

Clark

**AGENDA
FREEPORT TOWN COUNCIL MEETING #23-2002
TOWN HALL COUNCIL CHAMBERS
SEPTEMBER 24, 2002 – 7:00 P.M.**

FROM: Dale C. Olmstead, Jr.

TO: Robert Stevens, Chairperson, Porters Landing
John Arsenault, Vice Chairperson, Prout Road
Kenneth Mann, Mann Road
David Soley, Arnold Road
Eileen Lowell, So. Freeport Road
Rod Regier, South Street
Susan Campbell, Hunter Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #22-2002 held on September 3, 2002 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.

ITEM #163-2002 To consider action relative to adopting the September 24, 2002 Consent Agenda.

BE IT ORDERED: That the September 24, 2002 Consent Agenda be adopted.

ITEM #164-2002 To consider action relative to acquiring property from Ronald & Dorothy Cummings (Tax Map 17, Lot 43).

BE IT ORDERED: That the acquisition of property from Ronald & Dorothy Cummings (Tax Map 17, Lot 43) be approved.

BE IT FURTHER ORDERED: That the Bond Proceeds approved by the voters for land acquisition be used to complete the transaction and be repaid by the NAWCA Federal Grant awarded to the Town of Freeport.

ITEM #165-2002 To consider action relative to an amendment to the Tax Rate Policy.

BE IT ORDERED: That the Tax Rate Policy be amended to include the following language:

Decrease in State Aid to Education, excluding Debt Service Payments, shall be in addition to the CPI adjustment.

NOTE: Item requested by Councilor Arsenault.

ITEM #166-2002 To consider action relative to the Tax Rate Policy for Fiscal Year 2004.

BE IT ORDERED: That the Tax Rate Policy for Fiscal Year 2004 be enforced.

NOTE: Item requested by Councilor Arsenault.

ITEM #167-2002 To consider action relative to amendments to the Zoning Ordinance concerning residential development in the Commercial III District (CIII) Chapter 21.

BE IT ORDERED: That a Public Hearing be scheduled for October 8, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss an amendment to the Zoning Ordinance.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable Channel 7 and the Town's website.

ITEM #168-2002 To consider action relative to the approval of an Emergency Management Operation Plan for the Town of Freeport.

BE IT ORDERED: That the proposed Emergency Management Operation Plan for the Town of Freeport be approved.

ITEM #169-2002 To consider action relative to a Resolution Supporting an Act to Reduce Property Taxes Statewide.

WHEREAS, Maine relies too heavily on the property tax to pay for Kindergarten through Grade 12 Education; and

WHEREAS, the State's tax structure is too "volatile", resulting in an unpredictability of state tax revenues that significantly disrupts both state and local efforts to budget governmental resources; and

WHEREAS, the alignment of tax burden is a matter of great concern to residents and businesses; and

WHEREAS, Maine's tax structure should be changed to reduce the State's reliance on the local property tax to fund K-12 education and special education costs, reduce the volatility of Maine's tax code, more equitably re-align the tax burden among the state's three major tax revenue sources, and allow the Legislature to develop a plan to reduce Maine's overall tax burden; and

WHEREAS, municipalities have tried for many years to get the Legislature to engage in tax reform to address Maine's flawed tax code and the Legislature has rejected these efforts and failed to enact meaningful tax reform; and

WHEREAS, we believe it is time to directly provide the citizens of Maine the opportunity to vote on proposed changes to Maine's tax structure that will reduce property taxes statewide:

NOW, THEREFORE BE IT RESOLVED: That the Town of Freeport Town Council hereby supports the proposed tax reform initiative of the Maine Municipal Association entitled "An Act to Reduce Local Property Taxes Statewide."

ITEM #170-2002 To consider action relative to an expenditure from the Soule School Building Maintenance Reserve Account.

BE IT ORDERED: That up to \$3,500.00 be expended from the Soule School Building Fund to provide for roof and building repairs.

NOTE: Item requested by Councilor Regier.

