

Freeport Insider

What's going on at Planning Board, Coastal Waters, Sustainability, Council, etc.
A weekly news source on issues of concern taken up at Town Hall.

13 October 2023 No.5

TOWN COUNCIL

No report. See No. 4 for 3 October meeting.
Next meeting 17 October.

CENTRAL CORE DISTRICT WORKING GROUP

No report. See No.4 for 4 October meeting.
Next meeting 18 October.

COASTAL WATERS COMMISSION

Launch plan for *Island Rover* deferred until a third party can evaluate conflicting arguments.

PLANNING BOARD

Meeting 4 October cancelled.
New member. Next meeting 1 November.

PROJECT REVIEW BOARD

No report. Last report in 21 September issue.
Next meeting 18 October.

SOCIAL AND RACIAL EQUITY

No report. See No.3 for last meeting.
Next meeting 25 October.

SUSTAINABILITY

No report. See No.4 for last meeting.
Next meeting 16 October.

SHELLFISH COMMISSION

Ordinance updates further discussed.
Rejects moratorium on aquaculture.

HOUSING

Essay on availability and affordability.
Progress on Varney Heights affordable housing?

PEOPLE

Town manager, communications coordinator

EVENTS

South Freeport Water District 16 October.
Candidates night 19 October.
FreeportCAN 21 October meeting
Community Services annual mtg 23 Oct.

RAILROADS

MDOT bridge design unveiled 16th, see No.4.

Town calendars October, November

FROM THE EDITOR

A “Ghost” of a chance?

We've settled on the platform Ghost to handle subscriptions and distribution.

I'll send out this issue via Ghost, giving you a choice of the two-column or one-column format, as before.

Highlights

In the post itself, before you click on button, you'll see the highlights of the issue.

Subscriptions! Bargains!

Speaking of subscribers, I will institute a “paywall” (another platform term) beginning with the first issue in November. You will get, for the meager payment of \$2.50 per month (I'll make the proverbial comparison to a cup of coffee) the three issues of November (no issue Thanksgiving week) and the three issues of December (no issue Christmas week).

In January, the subscription will go up to the (still low!) \$5/month, a bit more than a buck an issue.

- Chalmers

(I'll request payment after the 26 October issue)



COASTAL WATERS

Meetings: 2nd Wednesdays 18h00

ISLAND ROVER +

11 October. ***THE COMMISSION ASKED FOR NAMES OF THIRD PARTIES TO EVALUATE THE PROPOSED LAUNCH PROJECT.*** Carter Becker is seeking a permit to launch the *Island Rover*, now landlocked on Flying Point, 1/3rd a mile to a site on Shore Drive where he will build a temporary launch ramp [see 18 September issue].

At the start of this second meeting on the project Mike Morse of Archipelago, who appeared on behalf of Becker, passed out nine pages of additional material, including an evaluation of the engineering by Ross Cudlitz of Yarmouth.

What to evaluate

The commissioners again discussed what they wanted a third party to evaluate, and came up with these areas:

- The impact on the marsh, including soils and vegetation, of the building of the ramp and then the launch of the 80-ton boat. This would include a pre-launch survey.
- Engineering assessment of the feasibility. Commissioner Joe Frazer mentioned in particular whether the airbag approach “is reasonable.”
- Commission Chair Mike Morrissey asked about the “oh crap plan” - how the movers will deal with something going wrong. Morse emphasized that the design was even more safe than “belt and suspenders.” But should the unexpected occur, Morse will have large equipment above the slope, and a large tug in the water.

Town oversight

Commissioner Tod Yankee asked about Town oversight of the project as it actually happened. “Someone has to do this.”

Insurance or performance bond

Commissioners wanted coverage in case something



How the Island Rover will move - example. {Ross Cudlitz submission to CWC 2.Oct.23}

went wrong, if the backers of the *Island Rover* left the boat on its side in the mud.

Bill Creighton, one backer, asked rhetorically: “We’ve been working on this for six, seven years. Do you really think we would give up now?”

Commissioners will tackle the coverage question after hearing from the third party.

Possible names

Tim Forrester, environmental consultant representing abutters who oppose the plan, suggested two people/firms: Matt Arsenault at Stantec, with an office in Topsham [per website] and Marty Baker – “everybody knows Marty Baker.”

Commissioners agreed that once Forrester and Morse had supplied names, Morrissey in conjunction with Town staff, Forrester, and Morse could choose one. It was possible, though none were sanguine, that the third party would be selected and could evaluate the project by the next Commission meeting, on 8 November.

New launch date

Because the Commission might well not issue the permit before winter, Becker listed alternative windows in 2024 as March, before the vegetation has grown, and the autumn, when the growth has ceased. He would not launch in winter, due to the danger of slippery roads and frost on the ramp. “Safety is paramount.”

OTHER BUSINESS

Peter Spencer of Freeport-based Waterman Marine,

appeared on behalf of an applicant to construct a floating ramp into the tidal water at 83 Shore Drive. The applicant wants the ramp and float to handle a paddle boat, because getting the boat up and down the steep shore is difficult.

The Commission okayed the project after it will receive more written details. Work will not occur until spring 2025. {*Insider coverage*}

SHELLFISH COMMISSION

Meetings: 2nd Thursday at 18h30.

