources

Some of Freeport's most important natural resources are shown on the following maps:

- Shorelands and Wetlands
- Biological Resources
- Public Water Supply

The Shorelands and Wetlands Map depicts buffer areas in three different categories of value along streams, rivers, coastal waters, and nonforested wetlands. Forested wetlands are not included because they have not been inventoried. And a few streams are left out because they do not appear on USGS topographic maps.

Shoreland and wetland areas have important water quality, scenic, wildlife, and recreation values. "High value" areas include rivers, perennial streams, the largest and most important wetlands, coastal waters, and tidal flats. This map includes a few more perennial streams than does Freeport's Shoreland Zoning Map which is limited to only those draining 25 square miles or more. The 250 foot setback for

high value areas conforms with shoreland zoning, though many species of wildlife need a buffer of 330 feet or more.<sup>3</sup>

A 100 foot setback from intermittent streams and moderate sized wetlands traces the "moderate value" areas. A 100 foot buffer is generally recognized as sufficient for protecting water quality, depending upon soil and slope conditions. The smallest wetlands are included in the "lower value" category, though these areas, too, play an important role in sustaining environmental quality, as do forested wetlands which are not delineated on the map.

The Biological Resources Map is the result of a rating process conducted by the U.S. Fish and Wildlife Service which summarized the values of 11 different habitats including: eelgrass, cordgrass, shellfish harvest, marine worm harvest, waterbird, bald eagle nesting, roseate tern, seabird, shorebird, wading bird, and fish. The Conservation Commission added deer wintering areas identified by the Maine Department of Inland Fisheries and Wildlife to the USFWS assessment.

This map shows that "high" and "moderate" value resources concentrate in and near coastal waters. Streams and wetlands appear as "lower" value because they contain fewer overlapping habitat types, but they are nonetheless important.

<sup>3</sup> Chase, V. P., et al. 1995. *Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities*. Audubon Society of N.H.

The Biological Resources Map shows only the most critical habitat areas that have been identified to date by state and federal agencies. The maintenance of a diverse array of plant and wildlife species, our ecological heritage, however, depends not only on the protection of these habitat areas, but also upon the availability of large interconnected tracts of undeveloped land.

Much of Freeport's land area has already been fragmented by roads and development as shown in the Future Build Out Map mentioned on page 3. The largest remaining open space areas still support deer and moose, according to local anecdote, but they may not over the long term as development continues to chip away at them.

The Department of Inland Fisheries and Wildlife has provided a guide for considering the relative space needs of various types of wildlife (see Figure 1). While raccoon and skunk rummage around in even the smallest remnants of open space, hawks and deer require much larger natural territories, as do some species of songbirds and small rodents.

Considering the long term, only two permanent conservation areas contiguous to one another may be large enough to sustain species such as goshawk, moose, deer, and wild turkey. Wolf Neck State Park and Wolf Neck Farm together comprise just over 500 contiguous acres. The next largest areas, i.e. Mast Landing Sanctuary and Hedgehog Mountain, each have only about one hundred acres.

Existing conservation areas won't function well over the long term for wildlife unless they are expanded and joined by undeveloped connectors. And if Freeporters want to retain hunting, some areas in the community will have to be even larger than Figure 1 suggests in order to provide a margin of safety between homes and hunters.

The Future Build Out Map also generally indicates the extent of Freeport's remaining forests. In addition to providing wildlife habitat, forests play a critical role in water quality protection, flood management, scenic character, and climate control. For instance, studies have shown that about 90% of a watershed, depending upon local soils and

Figure 1: MINIMUM HABITAT BLOCK SIZE REQUIREMENTS FOR MAINE WILDLIFE  
Maine Patterns of Development Task Force, Maine Environmental Priorities Task Force

<u>Tier 5</u> <u>1-19 Acres</u>	<u>Tier 4</u> <u>20-99 Acres</u>	<u>Tier 3</u> <u>100-499 Acres</u>	<u>Tier 2</u> <u>500-2500 Acres</u>	<u>Tier 1</u> <u>Undeveloped</u>
RACCOON MOST SMALL RODENTS COTTONTAIL SQUIRREL MUSKRAT RED FOX MANY SONGBIRDS SKUNK MOST REPTILES RING NECK SNAKE MOST AMPHIBIANS	HARE PORCUPINE BEAVER WEASEL WOODCHUCK GARTER SNAKE	MINK DEER SHARP-SHINNED HAWK COOPER'S HAWK HARRIER BROAD-WINGED HAWK KESTREL HORNED OWL BARRED OWL OSPREY TURKEY VULTURE TURKEY WOOD FROG	MOOSE BALD EAGLE GOSHAWK RED-TAIL HAWK RAVEN	COYOTE BOBCAT BLACK BEAR FISHER