ITEM #171-2002 To consider action relative to the appointment of a Village Planning Committee.

BE IT ORDERED: That the following individuals be appointed as members of a Village Planning Committee.

<u>Name</u>	<u>Current Involvement</u>
1. Cliff Goodall	Chairman
2. Rod Regier	District 1 Town Councilor
3. Alan Caron	Planning Board

**COUNCIL MEETING #23-2002
SEPTEMBER 24, 2002**

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|----------------------------|--|
| 4. Susan Backhouse | Bagley House Bed and Breakfast |
| 5. George Denney | Freeport Community Improvement Association |
| 6. TBA | Freeport Community Services |
| 7. Travis Pryor | Freeport Conservation Commission |
| 8. TBA | Freeport Design Review Board |
| 9. Edgar Leighton | Freeport Economic Development Corporation |
| 10. TBA | Freeport Elders |
| 11. Mac Collins | Freeport Historical Society |
| 12. John Egan | Freeport Housing Trust |
| 13. David Marstaller, V.P. | Freeport Merchants Association |
| 14. TBA | Freeport Pastor's Association |
| 15. Susan S. Saunders | Freeport Village Commercial Property |
| 16. Rick White | L.L. Bean |
| 17. Steve Brown | Resident |
| 18. Linda G. DeGrandpre | Resident |
| 19. Laura Girr | Resident |
| 20. Nancy D. Gray | Resident |
| 21. William B. Greene | Resident |
| 22. Julia Hamlin | Resident |
| 23. Alicia Harding | Resident |
| 24. Anna Johnson | Resident |
| 25. Melissa Mencher | Resident |
| 26. Peter A. Moulton | Resident |
| 27. Adam Nappi | Resident |
| 28. Janet O'Brien | Resident |
| 29. Ronald L. Smith | Resident |
| 30. Peter W. Taggart | Resident |
| 31. Laura Unfricht | Resident |

BE IT FURTHER ORDERED: That the Committee be charged with the tasks as printed and complete their work by June 15, 2003.

OTHER BUSINESS:

1. Discussion on a State Planning Office and Maine Coastal Water Quality Protection Program. (Donna Larson)
2. Discussion on Oliver Property on Daisy Drive.
NOTE: Item Requested by Councilor Campbell.
3. Report from the Planning Board on the status of the Shaw's Development, DeLorme property zone change and subdivisions approved.
NOTE: 1) Item requested by Councilor Mann.
2) Vision 2010 presentation had been previously requested by Chairperson Stevens for October 15 workshop.
4. Discussion on distribution of excess funds from the FY 2002 Budget.
NOTE: Item requested by Councilor Stevens.
5. Discussion on October 10 Regional Meeting.
6. Discussion on Town of Jay letter concerning Tax Reform and Personal Property Tax.

Adjourn.

**TOWN COUNCIL
CONSENT AGENDA
SEPTEMBER 24, 2002**

ITEM #160-2002 To consider action relative to the approval of applications for Victualers licenses.

BE IT ORDERED: That the following applications for Victualers licenses be approved.

Joan Gogerty d/b/a Spar Cove Inn, 14 Cooper Road

ITEM #161-2002 To consider action relative to nominating Freeport's Voting Delegates at the MMA Annual Convention.

BE IT ORDERED: That Dale Olmstead be Freeport's Voting Delegate and Donna Larson the Alternate Delegate at the MMA Annual Convention.

ITEM #162-2002 To consider action relative to appointments to Boards and Committees.

BE IT ORDERED: That the following individuals be appointed to serve as members of Board and Committees.

