

AGENDA
FREEPORT TOWN COUNCIL MEETING #24-2002
TOWN HALL COUNCIL CHAMBERS
OCTOBER 8, 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
Rod Regier, South Street
Susan Campbell, Hunter Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #23-2002 held on September 24, 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 #178-2002 To consider action relative to adopting the October 8, 2002 Consent Agenda.

BE IT ORDERED: That the October 8, 2002 Consent Agenda be adopted.

ITEM #179-2002 To consider action relative to approving an application for a Special Amusement Permit for Dancing and Entertainment for the School Street Café. (Public Hearing).

MOTION: That the Public Hearing on an application for a Special Amusement Permit issued to David Tucci, Winn Road LLC d/b/a School Street Café, 10 School Street, be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the application for a Special Amusement Permit issued to School Street Café be approved.

ITEM #180-2002 To consider action relative to amendments to the Zoning Ordinance concerning residential development in the Commercial III District (CIII) (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be approved.

ITEM #181-2002 To consider action relative to approving an offer from the State of Maine to acquire land easements from the Town of Freeport for the purpose of reconstructing a portion of U.S. Route #1 from the Pine Street intersection to West Street.

OFFER 1:

WHEREAS, it has been determined that the public exigency requires the construction or reconstruction by altering, widening, changing the grade and changing the drainage or a portion of State Highway "14" in the Town of Freeport, County of Cumberland and State of Maine.

WHEREAS, the necessary property has been surveyed, appraised and a plan drawn known as Right of Way Map, State Highway "14", Project No. STP-6613(00)X, dated June 2001 on file in the office of the Department of Transportation, Right of Way Division, File No. 3-472.

WHEREAS, a certain parcel of land in said Freeport, located on the Rt. Side of said highway between

Station 2+273.2± and Station 2+332.6±

Is required for construction of above designated project, and

WHEREAS, the undersigned do hereby acknowledge that Roger Sproul, R/W Agent of the Maine Department of Transportation, met with/wrote to me/us and explained rights required, damages and all construction changes of location, grade, drainage and slopes.

NOW THEREFORE, the undersigned do hereby propose to the State of Maine:

1. That it acquire the necessary land and rights in land, including buildings, as depicted on the before mentioned Right of Way Map, by Eminent Domain on or about November 2002.
2. That it pay the undersigned the sum of \$350.00 at the time of acquisition.

OFFER 2:

WHEREAS, it has been determined that the public exigency requires the construction or reconstruction by altering, widening, changing the grade and changing the drainage or a portion of State Highway "14" in the Town of Freeport, County of Cumberland and State of Maine.

WHEREAS, the necessary property has been surveyed, appraised and a plan drawn known as Right of Way Map, State Highway "14", Project No. STP-6613(00)X, dated June 2001 on file in the office of the Department of Transportation, Right of Way Division, File No. 3-472.

WHEREAS, a certain parcel of land in said Freeport, located on the Rt. Side of said highway between

Station 2+337.0± and Station 2+428.0±

Is required for construction of above designated project, and

WHEREAS, the undersigned do hereby acknowledge that Roger Sproul, R/W Agent of the Maine Department of Transportation, met with/wrote to me/us and explained rights required, damages and all construction changes of location, grade, drainage and slopes.

NOW THEREFORE, the undersigned to hereby propose to the State of Maine:

1. That it acquire the necessary land and rights in land, including buildings, as depicted on the before Right of Way Map, by Eminent Domain on or about November 2002.
2. That it pay the undersigned the sum of \$7,950.00 at the time of acquisition.

ITEM #182-2002 To consider action relative to accepting a bid for a Tax Anticipation Note for the period of October 1, 2002 to December 31, 2002.

BE IT ORDERED: That the bid from _____ for a Tax Anticipation Note in the amount of \$1,500,000 at an interest rate of _____ be accepted.

ITEM #183-2002 To consider action relative to the confirmation of the Town Manager's appointment of a Finance Director.

BE IT ORDERED: That the Town Manager's appointment of _____ as Finance Director be confirmed.

ITEM #184-2002 To consider action relative to the confirmation of the Town Manager's appointment of a Town Engineer.

BE IT ORDERED: That the Town Manager's appointment of Albert Presgraves as Town Engineer be confirmed.