terrain, should remain in forest or other pervious surfaces to manage runoff naturally and thus avoid costly engineered stormwater or water pollution control systems and protect marine and aquatic habitats, e.g. shellfish.<sup>4</sup> Somewhere in the order of nine percent (9%) of Freeport is already developed. This rough estimate should be used guardedly because of the inaccuracies inherent in satellite mapping, however.

Finally, the Public Water Supply Map notes the locations of well heads and sand and gravel aquifer recharge areas that provide the source of public water supply in Freeport. Some are already partly developed.

#### Protection Status

About 1523 acres shown on the Conservation and Recreation Use Map are protected in perpetuity. Also, Consumers Water Company owns additional lands for water supply protection in the Frost Gulley and Harvey Brook area.

Some also receive at least short term protection through local regulations. All coastal wetland buffers, well head protection areas; and some perennial stream and wetland buffers are included in the Resource Protection I district of Freeport's zoning ordinance. Aquifer recharge areas are less well protected; they are included in the Resource Protection II district where residential development is permitted.

In addition, approximately 4,634 acres of woodland, fields and wetlands as of 1997 (about 20% of Freeport's 23,727 total acreage) also receive short term protection through state taxation programs.

<sup>4</sup> "The Importance of Imperviousness," in Watershed Protection Techniques. Vol. 1, No. 3, Fall 1994.

#### Acreage Under Taxation Programs

Tree Growth (3,710 acres),  
Open Space (290 acres), and  
Farmland (634 acres).

Intermittent streams, small wetlands, and deer wintering areas are not protected by local regulations. They do, however, receive some protection through the State's Site Location of Development Law and Natural Resources Protection Act.

### Town Forests Offer Income & Legacy

Communities can generate income from conserved lands and keep community values alive in the bargain . . .

Troy, Maine, is a good example. In the 1940s, the town acquired about 1340 acres of land in 15 parcels, many contiguous, through property tax defaults. Elected trustees who manage the land planted red pine in the abandoned fields which have since grown up to sustain 2 or 3 selective cutting cycles. In 41 years, the town has earned \$187,765 in timber sales which amount to \$4,580 a year, though income is generated in cycles. While this land isn't particularly unique, it does conserve Troy's legacy of working forest and traditional hunting areas. (Source: Consulting Forester David Rock, Troy, Maine.)

Offering another example, Amherst, Massachusetts, owns about 3000 acres of land in neighboring communities to protect its water supply. The Town averages about \$10,000 a year in timber sales from red oak, white pine, and some fuelwood harvested from the watershed management area. This income helps support the town's land conservation staff. (Source: Amherst Conservation Director Peter Westover)

## **Open Space Policies**

### **Existing Policies of Comprehensive Plan**

1. Preserve, protect, and, where appropriate, enhance Freeport's land and water resources. Preserve and protect Freeport's wildlife habitat, . . . forests, . . . streams, and shorelines, and the wise use of the Town's non-renewable earth, mineral, and water resources. (CP p. VII-1)
2. Create a network of significant wildlife habitats. (CP p. VII-3)
3. Protect the most significant natural . . . resources. (CP p. VII-5)

### **Additional Policies**

1. Protect streams, rivers, ponds, coastal waters, shorelands, wetlands and their buffers, forests, and wildlife habitats on a holistic basis that sustains the integrity and function of natural systems and populations.
2. Give priority for conservation to areas with high open space values and field check each one prior to any public purchase.

## **Goals For 2009**

1. Create high landowner awareness and action to protect all shoreland and wetland areas and minimize impacts from development.
2. Add goals after completion of Maine Department of Inland Fisheries terrestrial wildlife recommendations.

## **Action Recommendations**

1. The Conservation Commission will continue working with the Maine Department of Inland Fisheries and

Wildlife to identify terrestrial habitats of importance and will request the department to field check any recommended for conservation. Any new areas will be added to the GIS mapping system and Resource Values Summary Map.

Schedule: 1999

2. The Conservation Commission will

develop and update periodically a priority list of natural areas for conservation based upon this plan; and work with landowners to conserve their values through easements, donations, purchase, and creative development.