MORE THAN “PROTECT”

12 October. ***THE COMMISSIONERS WILL DO A REDRAFT OF THE CHANGES IN THE ORDINANCE THEY ARE PROPOSING.***

Background

The first part of the proposed changes:
Section 32-201 PURPOSE:

To establish a Shellfish Conservation Program for the Town of Freeport that will sustain and enhance the production of shellfish ~~which will insure the protection and optimum utilization of shellfish~~ resources within its limits. These goals will be achieved by means which may include:

- A. Licensing;
- B. ~~Managing~~ Determining the number of shellfish harvesters;

Town Council action

The Town Council met with the Commission on 3 October in a workshop to discuss the proposed changes, and asked several questions about the wording.

Commission action this evening

Charles Tetreau, harbormaster, provided a listing of the very helpful questions they got at the workshop.

Chad Coffin, chair of the Commission, will do a redraft for review by the Commission at the next meeting. Commissioners accepted they would wait to next year for the Town Council to enact the changes.

AQUACULTURE MORATORIUM?

Crystal Canney, representing the group Protect Maine’s Fishing Heritage Foundation, introduced the concept of a moratorium on new aquaculture leases, during which some municipal restraints could be enacted.

Chair Coffin resisted the idea strongly, despite testimony from a Brunswick clammer that the floating oyster beds might be damaging the clam flats. The Commission took no action on the suggestion. {*Insider coverage*}

HOUSING

FREEPORT'S HOUSING - UNAVAILABLE AND UNAFFORDABLE

This essay attempts to cover efforts by the Town to address the housing problem in Freeport.

Background – begin in 2022

[This amplifies the information in the 18 September issue, CCWG section.]

On 20 September 2022 the Town Council held a workshop on affordable housing. Thereafter, the Social and Racial Equity Committee recommended establishing a housing committee.

On 29 November 2022 the Town Council created the **Housing Task Force** 'to exist for a period of twelve months, to study the problem of housing affordability in Freeport and to make recommendations to the Town Council for actions the town could take and policies the town could establish to encourage the development of affordable housing.'

The Task Force met for the next eight months. The reversal by the Board of Appeals of the PRB decision on 22 Main Street [see box] apparently irritated many involved in thinking about housing.

The 22 Main Street decision: 10 July 2023

On 21 March, after months of hearings, the PRB decided to permit the construction of two 3-storey buildings (30 units – correcting earlier stories) at 22 Main Street over the opposition of many of the town residents. Jay Yilmaz of Yilmaz Properties appealed to the Town Board of Appeals. Due to scheduling difficulties involving the attorneys for the various parties, the Board of Appeals did not decide to reverse the granting of the permit until 10 July. The developer then gave up. [See *Town Council* 5 October issue.]

See interview with Yilmaz explaining the opposition in 22 September issue.

At the Town Council meeting on 25 July 2023 Mitch Rouda¹, who sits on the Planning Board and the Housing Task Force, told the Council (according to the minutes) that the Task Force 'did a lot of research. They looked at available data that confirmed that Freeport has a housing crisis for all but a few of the highest earning occupation clusters, that housing supplies are acutely limited, and attainably priced housing is unavailable in our community for young Freeporters or for community elders looking to downsize from single-family houses and wish to continue to reside in Freeport.'

25 July 2023 Town Council hears priorities

'The five priorities the Housing Committee [*sic*] established:

- Make emergency repair to the town's Design Ordinance...
- To proceed at pace with rewriting the town's Downtown Design Ordinance for which an RFP is currently being prepared.
- To update specific zoning throughout the town particularly in the downtown vision area in advance of the Comprehensive Plan being written to match the current zoning to the Downtown Vision Plan. The council had been provided with a detailed paper that goes through the specific changes to the Zoning

¹ Rouda ran for Town Council District 3 in 2021, but the seat was won by Matthew Pillsbury {Thacher Carter in Brunswick *Times Record* 18.Oct.21}, who is running again [see 18 September issue].

Ordinance that would align the Downtown Vision Plan in VCI, II and III.

- To analyze the feasibility of establishing the Transit oriented TIF that would extend from downtown to approximately where Maine Beer is.
- To expand public outreach and education to the public, to the Council and to its Boards as well as to developers to help encourage development in Freeport and to win public support.'

[Note: the original goal, to improve affordability, seems to have disappeared. *Editor*]

Intent of the priorities: discussion on 25 July

At the 25 July Council, Councilor Bradley said: 'If it's a goal of the town to add housing, particularly of small affordable housing, we have to increase the