ITEM #185-2002 To consider action relative to an amendment to the Zoning Ordinance adding Antique Auto Sales as a permitted use in the CI District.

BE IT ORDERED: That a Public Hearing be scheduled for November 12, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Zoning Ordinance.

BE IT FURTHER ORDERED: That 30 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.

COUNCIL MEETING #24-2002
OCTOBER 8, 2002

OTHER BUSINESS:

1. Update on potential revenue shortfall for Regional Waste Systems.
2. Reminder of October 10, 2002 Regional Meeting.

Adjourn.

**Amended
TOWN COUNCIL
CONSENT AGENDA
OCTOBER 8, 2002**

ITEM #172-2002 To consider action relative to applications for Victualers licenses.

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

Ronald Brook d/b/a **Crickets Restaurant**, 175 Lower Main Street
Lester & Nicole Evans d/b/a **Brewster House B&B**, 180 Main Street
Chris Washburn & Co., d/b/a **Eagle's Nest Guest Suites**, 75 Eagles Nest Dr.
Jason & Lisa Daniel d/b/a **Mister Bagel**, 15 Depot Street
Cumberland County YMCA d/b a **Casco Bay YMCA**, 14 Old So. Freeport Road,

ITEM #173-2002 To consider action relative to accepting a bid from for a Public Works Pickup Truck.

BE IT ORDERED: That the bid from Casco Bay Ford in the amount of \$21,454 to provide for the purchase of a Public Works Pickup Truck be accepted.

NOTE: 1) Fourteen vendors received bid packets.
2) \$24,000 was budgeted for this purchase.

ITEM #174-2002 To consider action relative to accepting a bid for Improvement to the Recycling Facility.

BE IT ORDERED: That the bid from Shaw Brothers Construction in the amount of \$94,020 for completion of improvements to the Recycling Facility be accepted.

Notes: 1) The budget for the project and additional paving is \$108,000. The balance in the account will be spent on paving through the COG bid.
2) The bid will prepare the site for paving, build pads and walls for recycling containers and install the domestic water supply.

ITEM #175-2002 To consider action relative to the issuance of a Municipal Quitclaim Deed.

BE IT ORDERED: That a Municipal Quitclaim Deed be issued for the following property.

To: Robert E. Curit, Sr.
For Property: Tax Map 17, Lot 67D (Wardtown Road)
Tax Year: 2000

ITEM #176-2002 To consider action relative to an expenditure from the Cable T.V. Reserve Account.

BE IT ORDERED: That the bid from Maine Video Systems in the amount of \$12,625 to provide for an upgrade of recording equipment be accepted.

NOTE: Three bids were received and the low bid was Maine Video Systems.

ITEM #177-2002 To consider action relative to the confirmation of Wardens, Deputy Wardens and Election Clerks for the November 5, 2002 Election.

BE IT ORDERED: That the following appointments made by the Town Clerk be confirmed:

Warden: Rick Simard

**Deputy Wardens: Steven McPheters
Melanie Ferucci**

**Election Clerks: Jane Horsfal
Marsha Welsber
Nita Voskian
Shirley Sullivan
Ruth Gruninger
Nancy Baker
Nancy Clark
Joyce Denney
Pat Pooters
Dorothy Leighton**

**Barbara Haddad
Mary Eliza Wengren
Martha Nichols
Sandra Colburn
Mary Wescott
Mary Kennedy
Laura George
Mary Brewer
Marie McCann
Betsy Ruff**

End of Consent Agenda

**MINUTES
COUNCIL MEETING #24-2002
FREEPORT TOWN HALL COUNCIL CHAMBERS
October 8, 2002--7:00 P.M.**

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Robert Stevens, Chairperson Porters Landing	x		
John Arsenault, Vice Chairperson Prout Road	x		
David Soley Arnold Road	x		
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 #23-2002 HELD ON SEPTEMBER 24, 2002 AND ACCEPT THE MINUTES AS PRINTED. (Councilor Arsenault & Regier)

Councilor Regier pointed out an error on Page 7 concerning the Oliver property on Daisy Drive. The motion should have read: "Up to \$550 shall be taken from the Miscellaneous and Contingency Fund" not "operating fund of the Public Works budget".

