

**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #9-97**  
**TOWN HALL COUNCIL CHAMBERS**  
**MARCH 18, 1997 - 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:** GENIE BEAULIEU, CHAIRPERSON, LARUE DRIVE  
EDWARD CAMPBELL, VICE CHAIRPERSON, GAY DRIVE  
ALAN HINDLEY, WARDTOWN ROAD  
KENNETH MANN, MANN ROAD  
CHARLOTTE BISHOP, MAQUOIT DRIVE  
STAFFORD SOULE, ARNOLD ROAD  
DAVID SOLEY, ARNOLD ROAD

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF #8-97 MARCH 4, 1997 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 #44-97** TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR VICTUALER LICENSES FOR PETER AND BARBARA GUFFIN, DENNIS KELLEY, PETER TILTON, JAMES WILLEY, JR., JAMES WILLEY, JR., VIENGXAY SENESOMBATH, AND BART AND MARY LOU CARHART. (PUBLIC HEARING).

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**MOTION:** THAT THE COUNCIL ADJOURN AND THE LICENSING BOARD CONVENE. (Voice Vote)

**ROLL CALL OF MEMBERS:**

CHARLOTTE BISHOP	DAVID SOLEY
GENIE BEAULIEU	KENNETH MANN
ALAN HINDLEY	EDWARD CAMPBELL
STAFFORD SOULE	DALE OLMSTEAD
PAT GOODWIN	

**MOTION:** THAT THE FOLLOWING APPLICATIONS FOR VICTUALER LICENSES BE SUBJECT TO PUBLIC HEARING. (Voice Vote)

PETER AND BARBARA GUFFIN, D/B/A PORTER'S LANDING BED & BREAKFAST, 70 SOUTH STREET, FREEPORT.

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

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

JAMES WILLEY, JR., D/B/A CANTEEN SERVICE COMPANY, L.L. BEAN RETAIL STORE, MAIN STREET, FREEPORT.

JAMES WILLEY, JR., D/B/A CANTEEN SERVICE COMPANY, L.L. BEAN OPERATION FULFILLMENT CENTER, DESERT ROAD, FREEPORT.

VIENGXAY SENESOMBATH, D/B/A THAI GARDEN RESTAURANT, 233 U.S. ROUTE 1 SOUTH, FREEPORT.

BART CARHART AND MARY LOU CARHART, D/B/A THE VILLAGE STORE, INC., 97 SOUTH FREEPORT ROAD, FREEPORT.

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**MOTION:** THAT THE PUBLIC HEARING BE CLOSED. (Voice Vote)

**BE IT ORDERED:** THAT THE APPLICATIONS ISSUED TO THE ABOVE NAMED APPLICANTS BE APPROVED. (Roll Call)

**MOTION:** THAT THE LICENSING BOARD ADJOURN AND THE COUNCIL RECONVENE. (Voice Vote)

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ITEM #45-97 TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME MALT, SPIRITUOUS, AND VINOUS LIQUOR LICENSE FOR VIENGXAY SENESOMBATH (PUBLIC HEARING).

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

VIENGXAY SENESOMBATH, D/B/A THAI GARDEN RESTAURANT, 233 U.S. ROUTE 1 SOUTH, FREEPORT.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED. (Voice Vote)

**BE IT ORDERED (Roll Call):** THAT THE APPLICATION ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. (Roll Call)

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ITEM #46-97 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TOWN CHARTER CONCERNING CITIZEN PETITIONS TO AMEND ARTICLE II, SECTION 2:12 ORDINANCES (PUBLIC HEARING).

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**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO THE VOTERS AT THE NEXT SPECIAL OR REGULAR STATE ELECTION. (Voice Vote)

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ITEM #47-97 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF AN ORDINANCE PROHIBITING CAMPING ON PUBLIC STREETS AND IN PARKING LOTS (CHAPTER 47) (PUBLIC HEARING).

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**MOTION:** THAT THE PROPOSED ORDINANCE BE SUBJECT TO PUBLIC HEARING.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT ITEM #47-97 BE TABLED UNTIL APRIL 1, 1997. (Voice Vote)

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ITEM #48-97 TO CONSIDER ACTION RELATIVE TO A REQUEST FOR A STREET LIGHT ON SPRING STREET (PUBLIC HEARING).

**MOTION:** THAT THE PUBLIC HEARING BE OPENED.

**MOTION:** THAT THE PUBLIC HEARING BE CLOSED.

**MOTION:** THAT THE REQUEST FOR A STREET LIGHT ON SPRING STREET BE GRANTED / DENIED. (Voice Vote)

**NOTE: THE STREET LIGHT IN QUESTION DOES NOT APPEAR TO MEET THE CRITERIA OF THE TOWN STREET LIGHT POLICY. THE ANNUAL COST TO OPERATE A STREET LIGHT IS \$ 140.00.**

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**ITEM #49-97    TO CONSIDER ACTION RELATIVE TO THE DONATION OF A BUILDING FOR FIRE TRAINING PURPOSES. (LOWER FLYING POINT ROAD, TAX MAP 5, LOT 79B).**

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**BE IT ORDERED: THAT THE DONATION OF A BUILDING BY DEBORAH SMITH AND TIMOTHY LEWIS LOCATED ON THE LOWER FLYING POINT ROAD (TAX MAP 5, LOT 79B) FOR FIRE TRAINING PURPOSES BE ACCEPTED. (Roll Call)**

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**ITEM #50-97    TO CONSIDER ACTION RELATIVE TO AN EMERGENCY ORDINANCE ESTABLISHING A MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS.**

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**WHEREAS, THE TOWN COUNCIL FINDS THAT THE FREEPORT ZONING ORDINANCE CURRENTLY PERMITS THE LOCATION OF TELECOMMUNICATION TOWERS, BROADCAST TOWERS AND OTHER TYPES OF TRANSMISSION TOWERS THROUGHOUT THE TOWN BUT CONTAINS ALMOST NO REGULATIONS, SUCH AS HEIGHT LIMITS, CONSTRUCTION STANDARDS, SITING CRITERIA AND SAFETY STANDARDS, WHICH WOULD ENSURE THAT SUCH TRANSMISSION TOWERS ARE PLACED ONLY IN LOCATIONS WHERE THEY WILL BE COMPATIBLE WITH ADJACENT LAND USES AND WILL NOT HAVE ADVERSE VISUAL IMPACTS OR NEGATIVE EFFECTS ON PROPERTY VALUES; AND**

**WHEREAS, THE GRANTING BY THE FEDERAL COMMUNICATIONS COMMISSION OF LICENSES FOR A NUMBER OF "PERSONAL COMMUNICATION SERVICES," WHICH REQUIRE SMALLER GEOGRAPHIC SECTIONS OR "CELLS" THEN EXISTING CELLULAR TELEPHONE TECHNOLOGY, HAS CREATED A SIGNIFICANT DEMAND FOR NEW TRANSMISSION TOWER LOCATIONS, AND FREEPORT APPEARS TO BE SO SITUATED THAT OPERATORS OF THE PERSONAL COMMUNICATION SERVICES ARE LIKELY TO SEEK SITES IN THE TOWN; AND**

**WHEREAS, THE TOWN COUNCIL FINDS THAT THE APPLICATION OF THE TOWN'S EXISTING COMPREHENSIVE PLAN, ZONING ORDINANCE AND OTHER APPLICABLE LAWS AND REGULATIONS IS INADEQUATE TO PREVENT SERIOUS PUBLIC HARM FROM A LAND USE WHICH IS NOW VIRTUALLY UNREGULATED; AND**

**WHEREAS, THE TOWN COUNCIL IS DIRECTING THE FREEPORT PLANNING BOARD TO DEVELOP APPROPRIATE REGULATIONS TO GOVERN THE LOCATION AND CONSTRUCTION OF TRANSMISSION TOWERS; AND**

**WHEREAS, IT WOULD BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE TO ALLOW THE UNCONTROLLED AND**

**UNREGULATED LOCATION AND CONSTRUCTION OF TRANSMISSION TOWERS UNTIL THE PLANNING BOARD CAN COMPLETE ITS WORK OF DEVELOPING ADEQUATE REGULATIONS; AND**

**WHEREAS, THE SITUATION DESCRIBED ABOVE CONSTITUTES AN EMERGENCY WITHIN THE MEANING OF SECTION 2.13 OF THE CHARTER OF THE TOWN OF FREEPORT;**

**NOW, THEREFORE, THE TOWN OF FREEPORT HEREBY ORDAINS AS FOLLOWS:**

- 1. CONSTRUCTION AND LOCATION OF TRANSMISSION TOWERS PROHIBITED. DURING THE PERIOD OF TIME THIS ORDINANCE IS IN EFFECT, NO PERSON SHALL ERECT, CONSTRUCT OR LOCATE ANY TRANSMISSION TOWER IN THE TOWN OF FREEPORT.**
- 2. ACCEPTANCE OF APPLICATIONS PROHIBITED. DURING THE TIME THIS ORDINANCE IS IN EFFECT, NO OFFICER, OFFICIAL, EMPLOYEE, OFFICE, BOARD OR AGENCY OF THE TOWN OF FREEPORT SHALL RECEIVE, ACCEPT OR ACT UPON ANY APPLICATION OR GRANT ANY PERMIT, APPROVAL OR PERMISSION TO ERECT OR LOCATE A TRANSMISSION TOWER IN THE TOWN OF FREEPORT.**
- 3. DEFINITION. "TRANSMISSION TOWER" MEANS A STRUCTURE USED FOR THE WIRELESS TRANSMISSION OR RECEPTION OF ELECTRIC IMPULSES OR SIGNALS BY MEANS OF ELECTROMAGNETIC WAVES, INCLUDING ANY SUCH STRUCTURE WHICH MAY ALSO BE CLASSIFIED A "PUBLIC UTILITY FACILITY" UNDER THE FREEPORT ZONING ORDINANCE. THE TERM TRANSMISSION TOWER DOES NOT INCLUDE HOME TELEVISION ANTENNAS, SATELLITE DISHES OR SIMILAR STRUCTURES ACCESSORY TO A DWELLING.**
- 4. EFFECTIVE DATE AND DURATION. THIS ORDINANCE TAKES EFFECT IMMEDIATELY UPON ENACTMENT BY THE FREEPORT TOWN COUNCIL AND SHALL STAND REPEALED AS OF THE 61ST DAY FOLLOWING THE DATE UPON WHICH IT IS ENACTED, UNLESS EARLIER RE-ENACTED, AMENDED OR REPEALED BY THE TOWN COUNCIL.**
- 5. APPLICABILITY. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN 1 M.R.S.A. §302, THIS ORDINANCE SHALL APPLY TO ANY APPLICATIONS OR REQUESTS TO ERECT, CONSTRUCT OR LOCATE A TRANSMISSION TOWER SUBMITTED TO THE TOWN OF FREEPORT ON OR AFTER FEBRUARY 27, 1997.**

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**ITEM #51-97    TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED CONCERNING HIGH STREET.**

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**BE IT ORDERED: THAT THE TOWN OF FREEPORT ISSUE A MUNICIPAL QUIT CLAIM DEED WITHOUT COVENANT RELEASING THE TOWN INTEREST IN HIGH STREET TO FREEPORT AFFORDABLE HOUSING, L.P.  
(Roll Call)**

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ITEM #52-97 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A FEDERAL HISTORIC PRESERVATION SURVEY AND PLANNING GRANT.