Schedule: 1999 and ongoing

3. In conjunction with Planning Board, develop recommendations to conserve valuable natural resources in development projects.

Schedule: 1999-2000

## **Trails On Private Land Require Special Consideration**

Landowners don't want to attract nuisance use and vandalism to their property so . . .

it is no wonder many are reluctant to let people know about informal trails on their land. At a public meeting, some Freeporters said private trails shouldn't be shown on public maps, even snowmobile trails which are already publicized. But they do want the Town to develop a trails plan and work with willing landowners to implement it. Members from both the Orono, Maine, and Boxford, Massachusetts, land trusts say that working with developers to conserve or relocate traditional trails in subdivisions has been critical to successful conservation of ten miles of trails in each community.

# Objective 2:

Provide trails and natural areas for public enjoyment!

## Vision

- access to the ocean from a variety of locations
- trails connecting key natural areas and providing for a variety of pursuits including walking, fishing, cross-country skiing, snowmobiling, picnicking, hunting, dog walking, and enjoyment of nature
- access to trails and natural areas from neighborhoods

## Current Status

### Extent of Resources

Six public trail systems are associated with Freeport's key natural areas including:

- Hedgehog Mountain Town Park
- Winslow Town Park.
- Wolfe's Neck Woods State Park,
- Mast Landing Sanctuary Sanctuary,
- Wolf Neck Farm, and
- Tidebrook Conservation Area.

In addition, one can walk into the Pettingill Farm along the access road and the Freeport Conservation Trust is planning another trail system at Powell Point. None of these trails is connected with one another by public trails, sidewalks, or bikeways, but connections across private lands may exist.

Informal trails exist in many neighborhoods but landowners cannot be expected to provide public access to them unless a formal arrangement is developed. The location of

Freeport's informal trails has not been documented.

No formal access is available to coastal islands, though a few landowners elsewhere in Casco Bay allow the public to use their island property as part of the Maine Island Trail.

People can launch motor boats at town sites at Winslow Park and Porter's Landing. Smaller boats can be launched from the Town Wharf in South Freeport, Lower Mast Landing Sanctuary (Freeport Conservation Trust), and Cove Road (Town). Clammers also have access to Wolf Neck across property of the Freeport Conservation Trust.

Some private lands with conservation easements which have been awarded to the Freeport Conservation Trust do not allow public access. Other easements held on Wolf Neck Farm and Tidebrook allow limited public access.

### Access from Neighborhoods

Urban planners use a rule of thumb that most people won't walk more than about a quarter to a half mile to get to their destinations. Recreationists, however, are known to venture further to reach a park or trail system, if conditions such as safe sidewalks, road shoulders, or connecting trails along their route are favorable for walking, running, or cross-country skiing.

**Map goes here**

The Neighborhood Map shows the general locations of concentrated residential areas in Freeport. Existing aggregations of conserved lands are fairly well distributed in relation to these neighborhoods, at least on the eastern side of I-95, so residents can get to at least one of them by walking or driving a short distance from their homes. However, none are easily within walking distance from residential areas in the downtown or parts of north or northwest Freeport.

Hedgehog Mountain and parcels along I-95 at the mouth of Merrill Brook are the only lands dedicated for conservation west of I-95. But school teams use the privately owned golf course for cross-country skiing and running, and the public is also welcome to ski there for a fee. The Nature Conservancy has offered to donate property to the Town in the Grant Road vicinity which, if accepted, would help make up the deficiency in the North Freeport/Ward Town area.

People can camp in or near a couple of Freeport's dedicated natural areas including Winslow Park, Wolf Neck Farm (Recompense Shore), and Flying Point Campground, a private establishment located next to a small parcel of land owned by the Freeport Conservation Trust. Two other private campgrounds are located in the "Desert of Maine" and North Freeport areas.