<u>Name</u>	<u>Board/Committee</u>	<u>Term Expires</u>
James Cassida	Planning Board	May 1, 2004
Peter Quesada	Library Board of Trustees	April 11, 2003
Douglas Reighley	Appeals Board	July 1, 2005
Peter Moulton	Design Review Board	October 1, 2005
Judith Wood	Design Review Board	October 1, 2005
Jeff Hawthorn	Recreation Commission	November 1, 2005
Steve Brown	Traffic & Parking Committee	December 1, 2005
Edgar Leighton	Traffic & Parking Committee	December 1, 2005

End of Consent Agenda

MINUTES
COUNCIL MEETING #23-2002
FREEPORT TOWN HALL COUNCIL CHAMBERS
September 24, 2002-7:00 P.M.

CHAIRPERSON'S CALL TO ORDER

Present

Absent

Excused

Robert Stevens, Chairperson
Porters Landing

x

John Arsenault, Vice Chairperson
Prout Road

x

David Soley
Arnold Road

x (arrived at 8:25 p.m.)

Susan Campbell
Hunter Road

x

Rod Regier
South Freeport Road

x

Kenneth Mann
Mann Road

x

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #22-2002 HELD ON SEPTEMBER 3, 2002 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #22-2002 HELD ON SEPTEMBER 3, 2002 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Arsenault & Campbell) (5 Ayes) (1 Excused—Soley).

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

MOVED AND SECONDED: To open the Public Comment Period for non-agenda items only. (Arsenault & Campbell) (5 Ayes) (1 Excused—Soley).

MOVED AND SECONDED: To close the Public Comment Period for non-agenda items only. (Arsenault & Campbell) (5 Ayes) (1 Excused—Soley).

COUNCIL MEETING #23-2002
SEPTEMBER 24, 2002

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

ITEM #163-2002 To consider action relative to adopting the September 24, 2002 Consent Agenda.

BE IT ORDERED: That the September 24, 2002 Consent Agenda be adopted. (Councilors Mann & Regier) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Soley).

ITEM #164-2002 To consider action relative to acquiring property from Ronald & Dorothy Cummings (Tax Map 17, Lot 43).

BE IT ORDERED: That the acquisition of property from Ronald & Dorothy Cummings (Tax Map 17, Lot 43) be approved.

BE IT FURTHER ORDERED: That the Bond Proceeds approved by the voters for land acquisition be used to complete the transaction and be repaid by the NAWCC Federal Grant awarded to the Town of Freeport. (Councilors Regier & Arsenault)

Steve Walker, Vice Chair of Conservation Commission, displayed a map and refreshed everyone's memory on where the Town stands on this 167 acre property. He answered questions for the Council. Councilor Mann thanked Mr. Walker and others that have worked on this project.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Soley).

Councilor Arsenault requested that the next two items be withdrawn. Discussion followed. Councilors concurred that ITEM #165-2002 appears reasonable and asked Councilor Arsenault to reconsider this. Councilor Arsenault agreed to move forward with it.

ITEM #165-2002 To consider action relative to an amendment to the Tax Rate Policy.

BE IT ORDERED: That the Tax Rate Policy be amended to include the following language:

Decrease in State Aid to Education, excluding Debt Service Payments, shall be in addition to the CPI adjustment. (Councilors Arsenault & Campbell)

Councilor Regier suggested adding this sentence to the end of the fourth bullet of the policy. Discussion followed. Councilor Mann noted that while the policy needs revision, he can support this amendment. Chris Leighton, Chair of School Committee, shared his thoughts on the Tax Rate Policy. He pointed out that it never worked as it was envisioned. He noted that there is value added by holding workshops and meetings with the School Committee and Council to discuss these ideas and communicate how things work. Councilor Mann asked Mr. Leighton if there were changes he would like to see made in this policy. Mr. Leighton indicated that he had none tonight but may have some later.

Scott Poulin shared his views on looking at revenues and expenditures for the Town. With upcoming elections, he suggested that the new Council be given the opportunity to revise the Tax Rate Policy.

Councilor Campbell suggested that Councilor Mann's and Councilor's Arsenault's recommendations be incorporated into a draft of this Policy so nothing is lost tonight and the new Council may use the information as

a basis for discussion.

