

Open Space & Public Access Plan

An Element of Freeport, Maine's Comprehensive Plan



Prepared by the
Freeport Conservation Commission

With Assistance From
H. Dominie, Inc.

Accepted July 20, 1999

July 20, 1999

Dear Freeport Citizens:

I am pleased to share with you this open space plan for Freeport. It is our community's first such plan. It is designed to establish a clear and positive direction for striking a balance between land conservation and development and maintaining opportunities for enjoying open space in ways townspeople value.

The 1994 Comprehensive Plan called for the preservation and protection of wildlife habitat, forests and farmlands, streams and shorelines, wetlands, and scenic values. This Open Space Plan identifies Freeport's special natural areas as well as natural resources which require additional identification.

The 1994 Comprehensive Plan recommended working with landowners, volunteers, and conservation organizations to protect special places and establish a trail system and public access where appropriate. It also called for capitalizing and encouraging donations to the land bank already established through the conservation commission ordinance. This Open Space Plan provides a framework of measurable goals, policies, and strategies for accomplishing these charges, including a means of funding conservation projects.

But the plan itself will not make the difference. Only collaboration, hard work, and constancy to its vision can ensure that Freeport remains the kind of place that we all cherish. Only commitment among us all can ensure success -- commitment to finding win-win ways for landowners to profit from or pass on their lands to the next generation without compromising open space values.

This plan is the culmination of many hours of Conservation Commission deliberation. It began in 1997 with Town Council authorization to accept a State Planning Office grant and later to hire planning consultant H. Dominie, Inc.. In the process we have sorted out available information; compiled, mapped, and analyzed resource information; and consulted town and area organizations and the public for direction.

We hope the plan will become a powerful and effective tool for Freeport, with broad support among citizens, landowners, town officials, civic organizations, and local businesses.

Sincerely,

Joseph Hahn, Conservation Commission Chairperson



Acknowledgements

This Open Space Plan accomplishes tasks stipulated in the Town's 1994 Comprehensive Plan and the Conservation Commission Ordinance. It was made possible by a grant from the Maine State Planning Office's Growth Management Program with matching town funds.

The plan was prepared by:

Conservation Commission

Joseph Hahn, Chair, Conservation Comm.
Stewart Fefer, Chair, Open Space Subcomm.
Marjorie Hall
Lex Holley Susan Rowan
Robert Moore Arthur Spiess
Mary Sauer
Annee Tara
Peter Polovchik
Stephen Walker

Planning Consultant

H. Dominie, Inc.
93 Old Fairground Road
Readfield, Maine 04355
(207)685-7356

Mapping Consultants

Northern Geomatics
146 Water Street
Hallowell, Maine 04347

Freeport Conservation Trust

Tom Rumpf, President

Melissa Gormley, Freeport, ME.

With special thanks to local organizations whose representatives shared information and ideas:

Freeport Town Council	Freeport Public Schools	Tri-Town Penguins
Freeport Recreation Comm.	Freeport Conservation Trust	Snowmobile Club
Freeport Planning Board	Wolf Neck Farm	Greater Portland Council of
Freeport Town Planner	Tidebrook Conservation Trust	Governments
Freeport Town Assessor	Winslow Memorial Park	Casco Bay YMCA

Our appreciation also goes to:

- Alison Truesdale who encouraged the Commission to undertake this project;
- interested citizens who attended one or more meetings;
- Casco Bay Estuary Program, U.S. Fish and Wildlife Service, and Maine State Planning Office which provided technical and/or financial assistance;
- ME. Dept. of Inland Fisheries & Wildlife, Dept. of Conservation, Div. of Property Taxation;
- Falmouth Town Planner, Yarmouth Town Planner, Maine Coast Heritage Trust, Orono Land Trust, Portland Trails, Boxford (MA) Trails and Land Trust, Brunswick Topsham Land Trust, Town of Amherst (MA) Planning and Conservation staff;
- Munro Associates of Portland, Maine, which compiled inventory information from local, state, regional, and private sources; Consulting Forester David Rock of Troy, Maine; and Maine Mapping of Damariscotta which prepared preliminary computerized maps; and
- other organizations and individuals who helped in many ways.