## Open Space Policies

### Existing Policies of Comprehensive Plan

1. Enhance Town natural resources for public use by all appropriate means. (CP p. VII-2)
2. Preserve and protect . . . recreational opportunities . . . [associated with Freeport's land and water resources]. (CP p. VII-1)
3. Continually assess needs and opportunities so that a wide range of recreational services and facilities can be made available to all Freeport residents regardless of age, season, or location. (CP p. VII-15)
4. Consider the effects of development, including subdivisions, on the availability of, and access to, lands which provide opportunities for recreation. Provide such access where feasible. (CP p. VII-15)
5. Encourage the establishment of recreational trail systems, with adequate public access . . . (CP p. VII-15)
6. Support efforts by private individuals and organizations to work independently and with the Town to create, with landowner permission, walking, cross-country skiing, cycling, and snowmobiling trails within Freeport and connecting to adjacent communities where appropriate

## Hiking Trails Among Most Desirable Amenities

Buyers shopping for homes in newly developed communities placed top value on . . .

community design that delivers low traffic and quiet, "natural, open space;" and walking and biking paths. The Washington Post reported an American Lives survey finding that consumers are putting an increasingly high premium on interaction with their environment through wooded tracts, nature paths, and preserving wilderness, meaning in this case the setting aside of substantial acreage to preserve the fauna and flora that existed prior to the building of the subdivision.

- ... and create easements or [accomplish] Town purchase, where appropriate, to maintain existing trails (CP p. VII-16)
7. Encourage the creation of new or improved public access ways to the ocean, including islands, along with an adequate amount of associated parking in accessible locations. (CP p. VII-16)

#### **Additional Policies**

1. Site public recreational facilities for organized or indoor sports in a manner that complements and provides access to, and parking for, Freeport's open space system, whenever possible.
2. Site trails and public use areas in a manner that minimizes impacts on sensitive natural resources and avoids conflicts among users and with abutters.
3. Clearly identify places which are available for public use and promote appropriate behaviors for using private and public property.
4. Provide incentives to encourage landowners to make their properties available for public use, e.g. short term leases.
5. Collaborate with neighboring communities to link trail systems wherever appropriate.
6. Open land to public use only after developing a management plan and allocating responsibility for its maintenance.
7. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and public use areas and take responsibility for their oversight and maintenance.

#### **Goals For 2009**

1. Create at least one trail connector

between two key natural areas.

2. Provide every major neighborhood with at least one, modest trail system and natural area.
3. Provide signs for all areas and trails available for public use.
4. Make one island trail or natural area available for public use<sup>5</sup>.

#### **Action Recommendations**

1. The Conservation Commission, Recreation Committee, and Freeport Conservation Trust, will form a working group, along with public members from each part of town, to develop a Master Trails Plan. The plan will be used for working with landowners and organizations interested in helping to expand Freeport's public trail system. The plan will identify:
  - priorities for linking key natural areas, establishing neighborhood trails, and, where appropriate, retaining paper streets for such use,
  - strategies for securing funding,
  - opportunities for linkages among communities and learning from the experience of Portland Trails and other organizations,
  - strategies for providing parking, signage, and maintenance, and
  - opportunities for adoption by businesses and civic organizations.

It will be updated every ten years.

Schedule: 1999

2. The Conservation Commission will work with the Planning Board to develop recommendations for strengthening regulatory incentives, e.g. subdivision or site plan review set aside requirements, to

<sup>5</sup> From 1994 Comprehensive Plan, page VII-16, Item 3A.



encourage the provision or retention of  
public access to trails and open space.

Schedule: 1999

### **Won't I Be Liable If Someone Gets Hurt Using My Land?**

Landowners are sometimes  
reluctant to let people use their  
land for fear of being sued.  
Maine Law protects landowners  
from liability by providing that:

an owner, lessee, manager, or holder of an  
easement or occupant who gives permission to  
another to pursue recreational activities does not  
. . . assume responsibility or incur liability for  
any injury to person or property caused by any  
act of persons to whom the permission is  
granted. (See 14 MRSA Section 159-A for  
details.)

**Freeporters enjoy walking along the Harraseeket River!**  
**(Dorsey/Sawtelle easement, Freeport Conservation Trust photo)**

**Glimpses of water along roads and highways create a strong visual image for Freeport!**  
**(Means Massacre Field, Freeport Conservation Trust photo)**

# Objective 3:

Conserve scenic views & landscapes along roadways and shorelands!

## Vision

- plentiful, attractive, and unobstructed views of the ocean, bays, and mountains from public places
- views of working farms, pastures, unbroken stretches of forested roadside, and other features that are Freeport's heritage

## Current Status

### Extent of Resources

Freeport is a beautiful town, with many views of the ocean, farms, fields, forests, and historic homes from the road and water. These visual resources are important to residents who most frequently cited the following particular scenic views and natural areas in a survey reported in the 1994 Comprehensive Plan (see Appendix D):

- Flying Point
- Wolf Neck
- Porter's Landing
- Winslow Park
- Mast Landing Sanctuary
- Little River/Burnett Road
- High View Road
- Freeport Castle
- So. Freeport Harbor/Harraseeket River

Such places, along with views of the ocean, forests, farms, and fields in general, remind us of Freeport's history, provide a positive visual image for the town, serve as landmarks, and enhance our psychological well being by

providing a restful contrast to development.