HOUSING TASK FORCEMembers appointed by Town Council

Matt Peters, Freeport Housing Trust

Mitch Rouda, Planning Board

Brett Richardson, Freeport Economic Development Corporation

Vanessa Far, Principle Group, professional planner

Mari Miya, Social Racial Equity Committee member

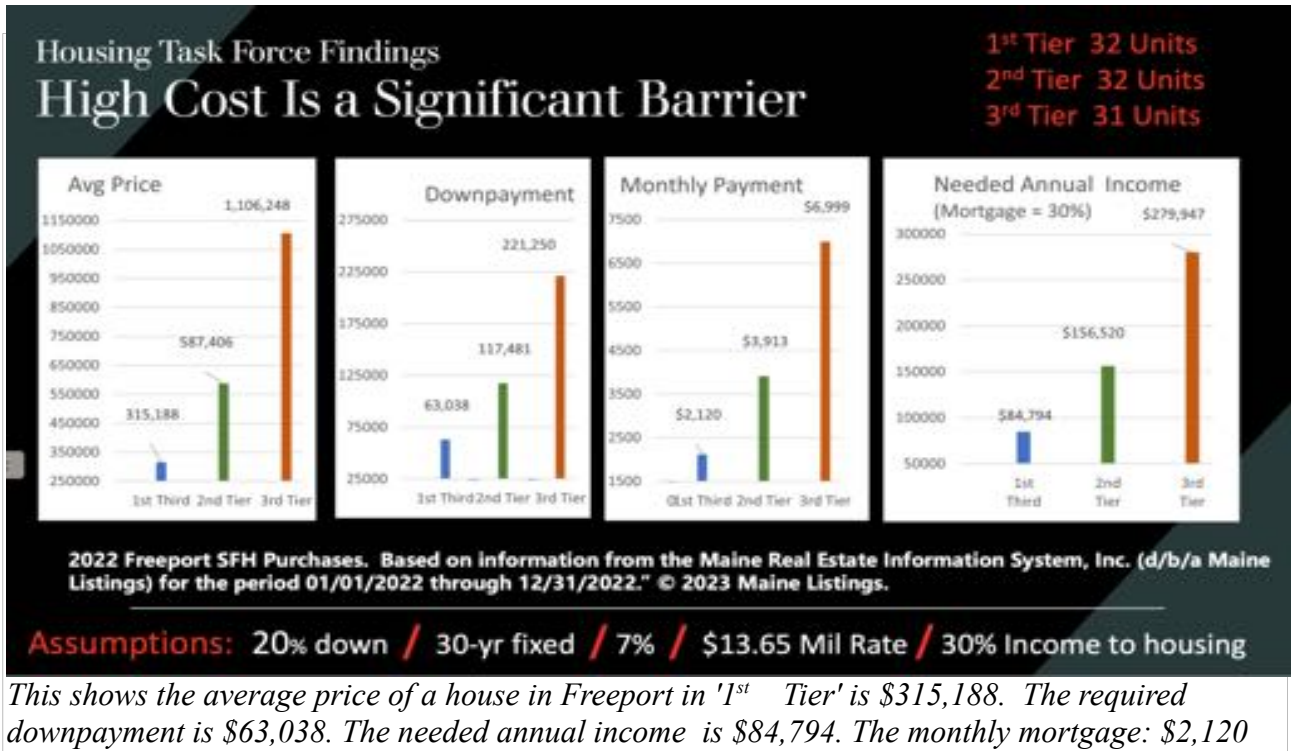
Chris O'Neil, Freeport Community Services board member

John Egan, Council liaison {Town Council minutes}

supply. The place and opportunities to do it are downtown but it's not going to happen until 2025 unless we do this. Had this been in place before the 22 Main Street, there would have been no basis for the Board of Appeals or the Project Review Board to deny the permit for that project. The developers took care to abide by all the zoning. The intent of this is to take that kind of divisive sort of opposition [but *see* interview with 22 Main opponent Jay Yilmaz explaining the opposition in 28 September issue] out of the process during this interim period while we are developing more concrete revisions with information-based zoning standards everyone can understand.'

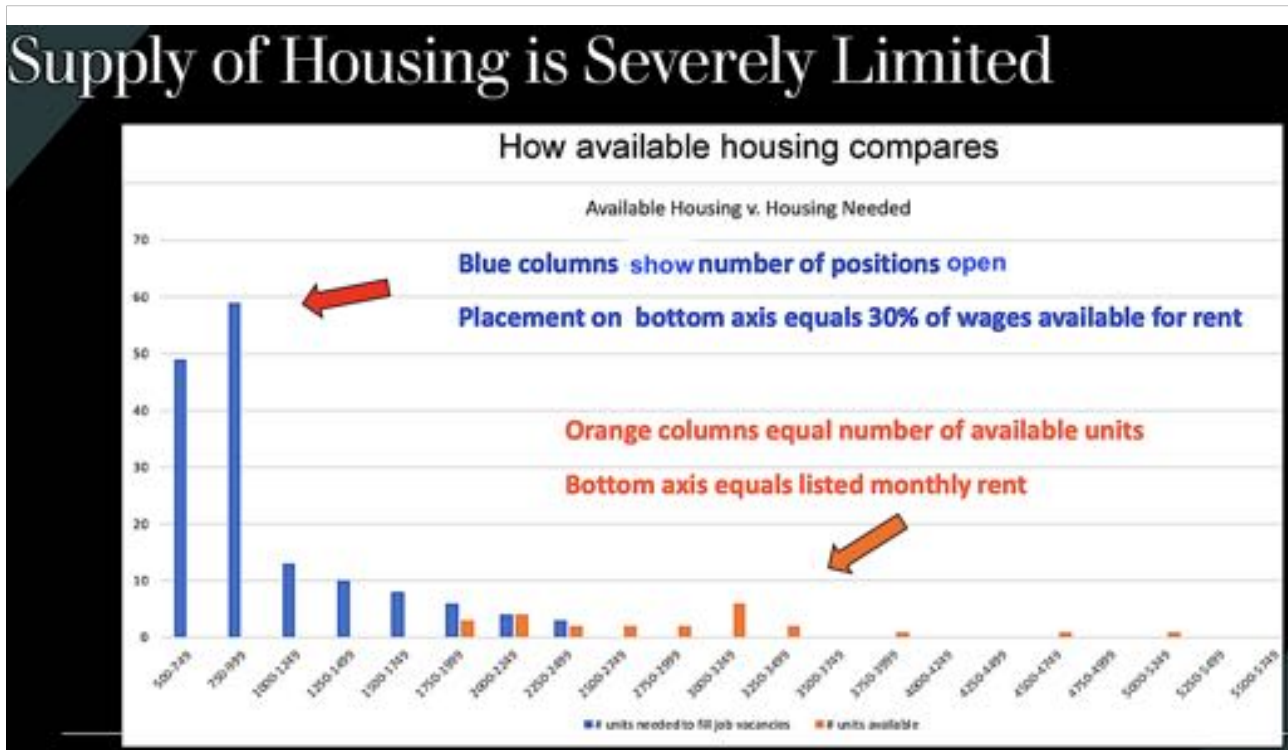
What about affordable housing?