Cover Photo: Freeport Conservation Trust

Table of Contents

	<u>Page</u>
Summary	i
Open Space Vision	1
Introduction	1
Vision	1
Land Use Trends - Potential Reality	3
Trends	3
Likely Future Under Current Zoning	3
Existing Conservation & Recreation Areas	4
Findings and Recommendations:	7
Objective 1. Protect special resource values & functions!	7
Objective 2. Provide trails and natural areas for public enjoyment!	11
Objective 3. Conserve scenic views and landscapes!	17
Objective 4. Create a pleasing and vital open space pattern!	21
Appendix I:	
1994 Comprehensive Plan Survey Results	25
Appendix II:	
1994 Comprehensive Plan Open Space Goals, Policies, and Strategies	27
Appendix III:	
Conservation and Recreation Facilities	29
Appendix IV:	
Conservation Commission Ordinance, Chapter 35	35
Appendix V:	
Mapping Documentation (Metadata)	Separate Cover

	<u>Following Page</u>
MAPS	
Future Build Out Map	4
Conservation and Recreation Use	4
Shorelands and Wetlands	8
Biological Resources	8
Public Water Supply	8
Neighborhood Map	11
Preliminary Visual Resource Map	Town Planning Office
Important Farmlands Map	18
Size of Contiguous Parcels Map	19
Resource Values Summary Map	22
Open Space Pattern Analysis Map	22

Summary

Vision

This plan identifies a vision for Freeport's future that retains and enhances the best of what our community has to offer:

- special resource values,
- trails and natural areas for public enjoyment,
- scenic views and landscapes, and
- a pleasing and vital open space pattern.

A summary of this vision and the goals, strategies, and policies recommended for attaining it is included on pages iii and iv.

Ten Year Goals

The goals of the plan are measurable. This is so that citizens can evaluate the Town's progress toward its implementation. These goals reach ten years ahead with concrete gains that can realistically be achieved, such as:

- doubling the amount of permanently protected open space from 1523 acres to 3000 acres,
- conserving assemblages of contiguous properties greater than 500 acres in size to accommodate wildlife populations and traditional pastimes such as hunting,
- conserving one or more open space corridors to create a core trail system connecting Freeport's five key natural areas,
- creating modest trail systems near every major neighborhood,
- helping farmers maintain their land in

traditional uses and educating other landowners about state tax reduction programs, and

- putting in place a signage program that identifies public use areas and trails and encourages responsible behaviors.

Strategies

Strategies for achieving these goals are many-faceted. Highlights include:

Inventory Work. First, Freeport needs to finish collecting vital information, including:

- confirming areas valuable for terrestrial wildlife habitat which the Department of Inland Fisheries and Wildlife is in the process of developing for the Conservation Commission, and
- identifying scenic views, roads, and areas. Freeporters highly value the visual resources of this community but no methodical and current inventory is available.

Trails Planning. From our meetings with the public and organizations, it is clear that citizens place high priority on trails. The Conservation Commission, Recreation Committee, and Freeport Conservation Trust will collaborate to develop a trails plan, consulting neighborhoods and citizens in the process.

Acquisitions and Landowner Contacts. This plan recommends that Freeport pass a bond issue to leverage state, federal, and private funds for the purchase of conservation lands over the next ten years. It proposes that the Freeport Conservation Trust, in close association with the Conservation Commission, take the lead in helping landowners who want to sell, conserve, or creatively develop property to protect open space values or allow public use. The Conservation Commission will periodically hold field days to showcase and celebrate progress.

