

**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #25-97**  
**TOWN HALL COUNCIL CHAMBERS**  
**DECEMBER 16, 1997 - 7:00 P.M.**

**FROM:** Dale C. Olmstead, Jr.

**TO:** Genie Beaulieu, Chairperson, Larue Drive  
David Soley, Vice Chairperson, Arnold Road  
Edward Campbell, Gay Drive  
Alan Hindley, Wardtown Road  
Kenneth Mann, Mann Road  
Stafford Soule, Arnold Road  
Gloria Fogg DeGrandpre, Wolf Neck Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of #24-97 December 2, 1997 Meeting and accept the Minutes as printed.

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

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

COUNCIL MEETING #25-97  
DECEMBER 16, 1997

ITEM #214-97

To consider action relative to application for a full-time malt, spirituous, and vinous license for Harraseeket Inn. (Public Hearing).

**MOTION:** That the following application for a full-time malt, spirituous, and vinous license be subject to Public Hearing.

Richard P. Gray d/b/a Harraseeket Inn, 162 Main Street

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

**BE IT ORDERED:** That the application issued to the above named applicant be approved.

ITEM #215-97

To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning leaf and grass clipping collection (Chapter 28). (Public Hearing).

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

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

**MOTION:** That Item #215-97 be tabled until January 6, 1998.

ITEM #216-97

To consider action relative to a proposed amendment to the Development Program and Financial Plan of the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts concerning the extension of sanitary sewer lines on U.S. Route #1 South.

**WHEREAS,** the Town of Freeport, Maine approved the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts (the "District") by Order duly adopted by the Freeport Town Council on February 20, 1996; and

**WHEREAS,** the Town Council is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to amend the development program and financial plan of the District; and

**WHEREAS,** the development program and financial plan of the District approved the payment of the debt service of an estimated \$3.1 million of bonds to be issued to fund the costs of the relocation of the Freeport Public Library from retained tax increment revenues of the District; and

**WHEREAS,** the costs of the library relocation are not expected to exceed the sum of \$2.875 million; and

**WHEREAS,** the balance of the retained tax increment revenues of the District not needed to fund debt service on bond issued for the library relocation project

are available to fund other needed public infrastructure projects in the Town which will serve to attract new commercial development in the Town; and

WHEREAS, the Town Council desires to amend the development program and financial plan of the District; and

WHEREAS, the Town Council has held a public hearing on the question of amending the development program and financial plan of the District in accordance with the requirements of 30-A M.R.S.A. Section 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation in the Town; and

WHEREAS, it is expected that approval will be sought and obtained from the Commissioner of the Maine Department of Economic and Community Development approving the amendments to the development program and financial plan of the District;

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Freeport, Maine as follows:

1. Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes as amended, the Town Council hereby amends the development program and financial plan of the District by adding the following thereto:

With respect payments made under the Development Sinking Fund, the phrase "Payments made to retire bonded indebtedness" shall include the use of up to \$225,000 of retained tax increment revenues of the District to fund a portion of the costs of a new sanitary sewer in Route 1 south of the downtown area to serve new business and industry.

2. The Town Manager is authorized and directed to submit the foregoing amendment to the Commissioner of the Maine Department of Economic and Community Development for approval pursuant to the provisions of 30-A M.R.S.A. Section 5253.
3. The foregoing amendment to the development program and financial plan of the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of such amendment by the Commissioner of the Maine Department of Economic and Community Development without requirement of further action by this Town Council, the Town or any of its municipal officials.

ITEM #217-97

To consider action relative to a proposed Zoning Map Amendment for Tax Map 25, Lot 9 (Freeport Inn), a 150' wide section from Resource Protection I (RP-I) to Commercial II (C-II). (Public Hearing).

MOTION: That the Public Hearing be opened.

COUNCIL MEETING #25-97  
DECEMBER 16, 1997

---

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

**MOTION:** That Item #217-97 be tabled until January 6, 1998.

---

**ITEM #218-97** To consider action relative to a charge for the Paper Street Committee.

**BE IT ORDERED:** That the Paper Street Committee be charged as follows.

To develop criteria for determining the disposition of paper streets, to apply those criteria in order to recommend to the Town Council the Committee's proposed disposition of each paper street and solicit public input and conduct public hearing.

---

**ITEM #219-97** To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning Main Street parking (Chapter 48).

**BE IT ORDERED:** That a Public Hearing be scheduled for January 6, 1998 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic & Parking Ordinance.

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

---

**ITEM #220-97** To consider action relative to the issuance of Municipal Quitclaim Deed for Tax Map 21, Lot 19-3.

**BE IT ORDERED:** That the Town of Freeport issue a Municipal Quitclaim Deed for the following:

TO: Philip and Edith Baxter  
FOR PROPERTY: Tax Map 21, Lot 19-3 (17 Bragdon Road)  
FOR TAX YEARS: 1995, 1996 and 1997

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

---

**ITEM #221-97** To consider action relative to an expenditure from the Public Works Equipment Reserve Account.

**BE IT ORDERED:** That \$11,700 be expended from the Public Works Equipment Reserve Account to provide for repairs to the road grader.

**NOTE:** This is a 1985 model and inspection expires on December 31, 1997. The grader will not pass inspection without the repairs.

---

**ITEM #203-97** Tabled December 2, 1997.

**COUNCIL MEETING #25-97  
DECEMBER 16, 1997**

---

To consider action relative to proposed amendments to the General Assistance Ordinance concerning maximum levels of Assistance (Chapter 46).

**BE IT ORDERED:** That the proposed amendments to the General Assistance Ordinance, submitted to Public Hearing on December 2, 1997, be approved.

---

**ITEM #204-97**                      Tabled December 2, 1997.

To consider action relative to proposed amendments to the Zoning Ordinance concerning Wireless Telecommunication Tower Regulations (Chapter 21).

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance, as submitted to Public Hearing on December 2, 1997, be approved.

---

**ITEM #205-97**                      Tabled December 2, 1997

To consider action relative to proposed amendments to the Winslow Park Fee Schedule concerning camping fees (Chapter 34).

**BE IT ORDERED:** That the proposed amendments to the Winslow Park Fee Schedule, as submitted to Public Hearing on December 2, 1997, be approved.

**OTHER BUSINESS:**

1.        Review of proposed Main Street lighting improvements.

**COMMITTEE REPORTS:**

---

**ITEM #222-97**                      To consider action relative to an Executive Session to discuss a personnel matter.

**MOTION:** That the Council enter into Executive Session to discuss a personnel matter.

**MOTION:** That the Council reconvene.

Adjourn.