Councilor Pillsbury asked, 'Would these changes prioritize affordable housing, because that was one of the biggest pushes in setting up the Housing Committee and he's not seeing it addressed in any of the first five priorities.

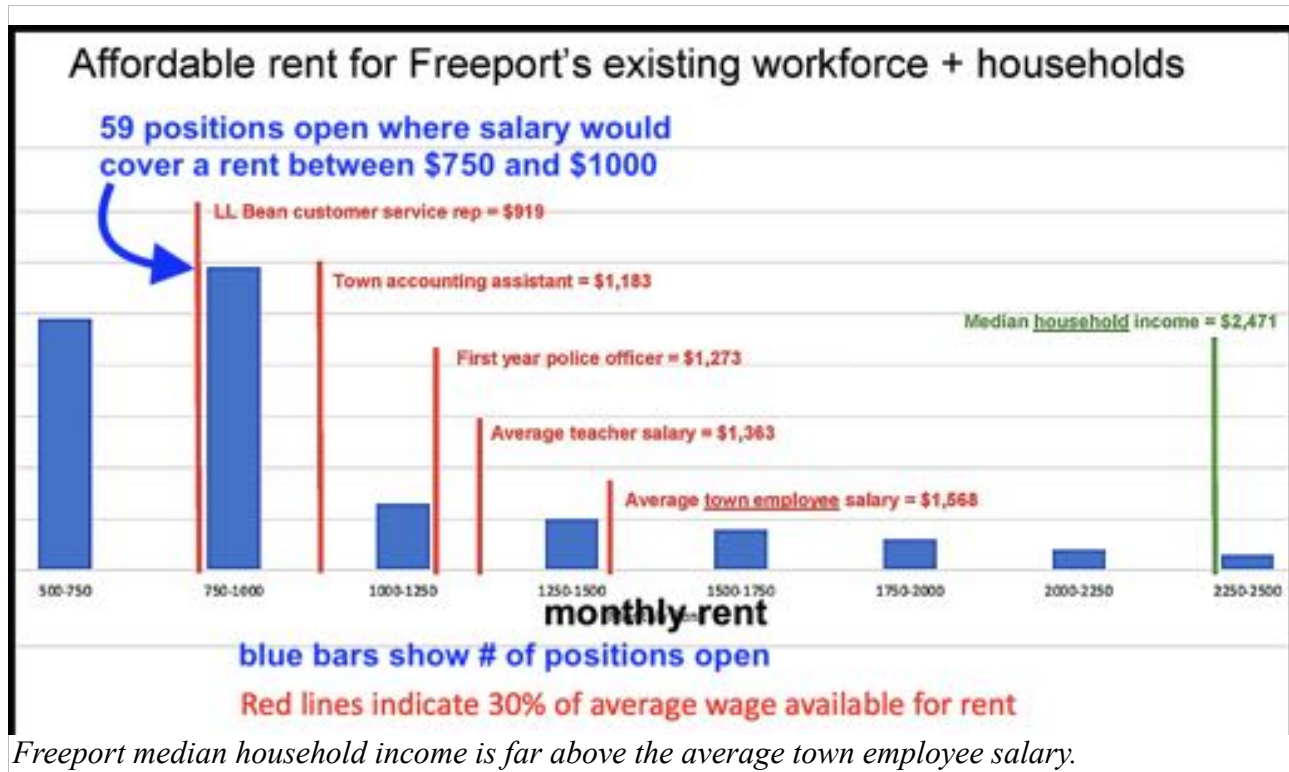


Councilor Egan responded: 'There are only two ways to address affordable housing, but the most important way is to increase supply. We have a

supply shortage of housing smaller than 2000 sq/ft. That's the first issue, we're missing a type of supply in the stock of housing in Freeport. The second way is with direct subsidies. The housing



For example, the graph shows nearly 60 open positions in Freeport where the applicant could pay \$750-\$1000 in rent. There are NO places the applicant could rent at that rate. The highest number of available units rent for between \$3,000 and \$3,499/month.



type we are missing is smaller, more affordable units. Those are usually high density residential which is not permitted in current zoning anywhere in Freeport or multi-family which is permitted in the downtown area in precise locations. The Downtown Vision Plan says they want it in the downtown because it will save the Commercial District. The Design Ordinance only applies to the downtown. It puts a straitjacket on development downtown.'

Councilor Pillsbury noted: 'But there's nothing that would incentivize the design of smaller homes.'

Councilor Egan: 'Not yet, we haven't gotten to the point where we can have this conversation, that's a separate issue. There probably are ways to do that, but they are bigger fixes. The project that is on Depot Street has stalled. The have been approved for the project by the Project Review Board but they have not gone forward. It could have asked for a density bonus that would have let it be taller. We could have said we'll let you exceed the height limit if you give us 10 units that are in a long-term rental protection program. Those are complicated things that require funding and more complicated changes in the zoning.'