The Preliminary Visual Resources Map, available for inspection at the Town Office, provides the only existing local documentation of important views and scenic areas in Freeport. It was prepared informally during development of the 1994 Comprehensive Plan. The rationale and method used for this inventory have not survived so the map must be considered as "preliminary." While in need of rigorous update, it does provide a general indication of the number and location of views. But there is no indication as to which views are of the ocean, farmland, or other specific type of visual feature, and there is no assessment of views as seen from the water.

The Important Farmlands Map shows the extent of remaining farms, fields, and pastures. In 1998, only four working farms survive from the 1800s when Freeport agriculture was more prevalent and economically viable. In addition, many fields and pastures, though not used for farming at present, are scattered along rural roadways.

Forests are also highly important to the town's character. In the Comprehensive Plan survey, townspeople ranked them first, along with views of the ocean, among the natural qualities enjoyed most.

### Protection Status

Several places identified by townspeople in the Comprehensive Plan survey on the previous page are already protected by private and public initiative. In fact, people enjoy them most because their beauty and public use have been retained.

Land associated with two working farms has been conserved through conservation easements: Wolf Neck Farm and Talbot Farm. While not used for farming or conserved through formal means, many other fields and pastures are mowed by landowners who want to maintain their visual character or harvest grass for hay.

As mentioned earlier, about one fifth of Freeport, approximately 4,634 acres in 1997, receive short term protection through taxation programs. Of this number, 3710 acres are managed for timber production under the Tree Growth Program and 634 acres are actively farmed under the Farmland Taxation Program. The remaining 290 acres are enrolled in the Open Space Program.

Freeport's land use ordinances are of limited value in conserving open space. While the Comprehensive Plan promoted creative development and the use of cluster design concepts to retain open space (see Appendix II), the zoning ordinance doesn't contain effective provisions to accomplish these ends.

## **Open Space Policies**

### Existing Policies in Comprehensive Plan

1. Preserve and protect . . . Freeport's scenic vistas, forests, farmlands . . . (CP p. VII-1)
2. Identify vistas or views. . . ; and encourage acquisition of protective

easements or, more effectively, purchase, and provide access to them, where appropriate. (CP p. VII-3)

3. Encourage creative development that preserves fields, forests, farmland, shoreland, and related scenic vistas. (CP p. VII-5)
4. Use whatever tax or land management incentives are at the Town's disposal to encourage the permanent preservation of agricultural, forest and open space land. (CP p. VII-6)
5. To the maximum extent permitted by law, provide property tax relief to landowners who preserve open space and conduct agricultural and forestry activities through the State's farm and open space and the tree growth tax law. (CP p. VII-8)

### Additional Policies

1. Actively assist landowners in finding creative ways to keep their lands in forest and farm production, and retain the visual quality of heritage landscapes and scenic views.
2. Educate landowners about state property tax incentives available for conserving land in tree growth, farming, or open space use.

## **Goals For 2009**

1. Retain all working farms.
2. Maintain, and increase if possible, the amount of acreage enrolled in the Tree Growth, Farmland, and Open Space Programs.
3. Add goals after completion of visual resource inventory.

## **Action Recommendations**

1. The Conservation Commission will conduct an inventory and quantitative

ranking of visual resources in Freeport, including scenic areas, scenic roads, and views from public places on both land and water; and incorporate the results into this plan and accompanying maps, e.g. Resource Values Summary Map.

Schedule: 1999

2. The Town Council may request the Freeport Conservation Trust to work with the Conservation Commission and be the point of contact for landowners seeking assistance in conserving their properties through creative development, state taxation programs, easements, and other conservation techniques. The Trust may actively approach and offer assistance and information to landowners who intend to or have put any lands on the market which have been identified on Resource Values Summary Map.

Schedule: 1999 and on-going

3. The Conservation Commission will work with the Planning Board to review and propose changes to make existing land use regulations more effective in conserving open space, especially those areas shown on the Resource Values Summary Map. This review should explore such techniques as incentives/requirements for cluster and creative design of development, conservation overlay zoning, open space set asides or payments to the Land Bank Fund in lieu of set asides, and vegetative buffers along rural roads. An overlay zone is where special requirements apply such as conservation of a specific amount of open space.