**TOWN COUNCIL MEETING #25-97  
DECEMBER 16, 1997 - 7:00 P.M.  
TOWN COUNCIL CHAMBERS**

\*\*\*\*\*

**SUMMARY AGENDA**

- ITEM #214-97      To consider action relative to application for a full-time malt, spirituous, and vinous license for Harraseeket Inn. (Public Hearing).
- ITEM #215-97      To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning leaf and grass clipping collection (Chapter 28). (Public Hearing).
- ITEM #216-97      To consider action relative to a proposed amendment to the Development Program and Financial Plan of the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts concerning the extension of sanitary sewer lines on U.S. Route #1 South.
- ITEM #217-97      To consider action relative to a proposed Zoning Map Amendment for Tax Map 25, Lot 9 (Freeport Inn), a 150' wide section from Resource Protection I (RP-I) to Commercial II (C-II). (Public Hearing).
- ITEM #218-97      To consider action relative to a charge for the Paper Street Committee.
- ITEM #219-97      To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning Main Street parking (Chapter 48).
- ITEM #220-97      To consider action relative to the issuance of Municipal Quitclaim Deed for Tax Map 21, Lot 19-3.
- ITEM #221-97      To consider action relative to an expenditure from the Public Works Equipment Reserve Account.
- ITEM #203-97      Tabled December 2, 1997.
- To consider action relative to proposed amendments to the General Assistance Ordinance concerning maximum levels of Assistance (Chapter 46).
- ITEM #204-97      Tabled December 2, 1997.
- To consider action relative to proposed amendments to the Zoning Ordinance concerning Wireless Telecommunication Tower Regulations (Chapter 21).
- ITEM #205-97      Tabled December 2, 1997
- To consider action relative to proposed amendments to the Winslow Park Fee Schedule concerning camping fees (Chapter 34).

**OTHER BUSINESS:**

1. Review proposed Main Street lighting.

**COMMITTEE REPORTS:**

---

ITEM #222-97	To consider action relative to an Executive Session to discuss a personnel matter.
--------------	--

Adjourn.

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #25-97**  
**DECEMBER 16, 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		
David Soley, Vice-Chairperson Arnold Road	X		
Edward Campbell Gay Drive	X		
Alan Hindley Wardtown Road	X		
Kenneth Mann Mann Road	X		
Gloria DeGrandpre Wolf Neck Road	X		
Stafford Soule Arnold Road	X		

**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #24-97 HELD ON DECEMBER 2, 1997 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Campbell & DeGrandpre)

**MOVED AND SECONDED:** TO AMEND THE MINUTES ON PAGE 3, ITEM #200-97, CHANGE THE VOTE ON THE ORDER TO READ "(8 Ayes) (1 Recused-Kelley application-Soley)"; ON PAGE 7, DELETE TOP LINE. (Councilors Soley & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO CHANGE THE NAME CHARLOTTE BISHOP TO GLORIA DEGRANDPRE AS BEING IN ATTENDANCE AT THE MEETING. (Councilors DeGrandpre & Soley) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #24-97 HELD ON DECEMBER 2, 1997 AND ACCEPT THE MINUTES AS AMENDED. (Councilors Campbell & DeGrandpre) (7 Ayes) (0 Nays)

**SECOND ORDER OF BUSINESS:** PUBLIC COMMENT PERIOD.



1. Katherine Bither, Bishop Road, raised concerns re: article in the newspaper regarding putting trash hauling out to bid in that subdivision.

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

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

---

**ITEM #214-97**

To consider action relative to application for a full-time malt, spirituous, and vinous license for Harraseeket Inn. (Public Hearing).

**MOVED AND SECONDED:** That the following application for a full-time malt, spirituous, and vinous license be subject to Public Hearing.

Richard P. Gray d/b/a Harraseeket Inn, 162 Main Street

(Councilors Soule & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

**BE IT ORDERED:** That the application issued to the above named applicant be approved. **ROLL CALL VOTE** (Councilors Soule & Campbell) (7 Ayes) (0 Nays)

---

**ITEM #215-97**

To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning leaf and grass clipping collection (Chapter 28). (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

1. Eric Root, RWS, stated that the RWS Board has banned the acceptance of leaves at the incinerator since 1992; they offer a free compost facility.
2. Councilor Soley stated this issue is not a part of this ordinance.
3. Cynthia Strout clarified the meaning of the wording in the ordinance.

Miscellaneous discussion followed regarding this subject, including "collecting", clarity of wording, composting, clarification of hauler having a waste hauler license, etc.

4. Kurt Goddard stated that this wording provides a solution, but a limit should be included on the number of yards a resident may have.

Discussion followed re: the possibility of other facilities available and other clarifications to be made, etc.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Campbell & Mann) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That Item #215-97 be tabled until January 6, 1998. (Councilors Hindley & Campbell) (7 Ayes) (0 Nays)

---

**ITEM #216-97**

To consider action relative to a proposed amendment to the Development Program and Financial Plan of the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts concerning the extension of sanitary sewer lines on U.S. Route #1 South.

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

1. Maureen Keegan, Freeport Road, requested clarification re: development of that area, the intersection there, need for traffic concerns, etc.
2. Kevin Kelly, Economic Development Corp., spoke in support of the T.I.F. and the Freeport Inn Project.
3. Peter Anastos, owner of Freeport Inn, offered support for this item and the benefits to be generated.

Miscellaneous discussion followed re: intersections to be addressed for reconstruction, revenue to be generated to the Town, how the left-over T.I.F. funds may be spent (per the State rules), impact fee charge, no other projects coming forward, etc.

4. Shawn Riley described the new jobs that will be available, etc.
5. Maureen Keegan asked how it was decided that these funds could be spent on sewer and need for reconstruction of the intersection.
6. Manager Olmstead stated that it is ultimately the State's decision.
7. Councilor Mann stated that it was his understanding that the State may be committed to improving this intersection.

Discussion followed re: lighting in the intersections concerned, control of the funds (spending), funds being distributed on a yearly basis money coming from the sinking fund, who will be overseeing the project, T.I.F. District having 4 categories of funds, risk taken by developer that L. L. Bean will complete its expansion, etc.

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

**WHEREAS,** the Town of Freeport, Maine approved the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts (the "District") by Order duly adopted by the Freeport Town Council on February 20, 1996; and

**WHEREAS,** the Town Council is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to amend the development program and financial plan of the District; and

**WHEREAS,** the development program and financial plan of the District approved the payment of the debt service of an estimated \$3.1 million of bonds to be issued to fund the costs of the relocation of the Freeport Public Library from retained tax increment revenues of the District; and

**WHEREAS,** the costs of the library relocation are not expected to exceed the sum of \$2.875 million; and

**WHEREAS,** the balance of the retained tax increment revenues of the District not needed to fund debt service on bond issued for the library relocation project are available to fund other needed public infrastructure projects in the Town which will serve to attract new commercial development in the Town; and

**WHEREAS,** the Town Council desires to amend the development program and financial plan of the District; and

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

**WHEREAS,** it is expected that approval will be sought and obtained from the Commissioner of the Maine Department of Economic and Community Development approving the

Economic and Community Development approving the amendments to the development program and financial plan of the District;

**NOW, THEREFORE, BE IT ORDERED** by the Town Council of the Town of Freeport, Maine as follows:

Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes as amended, the Town Council hereby amends the development program and financial plan of the District by adding the following thereto:

With respect payments made under the Development Sinking Fund, the phrase "Payments made to retire bonded indebtedness" shall include the use of up to \$225,000 of retained tax increment revenues of the District to fund a portion of the costs of a new sanitary sewer in Route 1 south of the downtown area to serve new business and industry.