Rouda, the member of the Planning Board, noted: '[I]t will be very hard to get any project through until 2025. That's sort of the timeline. The Design Ordinance is going to be there until you get a new one and that's going to be three to five months till it's contracted and a one-year process and then public hearing process.'

Vanessa Farrar,² a member of the Housing Task Force, told the Council: '[T]he language is too discretionary. There are no standards backing up what the words mean. They recognized that immediately in their work and they recognized that in the Vision planning process. It's one of the first things they flagged as a barrier to housing. We didn't bring this forward lightly. ... We need housing and developers don't want to be in 10

² She is director of planning for The Principle Group with offices in Portland, Providence, and Boston. Its website states: 'At our core, Principle exists to plan, design, and build remarkable places. We partner with organizations interested in seeing the solid environmental, economic, and social returns that result from creating human-oriented environments. Our work lives at the boundaries of planning, design, architecture, and real estate development to provide design ideas and placemaking solutions anchored to the local community and its geography.'

months of back and forth, so they bring their best project forward. What we see now is a situation where if we do not take action we are dead in the water. Nothing will happen here for a number of years.'

Councilor Fournier: 'We spent a lot of time and money to come up with a plan to develop our downtown to bring back businesses. He has had people come to him to say that what happened at 22 Main Street [see box] will keep them from coming to Freeport.' {text of minutes}

1 August: workshop set for 22 August

At this Council meeting, members debated whether to hold a large workshop or a small working group. Councilor Piltch said (according to the minutes): 'When we established the Housing Committee, affordable housing was one of the things we asked it to look at. Was that the spirit of the discussion the Housing Committee had? Was it specifically around affordable housing or was it how that fits in with

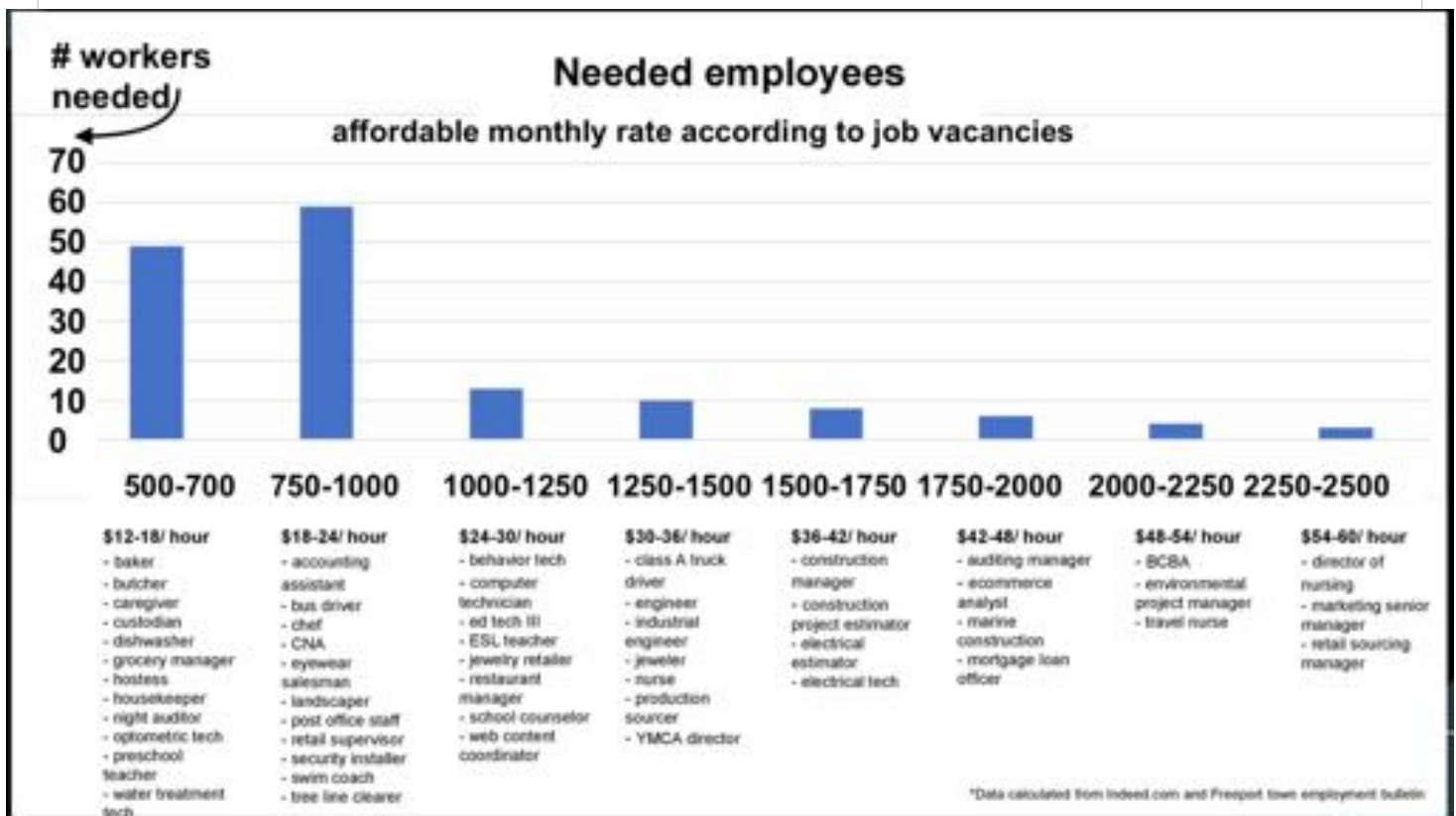
other housing?'