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**BE IT ORDERED:** THAT A FEDERAL HISTORIC PRESERVATION SURVEY AND PLANNING GRANT FOR \$4,500.00 BE ACCEPTED.

**BE IT FURTHER ORDERED:** THAT UP TO \$2,500.00 BE EXPENDED FROM THE FY '97 OPERATING BUDGET MISCELLANEOUS AND CONTINGENCY ACCOUNT TO PROVIDE FOR THE REQUIRED LOCAL MATCH. (Roll Call)

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ITEM #53-97 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DR. GOULD TRUST FUND.

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**BE IT ORDERED:** THAT THIRTEEN INDIVIDUALS RECEIVE AWARDS TOTALING \$2,161.16 FROM THE DR. GOULD TRUST FUND TO PROVIDE FOR THE PAYMENT OF MEDICAL EXPENSES. (Roll Call)

**NOTE:** ALL APPLICANTS HAVE QUALIFIED THROUGH THE GENERAL ASSISTANCE OFFICE.

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ITEM #54-97 TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING (CHAPTER 32).

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE.

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

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ITEM #55-97 TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 1998 TO 2002.

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS, TO DISCUSS THE ADOPTION OF A FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM.

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

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ITEM #56-97 TO CONSIDER ACTION RELATIVE TO ESTABLISHING THE COUNCIL'S ROLE IN THE TAX ABATEMENT PROCESS.

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**BE IT ORDERED:** THAT THE TOWN COUNCIL ACCEPT THE LEGAL OPINIONS OF THE TOWN ATTORNEY AND THE MAINE MUNICIPAL ASSOCIATION IN REGARDS TO THE COUNCIL'S ROLE IN THE TAX ABATEMENT PROCESS.

**BE IT FURTHER ORDERED:** THAT THE TOWN MANAGER BE INSTRUCTED TO BRING TO THE COUNCIL ONLY THOSE TAX ABATEMENT REQUESTS AS OUTLINED IN THE LEGAL OPINIONS. (Roll Call)

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**ITEM #57-97** TO CONSIDER ACTION RELATIVE TO THE FORMATION OF A MEMORIAL DAY COMMITTEE.

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**BE IT ORDERED:** THAT A MEMCRIAL DAY COMMITTEE BE FORMED.

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING MEMBERS BE APPOINTED: (Roll Call)

EDWARD CAMPBELL  
SHERWOOD SNOW  
HENRY PERKINS  
GERALD SCHOFIELD  
SCOTT BURDITT

CLAYTON TEAGUE  
LEO VALLIERE  
PHYLLIS ROY  
REV ALDEN PEARSON  
PHILIP MARSTON

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**ITEM #58-97** TO CONSIDER ACTION RELATIVE TO A WHARFING OUT PERMIT FOR THE TOWN OF FREEPORT.

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS AN APPLICATION FOR A WHARFING OUT PERMIT BY THE TOWN OF FREEPORT.

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

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**ITEM 38#-97** TABLED MARCH 4, 1997

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TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING PARKING ON MAIN STREET (CHAPTER 48).

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**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON MARCH 4, 1997, BE APPROVED. (Roll Call)

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**FREEPORT TOWN COUNCIL MEETING #9-97  
MARCH 18, 1997**

**OTHER BUSINESS:**

- 1. SIGNING OF THE ANNUAL DOG WARRANT.**

**COMMITTEE REPORTS:**

**ADJOURN.**



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #9-97**  
**MARCH 18, 1997 - 7:00 P.M.**

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Genie Beaulieu, Chairperson Larue Drive	X		
Edward Campbell, Vice-Chairperson Gay Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Charlotte Bishop Maquoit Drive	X		
Stafford Soule Arnold Road	X		
David Soley Arnold Road	X		

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #8-97 HELD ON MARCH 4, 1997 AND ACCEPT THE MINUTES AS PRINTED.

**MOVED AND SECONDED:** TO AMEND THE MINUTES ON PAGE 9, THE THIRD PARAGRAPH FROM THE BOTTOM, TO ADD "BILL SHEA". (Chairperson Beaulieu & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #8-97 HELD ON MARCH 4 AND ACCEPT THE MINUTES AS AMENDED. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

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

(There were no comments this evening.)

**MOVED AND SECONDED:** THAT THE PUBLIC COMMENT PERIOD BE CLOSED. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** TO TAKE ACTION ON THE FOLLOWING ITEMS OF BUSINESS AS READ BY THE COUNCIL CHAIRPERSON.

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ITEM #44-97	TO CONSIDER ACTION RELATIVE TO APPLICATIONS FOR VICTUALER LICENSES FOR PETER AND BARBARA GUFFIN, DENNIS KELLEY, PETER TILTON, JAMES WILLEY, JR., JAMES WILLEY, JR., VIENGXAY SENESOMBATH, AND BART AND MARY LOU CARHART. (PUBLIC HEARING)
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**FREEPORT TOWN COUNCIL MEETING #9-97  
MARCH 18, 1997**

**MOVED AND SECONDED: THAT THE COUNCIL ADJOURN AND THE  
LICENSING BOARD CONVENE. (Councilors Bishop & Campbell) (7 Ayes) (0 Nays)**

**ROLL CALL OF MEMBERS:**

**CHARLOTTE BISHOP – present  
GENIE BEAULIEU – present  
ALAN HINDLEY – present  
STAFFORD SOULE – present  
PAT GOODWIN – present**

**DAVID SOLEY – present  
KENNETH MANN – present  
EDWARD CAMPBELL – present  
DALE OLMSTEAD – excused**

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

**PETER AND BARBARA GUFFIN, D/B/A PORTER'S LANDING BED &  
BREAKFAST, 70 SOUTH STREET, FREEPORT.**

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

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

**JAMES WILLEY, JR., D/B/A CANTEEN SERVICE COMPANY, L.L. BEAN  
RETAIL STORE, MAIN STREET, FREEPORT.**

**JAMES WILLEY, JR., D/B/A CANTEEN SERVICE COMPANY, L.L. BEAN  
OPERATION FULFILLMENT CENTER, DESERT ROAD, FREEPORT.**

**VIENGXAY SENESOMBATH, D/B/A THAI GARDEN RESTAURANT, 233 U.S.  
ROUTE 1 SOUTH, FREEPORT.**

**BART CARHART AND MARY LOU CARHART, D/B/A THE VILLAGE STORE,  
INC., 97 SOUTH FREEPORT ROAD, FREEPORT.**

**(Councilors Bishop & Campbell) (8 Ayes) (1 Excused- Olmstead)**

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

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

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

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**ITEM #45-97    TO CONSIDER ACTION RELATIVE TO AN APPLICATION FOR A FULL-TIME  
MALT, SPIRITUOUS, AND VINOUS LIQUOR LICENSE FOR VIENGXAY  
SENESOMBATH. (PUBLIC HEARING).**

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

VIENGXAY SENESOMBATH, D/B/A THAI GARDEN RESTAURANT, 233 U.S. ROUTE 1 SOUTH, FREEPORT. (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Campbell & Hindley) (7 Ayes) (0 Nays)

**BE IT ORDERED:** THAT THE APPLICATION ISSUED TO THE ABOVE NAMED APPLICANT BE APPROVED. ROLL CALL VOTE (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

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ITEM #46-97      TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TOWN CHARTER CONCERNING CITIZEN PETITIONS TO AMEND ARTICLE II, SECTION 2.12 ORDINANCES (PUBLIC HEARING).

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED.  
(Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

Councilor Mann raised concern about the public notice for this hearing. He requested that the public hearing be rescheduled to the next meeting, including text and explanation. His feeling was that proper notice was not given.

Chairperson Beaulieu stated that the notice was published properly.

Councilor Campbell stated that this had been posted previously and that the requirements have been met.

Chairperson Beaulieu stated that she would have concerns as well, if this issue had not been discussed previously. She stated that they would go forward with this at this time.

Councilor Hindley stated that this was not an issue of timing, but rather of wording.

**MOVED AND SECONDED:** TO OVERRULE THE CHAIR'S RULING TO CONTINUE WITH THE PUBLIC HEARING IN ORDER TO PROVIDE PROPER NOTICE AND TEXT IN THE NEWSPAPER. ROLL CALL VOTE (Councilors Mann & Hindley) (3 Ayes) (4 Nays-Campbell, Soley, Bishop, Beaulieu)

Frank Waterman, Trash Hauler, provided a copy of an opinion from John L. French, attorney, to the Council. He raised concern that the public needed more information regarding this item. He raised concern for his own livelihood.

Councilor Mann asked how many signatures had been obtained on the petitions.

Mr. Waterman stated that they received 867 signatures on Petition E and 844 on Petition F.

Miscellaneous discussion followed re: language of the petition, the legal opinions of the Town Attorney and Mr. French, possible violation of the Constitution, etc.

Larry DiPietro, resident, raised concern as to the proper procedure to follow with petitions; he requested that the public hearing be postponed.

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Chairperson Beaulieu stated that nothing can be put on the ballot without confirmation from an attorney stating that the wording is correct. The problem arose due to the fact that petitions were circulated and signed without the legal opinion.

Kirk Goddard, resident, stated that his understanding of the discussion is that there are two significant amendments to the Town Charter being proposed, 1) to prohibit the Town from ever having a single hauler system, and 2) pay-per-bag system, which would reduce waste being created. He raised concerns re: solid waste problems, local haulers going out of business, the bid process for selecting a single hauler, concern for the residents, limiting the Town to making the choices, etc.

Councilor Soley reaffirmed that if the Town were to pass either of these proposals, it would potentially limit the Town from lowering costs to the residents.

Councilor Hindley questioned Mr. Goddard's statements.

Councilor Mann stated that the "F" language has been changed in the legal opinion, giving the authority to the Town VS. the Town Council.