MOVED AND SECONDED: To table indefinitely with the intent that the New Council will deal with it. A draft of this language shall be prepared both of what Councilor Arsenault suggested and a simple addition to the second bullet "or reduce the tax rate". (Councilors Mann & Campbell) (5 Ayes) (1 Excused—Soley).

ITEM #166-2002 To consider action relative to the Tax Rate Policy for Fiscal Year 2004.

BE IT ORDERED: That the Tax Rate Policy for Fiscal Year 2004 be enforced.

This was withdrawn by Councilor Arsenault

ITEM #167-2002 To consider action relative to amendments to the Zoning Ordinance concerning residential development in the Commercial III District (CIII) Chapter 21.

BE IT ORDERED: That a Public Hearing be scheduled for October 8, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss an amendment to the Zoning Ordinance.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable Channel 7 and the Town's website. (Councilors Campbell & Arsenault)

Town Planner, Donna Larson, explained what is being proposed and answered questions for the Council. Ken Vogel, representing Ken and John Porter, explained that they put the property under contract but their purchase is contingent upon getting the zone text change to do the mixed use development and improve the property. Councilor Mann requested that Ms. Larson research how many lots are smaller than the minimum lot size in this zone. Councilor Campbell requested that Ms. Larson provide copies of the Comprehensive Plan for the public hearing as well as the Zoning Ordinances. Rich DeGrandpre had questions about the housing units planned. Ms. Larson was asked to check into the State's requirements that govern the minimum size of a dwelling unit.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Soley).

ITEM #168-2002 To consider action relative to the approval of an Emergency Management Operation Plan for the Town of Freeport.

BE IT ORDERED: That the proposed Emergency Management Operation Plan for the Town of Freeport be approved. (Councilors Mann & Arsenault)

Chair Stevens recalled that the Chief was asked to provide a complete plan reviewed by the County. Councilor Campbell indicated that she has questions for the Chief and noted things that need clarification. She feels that a reasonable deadline should be assigned so that it is done sooner rather than later. Discussion followed. Chair Stevens noted that this plan is going to take some work by the Fire Chief and the County. Chair Stevens suggested that Judy Hawley take this back to the administration and see when the work can be done and when it can be put on a future agenda. Ms. Hawley advised that she has been in touch with Mr. Devlin from the County but has not received a reply from him.

MOVED AND SECONDED: To table this indefinitely with the understanding that the Town Manager's office and the Chief's office work with the County to bring back something the Council can vote on so that the Council can incorporate both the County's and the Town's Plan if that is what is needed to be done and leave it to the Chair and Vice Chair to determine the timing but to push for as soon as possible. The chief shall report back on the 8th as to what the deadline is for completion. (Mann & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Soley).

ITEM #169-2002 To consider action relative to a Resolution Supporting an Act to Reduce Property Taxes Statewide.

WHEREAS, Maine relies too heavily on the property tax to pay for Kindergarten through Grade 12 Education; and

WHEREAS, the State's tax structure is too "volatile", resulting in an unpredictability of state tax revenues that significantly disrupts both state and local efforts to budget governmental resources; and

WHEREAS, the alignment of tax burden is a matter of great concern to residents and businesses; and

WHEREAS, Maine's tax structure should be changed to reduce the State's reliance on the local property tax to fund K-12 education and special education costs, reduce the volatility of Maine's tax code, more equitably re-align the tax burden among the state's three major tax revenue sources, and allow the Legislature to develop a plan to reduce Maine's overall tax burden; and

WHEREAS, municipalities have tried for many years to get the Legislature to engage in tax reform to address Maine's flawed tax code and the Legislature has rejected these efforts and failed to enact meaningful tax reform; and

WHEREAS, we believe it is time to directly provide the citizens of Maine the opportunity to vote on proposed changes to Maine's tax structure that will reduce property taxes statewide:

NOW, THEREFORE BE IT RESOLVED: That the Town of Freeport Town Council hereby supports the proposed tax reform initiative of the Maine Municipal Association entitled "An Act to Reduce Local Property Taxes Statewide." (Councilors Regier & Arsenault)

Chair Stevens explained this action and discussion followed. Councilor Arsenault pointed out that this does not speak to how the funds will be allocated and the State's Funding Formula needs to be revisited. Councilor Campbell noted that she would like presentations on the other initiatives that are out there such as Proposition 13. Bob Lyman explained the sections being looked at by this proposal. Discussion followed. Rich DeGrandpre, Andrew Arsenault, John Nichols and Sherice Oliver shared their views. Mr. Nichols provided Chair Stevens information on Proposition 13 that has been adopted in other states.