Schedule: 1999-2000

## Give Taxpayers A Break!

Can communities give landowners property tax breaks in exchange for conserving open space?

The answer is yes but . . .

Only if a property has a permanent, enforceable development encumbrance which results in a measurable loss in market value, or if property qualifies under one of the State's three property taxation programs, of which only the last was designed specifically to conserve open space:

- Tree Growth
- Farmland
- Open Space.

This is because the State holds all authority to tax in Maine. The State specifically delegates responsibility for administering property tax laws to municipal assessors (not communities in general) who statutorily answer to the state tax assessor and have no discretion to offer local exemptions. Freeport's local assessor encourages landowners who request reduced taxation on encumbered lands to participate in one of the three State programs. This provides a consistent and objective method for determining market value.

Local assessors, including Freeport's, also encourage land conservation by assessing "excess acreage" in properties over a certain size at a lesser amount than the first acre, or whatever sized "trip points" he or she establishes.

**Map goes here**

# Objective 4:

## Create a pleasing & vital open space pattern!

### Vision

- a system of interconnected open spaces that sustains wildlife populations, geographic balance, traditional settlement patterns, and community appearance
- large, interconnected, forested areas throughout town
- key natural areas as focal points of the open space system

### Current Status

#### Extent of Resource

The sum of the areas that are already conserved in Freeport is impressive but does not constitute a functional "system" of open space. To function as a system, these areas must:

- be large and numerous enough to sustain wildlife populations and other natural functions such as cleansing the water and air,
- contain as many high value resources as possible to accomplish flood control, air and water quality purification, and climate control; meet recreation needs; and conserve traditional settlement patterns and scenic character - with the least cost and disruption to public and private interests, and
- connect with one another to allow free movement and replenishment of natural populations, and in those areas where landowners are willing, public use.

The Resource Values Summary Map shows where selected resource areas are most concentrated. It provides a summary of three other maps including:

- Shoreland Areas & Wetlands,
- Important Biological Resource Areas, &
- Important Farmland Areas.

The Department of Inland Fisheries and Wildlife is developing information concerning terrestrial wildlife which will be added later. Visual resources and most valuable forest areas are also not included in this map at present because no reliable inventories are available. Public Water Supply areas are not included because many of them have already been developed.

In compiling the Resource Values Summary Map, the computer was directed to assign points to each value category of each individual map, i.e. 10 points for high value areas, 5 for moderate value areas, and 3 for lower value ones. The summary map shows the cumulative values of the information on the three maps with highest scores representing the areas with greatest overlapping values. The amount of acreage represented in each of the value categories is as follows:

High	3800 acres
Moderate	4300 acres
Lower	5500 acres

The resulting pattern provides a guide for the Town and conservation organizations to use

in working with landowners to ensure that as many as possible of the highest value areas are included in Freeport's open space system.

The Open Space Pattern Analysis Map provides a way to see how closely existing conservation efforts relate to the pattern of valuable resource areas. It shows information from the Resource Values Summary Map and Recreation and Conservation Use Map, superimposed on the remaining forested and natural areas in town. It is important to emphasize that the remaining open space areas shown are approximate and even smaller in size than noted. This is because of the limitations in satellite imagery mapping mentioned earlier.

The Size of Contiguous Parcels Map provides insight into the other two components of an ideal open space system -- size and connections. The Wolf Neck area contains the highest concentration of conserved land with just over 500 acres. The farm and state park parcels are linked except where the Little River bisects them. All of other aggregations of conserved land in Freeport are comparatively small. The Mast Landing Sanctuary, Pettingill Farm, and Porter's Landing areas, however, could function as a large area if their total 323 acres were permanently connected by open space corridors.

## **Open Space Policies**

### Existing Policies Within Conservation Commission Ordinance

1. The Commission shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition.

### Additional Policies

1. Actively promote and support the creation of a system of interconnected open spaces that maintains plant and wildlife populations, geographic balance, and community appearance and character.
2. Give priority to acquisition and conservation efforts that expand and connect key natural areas.
3. Take advantage of state and federal financial incentives, e.g. grants, provided to encourage open space conservation.
4. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and natural areas and take responsibility for their oversight and maintenance.
5. Consider creating a reserve account from the proceeds from the sale of Town-owned property toward the future purchase of other land that may be needed for public use.