Councilor Hindley questioned "flow control" contained in the legal opinion.

Chairperson Beaulieu read the verbiage contained in the legal opinion, regarding "E" and its potential violation of the law.

Councilor Campbell reaffirmed that there is disagreement of interpretation and "E" could be in violation.

Councilor Mann reiterated his thoughts of the petition/charter change process and the proposed amendments and urged that these proposed amendments go forward to the vote.

Councilor Soley stated that we have an opinion and he requested direction.

Thomas Rumpf, Solid Waste and Recycling Committee, stated that the Committee had concerns re: the wording of the petitions and constitutional issues. He prefers not to tie the hands of the Town officials for the future. He urged the voters to educate themselves about the issues.

Mr. DiPietro stated that he feels the people have the right to decide.

Chairperson Beaulieu stated that the Council has a responsibility to uphold the law.

Councilor Bishop stated that most people do not realize the built-in cost factors with the trash issues; we are requesting input from all of the citizens and haulers to resolve this problem; the Council is in place to represent the 6,000 residents and not just the 864 citizens who signed the petitions.

Councilor Soley stated that we have the opportunity to save the Town hundreds of thousands of dollars per year and we must consider this.

Dan Wentworth, trash hauler, raised concern for the residents' freedom of choice.

Councilor Campbell stated he does not feel anyone wants to take away anyone's rights.

Councilor Mann raised concern re: monopoly VS. free enterprise and right to choose.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED.  
(Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO THE VOTERS AT THE NEXT SPECIAL OR REGULAR STATE ELECTION. (Councilors Hindley & Mann)

**MOVED AND SECONDED:** THAT THE TWO CHARTER AMENDMENTS BE VOTED ON SEPARATELY. (Councilors Soley & Campbell) (5 Ayes) (2 Nays-Mann, Hindley)

**MOVED AND SECONDED:** THAT ITEM #46-97 PROPOSED AMENDMENT 2.12-E BE SUBMITTED TO THE VOTERS AT THE NEXT SPECIAL OR REGULAR STATE ELECTION. (Councilors Soley & Campbell)

Councilor Mann asked if we are going to report on this including a legal opinion; he requested the Council look at this, his feeling that "E" is legal.

Councilor Soule stated that the Town Attorney feels this is not legal, and he relies on the Attorney's opinion.

Councilor Soley raised concerns with Mr. French's (legal) opinion.

Chairperson Beaulieu stated she has compared both opinions, favoring the opinion of the Town Attorney.

Councilor Mann raised concern about the Town Attorney's opinion.

**VOTE ON AMENDMENT 2.12 "E"** (2 Ayes) (5 Nays-Soley, Campbell, Bishop, Beaulieu, Soule) (AMENDMENT FAILS)

**MOVED AND SECONDED:** THAT THE PROPOSED CHARTER AMENDMENT, SECTION 2.12 "F" BE TABLED AND SENT BACK TO THE TOWN ATTORNEY WITH CORRECT WORDING FOR LEGAL OPINION. (Councilors Soley & Bishop)

(MOTION AND SECOND TO THE MOTION WITHDRAWN.)

**MOVED AND SECONDED:** THAT CHARTER AMENDMENT 2.12 "F" BE SUBMITTED TO THE VOTERS AT THE NEXT SPECIAL OR REGULAR STATE ELECTION. (Councilors Soley & Soule)

**MOVED AND SECONDED:** TO AMEND THE MOTION THAT THE LANGUAGE ON THE BALLOT WOULD BE THAT, "THE TOWN COUNCIL SHALL NOT ENACT ANY ORDINANCE TRANSFERRING RWS DISPOSAL COSTS TO THE PEOPLE BY THE ENACTMENT OF A USER FEE, PAY-PER-BAG OR OTHER NEW TAX. (Councilors Soley & Mann)

Discussion followed re: legal opinion, Town Council as governing body, potential of soliciting an opposing opinion from the Town Attorney, lack of definition in the proposed amendment wording, petition process, meaning of "other new taxes", intent of "other new tax (other than property tax)", question of author(s) of petition, etc.

**VOTE ON AMENDMENT 2.12 "F"** (6 Ayes) (1 Nay-Bishop)

Councilor Mann asked who would write the report.

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Chairperson Beaulieu stated that it will be decided who will write the report regarding this, if necessary.

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**ITEM #47-97** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF AN ORDINANCE PROHIBITING CAMPING ON PUBLIC STREETS AND IN PARKING LOTS (CHAPTER 47) (PUBLIC HEARING).

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**MOVED AND SECONDED:** THAT THE PROPOSED ORDINANCE BE SUBJECT TO PUBLIC HEARING. (Councilors Mann & Campbell) (6 Ayes) (1 Excused-Bishop)

Roland Foster, campground owner, stated that the majority of the campground owners support this proposal.

Resident asked how enforcement of this ordinance would be handled.

Councilor Mann stated that this proposed ordinance addresses all of the public streets, giving the Police Department the authority to issue warnings and/or \$100 tickets.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT ITEM #47-97 BE TABLED UNTIL APRIL 1, 1997. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

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**ITEM #48-97** TO CONSIDER ACTION RELATIVE TO A REQUEST FOR A STREET LIGHT ON SPRING STREET (PUBLIC HEARING).

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE OPENED. (Councilors Soule & Bishop) (7 Ayes) (0 Nays)

Mrs. Paradis, Spring Street, described the reasons for the request.

Discussion followed re: need for the streetlight, costs involved, criteria of the Street Light Policy, etc.

**MOVED AND SECONDED:** THAT THE PUBLIC HEARING BE CLOSED. (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** THAT THE REQUEST FOR A STREET LIGHT ON SPRING STREET BE GRANTED. (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

**NOTE:** THE STREETLIGHT IN QUESTION DOES NOT APPEAR TO MEET THE CRITERIA OF THE TOWN STREET LIGHT POLICY. THE ANNUAL COST TO OPERATE A STREET LIGHT IS \$140.

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**ITEM #49-97** TO CONSIDER ACTION RELATIVE TO THE DONATION OF A BUILDING FOR FIRE TRAINING PURPOSES. (LOWER FLYING POINT ROAD, TAX MAP 5, LOT 79B).

**BE IT ORDERED:** THAT THE DONATION OF A BUILDING BY DEBORAH SMITH AND TIMOTHY LEWIS LOCATED ON THE LOWER FLYING POINT

ROAD (TAX MAP 5, LOT 79B) FOR FIRE TRAINING PURPOSES BE ACCEPTED.  
ROLL CALL VOTE (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

---

ITEM #50-97 TO CONSIDER ACTION RELATIVE TO AN EMERGENCY ORDINANCE  
ESTABLISHING A MORATORIUM ON THE CONSTRUCTION, ERECTION OR  
LOCATION OF TRANSMISSION TOWERS.

---

WHEREAS, THE TOWN COUNCIL FINDS THAT THE FREEPORT ZONING  
ORDINANCE CURRENTLY PERMITS THE LOCATION OF  
TELECOMMUNICATION TOWERS, BROADCAST TOWERS AND OTHER TYPES  
OF TRANSMISSION TOWERS THROUGHOUT THE TOWN BUT CONTAINS  
ALMOST NO REGULATIONS, SUCH AS HEIGHT LIMITS, CONSTRUCTION  
STANDARDS, SITING CRITERIA AND SAFETY STANDARDS, WHICH WOULD  
ENSURE THAT SUCH TRANSMISSION TOWERS ARE PLACED ONLY IN  
LOCATIONS WHERE THEY WILL BE COMPATIBLE WITH ADJACENT LAND  
USES AND WILL NOT HAVE ADVERSE VISUAL IMPACTS OR NEGATIVE  
EFFECTS ON PROPERTY VALUES; AND

WHEREAS, THE GRANTING BY THE FEDERAL COMMUNICATIONS  
COMMISSION OF LICENSES FOR A NUMBER OF "PERSONAL  
COMMUNICATION SERVICES", WHICH REQUIRE SMALLER GEOGRAPHIC  
SECTIONS OR "CELLS" THEN EXISTING CELLULAR TELEPHONE  
TECHNOLOGY, HAS CREATED A SIGNIFICANT DEMAND FOR NEW  
TRANSMISSION TOWER LOCATIONS, AND FREEPORT APPEARS TO BE SO  
SITUATED THAT OPERATORS OF THE PERSONAL COMMUNICATION  
SERVICES ARE LIKELY TO SEEK SITES IN THE TOWN; AND

WHEREAS, THE TOWN COUNCIL FINDS THAT THE APPLICATION OF THE  
TOWN'S EXISTING COMPREHENSIVE PLAN, ZONING ORDINANCE AND  
OTHER APPLICABLE LAWS AND REGULATIONS IS INADEQUATE TO  
PREVENT SERIOUS PUBLIC HARM FROM A LAND USE WHICH IS NOW  
VIRTUALLY UNREGULATED; AND

WHEREAS, THE TOWN COUNCIL IS DIRECTING THE FREEPORT PLANNING  
BOARD TO DEVELOP APPROPRIATE REGULATIONS TO GOVERN THE  
LOCATION AND CONSTRUCTION OF TRANSMISSION TOWERS; AND

WHEREAS, IT WOULD BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY  
AND WELFARE TO ALLOW THE UNCONTROLLED AND UNREGULATED  
LOCATION AND CONSTRUCTION OF TRANSMISSION TOWERS UNTIL THE  
PLANNING BOARD CAN COMPLETE ITS WORK OF DEVELOPING ADEQUATE  
REGULATIONS; AND

WHEREAS, THE SITUATION DESCRIBED ABOVE CONSTITUTES AN  
EMERGENCY WITHIN THE MEANING OF SECTION 2.13 OF THE CHARTER OF  
THE TOWN OF FREEPORT;

NOW, THEREFORE, THE TOWN OF FREEPORT HEREBY ORDAINS AS  
FOLLOWS:

1. CONSTRUCTION AND LOCATION OF TRANSMISSION TOWERS  
PROHIBITED. DURING THE PERIOD OF TIME THIS ORDINANCE IS IN  
EFFECT, NO PERSON SHALL ERECT, CONSTRUCT OR LOCATE ANY  
TRANSMISSION TOWER IN THE TOWN OF FREEPORT.

