

AGENDA TUESDAY, JULY 6, 2021 6:30 PM

FREEPORT TOWN COUNCIL MEETING #16-21

**FREEPORT TOWN HALL COUNCIL CHAMBERS
30 Main Street, Freeport**

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 Daniel Piltch, 25 Quarry Lane
Councilor Douglas Reighley, 2 Harbor Ridge Road
Councilor Jake Daniele, 264 Pownal Road
Councilor Edward Bradley, 242 Flying Point Road

FIRST ORDER OF BUSINESS: Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #15-21 held on June 15, 2021 and to accept the minutes as printed.

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

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

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

ITEM # 112-21 To consider action relative to adopting the July 6, 2021 Consent Agenda.

BE IT ORDERED: That the July 6, 2021 Consent Agenda be adopted.

(Vice Council Chair Whitney) (5 minutes)

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[ITEM # 113-21](#)

To consider action relative to Special Amusement Permit renewals. Public Hearing.

MOTION: To open the public hearing

MOTION: To close the public hearing

BE IT ORDERED: That the following Special Amusement Permit be renewed pending Code Enforcement and Fire Chief approval and payment of all applicable fees.

1. Cadenza, 5 Depot Street
2. Stars and Stripes Brewing, 8 Varney Road
3. Harraseeket Inn Inc., 162 Main Street
4. Athena's Cantina, 491 US Route 1, Unit 10
5. Hilton Garden Inn, 5 Park Street

(Town Manager, Peter Joseph)(10 minutes)

[ITEM # 114-21](#)

To consider action relative to a new liquor license for Mast Landing Brewing Company. Public Hearing

MOTION: To open the public hearing

MOTION: To close the public hearing

BE IT ORDERED: That a new liquor license for Mast Landing Brewing Company located at 200 Lower Main Street, Suite A-120 be approved.

(Town Manager, Peter Joseph)(10 minutes)

[ITEM # 115-21](#)

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 to be effective July 6, 2021 until September 4, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance".

BE IT ORDAINED: That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective July 6, 2021 until September 4, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance" be reenacted without amendments.

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

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WHEREAS, these businesses continue to 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 may continue to have a reduced number of visitors, 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 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

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, 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 July 7, 2021 until September 5, 2021, unless this ordinance is repealed by the Town Council prior to September 5, 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)(2-4), 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 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.

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)(10 minutes)

[ITEM # 116-21](#)

To consider action relative to the approval of a Notice of Proposed Vacation, proposing to vacate a 40' wide unnamed road running parallel to Lower Flying Point Road shown upon a Subdivision plan named "Plan of Flying Point ShoresSection III", dated October 1949 and recorded in the Cumberland County Registry of Deeds in Plan Book 34, Page 44.

BE IT ORDERED: That the notice of proposed vacation be approved.

(Town Manager, Peter Joseph)(10 minutes)

[ITEM # 117-21](#)

To consider action relative to awarding a bid for a new Street Sweeper.

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BE IT ORDERED: That the bid for a new Street Sweeper be awarded to Alta Environmental Solutions of Lewiston, Me in the amount of \$237,400.

Note: \$280,000.00 was included in the FY21-22 Public Works Capital Budget for the purchase of a new Street Sweeper. The total bid price with trade-in included is \$237,400.00.

(Public Works Director, Earl Gibson)(10 minutes)

ITEM# 118-21

To consider action relative to awarding a bid for a new Oil/Water Separator for Public Works Garage, 7 Hunter Rd.

BE IT ORDERED: That the bid for a new Oil/Water Separator be awarded to Precision Tanks of Jay, Maine in the amount of \$59,680.

Note: \$60,000.00 was included in the FY21 Capital Budget for this replacement.

(Public Works Director, Earl Gibson)(10 minutes)

OTHER BUSINESS:

1. [Discussion of request to waive civil penalty and administrative costs associated with Consent Agreement at 250 Wolfes Neck Road.](#) (Town Manager, Peter Joseph)(15 minutes)
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EXECUTIVE SESSION

ITEM # 123-21 [To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405\(6\)\(D\) to discuss labor contracts.](#)

MOTION: That the Town Council enter Executive Session.

MOTION: That the Town Council exit Executive Session.

(Council Chair Egan)(30 minutes)

END OF AGENDA (Estimated time of adjournment 09:45 PM)