The Town Manager is authorized and directed to submit the foregoing amendment to the Commissioner of the Maine Department of Economic and Community Development for approval pursuant to the provisions of 30-A M.R.S.A. Section 5253.

The foregoing amendment to the development program and financial plan of the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of such amendment by the Commissioner of the Maine Department of Economic and Community Development without requirement of further action by this Town Council, the Town or any of its municipal officials.

Councilor Mann offered his support for this project.

Councilor Hindley raised his concerns for the project.

**ROLL CALL VOTE** (Councilors Campbell & Soule) (6 Ayes)  
(1 Nay-Hindley)

---

**ITEM #217-97**

To consider action relative to a proposed Zoning Map Amendment for Tax Map 25, Lot 9 (Freeport Inn), a 150' wide section from Resource Protection I (RP-I) to Commercial II (C-II). (Public Hearing).

**MOVED AND SECONDED:** That the Public Hearing be opened.

(Councilors Mann & Campbell) (& Ayes) (0 Nays)

1. John Creasy, Planning Board, offered support for the project and added that the Planning Board unanimously supports this effort. He explained the reasons for the requested zone changes.
2. Terry Dewan, architect, reviewed the work done regarding this project and provided a presentation of the proposed site.
3. Marge Hall, Conservation Commission, raised concerns regarding this item.
4. Maureen Keegan requested that the \$225,000 be spent to bring this location back to its original state.
5. Councilor Mann stated that he sees this as an advantage for people who have concerns for the environment.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That Item #217-97 be tabled until January 6, 1998. (Councilors Mann & Campbell) (7 Ayes) (0 Nays)

---

ITEM #218-97  
Committee.

---

To consider action relative to a charge for the Paper Street

**BE IT ORDERED:** That the Paper Street Committee be charged as follows.

To develop criteria for determining the disposition of paper streets, to apply those criteria in order to recommend to the Town Council the Committee's proposed disposition of each paper street and solicit public input and conduct public hearings. **ROLL CALL VOTE** (Councilors DeGrandpre & Soule)

Gary Profenno, Chair Paper Street Committee, stated that the committee has not yet decided how to divide the work to be done. He added that public notice would be given to those involved.

(7 Ayes) (0 Nays)

---

ITEM #219-97

---

To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning Main Street parking (Chapter 48).

**BE IT ORDERED:** That a Public Hearing be scheduled for January 6, 1998 at 7:00 p.m. in the Town Hall Council Chambers

to discuss a proposed amendment to the Traffic & Parking Ordinance.

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

Discussion followed re: the parking locations, complying with State requirements, signed contract, etc.

**ROLL CALL VOTE** (Councilors Soley & Campbell) (7 Ayes)  
(0 Nays)

---

**ITEM #220-97**

To consider action relative to the issuance of Municipal Quitclaim Deed for Tax Map 21, Lot 19-3.

**BE IT ORDERED:** That the Town of Freeport issue a Municipal Quitclaim Deed for the following:

TO: Philip and Edith Baxter  
FOR PROPERTY: Tax Map 21, Lot 19-3 (17 Bragdon Road)  
FOR TAX YEARS: 1995, 1996 and 1997

NOTE: All taxes have been paid.

**ROLL CALL VOTE** (Councilors Soule & Campbell) (7 Ayes)  
(0 Nays)

---

**ITEM #221-97**

To consider action relative to an expenditure from the Public Works Equipment Reserve Account.

**BE IT ORDERED:** That \$11,700 be expended from the Public Works Equipment Reserve Account to provide for repairs to the road grader.

NOTE: This is a 1985 model and inspection expires on December 31, 1997. The grader will not pass inspection without the repairs.  
(Councilors Hindley & Campbell)

Discussion followed re: need for repairs, potential for other vendors to repair the grader, the Public Works Director soliciting other quotes, etc.

**MOVED AND SECONDED:** TO AMEND THIS ITEM TO ADD, "UP TO \$11,700 BE EXPENDED...". (Councilors Mann & Hindley) (7 Ayes) (0 Nays)

**ROLL CALL VOTE AS AMENDED (7 Ayes) (0 Nays)**

---

**ITEM #203-97**      Tabled December 2, 1997.

To consider action relative to proposed amendments to the General Assistance Ordinance concerning maximum levels of Assistance (Chapter 46).

**BE IT ORDERED:** That the proposed amendments to the General Assistance Ordinance, submitted to Public Hearing on December 2, 1997, be approved. **ROLL CALL VOTE** (Councilors Campbell & Soule) (7 Ayes) (0 Nays)

---

**ITEM #204-97**      Tabled December 2, 1997.

To consider action relative to proposed amendments to the Zoning Ordinance concerning Wireless Telecommunication Tower Regulations (Chapter 21).

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance, as submitted to Public Hearing on December 2, 1997, be approved. **ROLL CALL VOTE** (Councilors Mann & Campbell) (6 Ayes) (1 Abstain-Mann)

---

**ITEM #205-97**      Tabled December 2, 1997

To consider action relative to proposed amendments to the Winslow Park Fee Schedule concerning camping fees (Chapter 34).

**BE IT ORDERED:** That the proposed amendments to the Winslow Park Fee Schedule, as submitted to Public Hearing on December 2, 1997, be approved. **ROLL CALL VOTE** (Councilors DeGrandpre & Campbell)

**MOVED AND SECONDED:** THAT ITEM #205-97 BE AMENDED TO ADD "PLUS SALES TAX TO WHICH SALES TAXES CAN BE CHARGED". (Councilors Soley & Soule)

Discussion followed re: Committee's recommended \$1.00 increase without sales tax, setting competitive rates, etc.

**VOTE ON AMENDMENT (2 Ayes) (5 Nays-Mann,  
DeGrandpre, Campbell, Soule, Hindley)**

**VOTE ON ORDER (7 Ayes) (0 Nays)**

---

**OTHER BUSINESS:**

1. Review of proposed Main Street lighting improvements.  
Manager Olmstead described the proposal which would bring the lighting up to a standard that it should be; he further discussed that all of the fixtures are eligible for replacement, the need to look at the plan, the increase the operational budget to the Town and we may be able to save money regarding rates due to deregulation and the possibility that T.L.F. money from L. L. Bean may be used to help fund this.