2. **ACCEPTANCE OF APPLICATIONS PROHIBITED.** DURING THE TIME THIS ORDINANCE IS IN EFFECT, NO OFFICER, OFFICIAL, EMPLOYEE, OFFICE, BOARD OR AGENCY OF THE TOWN OF FREEPORT SHALL RECEIVE, ACCEPT OR ACT UPON ANY APPLICATION OR GRANT ANY PERMIT, APPROVAL OR PERMISSION TO ERECT OR LOCATE A TRANSMISSION TOWER IN THE TOWN OF FREEPORT.
3. **DEFINITION.** "TRANSMISSION TOWER" MEANS A STRUCTURE USED FOR THE WIRELESS TRANSMISSION OR RECEPTION OF ELECTRIC IMPULSES OR SIGNALS BY MEANS OF ELECTROMAGNETIC WAVES, INCLUDING ANY SUCH STRUCTURE WHICH MAY ALSO BE CLASSIFIED A "PUBLIC UTILITY FACILITY" UNDER THE FREEPORT ZONING ORDINANCE. THE TERM TRANSMISSION TOWER DOES NOT INCLUDE HOME TELEVISION ANTENNAS, SATELLITE DISHES OR SIMILAR STRUCTURES ACCESSORY TO A DWELLING.
4. **EFFECTIVE DATE AND DURATION.** THIS ORDINANCE TAKES EFFECT IMMEDIATELY UPON ENACTMENT BY THE FREEPORT TOWN COUNCIL AND SHALL STAND REPEALED AS OF THE 61<sup>ST</sup> DAY FOLLOWING THE DATE UPON WHICH IT IS ENACTED, UNLESS EARLIER RE-ENACTED, AMENDED OR REPEALED BY THE TOWN COUNCIL.
5. **APPLICABILITY.** NOTWITHSTANDING ANYTHING TO THE CONTRARY IN 1 M.R.S.A. #302, THIS ORDINANCE SHALL APPLY TO ANY APPLICATIONS OR REQUESTS TO ERECT, CONSTRUCT OR LOCATE A TRANSMISSION TOWER SUBMITTED TO THE TOWN OF FREEPORT ON OR AFTER FEBRUARY 27, 1997.

(Councilors Bishop & Campbell)

Town Planner Cohen stated that the Planning Board is now reviewing a tower, and in the course of that review, has found inadequacies in the regulations in the Zoning Ordinance. The Board is aware that there are other potential proposals for towers in the works. She added that the date of February 27, 1997 was the date that the attorney developed the language; there are no further applications to come forward since that date.

**MOVED AND SECONDED:** TO AMEND THE DATE OF ITEM #50-97 TO MARCH 18, 1997. (Councilors Soley & Mann) (7 Ayes) (0 Nays)

John Creasy, Planning Board, spoke in favor of the Council taking action on the moratorium this evening. He added that there is a need to develop clear guidelines to deal with applications in an appropriate and consistent way.

Councilor Soley asked if 61 days was enough time to develop this.

Chairperson Beaulieu stated that if the Council votes for this tonight, we have another amendment following, which will set the public hearing, to start the process.

Ms. Cohen stated that an emergency moratorium action can only exist for 60 days, expiring on the 61<sup>st</sup> day. To go through the ordinance process could take six months.

Larry DiPietro raised concern regarding the legality of the moratorium; he cited FCC regulations.



**FREEPORT TOWN COUNCIL MEETING #9-97  
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Councilor Mann asked, regarding #3, if businesses are excluded from having an antenna, dish, etc.

Discussion followed re: ham radio operation, the ability to have certain requirements/criteria to be met, not prohibiting ham radio towers/antennas, etc.

**MOVED AND SECONDED:** TO AMEND ITEM #50-97 #3 TO ADD AT THE END OF #3, "OR BUSINESS". (Councilors Mann & Hindley) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO AMEND ITEM #50-97 #3, TO ADD "HAM RADIO ANTENNAS" BEFORE "HOME TELEVISION ANTENNAS". (Councilors Mann & Hindley)

Councilor Soley stated he would prefer to leave this the way it is and have the Planning Board and/or attorney review this and decide what the appropriate thing to do is.

Mr. Creasy stated that this is a moratorium against submissions of plans to erect an antenna. It does not say they cannot examine the definitions of towers.

Councilor Soley does not want to "gut" the effectiveness of the ordinance.

Councilor Mann stated that these towers are such a benefit to the Town; he does not see the issue of ham radios as something that cannot be dealt with.

Miscellaneous discussion followed re: current towers, need for emergency moratorium, no permitting necessary currently regarding ham radio antennas, etc.

**ROLL CALL VOTE ON AMENDMENT TO ITEM #50-97** (2 Ayes) (5 Nays-Soley, Campbell, Soule, Bishop, Beaulieu)

**ROLL CALL VOTE ON ITEM #50-97 AS AMENDED** (6 Ayes) (1 Abstain-Mann)

Discussion followed regarding the need for an emergency moratorium.

Ms. Cohen stated that this emergency moratorium is repealed on the 61<sup>st</sup> day following this date, which does not allow enough time to develop new regulations. We can re-enact another emergency ordinance or we can begin the process of reviewing and adopting a moratorium that will last for six months.

**MOVED AND SECONDED:** TO TAKE AN ITEM NOT ON THE PRINTED AGENDA. (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

**BE IT FURTHER ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. AT THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS IMPLEMENTATION OF AN ORDINANCE ESTABLISHING A MORATORIUM ON THE CONSTRUCTION, ERECTION OR LOCATION OF TRANSMISSION TOWERS FOR A SIX MONTH PERIOD.

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

**BE IT FURTHER ORDERED:** THAT THIS ITEM IS #50-97-A, ALL REFERENCES TO EMERGENCY WILL BE DELETED AND THE DURATION WILL BE 6 MONTHS FROM DATE OF APPROVAL.

**ROLL CALL VOTE** (Councilors Campbell & Bishop) (6 Ayes) (1 Abstain-Mann)

---

ITEM #51-97 TO CONSIDER ACTION RELATIVE TO THE ISSUANCE OF A MUNICIPAL QUIT CLAIM DEED CONCERNING HIGH STREET.

---

**BE IT ORDERED:** THAT THE TOWN OF FREEPORT ISSUE A MUNICIPAL QUIT CLAIM DEED WITHOUT COVENANT RELEASING THE TOWN INTEREST IN HIGH STREET TO FREEPORT AFFORDABLE HOUSING, L.P. ROLL CALL VOTE (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

---

ITEM #52-97 TO CONSIDER ACTION RELATIVE TO THE ACCEPTANCE OF A FEDERAL HISTORIC PRESERVATION SURVEY AND PLANNING GRANT.

---

**BE IT ORDERED:** THAT A FEDERAL HISTORIC PRESERVATION SURVEY AND PLANNING GRANT FOR \$4,500.00 BE ACCEPTED.

**BE IT FURTHER ORDERED:** THAT UP TO \$2,500.00 BE EXPENDED FROM THE FY '97 OPERATING BUDGET MISCELLANEOUS AND CONTINGENCY ACCOUNT TO PROVIDE FOR THE REQUIRED LOCAL MATCH. ROLL CALL VOTE (Councilors Hindley & Campbell)

Chairperson Beaulieu raised concern for the lack of time of the Committee to perform all of the work before the Committee is dissolved. She raised concern that the work might include things out of the realm of the impetus of this project, i.e., archeology.

Mr. Collins, Committee Chair, stated that the work of the grant is fairly concise and the Committee feels the work can be done in time. The archeological component will not be a part of this.

Ms. Rand, Committee Member, reviewed the work done previously and the tasks to be done.

Councilor Soley asked what the amount was in the Miscellaneous and Contingency Account.

Ms. Cohen stated she did not have the exact figure, but that there were sufficient funds available.

Ms. Anderson, Committee Member, added that Freeport was very early in doing its survey and served as a model to other communities. She stated that Freeport is the first community to be so honored in receiving this grant.

**ROLL CALL VOTE** (6 Ayes) (1 Nay-Hindley)

---

ITEM #53-97 TO CONSIDER ACTION RELATIVE TO AWARDS FROM THE DR. GOULD TRUST FUND.

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**BE IT ORDERED:** THAT THIRTEEN INDIVIDUALS RECEIVE AWARDS TOTALING \$2,161.16 FROM THE DR. GOULD TRUST FUND TO PROVIDE FOR THE PAYMENT OF MEDICAL EXPENSES. ROLL CALL VOTE (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

**NOTE:** ALL APPLICANTS HAVE QUALIFIED THROUGH THE GENERAL ASSISTANCE OFFICE.

---

**ITEM #54-97** TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE CONCERNING LICENSING (CHAPTER 32).

---

**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS PROPOSED AMENDMENTS TO THE SHELLFISH CONSERVATION ORDINANCE.

**BE IT FURTHER ORDERED:** THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Soule & Bishop) ((7 Ayes) (0 Nays)

---

**ITEM #55-97** TO CONSIDER ACTION RELATIVE TO THE ADOPTION OF A FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 1998 TO 2002.

---

**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS, TO DISCUSS THE ADOPTION OF A FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM.

**BE IT FURTHER ORDERED:** THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

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**ITEM #56-97** TO CONSIDER ACTION RELATIVE TO ESTABLISHING THE COUNCIL'S ROLE IN THE TAX ABATEMENT PROCESS.

---

**BE IT ORDERED:** THAT THE TOWN COUNCIL ACCEPT THE LEGAL OPINIONS OF THE TOWN ATTORNEY AND THE MAINE MUNICIPAL ASSOCIATION IN REGARDS TO THE COUNCIL'S ROLE IN THE TAX ABATEMENT PROCESS.

**BE IT FURTHER ORDERED:** THAT THE TOWN MANAGER BE INSTRUCTED TO BRING TO THE COUNCIL ONLY THOSE TAX ABATEMENT REQUESTS AS OUTLINED IN THE LEGAL OPINIONS. (Councilors Bishop & Campbell)

Discussion followed re: examples of errors, time frame for rights to be rectified, court cases cited in legal opinions, valuations, abatement procedures, etc.

ROLL CALL VOTE (5 Ayes) (2 Nays-Mann, Hindley)

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**ITEM #57-97** TO CONSIDER ACTION RELATIVE TO THE FORMATION OF A MEMORIAL DAY COMMITTEE.

---

**BE IT ORDERED:** THAT A MEMORIAL DAY COMMITTEE BE FORMED.

**BE IT FURTHER ORDERED:** THAT THE FOLLOWING MEMBERS BE APPOINTED:

EDWARD CAMPBELL

CLAYTON TEAGUE

FREEPORT TOWN COUNCIL MEETING #9-97  
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SHERWOOD SNOW  
HENRY PERKINS  
GERALD SCHOFIELD  
SCOTT BURDITT

LEO VALLIERE  
PHYLLIS ROY  
REV. ALDEN PEARSON  
PHILIP MARSTON

ROLL CALL VOTE (7 Ayes) (0 Nays)

---

ITEM #58-97 TO CONSIDER ACTION RELATIVE TO A WHARFING OUT PERMIT FOR THE TOWN OF FREEPORT.