## **Goals For 2009**

1. Double the amount of land that is dedicated for open space from 1500 to 3000 acres, giving highest priority to high value natural areas and connectors, especially those which together will constitute an interconnected, and healthy system. Where possible, build upon existing conservation areas to create contiguous areas greater than 500 acres.

## **Action Recommendations**

1. Propose a referendum to authorize a bond issue for the Land Bank Fund (see Appendix IV) as an essential component



for accomplishing the goals of this plan. This money, which will only be spent with Town Council approval, will help leverage state and federal grants and private donations.

Schedule: 2000

update or revise the plan every five years; and update the natural resources inventory as necessary.

Schedule: annual report  
2004, 2009 updates

2. The Town Council will continue to request the Conservation Commission to review the conservation potential of any Town-owned lands prior to their sale. The Commission will review existing undeveloped Town-owned land to determine its importance to sustaining a viable open space system. It will recommend any properties to the Council which should be dedicated for conservation use.

Schedule: 1999 and ongoing

3. The Conservation Commission will report annually to the Town Council on progress in implementing this open space plan;

4. The Conservation Commission will work with the Planning Board to review and propose changes to make existing land use regulations more effective in conserving open space, especially those areas shown on the Resource Values Summary Map. This review should explore such techniques as incentives and requirements for cluster and creative design of development, open space set asides or payments to the Land Bank Fund in lieu of set asides, vegetative buffers along rural roads, and conservation overlay zones. (This recommendation is repeated from Objective 3, page 19.)

Schedule: 1999-2000

## Freeport Land Bank Fund Provides A Start

### Lack of flexibility in negotiating with landowners is a daunting obstacle . . .

facing public and non-profit conservation organizations. Because many communities don't capitalize land acquisition accounts, most conservation commissions in Maine lack sufficient funds for moving rapidly to secure options from landowners impatient to sell their land. Opportunity — being able to move on important properties as they appear on the market — is key to success.

Freeport's Land Bank Fund currently contains approximately \$13,000 for land purchase. The Conservation Commission also has approximately \$62,000 in the Hedgehog Mountain Account, which is restricted to purchase and development activities associated with the mountain area. This money is a good start, but it won't go very far toward attaining Freeport's land acquisition goals, given current land values and development pressures. This plan recommends that the Town bond more money to leverage funds and accelerate conservation projects, similar to Falmouth's approach.

Recognizing the need for flexibility and commitment, Falmouth voters recently authorized their Town Council to bond up to \$1 million for land conservation. This initiative, among others, reflects that community's commitment to creating a viable open space system before the most significant properties are subdivided or developed.

## Shaping Successful Development & Open Space Patterns Requires Action On Many Fronts

Acquisition and Voluntary Protection are but two key tools needed to shape an open space and development pattern that really conserves what townspeople most value about a community.

Regulation & Education are just as important.

Some pointers from other communities:

Falmouth, Maine. Two central components of Falmouth's open space program work in tandem -- a resource conservation overlay zone encompassing about 50% of the community and a \$1 million bond authorization for land purchase. Development projects in the overlay zone must conserve at least 50% of a property's resource values, using up to five criteria stipulated in the ordinance. Town Planner George Theborge advises that Falmouth will use the bond issue to purchase lands with the highest resource values to show developers that conservation pays by adding value to adjacent developments. Like the Freeport Conservation Commission, he believes that conservation of the most strategic places can make an open space system feel and function much larger than it really is, e.g., conservation of 3 acres of river and roadside buffer in a 21 acre Presumpscot River project.

Amherst, Massachusetts. Amherst has already permanently dedicated more than 26% of its land area to conservation. Using a state program for purchase of farmland development rights, land trust efforts, gifts and donations, and creative development designs, the town has acquired about 140 parcels and a trail network that includes portions of two regional trails. According to Conservation Director Peter Westover, core trails anchor the open space system, even if some segments currently have only temporary protection. Special zoning districts protect another 40% of the town, encompassing wetlands, floodplains, watershed protection lands, aquifers, and farmlands. Subdivisions in farmlands and some watershed protection areas must be laid out as cluster developments; and maximum lot and building coverages are specified in the aquifer zone, e.g. maximum lot coverage for residential land is 15%.

In both communities, land trusts, conservation commissions, planning boards, and town staff all pitch in to raise public awareness about how to conserve and develop land wisely.