Councilor Mann feels this is flawed and the Legislature will not be able to adjust the School Funding Formula and will not help Freeport. He will not support this. Councilor Arsenault prefers adding to the sales tax and

dedicating the increase to the School Funding Formula. Councilor Soley pointed out that he supports this resolution—it is essential to have high-quality schools.

MOVED AND SECONDED: To amend: as a condition of this support, the Freeport Town Council encourages that the State Funding Distribution Formula for Education be revisited. (Regier & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (1 Nay—Mann).

ROLL CALL VOTE: (3 Ayes—Regier, Stevens & Soley) (3 Nays—Campbell, Arsenault & Mann).

ITEM #170-2002 To consider action relative to an expenditure from the Soule School Building Maintenance Reserve Account.

BE IT ORDERED: That up to \$3,500.00 be expended from the Soule School Building Fund to provide for roof and building repairs. (Councilors Regier & Arsenault)

Councilor Regier explained that immediate repairs need to be done now. The roof is leaking and an awning needs to be propped. He answered questions for the Council.

ROLL CALL VOTE: (6 Ayes)

ITEM #171-2002 To consider action relative to the appointment of a Village Planning Committee.

BE IT ORDERED: That the following individuals be appointed as members of a Village Planning Committee.

<u>Name</u>	<u>Current Involvement</u>
1. Cliff Goodall	Chairman
2. Rod Regier	District 1 Town Councilor
3. Alan Caron	Planning Board
4. Susan Backhouse	Bagley House Bed and Breakfast
5. George Denney	Freeport Community Improvement Association
6. TBA	Freeport Community Services
7. Travis Pryor	Freeport Conservation Commission
8. TBA	Freeport Design Review Board
9. Edgar Leighton	Freeport Economic Development Corporation
10. TBA	Freeport Elders
11. Mac Collins	Freeport Historical Society
12. John Egan	Freeport Housing Trust
13. David Marstaller, V.P.	Freeport Merchants Association
14. TBA	Freeport Pastor's Association
15. Susan S. Saunders	Freeport Village Commercial Property
16. Rick White	L.L. Bean
17. Steve Brown	Resident
18. Linda G. DeGrandpre	Resident
19. Laura Girr	Resident
20. Nancy D. Gray	Resident
21. William B. Greene	Resident

22. Julia Hamlin	Resident
23. Alicia Harding	Resident
24. Anna Johnson	Resident
25. Melissa Mencher	Resident
26. Peter A. Moulton	Resident
27. Adam Nappi	Resident
28. Janet O'Brien	Resident
29. Ronald L. Smith	Resident
30. Peter W. Taggart	Resident
31. Laura Unfricht	Resident

BE IT FURTHER ORDERED: That the Committee be charged with the tasks as printed and complete their work by June 15, 2003. (Councilors Soley & Arsenault).

Cliff Goodall noted that letters were sent to all the residents in the Village District regarding the formation of the committee asking if they were willing to serve on it and also provide their ideas. Letters were also sent to stakeholders asking for a nomination to this committee. Where the list refers to "TBA" means that the organizations have not met yet and have not had an opportunity to nominate someone.

Councilor Soley noted that Joe Migliaccio is interested in serving on this committee but did not get his application in. He asked if he could be added. There were no objections. Councilor Mann pointed out that Peter Moulton has been reappointed to the Design Review Board so he could fill Spot #8 on the list.