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**BE IT ORDERED:** THAT A PUBLIC HEARING BE SCHEDULED FOR APRIL 1, 1997 AT 7:00 P.M. IN THE TOWN HALL COUNCIL CHAMBERS TO DISCUSS AN APPLICATION FOR A WHARFING OUT PERMIT BY THE TOWN OF FREEPORT. **BE IT FURTHER ORDERED:** THAT 30 COPIES BE MADE AND DISTRIBUTED EQUALLY BETWEEN THE TOWN CLERK'S OFFICE AND THE B.H. BARTOL LIBRARY FOR INSPECTION BY CITIZENS. ROLL CALL VOTE (Councilors Campbell & Bishop) (7 Ayes) (0 Nays)

---

ITEM #38-97 TABLED MARCH 4, 1997

TO CONSIDER ACTION RELATIVE TO PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE CONCERNING PARKING ON MAIN STREET (CHAPTER 48).

---

**BE IT ORDERED:** THAT THE PROPOSED AMENDMENTS TO THE TRAFFIC AND PARKING ORDINANCE, AS SUBMITTED TO PUBLIC HEARING ON MARCH 4, 1997, BE APPROVED. ROLL CALL VOTE (Councilors Soule & Bishop)

Ms. Cohen stated that this issue came forward as a recommendation from the Traffic and Parking Committee, based on the Traffic and Parking Master Plan. She described the proposed changes on Main Street.

Councilor Mann raised concern that removal of parking will have a negative effect on retail sales.

Councilor Hindley raised concern for the quaint look of the downtown.

Councilor Bishop raised concern with the congestion currently.

Chairperson Beaulieu stated that this proposal has the endorsement of the Merchants Association.

ROLL CALL VOTE (5 Ayes) (0 Nays-Hindley, Mann)

---

**OTHER BUSINESS:**

1. Signing of the annual dog warrant.

Miscellaneous discussion followed regarding this item.

2. Chairperson Beaulieu stated that a request was received regarding the City of Archangels having a new mayor. A request has been made to send a

**FREEPORT TOWN COUNCIL MEETING #9-97  
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congratulation letter to the new mayor in Russia. She added that she has drafted a letter for all of the Councilors to sign.

**MOVED AND SECONDED: THAT THE MEETING BE ADJOURNED AT 11:05  
P.M. (Councilors Campbell & Hindley) (7 Ayes) (0 Nays)**

Respectfully,

Pat Goodwin, Recording Secretary

**PROPOSED**

**AMENDMENTS TO THE FREEPORT TOWN CHARTER**

**ARTICLE 11**

**2:12 Ordinances in General**

**E. The Town Council shall not enact any ordinance which would infringe on the people's right to choose their own trash hauler.**

**F. The Town of Freeport shall not enact any ordinance transferring R.W.S. Disposal costs to the people by enactment of a user fee, pay per bag or other new tax.**

Counselors At Law

**Bernstein, Shur, Sawyer & Nelson**

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(207) 623-1598  
FAX 626-0200

*Geoffrey H. Hole*Internet: [ghole@mainclaw.com](mailto:ghole@mainclaw.com)

March 14, 1997

**VIA FAX**

Dale Olmstead, Jr., Town Manager  
Town of Freeport  
30 Main Street  
Freeport, ME 04032

Dear Dale:

I am writing under Title 30-A § 2104(5)(b). That subsection requires the final draft of a proposed Charter amendment to be accompanied by a written opinion by an attorney admitted to the Bar of the state that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine. Given the current state of the law relating to municipal control of solid waste, we cannot offer such an opinion.

We specifically reference the current state of the law because there has been and continues to be a great deal of litigation both nationally and in the state concerning the validity of "flow control" regulations under the "commerce clause" of the United States Constitution. Much will be learned in that regard from a final result in City of Auburn v. Tri-State Rubbish, Inc., 630 A.2d 227 (Me. 1993). In Auburn, the Maine Supreme Court has remanded the commerce clause issues to the Superior Court to allow Auburn and the entity to which Auburn requires its solid waste to be delivered (MMWAC) an opportunity to establish that there is no impermissible discrimination under the commerce clause. While the final outcome of the Auburn case may eventually have an effect on flow control ordinances throughout the state, including Freeport's, our evaluation of the proposed Charter amendment needs to be based on existing state law concerning flow control.

The petitioned amendment reads:

E. The Town Council shall not enact any ordinance which would infringe on the peoples' right to choose their own trash hauler.

Unless the Freeport flow control ordinance were to be invalidated by a court, we believe the proposed Charter amendment is prohibited by State law, Title 38 § 1304-B, "Delivery of Solid

Dale Olmstead, Jr., Town Manager  
March 14, 1997  
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**Waste to Specific Facilities.** The Legislature of the State of Maine has preempted the subject area of solid waste. As part of that preemption it has mandated that municipalities must provide disposal services for domestic and commercial solid waste generated within the municipality. To facilitate that mandate and encourage energy recovery the Legislature has stated in § 1304-B, "...municipalities shall have the legal authority to control the handling of solid waste generated within their borders." That is, the Legislature has expressly made control of the handling of solid waste subject to the municipal police power.

In Freeport, the police power is exercised by the Town Council (subject to initiative and referendum). Section 202 of the Charter reads:

**General Powers and Duties.** All powers of the Town shall be vested in the Council except as otherwise provided by law or this Charter. The Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The Council shall be the municipal officers of the Town.

We construe the petitioned amendment, which refers to "the peoples' right to choose their own trash hauler," as granting individual persons a right to select trash haulers of their choice, thereby limiting the authority of the municipality to enact police power regulations "to control the handling of solid waste"—the precise authority which the Legislature has assigned to municipalities under Section 1504.B. Combining the language of Title 38, Section 1304-B, the Charter and the petition, we do not believe that the proposed amendment can lawfully remove from the Town Council the power to control the handling of solid waste by authorizing each resident to make an individual determination about the transportation of the solid waste generated by that resident. Because it is inconsistent with the legislative grant of authority to municipalities to control the handling of solid waste, the proposed amendment would appear to be prohibited by the Constitution of Maine and general law.

We are also concerned that the proposed Charter amendment would impair the ability of the Town to fulfill its contractual obligations to Regional Waste Systems, Inc. As such, it would violate the "contract clause" of the United States Constitution. Article 1, Section 10 of the Constitution states, in relevant part: "No State shall ... pass any ... Law impairing the Obligation of Contracts ...." The United States Supreme Court has held that the prohibition of the contract clause applies to municipal ordinances as well as state laws, John P. King Manufacturing Company v. City of Augusta, 277 U.S. 100, 72 L.Ed. 801, 48 S. Ct. 489 (1928), and it has been held that a charter provision is a "law" subject to the restrictions of the contract clause. See, McQuillin, Municipal Corporations, Section 19.36, cases cited at note 3. The contract clause applies to protect contracts between a municipality and another public corporation. McQuillin, supra, Section 19.39, cases cited at note 3. Thus, the contract between the Town of Freeport, a municipality, and RWS, a public corporation, is protected by the contract clause of the United States Constitution and the proposed Charter amendment has, in our view, the potential to impair the Town's performance of its obligations under that contract. While the RWS contract is



Dale Olmstead, Jr., Town Manager

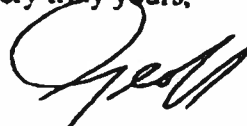
March 14, 1997

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premised upon the validity of flow control and the viability of flow control is the subject of ongoing litigation involving others not parties to the RWS contract (see discussion above), we must assume for purposes of this analysis that the contract between Freeport and RWS is valid and binding. Accordingly, we conclude that the proposed amendment may be prohibited by the United States Constitution, and we therefore cannot give the opinion required by 30-A M.R.S.A. §2104(5)(d).

If the proposed amendment does not obtain the required attorney's opinion, the Town Council is not obligated to submit the question to the voters. Nasberg v. City of Augusta, 662 A.2d 227 (Me. 1995).

Very truly yours,



Geoffrey H. Hole

GHH:nsk

160:ghh

5005997\Olmstead to re charter amendments 2

Counselors At Law

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March 14, 1997

**VIA FAX**

Dale Olmstead, Jr., Town Manager  
Town of Freeport  
30 Main Street  
Freeport, ME 04032

Dear Dale:

I am writing under Title 30-A, Section 2104(5)(b). That subsection requires a final draft of a proposed Charter amendment to be accompanied by a written opinion by an attorney admitted to the Bar of the state that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine.

The petition amendment reads:

F. The Town of Freeport shall not enact any ordinance transferring RWS Disposal costs to the people by enactment of a user fee, pay per bag or other new tax.

The wording of the petition amendment raises a number of questions in our minds regarding its intended meaning. First, how does a reader of the Charter who is otherwise unfamiliar with the Town's waste disposal situation understand the reference to "RWS"? And what happens if the RWS entity is reorganized or the RWS contract is taken over by another entity? Second, who are "the people"? Does that term mean only individuals or does it include corporations, partnerships, and commercial or industrial enterprises? Third, what do the words "other new tax" mean, given that the Town of Freeport cannot raise any taxes in categories not authorized by the State Legislature?

Despite those concerns about how the petition amendment might be interpreted and applied, we do not consider it constitutionally deficient. We construe the petition amendment as limiting the ways in which the Town raises the revenues to fund its obligations under the RWS contract (under which the Town pledges its full faith and credit for the payment of fees,

Dale Olmstead, Jr., Town Manager

March 14, 1997

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assessments and other payments), but not a limitation on the Town's ability to perform its obligations under that contract or to regulate the handling of solid waste. Accordingly, while there is a great deal of ambiguity in the language of the petition amendment, we do not believe that ambiguity rises to the level of invalidity. We therefore are of the opinion that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine.

Very truly yours,



Geoffrey H. Hole

GHH:nsk

160-ghh

3003997\Olmstead ltr 18

TO: Dale Olmstead, Town Manager

FROM: Police Chief Schofield

DATE: December 04, 1996

RE: STREET LIGHT REQUEST

Upon receiving the request for a street light on Spring Street, I conducted an investigation based upon the criteria established by the Freeport Town council.

GEOGRAPHICAL INFORMATION: Spring Street connects with Park Street in the village area and is a short dead end street. Currently there are four homes on the street. Other than one side of Spring Street that abuts Eastland Shoe Companies parking lot, the remainder of the surrounding area is wooded. At the present time, there is a street light at the intersection of Park and Spring Street. The area requesting the new street light is approximately 200 feet from this intersection. Because there is little development in this area, I would agree that this area is very dark at night. There is also an entrance / exit with Brookside Village that connects with Spring Street.

