

FREEPORT PLANNING BOARD
FREEPORT TOWN HALL - COUNCIL CHAMBERS
Wednesday, March 4, 2020
6:00 PM

PRESENT: Sam Kapala (Chairperson), Aaron Cannan, Greg Savona, Jamel Torres, and Caroline Pelletier (Interim Town Planner).

CALL TO ORDER: Mr. Kapala called the meeting to order around 6:10 pm.

1. Information exchange

Mr. Kapala gave a brief update on the Working Group that has been looking at the various overlay districts (that deal with design) in Freeport.

2. PUBLIC HEARING on proposed amendment to Section 507.H.2 of the Freeport Zoning Ordinance and to the Official Zoning Map of the Town of Freeport pertaining to the identification of coastal bluffs. The bluffs currently shown on the Official Zoning Map will be removed and the Ordinance language will be updated to reference coastal bluff maps produced by the Maine Geological Survey for determining the location of “highly unstable” and “unstable” bluffs in the Town of Freeport. This change will only pertain to parcels within the Shoreland Area.

Mr. Kapala introduced the item. He noted that the changes are coming from the State, so we do not have control over the amendments from Geological Survey. We are not able to answer property specific questions at this meeting, but people can reach out to the staff with questions. They are happy to hear from the public tonight if it is not parcel specific questions.

Ms. Pelletier gave a brief history of Shoreland Zoning regulations in Freeport. The Town is currently working on additional updates to Shoreland Zoning. There are two parts to the standards; the ordinance language and the map. She explained the proposal before the Board which is consistent with the State Shoreland Zoning language.

She explained the bluffs, the data, and how they are shown on the map currently. The bluff stability determinations are based upon data from Maine Geological Survey and have been recently updated. The Maine Geological Survey maps are on the State and Town websites. Freeport is shown on the Freeport and Yarmouth maps. The maps show colored lines to note the stability of the bank on a property. When a property has unstable or highly unstable banks the setback is taken from the top of the bank.

The proposal before the Board is to change the way the unstable and highly unstable bluffs are shown on our map so that now people will go directly to the data source which is the Maine Geological Survey map. The red lines will be removed from our map. She explained some of the issues with the way we are showing the data today and why a new method of referencing the data is proposed. The Ordinance text will be amended to reflect this change. The suggestion was made from the Town Attorney that we add a reference to map amendments issued by Maine Geological Survey as they are issued from time to time.

As far as what this means for Freeport, the maps have been updated and there are some areas that have had adjustments to the bank stability, but for the most part they remain unchanged. Regardless of how we show them, structures still need to meet the required setbacks.

Mr. Cannan noted that there was only one change to the Ordinance language which was number two; with the change noted by the attorney to make sure there is reference to any amendments to the maps. Ms. Pelletier clarified that the suggested change from the Town Attorney was made in case a bluff was reclassified and reference a letter of map amendment as this can be a big deal for a property owner especially if they have a small lot.

Walt Dunlap, Island View Lane, noticed the date on the data was 1991. He asked how people would know if there had been an update or change. Ms. Pelletier noted that the data comes from the State and are updated by them, with some recent updates in 2019. We have to abide by Shoreland Zoning and use the data from the maps. She is not sure of their notification process, but she is not aware that they automatically contact property owners. It would really be a question for them. The Town was notified of the changes and the maps will be on our website and the State's. Mr. Dunlap noted that he asked as they did remediation which was examined by the State and done by experts. Ms. Pelletier noted that he is an example since he is one of the people that we want to capture as their bank has been stabilized and if it has been recategorized, they would have issued a letter of map amendment which would currently not be shown on the Town's map. Mr. Dunlap asked if the State contact information could be made available. Ms. Pelletier noted that the information is on the map. If people have questions about how their property has been impacted, they can come in and look at maps that show the changes.

There were no additional questions/comments from the public.

Ms. Pelletier noted that additional changes to our Ordinance would be forthcoming to be consistent with State Shoreland Zoning. When people are notified, although we must adopt the language to be consistent with State requirements, she encourages them to come to Town Hall and ask property specific questions, so they can understand how this will impact their property.

Mr. Savona / Mr. Cannan moved to close the public hearing. Vote: 4 Ayes / 0 Nays

Mr. Torres moved to approve the proposed amendment to Section 507.H.2 of the Freeport Zoning Ordinance and the Official Zoning Map pertaining to the identification of coastal bluffs, including the further amendments noted by Caroline for the mapping identified (map amendment). Seconded by Mr. Cannan. Vote: 4 Ayes / 0 Nays

Ms. Pelletier noted that this Board makes a recommendation to the Town Council and the Council will also review the proposed language and have a public hearing.

This item concluded in about 15 minutes and the Board proceeded with the remaining agenda items which were all just discussion with no additional public hearings.

Recorded by Caroline Crean Pelletier