MOVED AND SECONDED: To add Joe Migliaccio to the committee in Slot #31 and move Peter Moulton to Slot #8. (Councilors Soley & Mann).

Councilor Mann noted that if a neighborhood committee is formed, they will have their representative. Mr. Goodall offered to come back to the Council if such a group did evolve and ask that their representative be appointed.

Scott Poulin expressed disappointment in not being permitted to serve on this committee and is certain others in Town may have similar feelings. Councilor Soley suggested adding Scott Poulin as #32 on the list as a friendly amendment.

MOVED AND SECONDED: To add Scott Poulin to the committee in Slot #32. (Councilors Soley & Stevens)

ROLL CALL VOTE ON BLOCK OF AMENDMENTS: (6 Ayes)

ROLL CALL VOTE: (6 Ayes).

OTHER BUSINESS:

1. Discussion on a State Planning Office and Maine Coastal Water Quality Protection Program. (Donna Larson)

Ms. Larson explained that the Maine Coastal Program at the State Planning Office is attempting to address impacts of nonpoint source pollution on shellfish beds in the Cousins and Harraseeket River water sheds. Major roadways will be looked at. This would be at no cost to the Town to make improvements but the Town would be responsible for maintaining the improvements. Discussion followed. Councilor Regier pointed out that he owns

— property which is subject to some of these environmental investigations. Councilor Mann noted that he is in favor of this study to see where it leads and Councilor Regier agreed.

MOVED AND SECONDED: To introduce an item not on the printed agenda. (Councilors Regier & Arsenault) (6 Ayes).

MOVED AND SECONDED: That the Freeport Town Council endorse the Maine Coastal Program investigating nonpoint source pollution described in the State Planning Office's letter signed by Todd V. Janeski. (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (6 Ayes).

Councilor Mann recommended that the Town Planner work with the Village Planning Committee to plan for future changes in the Village zone that may affect this program.

Discussion on Oliver Property on Daisy Drive.

Councilor Campbell explained the issues concerning the existing right-of-way on a Town approved subdivision plan. The right-of-way was never built because of the wetlands that exist in that spot so the public diverts traffic onto Mrs. Oliver's property. The problem arises when residents try to access Daisy Drive. This problem has occurred through no fault of the Olivers. The Police and Public Safety Departments have no interest in continuing this right-of-way. There has been damage done by motorized vehicles and trash has been thrown there. The trailer park owners have been less than helpful in trying to resolve the issue. Mr. Olmstead indicated that the Town could take some action if it were approved by the Town Council. A discussion has taken place to reuse some guard rails in good condition to erect a barricade across that section of the Oliver's property and Mr. Olmstead has suggested that the Public Works Department perform the work. Discussion followed. Mrs. Oliver explained situations that have taken place through the years.

Councilor Campbell pointed out that Attorney Hole did not have the paper street information pertaining to this issue before submitting his letter of September 19 and indicated to her that he was willing to reconsider his opinion in light of that information. He indicated that he would call her this week to discuss this further. Councilors concurred that they were willing to take action conditioned upon an opinion from the Town Attorney.

MOVED AND SECONDED: To consider an item not on the printed agenda. (Councilors Campbell & Stevens) (6 Ayes).

MOVED AND SECONDED: That the Council approve the installation of a guard rail at the lower end of the Oliver property near Daisy Drive for the purposes of barricading the property for use by the public using existing resources in order to minimize the cost of that project. Up to \$550 shall be taken from the operating fund of the Public Works budget and the work can be done by them, pending a final opinion from the Town Attorney. (Councilors Campbell & Mann). **ROLL CALL VOTE:** 5 Ayes, 1 Nay—Soley.

Culvert

Councilor Campbell explained that the Town removed a culvert from the corner of Daisy and Tulip that took care of drainage issues until the Town accepted the roads from the subdivision. Mrs. Oliver purchased the culvert but feels the Town has some responsibility to replace the smaller culvert with a larger one and Mr. Olmstead agrees. This issue does not need a vote of the Council. Councilors concur that this should be replaced.