STREET LIGHT CRITERIA:

1. INTERSECTION WITH MAJOR ROAD OR SIDE ROAD:

The proposed area for this street light does not meet this guideline.

2. ROAD SAFETY HAZARDS:

There are not road safety hazards in the proposed area.

3. HIGH USE PUBLIC FACILITIES: (ie: schools)

There are no high use public facilities in the proposed area.

4. PUBLIC PARKING AREA:

There are no public parking zones in the proposed area. However, the large parking lots of Eastland Shoe Company does boarder some of the Spring Street properties. The entrance / exit for this parking area is off of School Street.

5. AREAS WITH POTENTIAL VEHICLE / PEDESTRIAN CONFLICT:

Other than the entrance / exit to Brookside Village which creates minimal traffic, there are no serious potential conflicts in the proposed area.

6. HIGH ACCIDENT DATA:

A review of our accident data indicates that there is no accident problems in the proposed area.

7. HIGH VANDALISM AREA:

A review of our police records indicates that there is not a serious vandalism problem in this area.

CONCLUSION: As previously mentioned, the proposed area for this street light is very dark at night. However it appears that the proposed area fails to meet most of the requirements for a street light as established by the Town Council. Certainly the final decision on whether or not a new street light is installed is that of the Town Council

# TOWN OF FREEPORT

Municipal Offices  
(207) 865-4743  
FAX (207) 865-0929



Dale C. Olmstead, Jr.  
Town Manager

November 27, 1996

Mrs. Jean Paradis  
9 Spring Street  
Freeport, Maine 04032

Dear Mrs. Paradis,

I have received your petition for a street light. Attached please find a copy of our Street Light Policy, which outlines the Town's process in detail. The Policy mentions a fee, however, the Council has never charged a fee. I have forwarded your petition to Police Chief Schofield as the next step in our process. After Chief Schofield makes a recommendation, this matter will be brought to the Town Council for Public Hearing.

Approved street light requests have to be budgeted. The Town Council includes the costs of new lights in each fiscal year budget which begins July 1. I anticipate that your request will be heard in the Spring.

I hope this answers any questions you may have regarding street lights. If you have any questions please do not hesitate to contact me.

Sincerely,

Dale C. Olmstead, Jr.  
Town Manager

DCO/jhh

cc: Genie Beaulieu, Council Chairperson  
Gerald Schofield, Police Chief ✓

## STREET LIGHTING CRITERIA

### **Section 17-101 Purpose and Authority**

This criteria is enacted pursuant to 30 M.R.S.A., Section 2151 and 30 M.R.S.A., Section 1917 to promote the public health, welfare and safety by providing for the appropriate location of street lights on public ways within the Town of Freeport.

### **Section 17-102 Town Council**

The Town Council of the Town of Freeport shall have the authority to determine the appropriate locations for street lights within the Town of Freeport and to regulate the placement or removal of street lights on public ways according to the criteria set forth in herein.

### **Section 17-103 Procedures**

A request for placement or removal of a street light shall be initiated either by the Town Council or by a citizen. If the request is initiated by a citizen, it shall be submitted in the form of a petition, signed by a majority of the owners of property within 200 feet of the proposed street light location requesting the street light placement or removal, and an accompanying fee which shall be set by the Town Council.

Before making a decision, the Council shall hold a public hearing. Notice shall be sent to all owners of property within 200 feet of the proposed street light location. Before the hearing, the Police Chief shall make a recommendation to the Council based on the criteria listed in Section 17-104.

A final decision requires a majority vote.

### **Section 17-104 Criteria**

The Town Council shall approve the location of every street light prior to installation. In general, unless a proposed location involves at least two factors, the location shall not be considered as an appropriate place to locate a street light. The following factors shall be used by the Town Council as criteria in evaluating possible locations for street lights:

1. Intersection of major road with side road;
2. Safety hazards, including but not limited to: bad curves, crest of hills, railroad crossings, complex intersections, unclear road situation, bridges;
3. High use public facilities such as schools;
4. Public parking area;
5. Areas with potential vehicle and pedestrian conflicts;
6. High accident locations;
7. High vandalism areas.

## STREET LIGHT POLICY

These criteria will include but not be limited to the following:

1. Intersection of Major Road with Side Road;
2. Safety Hazards, including but not limited to: Bad Curves, Crest of Hills, Railroad Crossings, Complex Intersections, Unclear Road Situation, and Bridges;
3. High Use Public Facilities such as Schools;
4. Public Parking Area;
5. Areas with Potential Vehicle and Pedestrian Conflicts;
6. High Accident Locations; and
7. High Vandalism Areas.



WE THE UNDERSIGNED PETITION THE FREEPORT TOWN COUNCIL  
FOR A STREET LIGHT ON SPRING STREET, BETWEEN NUMBERS 9 - 11,  
FOR THE REASONS OF SAFETY.

PLEASE PRINT:

NAME:

ADDRESS:

DATE:

Etta C. Stewart	11 Spring St.	Nov. 15, 1996
Dorothy B. Howard	1 Spring St.	Nov 15, 1996
Jean Paradi	9 Spring St.	Nov 15, 1996
Reginald Paradi	9 Spring St.	Nov 15, 1996
Ann Burnham	4 Spring St.	Nov 15 1996

**Malcolm L. Collins AIA**  
P. O. Box 152  
South Freeport  
Maine  
04078

**March 10, 1997**

**Mr. Dale C. Olmstead, Jr., Town Manager**  
Town of Freeport  
Freeport, Maine 04032

**Dear Mr. Olmstead:**

I am pleased to inform you that the Freeport Historic Resources Committee has been awarded a federal Historic Preservation Survey and Planning grant through the Maine Historic Preservation Commission in the amount of \$4,500.00. The grant application was prepared by the Committee and Jacki Cohen and submitted on November 27, 1996, with your support and approval. We received notification of the award from Earle G. Shettleworth, Jr., State Historic Preservation Officer, on February 4, 1997 (see letter attached).

Although the grant is for less than the amount requested, we are nonetheless pleased and fortunate to receive the grant. It is a matching grant, and our application included a budget showing the donor, source, kind and amount of the match. Due to the loss of the historic preservation expertise of Anne Ball, former Executive Director of the Freeport Historical Society, we are asking the Town of Freeport to support the Committee's work with both cash (\$2,500) and in-kind (\$900) match (see attached amended budget). We feel this is a minimal amount to request in support of an activity that was identified as a high priority in the Comprehensive Plan Update process.

The Committee stands ready to provide you and the Town Council with any information you may need to act upon our request. We will need to execute a contract with the Maine Historic Preservation Commission after the project budget is finalized and the award is approved by the National Park Service. We would like to meet with you and the Council at the earliest opportunity to take advantage of the opportunity now before us. I look forward to hearing from you.

Respectfully submitted,



**Malcolm L. Collins AIA**  
Chairman, Freeport Historic Resources Committee

- c. **FHRC Members**  
**Jacki Cohen**  
**Earle G. Shettleworth, Jr.**

**FREEPORT HISTORIC RESOURCES COMMITTEE** 3/10/97  
**REVISED MAINE HISTORIC PRESERVATION COMMISSION GRANT APPLICATION**  
reflecting grant awarded in amount of \$4,500.

**4. Methodology:**

Amended to reflect the amount of grant award. The archeological work referred to in the second paragraph will not be undertaken at this time. Architectural survey work will be confined to updating the existing National Register Historic Districts in Freeport, those being the Main Street Historic District and the Harraseeket Historic District, through deed research, new photography where necessary, adding qualifying buildings previously overlooked or newly eligible, recommending deletion of structures where appropriate, adjusting district boundaries if required, and upgrading survey documentation, all with the assistance of the Maine Historic Preservation Commission staff.

**5. Focus and Products:**

This section should remain unchanged with the exception of removing the words "and archeological" and "and sites" from the second sentence of the first paragraph.

**6. Personnel:**

Amended to reflect resignation of Anne Ball as Executive Director of Freeport Historical Society, and appointment of Randall Thomas to fill that position (Ms. Thomas' resume is attached). Therefore, the last line of this item should be changed to read:

"Randall Wade Thomas, Liaison between committee and Town of Freeport"

**7. Budget:**

Amended to reflect amount of grant award.

**Consultants:**

Architectural Survey - 150 buildings (intensive including deed research) \$4,500

---

**TOTAL:** \$4,500

**8. Donor, Source, Kind and Amount of Match:**

Amended to reflect amount of grant award.

Town of Freeport, Staff Time, Jacqueline Cohen in-kind match, \$450  
Town of Freeport, Office Space, photocopy machine, telephone, fax \$450  
Town of Freeport, cash match for film and processing, survey reproduction,  
Professional/Consultant Time (to replace Anne Ball's in-kind match) \$2,500  
Historic Resources Committee, Professional Time, in-kind match \$1,000  
Mileage (minimum of 360 miles @ .28/mile) \$100

---

**TOTAL MATCH:** \$4,500

# **FREEPORT HISTORIC RESOURCES COMMITTEE SUMMARY REPORT OF ACTIVITIES**

**2/10/97**

**In response to a recommendation of the Freeport Comprehensive Plan Update Committee, the Freeport Town Council appointed a five-member Freeport Historical Resources Committee at its September 3, 1996, meeting. The Committee held its first meeting on October 17, 1996. At that meeting, the Committee elected officers, established meeting dates, and reviewed the Policy, Goals and Implementation Strategies contained in the Comprehensive Plan.**

**The Committee has since set a number of priorities for its activities, and has taken action to carry out several of the Implementation Strategies. Among these are:**

- 1. Recognition of the Town's archeological resources and the vulnerability of these resources. The Committee has met with Dr. Arthur Spiess, Archeologist with the Maine Historic Preservation Commission, and with Norm Buttrick, archeologist and educator (both Freeport residents) to review Freeport's archeological sites and determine ways to educate the public about these sites and protect them from unnecessary disruption, at least prior to exploration and documentation. The Committee, Dr. Spiess and Mr. Buttrick are working to produce a brochure aimed at landowners and developers to make those responsible for land development aware of Federal and State requirements regarding archeological sites and to suggest ways to help the Town preserve and learn from its archeological resources.**

- 2. Update existing architectural survey data according to the latest State and Federal standards. Freeport's two historic districts were created in the 1970's. Much has changed within the districts since then, and State and Federal documentation methods have changed as well. The Committee determined that the updating of these district nominations was its highest priority. While there is considerable architectural and historical expertise on the Committee, the extent of work involved to bring the nominations up to current standards is more than its members could take on on their own. The Committee, with the Town's approval, sought a historic preservation planning grant from the Maine Historic Preservation Commission. At its quarterly meeting in January, the Commission approved a grant of \$4,500 to the Town of Freeport for this purpose. The grant is a 50/50 matching grant; therefore, the Committee will soon make a formal request to Council for a portion of the matching funds required (a substantial portion will be in-kind services to be provided by the Town and the Committee).**

- 3. The Committee has determined that education of the public in regard to Freeport's historic architecture and archeological resources is a high priority. To that end, we hope to develop a Design Guidelines brochure for historic buildings, and to work with the Freeport Town Library Board to provide a Historic**

**Preservation collection, perhaps in the History Room, to help Freeport property owners learn more about their older buildings and how to care for them.**

**4. The Committee has begun working with the Town Planner to develop liaisons with Town boards and other groups as outlined in the Comprehensive Plan Historic and Archeological Resources Implementation Strategies to identify buildings at risk; develop ways to reduce or eliminate risks to historic properties; identify development and planning trends that may impact these properties; and assist applicants for building permits, site plan review and subdivision review to utilize their properties while protecting Freeport's historic resources.**

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read 'Malcolm L. Collins', with a stylized flourish at the end.