Councilor Egan responded that 'affordable housing was part of the conversation and every member of the committee was focused on making that part of the conversation... The challenge is that nothing is being built right now and not a lot coming forward. We don't have an opportunity for any conversation about how many affordable units can we have in X and Y when there is zero production being planned.

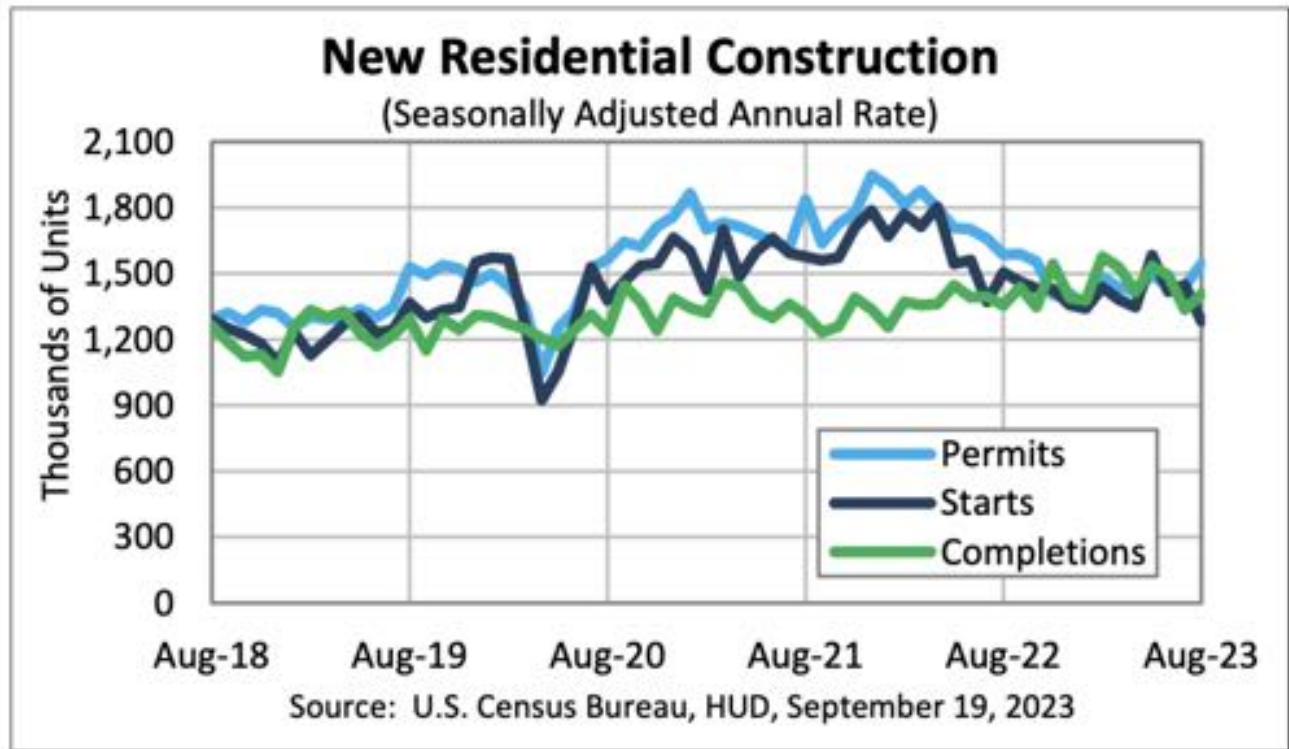
The Council voted to 'add a workshop to the Council schedule on August 22, 2023 jointly with the Planning Board, Housing Committee and Project Review Board at 6 pm at Freeport Community Center to discuss changes to housing and land use.'

22 August: the housing problem in graphics

Those who attended saw a slide show presented by FEFC Executive Director Brett Richardson. It began with these words:



Some 110 workers cannot afford to pay more than \$1000/month rent. Far from the \$2,120 needed to buy the least expensive homes in Freeport.



“Starts” are below the immediate post-Covid rate; “Completions” are up a bit; “Permits” have turned up after a near-33% drop from the peak in autumn 2021.

Freeport Housing Task Force

- Created after a community discussion about the status of housing in Freeport;
- A recommendation from the Social and Racial Equity Committee that a housing committee should be established;
- Recognition that housing is unaffordable to many residents in our community;
- Appointed by the Freeport Town Council in November 2022 for a 12-month period to focus on housing issues.

Four slides from it – concentrating on affordable housing, as the Task Force was tasked to do – are shown in these pages.

The solution?

The presentation suggested tools to increase supply and lower costs:

- 'Predictable and objective standards for boards and applicants;
- Identify review process efficiencies;
- Update zoning to enable greater density in

appropriate areas to address supply issues;

- Develop incentives & funding mechanisms for qualified projects to support affordable workforce options.'

[None of the slides addressed how to provide actually affordable housing, nor the solution some in Bar Harbor – see box – have undertaken: employer-owned housing. *Editor*] {text of slide show from FEDC}

Common Core District Working Group set up

At the 22 August meeting, the Town Council set up the Working Group. [See 18 September issue for membership and first meeting and subsequent issues.]

