

AGENDA
FREEPORT TOWN COUNCIL MEETING #23-20
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, NOVEMBER 10, 2020
6:30 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87526227396>

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Webinar ID: 875 2622 7396

FROM: Peter E. Joseph, Town Manager

TO: Council Chair, John Egan, 38 Curtis Road
Council Vice Chair, Tawni Whitney, 56 Baldwin Road
Councilor Chip Lawrence, 93 Hunter Road
Councilor Sarah Tracy, 2 Pettengil Road
Councilor Daniel Piltch, 25 Quarry Lane
Councilor Douglas Reighley, 2 Harbor Ridge Road
Councilor Eric Horne, 62 Pine Street

FIRST ORDER OF BUSINESS: Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #22-20 held on October 20, 2020 and to accept the minutes as printed.

THIRD ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 3, 2020 Election.

MOTION: That the Town Clerk's report be accepted.

(Town Clerk, Christine Wolfe)(5 minutes)

ROLL CALL OF MEMBERS:

Daniel Piltch, 25 Quarry Lane
John Egan, 38 Curtis Road
Tawni Whitney, 56 Baldwin Road
Lawrence, Henry 93 Hunter Road

COUNCIL MEETING #23-20
NOVEMBER 10, 2020

Jake Daniele, 264 Pownal Road
Edward Bradley, 242 Flying Point Road
Douglas Reighley, 2 Harbor Ridge Road

RECEPTION FOR OUTGOING COUNCILOR: The Council will recess briefly to recognize outgoing Councilors Sarah Tracy and Eric Horne. (15 minutes)

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

[ITEM #161a-20](#)

To consider action relative to the electing of a Chairperson and a Vice-Chairperson for the Town Council.

MOTION: That the nominations for the position of Council Chairperson be opened.

MOTION: That the nominations for the position of Council Chairperson be closed.

Note: If more than one nominee, a showing of hands will determine the name for the following order.

BE IT ORDERED: That _____ be elected Chairperson of the Town Council.

MOTION: That the nominations for the position of Council Vice-Chairperson be opened.

MOTION: That the nominations for the position of Council Vice-Chairperson be closed.

Note: If more than one nominee, a showing of hands will determine the name for the following order.

BE IT ORDERED: That _____ be elected Vice-Chairperson of the Town Council.

(Town Council) (15 minutes)

[ITEM # 162-20](#)

To consider action relative to suspending Section 6, Presiding Officer, of the Rules of Order and Procedure for the Freeport Town Council to allow the discussion of Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19.

COUNCIL MEETING #23-20
NOVEMBER 10, 2020

BE IT ORDERED: That Section 6, Presiding Officer, of the Rules of Order and Procedure be suspended to allow for the discussion of Chapter 60, Emergency Ordinance.

(Council Chair Egan)(5 minutes)

[ITEM # 163-20](#)

To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID19, with minor amendments, to be effective November 11, 2020 until January 9, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

BE IT ORDAINED: That Chapter 60, Emergency Ordinance be repealed and replaced as amended below:

WHEREAS, the Governor of the State of Maine declared a Civil State of Emergency due to the spread of the Coronavirus Disease (“COVID-19”) on March 15, 2020, which remains in effect, and

WHEREAS, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individual in the community, and

WHEREAS, the Governor has announced a phased reopening plan intended to reduce the spread of COVID-19, which will likely include restrictions on indoor activities at many of Freeport’s businesses such as shops offices, and restaurants, and

WHEREAS, these businesses may find it beneficial to make temporary changes to their traditional operations to allow outdoor business activities, such as outdoor seating, outdoor sales areas, outdoor meeting areas, and additional outdoor signage to communicate business changes due to COVID-19, and

WHEREAS, the Town of Freeport expects significantly reduced numbers of visitors during the upcoming summer tourist season, which would create a corresponding economic hardship to many of its businesses, and which could be mitigated to some extent by allowing expanded outdoor business activities, and

WHEREAS, expanded outdoor business activities may also help to promote the public health and welfare, by allowing patrons of these businesses to observe social distancing guidelines by avoiding shopping or dining in close proximity to other patrons, and

WHEREAS, there are several sections within Freeport’s municipal ordinances that may prevent, restrict or delay some of these expanded outdoor business activities and modifications – including sections within the Sign Ordinance (Chap. 23), Design Review Ordinance (Chap. 22), Zoning Ordinance (Chap. 21), and Building Code Ordinance (Chap. 11).