Councilor Soley stated that halogen lights save on electricity and the same technology may be available for street lights.

It was suggested that the Manager be able to do further fact-finding and have this come before the Council on a future agenda.

2. Chairperson Beaulieu stated that she has available the entire election list results.
3. Chairperson Beaulieu stated that the Council has been talking about current processes used to maneuver issues. We are looking into having someone review our process.

Miscellaneous discussion followed re: the need, costs for this, etc.

**COMMITTEE REPORTS:**

---

**ITEM #222-97** To consider action relative to an Executive Session to discuss a personnel matter.

**MOVED AND SECONDED:** THAT ITEM #222-97 BE  
TABLED UNTIL THE JANUARY 6, 1998 COUNCIL  
MEETING. (Councilors Soley & Mann) (7 Ayes) (0 Nays)

Councilor Hindley wished everyone Happy Holidays.

**MOVED AND SECONDED:** THAT THE MEETING BE  
ADJOURNED AT 10:14 P.M. (Councilors Soley & Hindley) (7



**COUNCIL MEETING #25-97**

**DECEMBER 16, 1997**

**10**

**Ayes) (0 Nays)**

**Respectfully submitted,**

**Pat Goodwin, Recording Secretary**

**PROPOSED AMENDMENT  
TAX INCREMENT FINANCING  
DISTRICT PHASE II**

**WHEREAS, the Town of Freeport, Maine approved the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts (the "District") by Order duly adopted by the Freeport Town Council on February 20, 1996; and**

**WHEREAS, the Town Council is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to amend the development program and financial plan of the District; and**

**WHEREAS, the development program and financial plan of the District approved the payment of the debt service of an estimated \$3.1 million of bonds to be issued to fund the costs of the relocation of the Freeport Public Library from retained tax increment revenues of the District; and**

**WHEREAS, the costs of the library relocation are not expected to exceed the sum of \$2.875 million; and**

**WHEREAS, the balance of the retained tax increment revenues of the District not needed to fund debt service on bond issued for the library relocation project are available to fund other needed public infrastructure projects in the Town which will serve to attract new commercial development in the Town; and**

**WHEREAS, the Town Council desires to amend the development program and financial plan of the District; and**

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

**WHEREAS, it is expected that approval will be sought and obtained from the Commissioner of the Maine Department of Economic and Community Development approving the amendments to the development program and financial plan of the District;**

**NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Freeport, Maine as follows:**

- 1. Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes as amended, the Town Council hereby amends the development program and financial plan of the District by adding the following thereto:**

With respect payments made under the Development Sinking Fund, the phrase "Payments made to retire bonded indebtedness" shall include the use of up to \$225,000 of retained tax increment revenues of the District to fund a portion of the costs of a new sanitary sewer in Route 1 south of the downtown area to serve new business and industry.

2. The Town Manager is authorized and directed to submit the foregoing amendment to the Commissioner of the Maine Department of Economic and Community Development for approval pursuant to the provisions of 30-A M.R.S.A. Section 5253.

3. The foregoing amendment to the development program and financial plan of the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of such amendment by the Commissioner of the Maine Department of Economic and Community Development without requirement of further action by this Town Council, the Town or any of its municipal officials

**TAX INCREMENT FINANCING  
DISTRICT PHASE II**

**WHEREAS, the Town of Freeport, Maine approved the Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts (the "District") by Order duly adopted by the Freeport Town Council on February 20, 1996; and**

**WHEREAS, the Town Council is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to amend the development program and financial plan of the District; and**

**WHEREAS, the development program and financial plan of the District approved the payment of the debt service of an estimated \$3.1 million of bonds to be issued to fund the costs of the relocation of the Freeport Public Library from retained tax increment revenues of the District; and**

**WHEREAS, the costs of the library relocation are not expected to exceed the sum of \$2.875 million; and**

**WHEREAS, the balance of the retained tax increment revenues of the District not needed to fund debt service on bond issued for the library relocation project are available to fund other needed public infrastructure projects in the Town which will serve to attract new commercial development in the Town; and**

**WHEREAS, the Town Council desires to amend the development program and financial plan of the District; and**

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

**WHEREAS, it is expected that approval will be sought and obtained from the Commissioner of the Maine Department of Economic and Community Development approving the amendments to the development program and financial plan of the District;**

**NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Freeport, Maine as follows:**

1. Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes as amended, the Town Council hereby amends the development program and financial plan of the District by adding the following thereto:

With respect payments made under the Development Sinking Fund, the phrase "Payments made to retire bonded indebtedness" shall include the use of up to \$225,000 of retained tax increment revenues of the District to fund a portion of the costs of a new sanitary sewer in Route 1 south of the downtown area to serve new business and industry.

2. The Town Manager is authorized and directed to submit the foregoing amendment to the Commissioner of the Maine Department of Economic and Community Development for approval pursuant to the provisions of 30-A M.R.S.A. Section 5253.

3. The foregoing amendment to the development program and financial plan of the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of such amendment by the Commissioner of the Maine Department of Economic and Community Development without requirement of further action by this Town Council, the Town or any of its municipal officials

ADOPTED ON DECEMBER 16, 1997

December 17, 1997  
Approved at Council Meeting  
on December 16, 1997.  
Attest, a true copy,  
Mary D. Wescott  
Town Clerk

*Approved*  
**PROPOSED**

*Meeting # 25-97*  
*Item # 203-97*  
*PH # 24-97*

**AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE**

**(CHAPTER 46)**

**APPENDIX A - Total monthly allowed GA maximums.**

**APPENDIX B - Food maximums.**

**APPENDIX C - Housing maximums.**

# APPENDIX A

## Total Monthly Allowed GA Maximums

(Rates at 110% of HUD with averaged rates for metropolitan areas)

Effective Date: 10/1/97

Effective Until: 10/1/98

COUNTY	Persons In Household					
	1	2	3	4	5	6*
<b>Androscoggin SMSA</b>	343	424	554	692	776	851
<b>municipalities:</b>						
Anburn						
Greene						
Lewiston						
Lisbon						
Mechanic Falls						
Poland						
Sabattus						
Turner						
Wales						
<b>Androscoggin Non-SMSA</b>	347	428	569	711	795	870
<b>Aroostook</b>	347	406	521	664	765	840
<b>Cumberland SMSA</b>	459	524	693	905	1026	1101
<b>municipalities:</b>						
Brunswick						
Cape Elizabeth						
Casco						
Cumberland						
Falmouth						
Freeport						
Gorham						
Gray						
North Yarmouth						
Portland						
South Portland						
Standish						
Woolbrook						
Windham						
Yarmouth						