IS FREEPORT ANY WORSE THAN ANYWHERE ELSE?

Several councilors, and others, are rightly concerned about housing in Freeport. How does the situation look nationally?

“Mega-landlords” are buying up houses and renting them out. Even they are having a hard time finding

COMPARED WITH BAR HARBOR

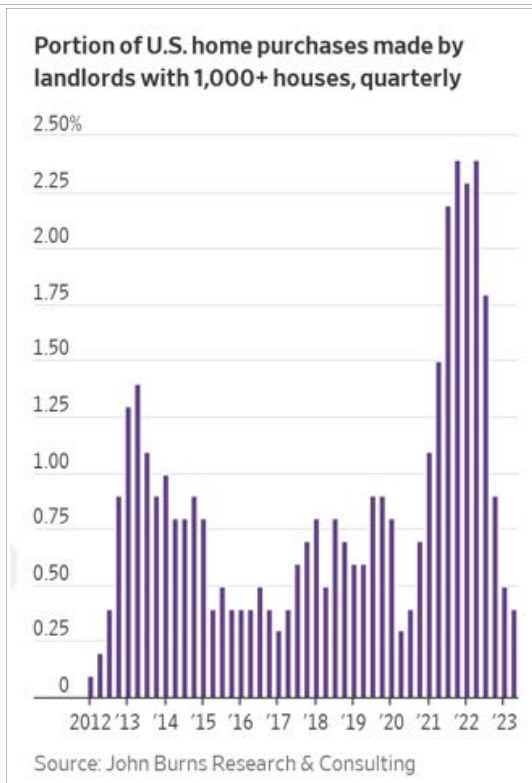
Like Freeport, Bar Harbor has an influx of summer visitors. Year-round, it has 5,269 residents (Freeport 8,737). Summer sees at the peak around 30,000 people, of which 10,000 are day-trippers. [Freeport summer is perhaps 12,000, and probably 20,000 day-trippers, estimated from the figure of 3.1 million per year. *Editor*

Housing for workers: six projects

Unlike Freeport, Bar Harbor's local businesses and other entities are increasing the housing for those who work there:

- The local YWCA has recently purchased 27 acres to [build affordable rental housing](#).
- The town earlier this year approved a plan by hotelier Witham Family Hotels to build [employee living quarters](#) for 16 employees.
- Mount Desert Island Hospital has begun [construction on a residential facility](#) for eight medical education students and residents.
- Acadia National Park is eyeing a 3-acre parcel it owns to [develop rental housing](#) for up to 60 of its seasonal employees.
- A year ago, Jackson Laboratory officially opened a [new workforce housing complex](#) with 24 units.
- Island Housing Trust recently completed a [10-home affordable housing neighborhood](#) on the outskirts of Bar Harbor.

The town is losing year-round dwelling units to short-term rentals. Town Council members said recently they would like to consider a moratorium on the conversion or construction of new short term units, in favor of incentivize in the creation of year-round units. {Laurie Schreiber in *MaineBiz* 18.Sept.23}



properties [see bar graph].

Investor-owned trend in Maine

Only 1 in 10 single-family homes were bought by investors in July 2020, but that share ballooned to 24% by February and sat above 22% in July, according to CoreLogic, which identifies investors as any buyer, person or company, who owns three or more properties.

Maine has many anecdotal stories about cash-offer investors competing with regular buyers for homes in desirable communities. Research from Harvard University has shown that those buyers often compete for lower-cost homes that first-time homebuyers are seeking. {Zara Norman in *Bangor Daily News* 9.Oct.23}

VARNEY HEIGHTS: HOW ABOUT TIF-FINANCED HOUSING?

28 September. ***WHERE DOES THE VARNEY HEIGHTS AFFORDABLE HOUSING***

PROJECT STAND? Brett Richardson, executive director of the Freeport Economic Development Corporation (FEDC) and one of the local officials working on it, recapped the current status. The Town is evaluating options to support the project with Affordable Housing Tax Increment Financing (TIF) [see box].

On 5 September, the Town Council heard information and supported the effort. The Freeport Housing Trust would co-develop the 42-unit single building with Tim Gooch on land on Varney Road, for individuals 55 and older. FEDC, vis-a-vis the Town TIF policy, gathers information, takes the first look at the request, then shares findings with the Council.

The Council heard that the project can't be built until the financing process is complete and the zoning is changed to comply with LD2003.

The Planning Board reviewed the LD2003 changes, but has not held the required public hearing, and cancelled its regular 4 October meeting.

The Maine State Housing Authority requires the Town to present a document packet at a public hearing about the TIF conducted by the Town Council.

Richardson said Town staff are working with the development team's consultants to assemble the documentation. No public hearing is yet scheduled.

The \$100,000 sidewalk

Maine State Housing awards housing grants competitively. Varney Heights, Richardson explained, will score higher if it can show that residents will have safe pedestrian access to shopping, employment opportunities, and amenities.

An 800-foot sidewalk along Varney Road, ADA-accessible, will permit residents to walk to Shaw's, Gritty's, Bath Savings, and so forth. The cost is estimated at \$100,000. Some are wondering whether the Town could kick in that amount to support the new housing. {*Insider* discussion and followup e-mail with Richardson; Town Council minutes 5.Sept.23}

PEOPLE

TOWN MANAGER SELECTION

(from last issue, no update)

Council Chair Dan Piltch said on 3 October at the beginning of the evening that the process was "nearing an end" and he expected the Council will select someone in "the next meeting or two." The Council held another executive session at the end of the evening with its consultant Baker Tilley. {*Insider* coverage}

COMMUNICATIONS COORDINATOR

(from last issue, no update)

The Town has advertised for this full-time position. Applications are due by 4 October.