**Malcolm L. Collins AIA, Chairman**



MAINE HISTORIC PRESERVATION COMMISSION

55 Capitol Street  
65 State House Station  
Augusta, Maine 04333

Earle G. Shettleworth, Jr.  
Director

Telephone:  
207-287-2132

February 4, 1997

Malcolm Collins, Chairman  
Historic Resources Committee  
P. O. Box 152  
South Freeport, Maine 04078-1052

Dear Mr. Collins:

It is a pleasure for me to inform you that the Maine Historic Preservation Commission has awarded the Town of Freeport a federal grant of \$4,500.00 for the Freeport Architectural Survey.

This letter is **NOT** authorization to begin the project, since each grant must be approved by the National Park Service and will be initiated by a formal contract between the Commission and the grant recipient. The Commission anticipates National Park Service approvals in the next month or two, and will generate project contracts shortly thereafter. You cannot begin any project work or incur any project expenses until the contract between the Commission and your organization has been executed.

Meanwhile, if you have any questions about your grant, please do not hesitate to contact the Commission's Assistant Director, Dr. Robert Bradley.

Sincerely,

  
Earle G. Shettleworth, Jr.  
State Historic Preservation Officer

cc: Dr. Robert Bradley

EGS/slm

**MUNICIPAL QUITCLAIM DEED WITHOUT COVENANT**

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE TOWN OF FREEPORT, a Maine body corporate and politic with a principal place of business in Freeport, Cumberland County, Maine (the "Grantor"), in consideration of the sum of One Dollar (\$1.00) paid by FREEPORT AFFORDABLE HOUSING, L.P., a Maine limited partnership with a principal place of business in Freeport, Maine, whose mailing address is P.O. Box 625, Freeport, Maine 04032 (the "Grantee"), the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quitclaim unto the Grantee, its successors and assigns forever, all and any interest the Grantor has or ever had in and to a certain lot or parcel of land with the buildings thereon, situated in said Freeport, and bounded and described as follows:

Beginning at the intersection of the most southwesterly sideline of Summer Street and the northwesterly sideline of High Street, thence South 48 degrees 51 minutes West along land now or formerly of Freeport Affordable Housing, L.P., described in a deed recorded in the Cumberland County Registry of Deeds in Book 12695, Page 336, one hundred sixty five and 76/100 feet (165.76') to a point; thence South 41 degrees 9 minutes East a distance of sixty-six feet (66') to a point on the westerly boundary of land now or formerly of Blaine Campbell described in a deed recorded in said Registry of Deeds in Book 2269, Page 1; thence North 48 degrees 51 minutes East along said Campbell land a distance of one hundred sixty five and 76/100 feet (165.76'), more or less, to a granite monument at the southwesterly sideline of Summer Street; thence North 40 degrees 29 minutes 20 seconds West along the southwesterly sideline of Summer Street a distance of sixty-six feet (66'), more or less, to the point of beginning.

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said Grantee, its successors and assigns forever.

The purpose of this deed is to discontinue and release to the Grantee all right, title and interest of the Grantor in and to High Street in said Freeport. High Street was duly abandoned as a public way by order of the Freeport Town Council. An attested copy of the Town Council's order is attached hereto as Exhibit A.

IN WITNESS WHEREOF, the Town of Freeport has caused this deed to be duly executed by Dale Olmstead, its Town Manager thereunto duly authorized, this \_\_\_\_ day of February, 1997.

WITNESS:

TOWN OF FREEPORT

By: \_\_\_\_\_  
Dale Olmstead, its Town Manager

STATE OF MAINE  
CUMBERLAND, SS.

February \_\_, 1997

Personally appeared the above-named Dale Olmstead, Town Manager of the Town of Freeport, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Freeport.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

Print Name: \_\_\_\_\_

My commission expires: \_\_\_\_\_



## PROPOSED AMENDMENTS

### TRAFFIC AND PARKING ORDINANCE (CHAPTER 48)

#### Section 48-301. No Parking Zones.

No vehicle shall stand, stop or park at any time in any of the following specified locations. Any vehicle stopped, standing or parked in a designated "no parking" area shall be considered a hindrance to the normal movement of traffic and will be removed from the way and placed in a suitable parking place, at the expense of the person in whose name such vehicle is registered.

2. ~~On the western most side of Main Street for a distance of forty (40) feet in both directions from the opening of Nathan Nye Street from the opening of Morse Street to the opening of Holbrook Street.~~
66. No vehicle shall stop, stand or park on the easterly side of Main Street beginning fifty-six and one-half (56½) feet north of the southerly property line of Map 11, Lot 121 and continuing in a northerly direction to a point forty-seven (47) feet south of the Mill Street intersection except for the purpose of loading and unloading and for no longer than fifteen (15) minutes in this Loading Zone.

#### Section 48-302. Three-Hour Parking Zones.

No vehicle shall stop, stand or park for a longer period than ~~two (2)~~ three (3) hours from 9:00 a.m. to 6:00 p.m. in the following specified locations:

1. On the south side of Grove Street from Main Street to Oak- Depot Street.
2. On both sides of Depot Street from Bow Street to Mill Street.
3. On the west side of Oak- Depot Street from Grove Street to Mill Street.
4. ~~On the east side of Main Street from the northern corner of the Congregational Church from Driveway (Map 11, Lot 122) extending northerly 166 feet.~~
5. ~~On the west side of Main Street beginning 40 feet from the southerly corner of Nathan Nye and Main Street intersection extending in a southerly direction 155 feet except for the following condition: between the hours of 7 a.m. and 9 a.m. only, on the westerly side of Main Street between forty (40) feet and extending in a southerly direction to one hundred (100) feet south of the Nathan Nye intersection, no vehicle shall stop, stand or park except for the purpose of loading and unloading and for no longer than fifteen (15) minutes. At all other times, this area shall operate as a one hour vehicle parking zone.~~

#### Section 48-309.

~~Parking on both sides of Main Street from the Municipal Building (Map 9, Lot 16) to Mallet Drive will be restricted to "Auto's Only" except where other types of vehicles are specifically permitted.~~

Chapter 48  
Traffic & Parking Ordinance  
Page - 2 -

**Section 48-311. Handicapped Parking.**

The following locations shall be designated as handicapped parking:

3. ~~On the east side of Main Street in front of the Timberland Building (Map 11, Lot 121) the most southerly parking space. (One space).~~ beginning 12½ feet north of the southerly property line of Map 11, Lot 121 and continuing northerly for forty-four (44) feet (Two spaces).
  
6. ~~On the west side of Main Street in front of the Harrington House Property (Map 11, Lot 26).~~

# TOWN OF FREEPORT

MAKES 4 PH

Municipal Offices  
(207) 865-4743  
FAX (207) 865-0929



January 13, 1997

## MEMO:

To: Freeport Town Council  
From: Freeport Traffic and Parking Committee  
Subject: Main Street Parking Changes  
Overnight Parking in Municipal Parking Lots

### Main Street Parking

In January of 1996, Vanasse Hangen Brustlin, Inc. (VHB) submitted its Final Report of the Freeport Traffic and Parking Master Plan. It included a recommendation to remove parking and loading zones from Main Street. The Traffic and Parking Committee reviewed all of the recommendations and it made the following recommendation "that the concept of removing parking and loading areas on one side of Main Street from Holbrook Street to Bow Street be researched to see what would be its effect on vehicular traffic and pedestrian flows". Peter Tubbs and Al Thompson measured the street and reported to the Committee that if parking were eliminated on the westerly side of Main Street, the present center line could be slightly moved which would allow an increase in the width of the travel lanes. The Committee unanimously approved the following motion:

"To eliminate all parking on the westerly side of Main Street in the previously designated area [ Nathan Nye to Howard Place] and agreed to modify the parking on the easterly side of Main Street to include two handicapped parking spaces and loading zones. Also, the Committee supports the addition of bollards and chains along the sidewalk of the westerly side of Main Street in this same area."

The Committee requested input from the Freeport Merchants Association on this issue and their Board unanimously endorsed this recommendation (See attached letter).

Attached are proposed changes to the Traffic and Parking Ordinance to implement the Committee recommendations. Installation of bollards and chains will need to be included in the Capital Budget and does not require Ordinance amendments.

### Overnight Parking in Municipal Parking Lots

In addition to the above changes, a new section prohibiting overnight parking in municipal parking lots is included. This change was approved by the Traffic and Parking Committee in November and confirmed in January. The purpose is to discourage overnight RV parking (camping) in public parking lots. The issue of RV parking in private parking lots was deferred to the Ordinance Committee.