\* Please Note: Add \$75 for each additional person

<b>Cumberland Non-SMSA</b>	<b>507</b>	<b>517</b>	<b>689</b>	<b>937</b>	<b>1075</b>	<b>1150</b>
<b>Franklin</b>	<b>354</b>	<b>406</b>	<b>521</b>	<b>664</b>	<b>765</b>	<b>840</b>
<b>Hancock</b>	<b>374</b>	<b>458</b>	<b>567</b>	<b>714</b>	<b>792</b>	<b>867</b>
<b>Kennebec</b>	<b>361</b>	<b>450</b>	<b>541</b>	<b>679</b>	<b>765</b>	<b>840</b>
<b>Knox</b>	<b>347</b>	<b>447</b>	<b>580</b>	<b>772</b>	<b>814</b>	<b>889</b>
<b>Lincoln</b>	<b>451</b>	<b>502</b>	<b>571</b>	<b>793</b>	<b>937</b>	<b>1012</b>
<b>Oxford</b>	<b>347</b>	<b>406</b>	<b>521</b>	<b>664</b>	<b>765</b>	<b>840</b>
<b>Penobscot SMSA</b>	<b>362</b>	<b>433</b>	<b>556</b>	<b>718</b>	<b>796</b>	<b>871</b>
<b>municipalities:</b>						
<b>Bangor</b>						
<b>Brewer</b>						
<b>Eddington</b>						
<b>Glenburn</b>						
<b>Hampden</b>						
<b>Hermon</b>						
<b>Holden</b>						
<b>Kenduskeag</b>						
<b>Milford</b>						
<b>Old Town</b>						
<b>Orono</b>						
<b>Orrington</b>						
<b>Penobscot Indian Township</b>						
<b>Veazie</b>						
<b>Penobscot Non-SMSA</b>	<b>347</b>	<b>406</b>	<b>521</b>	<b>664</b>	<b>765</b>	<b>840</b>
<b>Piscataquis</b>	<b>347</b>	<b>406</b>	<b>521</b>	<b>664</b>	<b>765</b>	<b>840</b>
<b>Sagadahoc</b>	<b>488</b>	<b>559</b>	<b>689</b>	<b>916</b>	<b>1131</b>	<b>1206</b>
<b>Somerset</b>	<b>363</b>	<b>414</b>	<b>521</b>	<b>664</b>	<b>783</b>	<b>858</b>
<b>Waldo SMSA</b>	<b>362</b>	<b>433</b>	<b>556</b>	<b>718</b>	<b>796</b>	<b>871</b>
<b>municipalities:</b>						
<b>Winterport</b>						
<b>Waldo Non-SMSA</b>	<b>347</b>	<b>406</b>	<b>521</b>	<b>664</b>	<b>765</b>	<b>840</b>



<b>Washington</b>	<b>347</b>	<b>406</b>	<b>521</b>	<b>664</b>	<b>765</b>	<b>840</b>
<b>York SMSA</b>	<b>457</b>	<b>536</b>	<b>702</b>	<b>890</b>	<b>1047</b>	<b>1122</b>
<b>municipalities:</b>						
<b>Berwick</b>						
<b>Biddeford</b>						
<b>Eliot</b>						
<b>Kittery</b>						
<b>Saco</b>						
<b>Sanford</b>						
<b>South Berwick</b>						
<b>York</b>						

<b>Buxton</b>	<b>420</b>	<b>510</b>	<b>657</b>	<b>847</b>	<b>949</b>	<b>1023</b>
<b>Hollis</b>						
<b>Limington</b>						
<b>Old Orchard Beach</b>						

**Please Note: 24 CFR Part 888—HUD regulations (April 30, 1997) re: Fair Market Rents (FMR), allocate Cumberland SMSA FMR rates for Buxton, Hollis, Limington & Old Orchard Beach.**

<b>York Non-SMSA</b>	<b>428</b>	<b>491</b>	<b>657</b>	<b>822</b>	<b>919</b>	<b>994</b>
----------------------	------------	------------	------------	------------	------------	------------

# APPENDIX B

## Food Maximums

Effective Date: 10/1/97

Effective Until: 10/1/98

**Please Note:** The maximum amounts allowed for food are established in accordance with the U.S.D.A Thrifty Food Plan. Through October 1998, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	28	122
2	52	224
3	75	321
4	95	408
5	113	485
6	135	582
7	150	643
8	171	735

**Please Note:** For additional persons, add \$90 per month

# APPENDIX C

## Housing Maximums

(Heated & Unheated Rents)

Effective Date: 10/1/97

Effective Until: 10/1/98

Androscoggin County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		55	236	63	273
1		67	288	79	338
2		89	382	105	451
3		111	478	131	565
4		119	512	144	619

Aroostook County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		53	226	64	275
1		59	254	74	319
2		74	319	95	410
3		96	412	122	525
4		106	454	138	595

Cumberland County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		89	383	97	419
1		86	370	97	419
2		114	492	130	560
3		159	685	179	771
4		178	767	203	874

Franklin County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		54	234	65	279
1		60	256	74	318
2		75	322	95	408
3		97	415	122	523
4		106	457	138	592

Hancock County		Unheated		Heated	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		60	257	69	295
1		72	310	84	360
2		87	374	103	443
3		111	478	130	560
4		117	502	142	609

Kennebec County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	58	249	66	286
1	72	308	83	358
2	83	357	99	426
3	104	449	125	536
4	112	484	138	591

Knox County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	55	237	63	273
1	71	306	83	355
2	91	393	107	461
3	124	535	144	621
4	123	530	148	637

Lincoln County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	77	332	86	368
1	83	356	94	405
2	89	385	105	453
3	129	554	149	640
4	149	642	174	749

Oxford County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	55	236	63	273
1	62	268	74	318
2	79	339	95	408
3	101	436	122	523
4	112	484	138	591

Penobscot County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	49	212	63	270
1	60	258	73	313
2	76	326	93	402
3	98	420	120	515
4	108	463	136	584

Piscataquis County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	52	226	63	270
1	59	255	73	313
2	75	322	93	402
3	96	414	119	514
4	107	460	136	584

Sagadahoc County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	85	366	93	402
1	95	408	106	457
2	114	492	130	560
3	155	666	175	752
4	190	818	215	925

Somerset County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	56	242	67	287
1	61	263	76	325
2	75	322	95	408
3	97	415	122	523
4	110	474	142	609

Waldo County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	55	236	63	273
1	62	268	74	318
2	79	339	95	408
3	101	436	122	523
4	112	484	138	591

Washington County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	49	212	63	270
1	60	258	73	313
2	76	326	93	401
3	98	420	120	515
4	108	463	136	584

York County Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	72	311	81	347
1	80	346	92	395
2	108	463	123	531
3	135	580	155	666
4	145	625	170	732

**Please Note:** Municipalities in SMSA's (Standard Metropolitan Statistical Areas—areas with populations greater than 50,000) should consider the following figures. Refer to Appendix A to determine if your municipality falls within a SMSA.