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #23-2002 HELD ON SEPTEMBER 24, 2002 AND ACCEPT THE MINUTES AS AMENDED. (Councilors Arsenault & Regier) (6 Ayes).

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. (Campbell & Arsenault) (6 Ayes)

MOVED AND SECONDED: To close the Public Comment Period for non-agenda items only. (Soley & Arsenault) (6 Ayes)

THIRD ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson. **ITEM #178-2002** To consider action relative to adopting the October 8, 2002 Consent Agenda.

BE IT ORDERED: That the October 8, 2002 Consent Agenda be adopted. (Councilors Soley & Arsenault).

Councilor Arsenault referred to #173-2002 regarding a bid for a Public Works Pickup truck and noted that while he will support this particular item, he inquired if there is some way for the Council to have a say in these types of purchases even though the money has already been appropriated. This review could be before the bid process or during the bid process. Discussion followed. Councilor Soley suggested that whenever bid specs are prepared over some number, such as \$20,000, they can be put in the Council's packets. Mr. Olmstead indicated that this is doable.

Councilor Mann requested that #176-2002 concerning the Cable T.V. Reserve Account be removed from the Consent Agenda. Chair Stevens asked for a motion.

MOVED AND SECONDED: To remove #173-2002 and #176-2002 from the Consent Agenda. (Councilors Mann & Arsenault) (6 Ayes).

ROLL CALL VOTE ON REMAINING CONSENT AGENDA: (6 Ayes).

Discussion on the pick-up truck followed. A grant has been received to provide a hydraulic lift tailgate on it. Mr. Olmstead suggested that once the Council approves the capital budget, it should request that a workshop be Scheduled with department heads to discuss any necessary bid specs before they are bid out.

ITEM #173-2002 To consider action relative to accepting a bid for a Public Works Pickup Truck.

BE IT ORDERED: That the bid from Casco Bay Ford in the amount of \$21,454 to provide for the purchase of a Public Works Pickup Truck be accepted. (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (1 Nay—Mann).

ITEM #176-2002 To consider action relative to an expenditure from the Cable T.V. Reserve Account.

BE IT ORDERED: That the bid from Maine Video Systems in the amount of \$12,625 to provide for an upgrade of recording equipment be accepted.

Note: Three bids were received and the low bid was Maine Video Systems. (Councilors Mann & Arsenault).

Mr. Olmstead and Mr. Simard explained this purchase to Councilors and discussion followed.

ROLL CALL VOTE: (6 Ayes)

ITEM #179-2002 To consider action relative to approving an application for a Special Amusement Permit for Dancing and Entertainment for the School Street Café. (Public Hearing).

MOVED AND SECONDED: That the Public Hearing on an application for a Special Amusement Permit issued to David Tucci, Winn Road LLC d/b/a School Street Café, 10 School Street, be opened. (Councilors Regier & Arsenault) (6 Ayes).

There was no one in attendance. Councilor Campbell did not recall anything mentioned about the entertainment piece. Mr. Olmstead explained that this will be live music. Councilor Mann noted that he would have concerns with live music on the deck if it interfered with church services across the street. Mr. Olmstead pointed out that the application is for internal music.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Soley & Arsenault) (6 Ayes).

BE IT ORDERED: That the application for a Special Amusement Permit issued to School Street Café be approved as per application dated October 1, 2002 (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (6 Ayes).

ITEM #180-2002 To consider action relative to amendments to the Zoning Ordinance concerning residential development in the Commercial III District (CIII) (Chapter 21). (**Public Hearing**).

MOVED AND SECONDED That the Public Hearing be opened. (Councilors Arsenault & Campbell) (6 Ayes).

Mr. Vogel introduced Ken Porter and Steve Moore and explained the purpose for the requested amendments. They will have to return to the Planning Board for Site Plan Review. Donna Larson provided information to Councilors that was requested at the last meeting and answered questions for Councilors. Councilor Arsenault asked that the new Village Committee consider doing away with Design Review from the Public Safety Building and move south. There are not many historical buildings in this area and the Design Review process has prohibited a few businesses from coming to Freeport. Chair Stevens noted that this request can be made of the new committee as well as the Planning Board.