Report from the Planning Board on the status of the Shaw's Development, DeLorme property zone change and subdivisions approved.

Alan Caron outlined what exists on the Planning Board's schedule at this time. Shaw's is waiting for their traffic study. DOT and DEP permits are needed and they have not been issued. He noted that other than traffic issues, there are not many other issues that exist with this project. The Town Planner answered questions for Councilors. Discussion followed.

Mr. Caron noted that the Planning Board has met on the Delorme Building and the Town Council has acted on the zone change. Councilor Mann noted that a change is needed in the Implementation Strategy in the Comprehensive Plan and explained the process to Mr. Caron.

Mr. Caron discussed the large subdivisions that the Planning Board has been reviewing. In these instances the developers are constructing fewer units than what is allowed, which has been an unexpected bonus. He briefly updated the Council on where other projects stand with the Planning Board. The Planning Board has been trying to strike a balance between doing things quickly and doing things well.

Vision 2010 Presentation

Councilor Regier advised that this is not ready yet. It is scheduled to be ready sometime in early November. Councilor Mann would like a verbal presentation of the preliminary report earlier to put it in the public domain.

Discussion on October 10 Regional Meeting.

Chair Stevens noted that the Council has been invited to this meeting to be held at Pineland. Yarmouth is hosting the meeting. Councilors Soley and Regier are unable to attend. Chair Stevens, Councilor Soley and Warren Turner have gotten together to discuss some of the actions and discussions that have taken place in Cumberland. Mr. Turner sees this as an opportunity to get to know one another and see what ideas come up. Councilors can return to their respective towns and discuss things we would like to see investigated in seeking cooperation. There may be funds available from MMA if towns can come up with matching funds and what town functions might best be coordinated. Councilor Campbell asked if Mr. Olmstead could reissue the list of ideas that were generated and Chair Stevens suggested that it be sent to Mr. Turner.

Discussion on Town of Jay letter concerning Tax Reform and Personal Property Tax.

Chair Stevens read the letter received from the Town of Jay. Discussion followed. Councilor Campbell suggested asking Mr. Olmstead what his thoughts are on this issue and see if he is willing to attend to share his point of view.

Tax Rate

Councilor Mann has talked to the Assessor and the tax rate will be set in a week.

Adjournment

MOVED AND SECONDED: To adjourn at 11:20 p.m. (Councilors Arsenault & Regier)
(5 Ayes) (1 Excused—Soley).

Respectfully Submitted,

Sharon Coffin
Sharon Coffin
Council Secretary

TOWN OF FREEPORT

TAX RATE POLICY

Purpose

The Municipality of Freeport is committed to a Tax Rate Policy to ensure the financial well being of the Town. This policy is intended to create a stable financial climate, provide adequate funding for essential Town and School services and prevent major annual increases in property taxes.

Establishment and Implementation

- Each year the municipal Tax Rate shall be adjusted in accordance with the increase in the Consumer Price Index, Urban Consumer, Northeast Region, as measured by the United States Bureau of Labor Statistics for the previous calendar year as reported by the U.S. Department of Labor.
- After review and approval of Municipal and School budgets, any excess revenues resulting from the increase in the Tax Rate, from increased valuation or other revenue sources shall be placed in an Operational Reserve Account. Funds from the account may be appropriated by the Council to fund future operational budget needs of both the Town and the School; to fund the Reserve Account for capital needs; and to fund unforeseen emergencies.
- The funds generated by the CPI adjustment will be combined with revenues from new valuation and be divided between the Municipal and School budget to fund increases in operating budget needs. The school shall receive two-thirds of the revenue.
- Increases in County Tax, Voter Approved Debt Service, Service Agencies, Economic Development Corporation and Bustins Island will be in addition to the CPI adjustment.

This policy can be amended by a majority vote of the Town Council

Effective date of this policy is July 1, 1998.