**SMSA**

<b>Androscoggin County Bedrooms</b>	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	53	230	62	267
1	65	280	77	330
2	83	355	99	424
3	103	445	124	532
4	111	476	136	583

<b>Cumberland County Bedrooms</b>	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	69	296	77	332
1	89	382	100	431
2	116	500	132	568
3	145	626	166	712
4	158	679	183	786

<b>Penobscot County Bedrooms</b>	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	56	240	69	298
1	72	308	84	363
2	90	389	108	465
3	120	517	142	612
4	121	521	149	642

<b>York County Bedrooms</b>	<b>Unheated</b>		<b>Heated</b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	85	364	93	400
1	100	429	111	478
2	127	546	143	614
3	164	704	184	790
4	200	859	225	966

Velling - 20-71  
Item # 204-97  
PH - # 24-97

*Approved*  
**PROPOSED AMENDMENTS  
CHAPTER 21  
FREEPORT ZONING ORDINANCE**

9-17-97

**Section 104 Definitions**

**Antenna:** Any structure or device used for the purpose of the wireless transmitting or receiving electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which attaches to a tower and supports one or more antenna(e).

**Height:** Height limitations shall not apply to chimneys, steeples, towers(uninhabitable), water standpipes, detached barns used for agricultural purposes, spires or other similar non-habitable structures. Height limitations do apply to wireless telecommunications facilities, as defined in this Section 104, and those regulations are listed below and in Section 528.....

**Height, Wireless Telecommunication Tower:** The vertical distance measured from the lowest point within ten (10) feet of the base of the structure on the ground to the highest point of the tower, including the base pad, all antennas and other attachments. When towers are mounted upon buildings or other structures, the total vertical height is measured from the lowest point within ten(10) feet of the ground level of the supporting structure to the highest point of all appurtenances on the tower.

**FAA:** Federal Aviation Administration

**FCC:** Federal Communications Commission

**Public Utility Facilities:** A facility, whether publicly or privately owned, which provides direct or indirect utility service to the public, such as, but not limited to, sewage and water pumping stations and treatment facilities, telephone electronic equipment structures, electric power sub-stations and transformer stations, and major electrical power lines or pipelines whose major purpose is transport through a municipality. Local utility transmission lines are excluded from this definition. Wireless telecommunications facilities, as defined in this Section 104, are not considered public utility facilities.

**Wireless Telecommunications Facility:** A facility that transmits, receives, distributes, provides or offers telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics and other types of equipment for the transmission, receipt, distribution or offering of such

signals, wireless telecommunication towers, antenna support structures and other structures supporting said equipment and any attachments to those structures including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways and roads and other accessory features.

**Wireless Telecommunication Facility - Co-Located:** A wireless telecommunications facility that includes a telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity

**Wireless Telecommunication Tower (Tower) :** Any new or existing ground mounted or structure mounted pole, spire, structure, or combination thereof, designed and constructed primarily for the purpose of supporting, fixing or attaching one or more antennas, including supporting lines, cables, wires, braces and masts. The term includes, but is not limited to radio and television transmission towers, microwave towers, common carrier towers, cellular towers, personal communications service towers, and other similar towers.

#### **ARTICLE IV ZONING DISTRICT REGULATIONS**

##### **Section 402 Rural Residential District I "RR - I " and Rural Residential District IA "RR-IA"**

###### **I. RR-I**

###### **B Permitted Uses**

19 Wireless Telecommunication Facility only if the base of any on-site tower is located at or above elevation 240 feet above mean sea level (See Sec. 528)

19 20 Aquaculture

###### **C Space Standards**

8 Maximum Height -Wireless Telecommunication Facility (single user): 100 feet  
Wireless Telecommunication Facility, Co-located: 150 feet

##### **Section 404. Medium Density Residential District I 'MDR-I'**

###### **B Permitted Uses**

14 Wireless Telecommunication Facility (See Sec. 528)

###### **C Space Standards**

8 Maximum Height - Wireless Telecommunication Facility (single user): 100 feet  
Wireless Telecommunication Facility, Co-located: 150 feet

##### **Section 405. Medium Density Residential District II 'MDR-II'**

###### **B Permitted Uses**

12 Wireless Telecommunication Facility (See Sec. 528)

###### **C Space Standards**

8 Maximum Height - Wireless Telecommunication Facility (single user): 100 feet  
Wireless Telecommunication Facility, Co-located: 150 feet



**Section 406. Medium Density Districts - 'MD-A AND MD-B'**

**B. Permitted Uses:**

26. Wireless Telecommunication Facility (See Sec. 528)

26.-27. Aquaculture.

**C. Space Standards:**

8. Maximum Height - Wireless Telecommunication Facility (single user): 100 feet  
Wireless Telecommunication Facility, Co-located: 150 feet

**Section 408. Village II 'V-II'**

**B. Permitted Uses:**

9. Wireless Telecommunication Facility (See Sec. 528)

**C. Space Standards:**

8. Maximum Height - Wireless Telecommunication Facility (single user): 75 feet  
Wireless Telecommunication Facility, Co-located: 75 feet

**Section 410. Commercial District II - 'C-II'**

**B. Permitted Uses:**

29. Wireless Telecommunication Facility (See Sec. 528)

**C. Space Standards:**

6. Maximum Height - Wireless Telecommunication Facility (single user): 100 feet  
Wireless Telecommunication Facility, Co-located: 150 feet

**Section 412. Commercial District IV 'C-IV'**

**B. Permitted Uses:**

25. Wireless Telecommunication Facility (See Sec. 528)

**C. Space Standards:**

6. Maximum Height - Wireless Telecommunication Facility (single user): 75 feet  
Wireless Telecommunication Facility, Co-located: 125 feet

**Section 418. Industrial District II 'I-II'**

**B. Permitted Uses:**

10. Wireless Telecommunication Facility (See Sec. 528)

**C. Space Standards:**

3. Maximum Height - Wireless Telecommunication Facility (single user): 75 feet  
Wireless Telecommunication Facility, Co-located: 125 feet

## **ARTICLE V PERFORMANCE STANDARDS**

### **Section 528 Regulation of Wireless Telecommunications Facilities**

#### **A. Purpose.**

The purpose of this Section is to provide a uniform and comprehensive set of performance standards and requirements to be used by the Planning Board during the site plan review process when it reviews an application for the placement and construction of wireless telecommunication facilities. These standards and requirements are intended to regulate the location and installation of such facilities in order to:

1. Protect and promote public health safety and welfare from potential problems, examples of which are falling ice, telecommunication wave interference and attractive nuisance of towers to children;
2. Protect and preserve the aesthetic quality of Freeport as set forth in the goals, policies and objectives of the adopted Freeport Comprehensive Plan, examples of which are the protection of scenic vistas, rural character and important historical areas, and the regulations of the Freeport Zoning Ordinance, examples of which are buffering requirements, by carefully regulating siting and design of wireless telecommunication facilities;
3. Protect adjacent properties from potential damage from tower failure and falling ice through careful siting regulations and engineering requirements;
4. Facilitate and encourage the managed development of telecommunications infrastructure while at the same time not not unduly restricting the development of needed telecommunications facilities, including important amateur radio installations and
5. Encourage co-location on existing and future wireless telecommunication towers and maximize the use of existing and approved towers and other existing structures such as utility poles, water towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of new towers needed to serve the community's needs

#### **B. Exemptions:**

The following uses are exempt from these regulations:

1. A ground, building or tower mounted antenna, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, which is no higher than thirty-five (35) feet in height, and is not licensed or used for any commercial purpose. The Codes Enforcement Officer may permit additional height up to a maximum of seventy-five (75) feet only if, after engineering documentation

substantiating the need for the excess height is submitted to and is acceptable to the Codes Enforcement Officer, the CEO determines that a height in excess of thirty-five (35) feet is technically necessary to successfully engage in this activity.