Councilor Mann requested that Ms. Larson go over the specific changes since they are not included in the motion. Mr. Larson read them out loud and answered questions for Councilors. Discussion followed. Richard DeGrandpre mentioned the large lots that exist in this area and expressed his concerns with density. Alan Caron addressed some of his concerns. Councilors Campbell and Arsenault advised that this project may help to address the affordable housing issues that exist in Freeport.

MOVED AND SECONDED: That the motion be amended to include the phrase under 411,B-6, under the words Multiple Family Dwelling that the following language be included: "existing buildings shall not be subject to the provisions of 411,B-6 below." (Councilors Regier & Stevens).

More discussion followed. Chair Stevens noted that the Village Study Committee will be undertaking its work in a timely manner and he supports Mr. Regier's motion to make this change and let the project go forward.

ROLL CALL VOTE: (5 Ayes) (1 Nay—Campbell).

MOVED AND SECONDED: That the Public Hearing be closed.(Councilors Arsenault & Campbell) (6 Ayes).

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be approved as amended. (Councilors Arsenault & Campbell) **ROLL CALL VOTE:** (6 Ayes).

ITEM #181-2002 To consider action relative to approving an offer from the State of Maine to acquire land and easements from the Town of Freeport for the purpose of reconstructing a portion of U.S. Route #1 from the Pine Street intersection to West Street.

OFFER 1:

WHEREAS, it has been determined that the public exigency requires the construction or reconstruction by altering, widening, changing the grade and changing the drainage or a portion of State Highway "14" in the Town of Freeport, County of Cumberland and State of Maine.

WHEREAS, the necessary property has been surveyed, appraised and a plan drawn known as Right of Way Map, State Highway "14", Project No. STP-6613(00)X, dated June 2001 on file in the office of the Department of Transportation, Right of Way Division, File No. 3-472.

WHEREAS, a certain parcel of land in said Freeport, located on the Rt. Side of said highway between

Station 2+273.2± and Station 2+332.6±

Is required for construction of above designated project, and

WHEREAS, the undersigned do hereby acknowledge that Roger Sproul, R/W Agent of the Maine Department of Transportation, met with/wrote to me/us and explained rights required, damages and all construction changes of location, grade, drainage and slopes.

NOW THEREFORE, the undersigned do hereby propose to the State of Maine:

1. That it acquire the necessary land and rights in land, including buildings, as depicted on the before mentioned Right of Way Map, by Eminent Domain on or about November 2002.
2. That it pay the undersigned the sum of \$350.00 at the time of acquisition.

OFFER 2:

WHEREAS, it has been determined that the public exigency requires the construction or reconstruction by altering, widening, changing the grade and changing the drainage or a

portion of State Highway "14" in the Town of Freeport, County of Cumberland and State of Maine.

WHEREAS, the necessary property has been surveyed, appraised and a plan drawn known as Right of Way Map, State Highway "14", Project No. STP-6613(00)X, dated June 2001 on file in the office of the Department of Transportation, Right of Way Division, File No. 3-472.

WHEREAS, a certain parcel of land in said Freeport, located on the Right Side of said highway between

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NOW THEREFORE, the undersigned to hereby propose to the State of Maine:

1. That it acquire the necessary land and rights in land, including buildings, as depicted on the before Right of Way Map, by Eminent Domain on or about November 2002.
2. That it pay the undersigned the sum of \$7,950.00 at the time of acquisition. (Councilors Soley & Regier).

Mr. Olmstead explained these offers to Councilors. Discussion followed. Mr. Olmstead was asked to request an appraisal.

MOVED AND SECONDED: To table to second meeting in November. (Councilors Arsenault & Campbell)

Councilor Mann had questions about the proposed sidewalk. Ms. Larson advised that there will be a sidewalk from West Street to Freeport Crossings and explained how it would be constructed. She has discussed this proposal with various landowners along the way. She and others will also be meeting with MDOT to propose how the construction will take place. The best proposal will be brought by MDOT to a public meeting. Chair Stevens requested that this information is included on the public information site on television. Councilor Regier added that it could also be included in the Town's website as well as in the Council's packets. He also asked that FDEC be included in the discussions.

