



**TOWN OF FREEPORT, MAINE**

Planning Department

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**TO: FREEPORT PLANNING BOARD**  
**FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER**  
**RE: STAFF COMMENTS REGARDING AGENDA ITEM 2**  
**DATE: WEDNESDAY, JULY 10, 2019**

In reviewing the proposed Zoning and Subdivision Ordinance Amendments from Devine Capital LLC, staff (with review by the Town Attorney) recommends some additional changes. Most of the changes are minor and will provide for consistency between various sections/articles of the ordinances.

The changes to the Definitions and Four-Step Design Process add reference the new use of “commercial open space subdivision” and to the new applicable sections of the Zoning Ordinance. The use of “village open space subdivision” is also added, as it was an oversight and previously omitted from these sections; the use and standards are already in effect.

<p style="text-align: center;"><b>Proposed Amendments</b> <b>Chapter 25: Subdivision Ordinance Town of Freeport, Maine</b></p>
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**ARTICLE 3 - DEFINITIONS**

**Conservation Land:** The portion of required open space to be set aside as part of an open space ~~subdivision, or~~ expanded open space subdivisions, village open space subdivision or commercial open space subdivision. For open space subdivisions, fifty percent (50%) of the net residential acreage shall be conservation land. For expanded open space subdivisions, sixty-five percent (65%) of the net residential acreage shall be conservation land. For village open space subdivisions, thirty percent (30%) of the net residential acreage shall be conservation land. For commercial open space subdivisions, twenty percent (20%) of net residential acreage shall be conservation land.

**Required Open Space:** The sum of the land area of conservation land and unbuildable land (primary conservation areas) as defined in net residential acreage. This land is within a subdivision with uses as permitted in Sec. 504A, Sec. 504.B and 504.D of the Freeport Zoning Ordinance and which is permanently restricted from future development. Subsurface wastewater disposal systems, or individual wells serving units within an open space or expanded open space subdivision may be located within the required open space if approved by the Project Review Board.

**APPENDIX A**

**Four-Step Design Process**

This process is intended to allow the developer the full potential of the legally allowable number of lots, while at the same time preserving valuable open space for the Town of Freeport. The Ordinance requires that a landscape architect or a professional engineer experienced in Civil/site engineering proposes a Site Analysis and Conceptual Sketch Plan on behalf of the applicant using the process outlined below.

**Step 1: Delineation of Conservation Lands (does not apply to large lot subdivisions)**

- A. Calculate the net residential density of the development by determining the net residential acreage of a tract or parcel. The net residential density formula for an open space, expanded open space, ~~or~~ large lot subdivision, village open space subdivision or commercial open space subdivision is provided in the district regulation section of the Zoning Ordinance for the zoning district in which a tract or parcel is located. For all other subdivisions, the net residential density is calculated by dividing the net residential acreage by the minimum lot size (or minimum land area for two-family and multiple family dwellings) in the district in which the tract or parcel is located.

<p style="text-align: center;"><b>Proposed Amendments</b> <b>Chapter 21: Town of Freeport Zoning Ordinance</b></p>
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## Section 104. Definitions

**Conservation Land:** The portion of required open space to be set aside as part of an open space subdivision, or expanded open space subdivisions, village open space subdivision or commercial open space subdivision. For open space subdivisions, fifty percent (50%) of the net residential acreage shall be conservation land. For expanded open space subdivisions, sixty-five percent (65%) of the net residential acreage shall be conservation land. For village open space subdivisions, thirty percent (30%) of the net residential acreage shall be conservation land. For commercial open space subdivisions, twenty percent (20%) of net residential acreage shall be conservation land.

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## Section 412. Commercial IV “C-IV”

### B. Permitted Uses:

~~1. One single family dwelling per Lot of Record as of November 1, 1995~~

The following uses are subject to site plan review regardless of size:

1. Two-Family Dwelling
2. Multiple-Family Dwellings
3. Public or Private School
- ~~7.~~ 4. Commercial School
- ~~8.~~ 5. Outdoor Recreation School
- ~~9.~~ 6. Local convenience goods stores accommodating local needs such as but not limited to retail bakeries, delicatessens, candy, nut and fish stores, fruit and vegetable stores, grocery and food stores, 5 & 10 stores, hardware stores, auto parts supply, book stores, branch banks, dry goods stores and florist shops;

- ~~10.7.~~ Personal service stores such as but not limited to beauty and barber shops, laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services and alterations services;
- ~~11.8.~~ Supermarket
- ~~12.9.~~ Business and Professional Offices
- ~~13.10.~~ Commercial Recreation - Indoor
- ~~14.11.~~ Commercial Recreation - Outdoor
- ~~15.12.~~ Municipal Facilities
- ~~16.13.~~ Public Utilities
- ~~17.14.~~ Warehouse and Storage Facilities
- ~~18.15.~~ Commercial Sales and Service
- ~~19.16.~~ Truck Facility
- ~~20.17.~~ Manufacturing and Processing which does not involve the basic refinement of bulk raw material
- ~~21.18.~~ Hotel/Motel
- ~~22.19.~~ Day Care Center Facilities
- ~~23.20.~~ Convenience Store with Gas Pumps
- ~~24.21.~~ Auto Service Station
- ~~25.22.~~ Auto Repair Service Garage
- ~~26.23.~~ Restaurant
- ~~27.24.~~ Restaurant - Carry Out
- ~~28.25.~~ Restaurant - Drive-up
- ~~29.26.~~ Construction Services
- ~~30.27.~~ Public Assembly
- ~~31.28.~~ Private Assembly
- ~~32.29.~~ Wireless Telecommunication Facility (See Sec. 528)
- ~~33.30.~~ Parking area for open space *{Amended, Effective 12/02/14}*
- ~~34.31.~~ Artisan Food and Beverage *{Effective 12/17/14}*
  - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
- ~~35.32.~~ Medication Assisted Treatment Facility for Opioid Addiction *{Effective 10/04/16}*

The following uses are subject to subdivision review:

- 33. Commercial Open Space Subdivision for two-family and/or multiple-family dwellings.