2. Radio or television satellite dish antenna for the sole use of the resident occupying a residential parcel on which the satellite dish is located.

3. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the occupant of a residential parcel on which the radio or television antenna is located, with an antenna height not exceeding thirty-five (35) feet.

4. A ground or building mounted citizens band radio or two-way FM antenna including any mast, if the height (post, and antenna and support structure if not on the ground) does not exceed thirty-five (35) feet.

5. A municipal, public safety or public works wireless telecommunication facility up to a maximum height of 100 feet.

### C. Space Requirements:

#### 1. Maximum Height:

Tower, single user: see Article IV

Tower, co-located: see Article IV.

The height of any tower must be approved by the Planning Board as part of the site plan review process. The Planning Board may approve a height that is up to the final, total maximum listed in Article IV, only if it determines, as part of the site plan review process, that the following conditions are met:

a. For existing towers, evidence is presented by the owner that the existing tower height is not sufficient to meet the reasonable needs of the proposed additional user(s) at this time and the additional height requested is the least height technically necessary to serve all of the proposed users. The Board may require a peer review of this evidence.

b. For new towers, applicants are encouraged to design towers which will accommodate co-location even if only one user will locate on the tower at the time of site plan review and approval. In this situation, the tower shall be constructed no higher than the maximum height for a single user tower. When additional users will locate on the tower, it may be constructed to the approved co-located height subject to the requirement that it meet all

requirements of the previously approved site plan. If no change is proposed, no additional review is required.

c. All requirements of co-location (see Section 528.D below).

2. Mass of Antennas Per User:

The mass of antennas, including required antenna support structures, on a tower shall not exceed four hundred fifty (450) cubic feet per user, with no one dimension exceeding fifteen feet per user. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array and all of its parts and attachments.

3. Area:

A wireless telecommunications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district even if such lot is a lawful non-conforming lot of record. If it is located on a lot containing another use, the lot shall be of sufficient area to meet the minimum lot area requirement for each use.

4. Setbacks:

a. The center of the base of any telecommunications tower must be set back a minimum of 125% of the tower height, or the required minimum setback of the District in which it is located, whichever is greater.

b. No part of the structure, including anchors, guy wires, overhead lines, masts, etc., shall be located in the required District setback or in any required buffer area both on the ground or in the air space above the ground.

c. Accessory support buildings containing electronic equipment and any other structures accessory to the telecommunications tower shall meet the required District building setback and the required buffer setback.

d. If more than one tower is proposed on a single lot or parcel, they shall be clustered as closely together as technically possible.

e. If other non-accessory uses are located on the same lot or parcel as a wireless telecommunications tower, all structures associated with such other uses shall be located a minimum distance of 125% of the tower height from the base of the tower.

f. A tower's setback may be reduced by the Planning Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, water tank, or similar structure.

g. Notwithstanding the height limitations within a zoning district, in order to accommodate the co-location of an additional antenna, a tower, existing as of August 6, 1997, may be modified or rebuilt to a taller height, not to exceed a total maximum of thirty (30) feet more than the tower's height as of August 6, 1997, but only if that additional height will not require any lighting or obstruction painting. The additional tower height shall not require increased lot setbacks and the tower's pre-modification height shall be utilized to calculate required setbacks.

#### D. Co-location Requirements:

##### 1. On existing towers

a. Applicants for site plan review for a new wireless telecommunication tower must send written notice by pre-paid first class United States mail to all other telecommunication tower owners and licensed telecommunication providers in the Town utilizing existing towers, stating their siting needs and/or co-location capabilities in an effort to encourage tower co-location. Evidence that this notice requirement has been fulfilled shall be submitted to the Planning Board and shall include a name and address list, copy of the notice which was sent, and a statement, under oath, that the notices were sent as required. An application for a new wireless telecommunication tower must include evidence that existing or previously approved towers cannot accommodate the telecommunications equipment (antennas, cables, etc.) planned for the proposed tower. Such evidence would be:

1. Planned, necessary equipment would exceed the structural capacity of existing and approved towers, considering the existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment,

2. Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower, and the interference cannot be prevented,

3. Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively,

4. Other documented reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers.

2. Construction of new towers:

a. A proposal to construct a new co-located wireless telecommunication tower taller than the maximum height permitted for a single user must include evidence that the tower can structurally support a minimum of three (3) antenna arrays for co-location purposes.

b. The Planning Board shall require evidence of adequate structural support to accommodate any proposed additional arrays.

E. Interest of Telecommunication Entity:

A proposal to construct or modify a wireless telecommunication tower must include evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless telecommunication services.

F. Submissions:

In addition to all of the relevant site plan review submission requirements listed in Section 602 D., the following submissions shall be required unless waived by the Planning Board:

1. A report from a Registered Professional Engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number(s), type(s) and volume (as defined in Section 528.C.2 above) of antenna(s) that it can accommodate and the basis for the calculation of capacity.

2. For building, pole mounted or tower facilities, certification by a Registered Professional Engineer in the State of Maine that the design is adequate to support, without failure, the maximum forces expected from wind, earthquakes ice/snow loading when the pole or tower is fully loaded with antennas, transmitters, other equipment, and camouflaging, as described in the submitted plan.

3. Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennas, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

4. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.

5. Details of all accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

6. Certification from a Registered Professional Engineer in the State of Maine that this proposal will not interfere with established public safety telecommunications.

7. Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, or a statement from the agency that no approval is required, including a description of any conditions or criteria for the approval or exemption from approval.

8. An inventory of all of the provider's existing and approved towers, antennas or sites within the Town of Freeport and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in this application. Service area maps or network maps of the applicant's existing and proposed facilities in Cumberland, Androscoggin and Sagadahoc Counties.

9. Site photos showing site vegetation, existing and adjacent structures, views of and from the proposed site. Topography and land uses on the proposed parcel and on abutting properties.

10. Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed.