ROLL CALL VOTE: (6 Ayes)

ITEM #182-2002 To consider action relative to accepting a bid for a Tax Anticipation Note for the period of October 1, 2002 to December 31, 2002.

BE IT ORDERED: That the bid from _____ for a Tax Anticipation Note in the amount of \$1,500,000 at an interest rate of _____ be accepted.

NOTE: The borrowing is not going to be needed.

THIS ITEM IS NOT NECESSARY

ITEM #183-2002 To consider action relative to the confirmation of the Town Manager's appointment of a Finance Director.

BE IT ORDERED: That the Town Manager's appointment of Greg L'Heureux as Finance Director be confirmed. (Councilors Campbell & Regier)

Mr. Olmstead explained that Hedy will be retiring at the end of the year after 20 years of service and Mr. L'Heureux will be appointed on December 15. Discussion followed.

ROLL CALL VOTE: (6 Ayes).

ITEM #184-2002 To consider action relative to the confirmation of the Town Manager's appointment of a Town Engineer.

BE IT ORDERED: That the Town Manager's appointment of Albert Presgraves as Town Engineer be confirmed. (Councilors Mann & Regier)

Mr. Olmstead noted that Mr. Presgraves was selected from a long list of applicants and explained his background and experience.

ROLL CALL VOTE: (6 Ayes).

Chair Stevens thanked Councilor Regier for working with a committee in the selection process.

ITEM #185-2002 To consider action relative to an amendment to the Zoning Ordinance adding Antique Auto Sales as a permitted use in the CI District.

BE IT ORDERED: That a Public Hearing be scheduled for November 12, 2002 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Zoning Ordinance.

BE IT FURTHER ORDERED: That 30 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. (Councilor Regier & Arsenault)

Councilor Mann had questions for the Town Planner on this issue. Ms. Larson explained the parking requirements for retail and auto sales. Discussion followed. Councilor Campbell asked the applicant to describe what his intended use is for this location. Roger Bowden, owner of Classic Chevrolet, explained his plans. The

4 non-antique spots he is asking for would help him pay for his overhead. Genie Beaulieu noted that it is important to provide the ability for Mr. Bowden to take in trades.

Ms. Larson suggesting adding to Definitions Section 104: Leave the first sentence alone but after the second sentence add: "sales and storage of vehicles which are not antique autos may occur only if the activity is secondary and incidental to the sale of antique autos."

Outdoor Display of vehicles offered for sale, the first sentence will remain as is. The second sentence should be changed to say: Outdoor display of vehicles offered for sale shall be limited to 20 vehicles , add "no more than 4 of which may be vehicles which are not antique autos." Chair Stevens suggested adding "with such parking as may be appropriate". Councilors concurred.

ROLL CALL VOTE: (6 Ayes).

OTHER BUSINESS:

Update on potential revenue shortfall for Regional Waste Systems.

Mr. Olmstead noted that the Council has a regional meeting scheduled on Thursday. He referred to the printed information included in the Council's packets. RWS is experiencing a shortfall on commercial trash. A number of options will be discussed. Councilor Mann pointed out that he hopes the local trash haulers and members of the public will be informed of the options being considered. Mr. Olmstead clarified that this does not affect a small hauler that hauls strictly residential waste.

Reminder of October 10, 2002 Regional Meeting.

Chair Stevens asked who was planning to attend. Councilors Regier and Soley noted that they would not be attending.

Cumberland County Advisory Budget Committee

Councilor Arsenault advised that the Cumberland County Advisory Budget Committee will be inviting legislative and Senate delegates statewide to design language to regionalize the jail issue and bring it to everyone's attention. He asked Chair Stevens if he could discuss this with him after this meeting. Chair Stevens agreed.

Councilor Arsenault pointed out that this committee met last week and the Manager's budget came in at 9.53% this year. There was a vote of 4-3 to ask the County Manager to go back and try to reduce it to at least 7% or perhaps even lower. There are a lot of administrative requests driving the budget this year.

Chair Stevens brought up the fact that 40% of Maine's inmates are mentally ill.

Councilors concurred that the jail issue should be addressed at Thursday's meeting.

Emergency Management Plan

Councilor Campbell asked Mr. Olmstead about the deadline for when the work needs to be completed. She recognizes that there is a lot of work to be done. Mr. Olmstead offered to find out.

