

COUNCIL MEETING #25-79  
DECEMBER 4, 1979  
Time: 7:30 P.M.  
Place: Council Room

MINUTES

TOWN OF FREEPORT

MEETING OF THE FREEPORT TOWN COUNCIL

X Regular  
Special

<u>Chairman's Call to Order</u>	Present	Excused	Absent
Edward Bonney, Chairman, Nathan Nye Street	<u>X</u>	-	-
Vaughndella Curtis, Vice Chairman, Pine St	<u>X</u>	-	-
John Swan, 48 Bow Street	<u>X</u>	-	-
Elizabeth Ruff, Durham Road	<u>X</u>	-	-
Hollis Willett, Lower Flying Point	-	<u>X</u>	<u>X</u>
William Pushard, Lunt Road	<u>X</u>	-	-

Moved and Seconded - That the reading of the Minutes of Meeting #24-79 held November 20, 1979 be waived and accept them as printed. (Councilors Curtis & Pushard) (4 Yes) (0 No)

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Moved and Seconded - That a Proposed Capital Improvements Program be subject to Public Hearing. (Councilors Pushard & Swan)  
(4 Yes) (0 No)

Councilor Ruff is present at 7:36 P.M.

Moved and Seconded - That the Public Hearing be closed. (Councilors Curtis & Pushard) (5 Yes) (0 No)

Moved and Seconded - That ITEM #187-79 be tabled until December 18, 1979. (Councilors Curtis & Swan) (5 Yes) (0 No)

Moved and Seconded - That the rules be waived to allow further discussion of Item #187-79. (Councilors Swan & Ruff) (5 Yes) (0 No)

ITEM #188-79

Be It Ordered - That the resignation of Jane Bradley from the Board of Appeals be accepted.  
(Councilors Ruff & Curtis) (5 Yes) (0 No)

Moved and Seconded - That the second reading of this item be waived. (Councilors Swan & Curtis) (5 Yes) (0 No)

Moved and Seconded - That the following Amendment be made to Section 602, Sub-Section B. Application Procedure of the Proposed Amendment to the Freeport Zoning Ordinance (Granting Special Exception Review Authority to the Board of Appeals):

Application Procedure

1/ A/ person/ informed/ by/ the/ Code/ Enforcement/ Officer/ that/ he/ requires/ a/ special/ exception/ permit/ shall/ file/ an/ application/ for/ the/ permit/ with/ the/ Planning/ Board/ on/ forms/ provided/ for/ the/ purpose/

1. When the owner of the property or his authorized agent is informed by the Code Enforcement Officer that a special exception permit is required an application for the permit shall be filed with the Board of Appeals on forms provided for the purpose. The application will be accompanied by a filing fee as provided for in "Regulations Pursuant to the Zoning Ordinance of the Town of Freeport, Maine." The application shall (subject to provisions for waiver as set forth in B2) contain at least the following information.
  - a. A completed and signed copy of the application for special exception review.
  - b. Four (4) copies of a plan drawn at a scale sufficient to allow review of the items listed below, but at not more than 100 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following unless waived by the Board of Appeals.
    - (1) Owners' name, address and signature.
    - (2) Names of all abutting property owners.
    - (3) Sketch map showing general location of the site within the Town of Freeport.
    - (4) Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at the time.
    - (5) The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to establish, on the ground, all property boundaries.

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- (6) Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts.
  - (7) Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.
  - (8) The location, size and type, of all existing and proposed buildings showing setbacks required by the Zoning Ordinance, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, lot area, road frontage, signs, exterior lighting, service areas, easements and landscaping.
  - (9) The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
  - (10) Existing and proposed topography of the site at two (2) feet contour intervals if major changes to the existing topography are being proposed.
  - (11) A storm water drainage plan showing the existing and proposed method of handling storm water run-off, the direction of the flow of the run-off, the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers. If needed, engineering calculations used to determine drainage requirements based upon a 10-year storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
  - (12) Provisions for water supply and waste water disposal.
- c. A planting schedule keyed to the site plan and indicating the varieties, size and location, of trees, shrubs and other plants to be planted on the site.
- d. A written description of the type, color and texture of all exterior surfacing materials of all buildings and structures.
- e. Copies of any proposed or existing easements, covenants, deed restrictions, etc.
- f. Copies of all applicable State approvals and permits, provided, however, that the Board may approve plans subject to the issuance of specified State licenses and permits in cases where it determines that it is not feasible for the applicant to obtain them at the time of plan review.