WHEREAS, Section 2.14 of the Freeport Town Charter authorizes the Town Council to adopt one or more emergency ordinances to meet a public emergency affecting the life, health, property or the public peace, and

COUNCIL MEETING #23-20
NOVEMBER 10, 2020

WHEREAS, during this State of Emergency, the Town of Freeport must consider the welfare of its businesses while protecting the health and welfare of its citizens, and

WHEREAS, the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and their employees, and the patrons of those businesses, in light of the Governor's current phased reopening plan which will allow a number of affected businesses .to reopen in a limited fashion on June 1st , 2020, and

WHEREAS, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily suspend certain provisions of the Town's code of ordinances relating to outdoor business activity for the purposes of allowing businesses to reopen or continue operating without undue hardship while also allowing for compliance with social distancing guidelines.

NOW THEREFORE BE IT ORDAINED:

That for the time period from November 11, 2020 until January 9, 2021, unless this ordinance is repealed by the Town Council prior to January 9, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

I. Chapter 23 - Sign Ordinance

- A) Temporary signs to support changes to the operations of business as a result of the COVID19 pandemic shall be exempt from regulation under Chapter 23. This may also include additional signs needed for distance markers outside of establishments. Internally illuminated signs, signs with moving parts, and flag and/or feather style signs are not exempted from the regulations of Chapter 23. Signs must be located on private property and not project over the public right-of-way; unless permission is otherwise granted from the Town Council. No sign shall exceed 32 sf in size or 25 feet in height.
- B) To be exempted as described in section I (A) above, all signs must obtain a temporary activity permit from the Codes Office/Planning Department.

II. Chapter 21 - Freeport Zoning Ordinance, Section 501 - Temporary Activity

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.
- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: "Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(24), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance

COUNCIL MEETING #23-20
NOVEMBER 10, 2020

Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis.”

III. Chapter 21 – Freeport Zoning Ordinance, Section 526-A – Food Trucks

- A) Section 526-A (B)(11) shall be replaced with the following language for the duration of time while this ordinance is in effect: “not have any furniture, umbrellas, or other objects or structures outside of the food truck. Generators may be used when the food truck is located on a parcel that does not abut a parcel with a current residential use.”

IV. Chapter 21 - Freeport Zoning Ordinance, Section 602 - Site Plan Review

- A) Temporary modifications to an existing business/educational site required to conduct outdoor business/educational activities will not require an applicant to amend their existing site plan through the formal Site Plan Review process, so long as no new permanent impervious cover is created. Outdoor business activities for the purposes of this section shall include outdoor sales areas and tent sales, outdoor seating for existing restaurants, outdoor seating space for carryout establishments (such as coffee, ice cream, and carryout food), and outdoor meeting space for offices and exercise classes, outdoor space to support classroom educational instruction, along with minimal new lighting as required for safety and ambiance of these activities. The use of any temporary outdoor heating sources to support these modifications must comply with all applicable local and State codes and standards.
- B) Existing businesses/educational facilities may conduct any of the outdoor business/educational activities described in section III(A) above on the property owned by another so long as: 1) the underlying outdoor business activity (restaurant, retail, office, etc.) is allowed in that zone and, 2) the applicant for a temporary activity permit described in section III (C) below shall provide written authorization for any proposed activities from the property owner. Any use of public property (including sidewalks and streets) for outdoor business activities shall require prior approval of the Freeport Town Council.
- C) To be exempted as described above, all businesses/educational facilities conducting temporary outdoor business activities described in section III(A) and III(B) must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- D) Any outdoor business/educational activities conducted on a site abutting a residential site shall observe all building setbacks as required by the underlying zoning district.
- E) Any tents, awnings, or temporary shelters utilized for purposes described in section III (A) and III (B) shall comply with applicable regulations of the State of Maine Fire Marshall’s Office and the Town of Freeport’s Fire Prevention Code.
- F) The exemptions described in sections III (A) and III (B) shall apply to existing Freeport businesses/educational facilities only. New business locations and/or educational facilities must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

V. Chapter 11 - Building Code Ordinance

- A) In the event of any conflict between the Freeport Building Code Ordinance and directives issued under executive order by the Governor regarding the requirement or availability of public restroom facilities, the requirements issued by executive order of the Governor shall prevail.

COUNCIL MEETING #23-20
NOVEMBER 10, 2020

VI. Chapter 22 - Design Review Ordinance

- A) A Design Review Certificate shall not be required for any of the temporary outdoor business activities described in Sections I, II, or III of this ordinance, so long as no permanent changes to the site or the building facades are proposed.

(Town Planner, Caroline Pelletier)(15 minutes)

COUNCIL MEETING #23-20

NOVEMBER 10, 2020

END OF AGENDA (Estimated time of adjournment 7:25 PM)