Tax Rate

Mr. Olmstead advised that the new mill rate has been established. It is \$17.75 and tax bills will be going out soon.

Next Council Meeting

Chair Stevens advised that the next Council Meeting will be held on November 12. He has enjoyed serving as Chair this year and hopes other Councilors have enjoyed the past year as well.

Adjournment

MOVED AND SECONDED: To adjourn at 9:30 p.m. (Councilors Arsenault & Campbell)
(6 Ayes).

Respectfully Submitted,

A handwritten signature in cursive script that reads "Sharon Coffin".

Sharon Coffin
Council Secretary

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.

**Town of Freeport
Planning Department**

October 3, 2002

TO: Dale Olmstead, Town Manager

From: Donna Larson, Town Planner

RE: Adding antique auto sales as a permitted use in the C-I District

An application for an antique auto (25 years old or older) sales business was submitted to the Planning Board for their review. While an auto service repair garage is a permitted use in the C-I District, auto sales are not (auto sales are allowed in the RR-1A, MD-A, and MD-B Districts when associated with an auto service repair garage). In addition to antique auto sales, the applicant also wanted the opportunity to sell used cars that are not antiques, and to store cars.

The Board agreed unanimously to recommend the use of antique auto sales; however, on the issue of whether to allow a limited number of non-antique autos, the Board was split 4 against, 3 in favor. Therefore, the use being recommended is limited to antique auto sales and the storage of antique autos.

On October 2, 2002, the Planning Board moved to recommend that the Town Council amend the Freeport Zoning Ordinance to allow the limited sales and storage of antique cars (cars 25 year and older) in the C-I District as defined below. The recommendation is based on a finding that it is consistent with the Vision Plan for Route One South developed by the Freeport Economic Development Corporation which is an amendment to the Comprehensive Plan. The Vision Plan for Route One South recommends service-related uses and specialty shops. Antique auto sales are considered a specialty.

Add to definitions section 104

Auto sales, antique: sales and/or indoor storage of automobiles and light trucks that are twenty five years old or older and eligible for operation on public roads ("antique autos"). Outdoor storage of vehicles is prohibited. Outdoor display of vehicles offered for sale shall be limited to 20 antique vehicles. Auto repair service garages are allowed as an accessory use to antique auto sales. Sale and storage of vehicles that are not antique autos is prohibited.

Section 409. Commercial District I "C-I"

A. Purpose:

It is the intent of this District to provide for suitable locations for commercial uses which are appropriately situated at highway locations and to encourage an

attractive entrance to the Town of Freeport. This District comprises land primarily between I-95 and U.S. 1 and is the major local connector between Yarmouth and Freeport. Because of the narrowness of the District, lot sizes, setbacks and road frontage requirements are smaller than the requirements of the C-II District. The purpose of landscaping and parking location requirements, and limitations on outdoor storage, is to encourage an attractive entrance to the Town.

B. Permitted Uses:

1. Single Family Dwelling
2. Two Family Dwelling
3. Peddler on Private Property subject to the requirements of Section 526 The following uses are subject to site review regardless of size:
4. Construction Services
5. Auto Repair Service Garage
6. Auto Service Station
7. Retail Trade
8. Commercial Sales and Service - Outdoor
9. Business and Professional Offices
10. Commercial Recreation - Indoor
11. Public Utilities
12. Convenience Store with Gas Pumps
13. Restaurant
14. Restaurant - Drive-Up
15. Restaurant - Carry-Out
16. Bed and Breakfast Inn
17. Commercial Recreation - Outdoor
18. Hotel/Motel
19. Boatyard
20. Public Assembly B Indoor
21. Parking Facility
22. Commercial Sales and Service
23. Manufacturing and Processing
24. Day Care Center Facilities
25. Antique Auto Sales

C. Space Standards:

- | | |
|--|----------|
| 1. Minimum lot size: | 1 acre |
| 2. Maximum building height: | 35 feet |
| 3. Minimum Road Frontage: | 300 feet |
| 4. Maximum impervious surface to lot area: | 70% |
| 5. Minimum setback B front: | 15 feet |
| side: | 15 feet |
| rear: | 15 feet |