**TRAFFIC & PARKING COMMITTEE MEETING**  
**December 12, 1996**

**MINUTES**

<b>PRESENT:</b>	<b>Dave Backman</b>	<b>EXCUSED:</b>	<b>Henry Bird</b>
	<b>Genie Beaulieu</b>		
	<b>Jacqueline Cohen</b>	<b>ABSENT:</b>	<b>Steve Brown</b>
	<b>Gerald Schofield</b>		<b>Michael Verville</b>
	<b>David Thompson</b>	<b>GUEST:</b>	<b>George Denney</b>

**ITEM I:        ACCEPTANCE OF THE MINUTES OF THE NOVEMBER 7, 1996 MEETING**

**Mr. Backman stated that on Page 2, Paragraph 2, the word "RV" had been omitted as a restriction for all-night parking in the public parking areas.**

**Ms. Beaulieu moved and Chief Schofield seconded the motion to approve the minutes of the last meeting as amended. Approved unanimously.**

**ITEM II:        CONTINUED DISCUSSION OF MAIN STREET PARKING BETWEEN  
HOWARD PLACE AND MORSE STREET. MERCHANTS ASSOCIATION  
REPORT.**

**The Parking & Traffic Committee had received a letter from Lori Allen, the current President of the FMA, that gave their full support for the elimination of parking on both sides of Main Street between Nathan Nye Street and Howard Place with the following exceptions: that on the east side of Main Street, we maintain two handicapped parking spaces and the remaining area become a truck loading area.**

**Mr. Denney presented the Committee with a map that depicts the current parking conditions in the previously-mentioned area and an updated map of what the proposed changes would look like. Mr. Denney further suggested that chains and bollards be erected along the edge of the sidewalk to help maintain pedestrian control as a result of the elimination of parking spaces.**

**Mr. Backman moved and Mrs. Beaulieu seconded the motion that we recommend removing all parking on the westerly side of Main Street in the previously-defined area and to install chains and bollards on the westerly side of Main Street as well as to eliminate all parking on the east side of Main Street in the previously-defined area with the exception that we maintain two handicapped parking spaces and move them the distance of one parking space in a northerly direction with the remaining area to become truck loading ( a map was also amended which is on file with Ms. Cohen). Approved unanimously.**

C. Stafford Soule had informed Ms. Cohen that Larry Greenlaw was asking if there could be a change in the ordinance that would allow loading bay areas to be used as parking spaces when there are no deliveries. The Committee was not in favor of this; however, the item will be placed on the next agenda, and Mr. Greenlaw will be asked to be present.

D. Ms. Cohen presented some information from the Planning Board that was an amendment to Chapter 21 on the use of shared parking. This item will also be placed on the next agenda for discussion.

**ITEM VII: ADJOURNMENT**

Mr. Backman moved and Chief Schofield seconded the motion to adjourn the meeting at 9:10 a.m. until January 9, 1997. Approved unanimously.

## **TRAFFIC & PARKING COMMITTEE MEETING**

**October 10, 1996**

### **MINUTES**

**PRESENT:** Dave Backman  
Genie Beaulieu  
Henry Bird  
Steve Brown  
Jacqueline Cohen  
Gerald Schofield  
Michael Verville

**EXCUSED:** David Thompson

**GUEST:** Peter Tubbs

#### **ITEM I: ACCEPTANCE OF THE MINUTES OF THE SEPTEMBER 12, 1996 MEETING**

Mr. Backman moved and Mr. Verville seconded the motion to accept the minutes of the last meeting as printed. Approved unanimously.

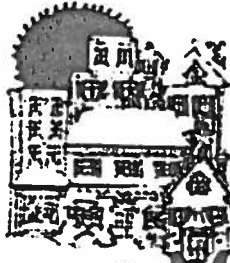
#### **ITEM II: REPORT ON MAIN STREET MEASUREMENTS AND POTENTIAL RV PARKING LOCATIONS - PETER TUBBS**

\* Town Engineer Peter Tubbs presented the Committee with a sketch depicting Main Street from Howard Place to Nathan Nye Street. The Committee wanted to discuss the potential elimination of parking spaces along this area and assess what effect this may have on parking and traffic and safety issues. Mr. Tubbs stated that if parking were eliminated on the westerly side of Main Street, the present center line could be slightly moved which would allow an increase in the width of the travel lanes.

George Denney, representing the Freeport Merchants Association, stated that he supported the elimination of parking on the west side of Main Street and suggested that we consider adding a crosswalk between Howard Place and Nathan Nye Street.

During the course of the conversation, the problem with delivery vehicles and double parking was discussed. As a result, Mr. Backman suggested that besides eliminating parking on the west side of Main Street that we consider eliminating the parking on the east side and create two to three handicapped spaces and the remainder of the easterly side become a loading zone.

Mr. Verville moved and Mr. Bird seconded the motion to eliminate all parking on the westerly side of Main Street in the previously designated area and agreed to modify the parking on the easterly side of Main Street to include two handicapped parking spaces and loading zones. Also, the Committee supports the addition of bollards and chains along the sidewalk of the westerly side of Main Street in this same area. Approved unanimously.



## Freeport, Maine

Wednesday, November 20, 1996


Mr. David Thompson, Chair  
Freeport Traffic and Parking Committee  
Town of Freeport  
Freeport Town Hall  
30 Main Street  
Freeport, Maine 04032

Dear David:

On behalf of the Freeport Merchants Board of Directors we would like you and your Committee to know that we support your proposed initiative to remove parking on both sides of Main Street between Howard Place and Nathan Nye Street with the exception of two handicapped parking spaces and truck loading/unloading area on the east side.

Last night our Board unanimously endorsed this change with a special motion and we urge the Traffic and Parking Committee to act on this excellent idea. Thank you for your attention to this information.

Sincerely,

  
Lori Allen  
President

cc: Freeport Traffic and Parking Committee members ✓  
Freeport Town Council  
FMA Board of Directors  
Dale Olmstead, Town Manager  
George Denney, FMA representative to Traffic & Parking

Freeport Merchants Association

P.O. Box 452, Freeport, Maine 04032

(207) 865-1212 / Fax: (207) 865-0881

E-mail: [freeportcc@maine.com](mailto:freeportcc@maine.com) / [WWW.destinationmaine.com/freeport](http://WWW.destinationmaine.com/freeport)

FREEPORT TRAFFIC AND PARKING MASTER PLAN RECOMMENDATIONS  
AND  
TRAFFIC AND PARKING COMMITTEE RECOMMENDATIONS

SHORT TERM ACTIONS

A. PARKING STRATEGIES

1. Increase downtown parking supply.

The Committee accepted the Study recommendation to increase the parking supply and recommended that the Planning Board review the Zoning Ordinance's parking requirements to see if more parking spaces should be required to prevent increases in the deficit from occurring. It also recommended that the Planning Board review the issue of snow plowing of parking lots and whether snow storage in those lots, which would eliminate some parking spaces in the winter, is appropriate and requested that the Planning Board take action on these issues within six months.

2. Remove Main Street Parking and Loading Zones.

The Committee recommended that the concept of removing parking and loading areas on one side of Main Street from Holbrook Street to Bow Street be researched to see what would be its effect on vehicular traffic and pedestrian flows.

3. Relocate Downtown Employees from the Primary to Secondary Parking Areas.

The Committee accepted the recommendation of the Study that the FMA work with the Traffic and Parking Committee to identify outlying parking areas which could be used by store employees and implement this program from July 1 to December 31. The Committee would also work with the Planning Board to modify the present ordinances, as necessary.

4. Designate RV/ Large Vehicle Parking

The Committee recommended acceptance of the Study recommendation to relocate RV's to the parking lot near Eastland Shoe on Park Street and forward it to the Town Council.



LONG TERM CONSIDERATIONS

1. Signalize the intersection of Main Street and Mallet Drive

The Committee recommended approval of the signalization of this intersection, that this long-term project should be identified as a short-term project and that it should be forwarded to the Town Council.

2. Create Remote Parking/Shuttle Service

The Committee was not sure that this proposal was a good idea and recommended that the TMA investigate this item further and report its findings within a reasonable period of time.

3. Intelligent Transportation System (ITS)

The Committee recommended further investigation within a reasonable time period by the TMA of the feasibility of an ITS.

4. Extend Cross Street from Morse Street to Elm Street possibly beyond

The Committee recommended that the Town of Freeport maintain the possibility of extending Cross Street to West Street or to Mallet Drive by investigating this issue once the Bean's expansion project has been completed.

**Remove Main Street Parking and Loading Zones.** On-street parking and loading zones along Main Street are factors contributing to reduced roadway capacity. As traffic volumes continue to increase, vehicles which maneuver for the on-street spaces will continue to have a significant impact on traffic conditions. Loading and unloading zones along Main Street which are presently not regulated for times of operation also affect traffic flows through the downtown. Removing the on-street parking and regulating on-street loading operations can provide additional capacity for traffic traveling through the downtown. Removal of these zones, however, would mean a reduced overall parking supply for the town and could add to the frustration for businesses - particularly of the adjacent businesses. Removal of the loading zones would also require finding alternative zones for some businesses who rely upon them. A restriction of loading zone operations to certain time periods would be more appropriate than removal of the zones.

### Transportation Infrastructure

**Minimize Vehicular Access Along Morse Street.** Morse Street, located at L.L. Bean's front door, provides access to the Morse Street parking lot and the adjacent neighborhood. Vehicles turning into Morse Street compete with large volumes of pedestrians to enter the lot only to find that, on many occasions, the lot is full. The vehicles turning into Morse Street likewise impede pedestrians and traffic flow on Main Street. Minimizing vehicle access (i.e. restricting parking access from Morse Street) would improve this situation however, alternative access for residents would need to be identified. Additionally, by minimizing the traffic access at this location, traffic flow through the neighborhoods behind the L.L. Bean retail store would be minimized as well.

### Transportation Systems/Demand Management

**Improved Signage.** The lack of adequate traffic and parking signage in and around Freeport is an obvious deficiency within the existing transportation infrastructure. Existing parking signs are small and inconspicuous and exacerbate the confusion of newcomers to Freeport. Signage along Main Street and at all of the public parking locations should be clear, visible and distinctive. In order to improve the signage in the area, additional signage directing vehicles and pedestrians to the downtown parking areas accompanied by the removal of redundant signage would be beneficial to the traffic flow through Freeport. Additional measures such as supplemental directional signing ("DOWNTOWN FREEPORT EXIT 20") or variable message signing along I-95 distinctive to the retail shopping district could also serve to improve traffic flow.

**Improved Pedestrian Access and Visibility.** Improved pedestrian corridors and visibility of the retail stores is important for better distribution of parking and reduced congestion on Main Street. Presently, sidewalks along Main Street are too narrow for the heavy pedestrian volumes experienced during congested days. Additionally, the crosswalks which are provided crossing Main Street are not being used by all pedestrians to cross the roadway. By upgrading the pedestrian amenities such as widening or reconstructing sidewalks, highlighting the existing crosswalks,

Nathan  
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NATHAN NYE

Mill St.

No. 2 Proposed

Truck - Loading and unloading area

Howard Place

No. 1 ~~At~~ Is

38.5

7 SP INC. 1-HANDI.

MAIN ST.

42.0

120.0

18 SP INC. 1-HANDI. 8.0

H.

40.0

Mill St.

AMENDED

12-12-96 50.1

Howard Place