11. Identify any other telecommunication facilities existing or proposed on the site.

12. A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences and from archaeological and historic resources including historic districts, areas and structures, specifically those listed in the National Register of Historic Places or eligible for inclusion. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historic Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible



mitigation measures consistent with the technological requirements of the proposed telecommunication service.

13. A letter of intent that commits the tower owner and successors in interest to:  
a. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;  
b. Negotiate in good faith for shared use by other parties that have received federal licenses;

14. Evidence that co-location on existing or approved towers is not possible, per Section 528. D above. If the proposed tower cannot be accommodated on an existing or approved tower site, the applicant must assess whether such tower site could be changed to accommodate the proposed tower, and generally describe the means and projected cost of shared use of the existing or approved tower site.

15. Proof of financial capacity to build, maintain, and remove the proposed tower.

#### G. Design Standards:

The following design standards shall be met by the applicant. The Planning Board, as part of the site plan review process, shall determine if the applicant has complied with these standards.

All telecommunications facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all of the following measures shall be implemented:

1. Towers shall be constructed of metal or other non-flammable material unless specifically waived by the Planning Board.

2. Accessory facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.

3. Accessory facilities shall be constructed out of non-reflective exterior materials and shall be placed underground, if possible.

4. New accessory facilities shall be no taller than one story in height and shall be treated to look like a building or facility typically found in the area.

5. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless telecommunications facility site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color(s) selected shall be one that the Planning Board determines will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against



soils or trees shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location unless the Board determines that an alternative proposal will minimize visibility.

6. No obstruction painting or any lighting shall be permitted on any towers.

7. The Planning Board may require special design of the facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and /or community features).

8. Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.

9. Only manually operated or motion detecting security lighting is permitted.

#### **H. Location:**

All telecommunication facilities shall be located so as to minimize their visibility and to minimize the total number of towers in the Town. The following measures shall guide the location:

1. Wireless telecommunications facilities shall not be sited in areas of high visibility unless a finding is made that no other location is technically feasible, and unless the facility is sited below the ridgeline or designed to minimize its profile by blending with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable.

2. No facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.

#### **I. Additional Standards and Criteria:**

In addition to the criteria and standards listed in Section 602.F below, these additional criteria and standards shall be utilized by the Planning Board in reviewing applications for site plan review of proposed wireless telecommunications facilities:

1. Mitigation measures have been utilized to screen antennas and towers from view from public rights-of-way or scenic vistas, either via landscaping, fencing or other architectural screening,

2. Network interconnections from the communications site via land lines have been proposed rather than the use of microwave link dishes, in order to minimize visual impact,

3. Creative design measures have been employed to camouflage facilities by integrating them with existing buildings and among other uses.

4. Other technically feasible sites have been investigated and, if available, the proposed facility has been relocated in order to minimize the effect of the location on visually sensitive areas such as residential communities, historical areas and open space areas.

5. Co-location, where technically feasible and visually desirable, on an existing tower, has been investigated and, if technically and financially feasible, the proposed facility is co-located.

6. Use of an existing community facility site, such as on or adjacent to water tanks or utility poles, has been investigated as a potential site for a tower, antennas and other equipment and, if available and technically feasible and visually desirable, is proposed as the site for the facility.

7. Adequate bonding for removal of the wireless telecommunication tower, as required in Section 528 K below, has been submitted.

#### **J. Amendments:**

Any change to existing, previously approved and proposed towers requires site plan approval. This includes modifications to approved height and to approved attachments such as antennas and dishes as well as requests for additional attachments.

#### **K. Removal of Wireless Telecommunications Facilities:**

1. If the tower ceases to be used or if the use of the tower is abandoned for any reason, it shall be the responsibility of the owner of the facility to notify the Codes Enforcement Officer of the date of abandonment or cessation of use. If the owner shall fail to give the required notice, the CEO shall make a determination of such date, which determination shall be conclusive as to such date.

2. In the case of a tower which is abandoned or the use of which ceases, it shall be removed within one (1) year of its abandonment or cessation of use. All aboveground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as possible.

3. At the time of approval, the applicant for a new tower shall submit to the Town a bond or other financial surety, to be approved by the Town Manager, in the amount of 150% of the estimated demolition cost of the tower and the removal of all accessory facilities as described in Section 528.K.2 above, such cost to be determined by an independent Registered Professional Engineer in the State of Maine and the amount shall be acceptable to the Town Manager. The bond or other financial surety shall be in effect for as long as the tower is in place.

4. The bond shall be used by the Town to demolish a tower which is abandoned or the use of which has ceased, accessory facilities and associated abandoned structures only if the owner has not done so within the required one (1) year period.

5. The owner may apply to the Town Manager for release of the bond at such time that the owner or assigns removes the tower, accessory facilities and associated abandoned structures as described above, and such completed removal is found to be satisfactory by the Town Engineer. The cost of inspection by the Town Engineer shall be borne by the owner.

#### L. Inspections:

The following procedure shall be undertaken by the owner of the tower:

1. Inspection of towers by a Registered Professional Engineer in the State of Maine shall be performed to insure structural integrity. Such inspections shall be performed as follows:

a. Monopole towers - at least once every seven years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.

b. Self-supporting towers - at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.

c. Guyed towers - at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.

2. The inspection report shall be submitted to the Town Engineer within thirty (30) days of its receipt by the tower owner. Based upon the results of the inspection, the CEO, upon recommendation by the Town Engineer, may require repair or demolition of the tower.

3. The cost of such inspections, reports, repairs or demolition required under this Section 528. L. of the Ordinance shall be borne entirely by the tower owner. Required repairs shall be completed within ninety (90) days or less as required by the CEO and agreement by the Town Engineer for safety reasons.

4. Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

# TOWN OF FREEPORT



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

## MEMO

TO: Freeport Town Council  
FROM: Freeport Planning Board  
SUBJECT: WIRELESS TELECOMMUNICATION TOWER REGULATIONS  
DATE: September 18, 1997

The Planning Board is pleased to forward to you these proposed regulations for wireless telecommunication towers. We have worked on these regulations for a number of months. A subcommittee of the Board developed a first draft and a public hearing was held to solicit public comment. We believe this final draft incorporates most of the comments made by the public. In addition it has been thoroughly reviewed by the Town Attorney.

On September 17, 1997, the Board unanimously (5-0) approved the following motion:

"Be it ordered to recommend adoption of the following amendments to the Freeport Zoning Ordinance: amendments to Sections 104, 402, 404, 405, 406, 408, 410, 412, 418; addition of Article V, Section 528 for the following reasons:

1. The proposed amendments are consistent with the adopted Freeport Comprehensive Plan which includes the following policies and goals:
  1. Encourage creative development that preserves fields, forests, farmland, shoreland and related scenic vistas.
  2. Protect the most significant natural, historic and archaeological resources.
  3. Preserve and protect the integrity of residential neighborhoods.

JC:jmm