Date of adoption – May 5, 1998.

September 19, 2002

TO: Dale Olmstead, Town Manager

FROM: Donna Larson, Town Planner

RE: C-III District Zoning Amendments

On September 18, 2002 the Planning Board considered a request to allow more dense residential development in the C-III District. The Board recommends that the Town Council amend the Freeport Zoning Ordinance to allow more dense residential development eliminating the requirement that the minimum lot size be doubled if residential and commercial uses exist on the same property (Sec. 201.H), and to eliminate the per unit minimum lot size. This recommendation is based on a finding that it is consistent with the Comprehensive Plan in that the C-III District is a commercial growth area designed to create village center areas where local service stores serving residential shopping needs would be concentrated. These amendments are consistent with increasing the residential portion of the village center.

Zoning Amendments Required

to

Allow More Dense Residential Development in the C-III District.

Sec. 201.I

I. If residential and non-residential uses are located on the same lot, the area of the lot must equal or exceed the sum of the minimum lot sizes required for each use, except in the Village District I (V-I), Village Commercial District I (VC-I), and the Village Commercial District II (VC-II), and the Commercial District III, and as provided in Section 402.II.C. below.

(Sec. 402.II.C is the RR-1A District where a different standard is established)

Section 411. Commercial District III - "C-III"

A. Purpose:

It is the intent of this District to create an attractive entrance to the Village. A mix of commercial and residential uses are permitted with restrictions on building size and parking locations. Landscaping requirements are mandated in the front setback. In order to limit access points on heavily traveled U.S. Route 1, access on other streets and on service roads is encouraged through decreased road frontage requirements. This District is part of the Design Review District and contains historically and architecturally significant buildings and structures which should influence the design of future development.

B. Permitted Uses:

1. Single Family Dwelling
2. Two Family Dwelling The following uses are subject to site review regardless of size:
3. Cemeteries
4. Public Utilities excluding commercial communications towers
5. Municipal Use
6. Multiple-family Dwelling
7. PUD (Subject to the provisions of Article V, Section 504)
8. Restaurant
9. Restaurant - Carry-Out
10. Bed & Breakfast Inn
11. Business and Professional Offices
12. Public Assembly - Indoor
13. Private Assembly
14. Auto Repair Service Garage
15. Religious Institutions

16. Hotel - Motel
17. Commercial Sales and Service, including up to 200 square feet of incidental, accessory outdoor storage. This outdoor storage is permitted only on a seasonal basis (April to October). Materials such as propane, which must be located outdoors at all times, are exempt from the seasonal restriction, but they must be screened from abuttor and street views.
18. Parking Facility
19. Retail Trade
20. Manufacturing and Processing
21. Day Care Center Facilities
22. Commercial Recreation - Indoor

C. Prohibited Uses:

Specifically include, but are not limited to, the following:

1. Manufacturing, fabrication, disposal, or any use of asbestos products.
2. Paper manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or deer animal disposal and reprocessing
7. Abattoirs and slaughterhouses

D. Space Standards:

1. Minimum lot size: 2 acres
2. Maximum Building Height: 35 feet
3. Minimum Road Frontage
 - U.S. Route 1 and Pine Street: 300 feet
 - Other Streets: 150 feet
4. Maximum Impervious Surface to lot area ratio: 70%
5. Minimum Setback:

a. All setbacks except from I-95 boundary:

- Front: 50 feet, if parking is located between the 25' front landscaped setback and the 50' setback. 25' if parking is located beyond 50' of the front property boundary line.
- Side: On a lot with two side lot lines, the total combined minimum width of both side setbacks shall be 75' and the minimum side setback from one of the side lot lines shall be 25'. If a parcel has only one side lot line, the minimum side setback shall be 35'.
- Rear: 35 feet

- b. All setbacks from I-95 boundary: 25 feet
- ~~6. Minimum Land Area per Dwelling Unit: 10,000 s.f.~~
7. Maximum Gross Floor Area per lot: 40,000 s.f.