EVENTS

(blue indicates updated from last issue)

SOUTH FREEMPORT WATER DISTRICT

Annual meeting 16 October Ring Room, South Freeport Congregational Church

CANDIDATE FORUM 19 OCTOBER

Candidates for the Freeport Town Council are invited to Meetinghouse Arts stage, 6PM. Six

TAX INCREMENT FINANCING FOR HOUSING

New housing projects, Richardson explained, generate new property value and new tax revenues for the Town. TIF is a flexible finance tool used by municipalities to leverage new property taxes generated by a specific project or projects within a defined geographic district. Any portion of the new taxes may be used to finance public or private projects for a defined period of time up to 30 years. (State of Maine website.) If the project obtains TIF under an agreement with the Town, the Town will contribute some of the new tax revenues to Freeport Housing Trust, thus saving the Trust funds and enabling the Trust to charge lower rents for the apartments.

people are running: Eric Smith and Adam Ulrickson in District 2 where Ed Bradley has chosen not to run again; incumbent Matt Pillsbury and Kimberly Buck in District 3; Joanna Benoit and Tais de dos Reyes for the at-large seat where Jake Daniele has chose not to run again.

See 12 October Northern Forecaster for background on the three candidates who responded to reporter Luna Soley: Matt Pillsbury, Joanna Benoit, and Tais de dos Reyes.

FREEPORT CLIMATE ACTION NOW

On 21 October, FCAN will hold a 'Community Circle' from 10h00 to 12h00 at The Barn at Windpoint ([map](#)). Come to meet one another, learn what's being done by our action groups, and share your concerns and your vision for what FCAN can do. Let them know you are coming: climate@freeportcan.org

FREEPORT COMMUNITY SERVICES ANNUAL MEETING

On 23 October 18h30 to 20h00 in the Bradley Room, to celebrate FCS leadership and name the Carol Kaplan Award winner.

TOWN HALL OCTOBER

Mon	Tue	Wed	Thu
2 Board of Appeals -cancelled 6:30pm	3 Appointments Meeting 4:45pm Town Council Workshop with Shellfish Commission 5:00pm Library Board of Trustees 6:00pm Town Council Meeting 6:00pm	4 Central Core District Working Group 12:30pm Planning Board-Cancelled 6:00pm	5 Tree Task Force Meeting 4:30pm Tree Task Force 6:00pm
9 Columbus Day Winslow Park Commission 6:30pm	10 Complete Streets Committee Meeting 7:30am to 9:00am Conservation Commission 6:30pm	11 Central Core District Working Group - CANCELLED 12:30pm Coastal Waters Commission 6:00pm Housing Task Force 6:30pm	12 Shellfish Committee Meeting 6:30pm
16 Police Advisory Committee 6:00pm Freeport Sustainability Advisory Board 6:30pm Freeport Sewer District Board of Trustees 7:00pm	17 Town Council Meeting 6:00pm	18 Central Core District Working Group 12:30pm Project Review Board 6:00pm	19
23	24	25 Central Core District Working Group 12:30pm Social and Racial Equity Committee 6:30pm	26
30 Freeport Sustainability Advisory Board (FSAB) 6:30pm	31 FEDC Board Meeting 7:45am to 9:00pm	1	2

TOWN HALL NOVEMBER

Mon	Tue	Wed	Thu
30	31	1 Central Core District Working Group 12:30pm Planning Board 6:00pm Housing Task Force 6:30pm	2 Tree Task Force 6:00pm
6 Board of Appeals 6:30pm Board of Appeals -cancelled 6:30pm	7 Library Board of Trustees 6:00pm	8 Central Core District Working Group 11:30am Coastal Waters Commission 5:00pm	9 Shellfish Committee Meeting 6:30pm
13 Winslow Park Commission 6:30pm Freeport Sustainability Advisory Board 6:30pm Notice of Public Hearing 6:30pm	14 Complete Streets Committee Meeting 7:30am to 9:00am Town Council Organizational Meeting 6:00pm Conservation Commission 6:30pm	15 Central Core District Working Group 11:30am Project Review Board 6:00pm	16
20 Police Advisory Committee 5:00pm	21	22 Central Core District Working Group 11:30am Social and Racial Equity Committee 6:30pm	23 Thanksgiving Day
27 Freeport Sustainability Advisory Board (FSAB) 6:30pm	28 FEDC Board Meeting 7:45am to 9:00pm Town Council Workshop with Coastal Waters Commission 6:00pm	29 Central Core District Working Group 11:30am	30

FREEMPORT INSIDER

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Chalmers Hardenbergh, publisher and editor

Coverage and frequency

The newsletter covers official doings of the Town of Freeport, Maine, with other stories the editor is moved to write about.
 A weekly publication.

Pricing

Starting in November, \$5 per month.

Advertising

Welcome!

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Purpose

The Freeport Insider is founded to present the residents with news from the various Town committees. The editor finds the existing newspaper coverage (*Portland Press Herald*, *Northern Forecaster*) lacking. Sam Smith at *Freeport Notes* (Facebook) provides some announcements and stories, but no coverage of Town Hall.