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- g. Provisions for dedicating open space and/or recreational areas if applicable.
- h. Where applicable, letters from town department heads (i.e., police, fire and public works) indicating their review and comments regarding their areas of concern.
- i. Soil erosion and sedimentation plans as approved by the CCSCD.
- j. Existing traffic counts and estimated peak-hour traffic to be generated by the proposal.
- k. The type and size of all machinery likely to generate appreciable noise at the lot lines.
- 1. ~~(1)~~ The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- 2. ~~(2)~~ The Board of Appeals may waive any of these requirements when the Board determines that the scale of the project is of such size as to make the information unnecessary.
- 3. ~~(3)~~ The Board may require other pertinent information necessary to determine if the planned use meets the provisions of this Ordinance.
- 4. ~~2/(1)~~ Before taking action on any application for a special exception permit, the ~~Planning Board~~ Board of Appeals shall hold a public hearing on the application within thirty (30) days of the receipt of such application. Notice of such hearing shall be given to the Code Enforcement Officer, Municipal Officers and the Planning Board ~~Board of Appeals~~ at least ~~seven~~ fourteen ~~(7)~~ (14) days in advance of the time and place of the hearing, and shall be published at least seven (7) days in advance in a newspaper of general circulation in the area.
- 5. ~~3/(1)~~ Notice of the nature of the application and of the time and place of the public hearing shall be given by mail to the applicant and the owners of all property within two hundred (200) feet of the property involved at least ten (10) days in advance of the hearing.
- 6. ~~4/(1)~~ The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the ~~Planning Board~~ Board of Appeals.

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7. ~~61(7)~~ At any hearing a party may be represented by an agent or attorney. Hearings shall not be continued to another time except for good cause.
8. ~~61(8)~~ The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the PLANNING BOARD Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the application.
9. ~~71(9)~~ The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the orders of the Chairman.
10. ~~81(10)~~ The PLANNING BOARD Board of Appeals shall reach a decision on a special exception after the public hearing and shall inform, in writing, the applicant, the Code Enforcement Officer and municipal officers of its decision and its reasons therefor. If, within sixty (60) days of the public hearing the Board has not reached a decision, the application shall be deemed to have been denied.
11. ~~91(11)~~ In reviewing any special exception, a quorum of the PLANNING BOARD Board of Appeals shall consist of ~~five~~ three ~~(5)~~ (3) members. The PLANNING BOARD Board of Appeals shall approve a special exception only by a majority vote, and in so doing, may prescribe conditions and safeguards as are appropriate under this Ordinance.
12. ~~101(12)~~ Upon notification of the decision of the PLANNING BOARD Board of Appeals, the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the PLANNING BOARD Board of Appeals, or deny a building permit.
13. ~~111(13)~~ A special exception permit secured under the provisions of this Ordinance by vote of the PLANNING BOARD Board of Appeals shall expire if the work or change involved is not commenced within one (1) year of the date on which the special exception is authorized, and if the work or change is not completed within two (2) years.

*121 ALL/Special Exception and Applications/are to be accompanied by a filing fee and a submission schedule as provided for in Regulations pursuant to the Zoning Ordinance of the Town of Freeport, Maine".*

(Councilors Swan & Pushard) (5 Yes) (0 No)

Moved and Seconded - That Section 602 D.2. of the Proposed Amendment to the Freeport Zoning Ordinance be deleted in its entirety. (Councilors Swan & Pushard) (3 Yes) (2 No, Councilors Ruff & Bonney) The Motion was defeated due to the fact that the majority of the Council (which requires 4 Members) did not vote in the affirmative.

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ITEM #181-79

The Town of Freeport Hereby Ordains - That the Proposed Amendment to the Zoning Ordinance (Granting Special Exception Review Authority to the Board of Appeals) as introduced on November 6, 1979 and submitted to Public Hearing on November 20, 1979 and as amended on this date be adopted.  
(Councilors Swan & Ruff) (3 No) (2 Yes, Councilors Ruff & Bonney)

Moved and Seconded - To reconsider the Amendment. (Councilors Swan & Curtis) (5 Yes) (0 No)

Moved and Seconded - That Section 602 D.2. of the Proposed Amendment to the Zoning Ordinance be deleted. (Councilors Swan & Ruff) (4 Yes) (1 No, Councilor Bonney)

ITEM #181-79

The Town of Freeport Hereby Ordains - That the Proposed Amendment to the Zoning Ordinance (Granting Special Exception Review Authority to the Board of Appeals) as introduced on November 6, 1979 and submitted to Public Hearing on November 20, 1979 and as amended on this date be adopted.  
(Councilors Swan & Ruff) (5 Yes) (0 No)

ITEM #182-79

The Town of Freeport Hereby Ordains - That the Proposed Transfer of Recreation Department Appropriations Ordinance as introduced on November 6, 1979 and submitted to Public Hearing on November 20, 1979 be adopted.  
(Councilors Ruff & Curtis) (5 Yes) (0 No)

Council Chairman Bonney read the Proposed Charter Amendment slated for the June 1980 election.

Council Chairman Bonney informed the Council and Public that he will not run for the Council in the coming March election.

Moved and Seconded - That the Council adjourn at 9:10 P.M.  
(Councilors Swan & Ruff) (5 Yes) (0 No)

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The foregoing was recorded by:

*Mary D. Wescott*  
Mary D. Wescott  
Council Secretary

Distribution: Council  
Superintendent of Schools  
Town Attorney  
Town Clerk  
Bookkeeper  
Library  
Police  
Auditor  
Recreation Director  
Highway  
Development Coordinator