Alignment of Land Use Ordinances With Comprehensive Plan. Freeport's land use regulations need to be updated in conformance with policies and strategies in the 1994 Comprehensive Plan. This will ensure that regulatory and conservation efforts reinforce one another. The Conservation Commission, in consultation

with the Planning Board, will review and propose changes that make ordinances more effective in conserving open space. Examples of incentives or requirements to be considered include: cluster and creative design of developments, conservation overlay zoning, open space set asides or land bank payments in lieu of land dedication, retention/provision of public access, and rural roadside buffers.

Policies

This plan incorporates policies already adopted by Freeport in the 1994 Comprehensive Plan and the Conservation Commission Ordinance. It also recommends additional ones to fill in noteworthy gaps. Together, these policies provide guidance for making Town decisions about matters relating to open space.

Notes:

1. The maps in this plan are illustrative only.
2. Nothing in this plan takes precedence over existing ordinances of the Town of Freeport.

SUMMARY OF OPEN SPACE VISION, GOALS, AND STRATEGIES

VISION	GOALS FOR 2009	STRATEGIES Conservation Commission is responsible except where noted.
SPECIAL RESOURCE VALUES <u>Freeport will be a place where:</u> 1. Most species have sufficient space and habitat 2. Waters, shoreland, wetlands, islands, retain natural character 3. Abundant, healthy forests sustain values	1. Attain high landowner awareness and action to protect special resource values. 2. Add terrestrial wildlife goals when IF&W reports back.	1. Add terrestrial habitat information to plan/maps and request IF&W to field check relevant areas. Schedule: 1999 2. Request F. Conservation Commission to develop or oversee the development of a priority list of natural areas and work w/ landowners to conserve them Schedule: 1999 and ongoing 3. In conjunction with Planning Board, develop recommendations to conserve valuable resource areas in development projects. Schedule: 1999
TRAILS & NATURAL AREAS FOR PUBLIC ENJOYMENT <u>Freeport will be a place with:</u> 1. Access to ocean from various locations 2. Trails connecting key areas and providing for variety of activities 3. Access to trails and natural areas from neighborhoods	1. Create at least one trail connector between two key natural areas. 2. Provide every major neighborhood w/ at least one modest trail system and natural area. 3. Provide signage program for all public use areas. 4. Make one island trail or area available for public use.	1. Conservation Commission, Recreation Committee, F. Conservation Trust will develop Master Trails Plan. Schedule: 1999 2. In conjunction w/ Planning Board, develop recommendations to retain or provide access in development projects. Schedule: 1999
SCENIC VIEWS & LANDSCAPES <u>Freeport will be a place with:</u> 1. Plentiful, attractive, unobstructed views of ocean, bays, & mountains 2. Views of working farms, pastures; unbroken stretches of forested roadside	1. Retain all working farms. 2. Maintain or increase acreage in state taxation reduction programs. 3. Add visual resource goals when inventory is complete.	1. Inventory visual resources and incorporate into plan/maps. Schedule: 1999 2. Town Council may request F. Conservation Trust to work w/ CC and be the point of contact for landowners and actively approach those who own land on Resource Values Summary Map. Schedule: 1999 and ongoing 3. In conjunction w/ Planning Board, develop recommendations for strengthening regulations to conserve scenic & heritage lands. Schedule: 1999-2000
PLEASING & VITAL OPEN SPACE SYSTEM <u>Freeport will be a place with:</u> 1. A system of interconnected open spaces that maintains wildlife populations, geographic balance, settlement patterns, and community appearance 2. Large, interconnected forested areas throughout town 3. Key natural areas as focal points of the system	1. In accomplishing the preceding goals, double the amount of dedicated open space from 1500 to 3000 acres and add to existing conservation areas where possible to create contiguous blocks of 500 acres or more.	1. Propose a referendum for a bond issue for Land Bank fund. No money to be spent without Council approval. Schedule: 1999 2. Town Council will continue to request CC to review Town-owned lands prior to sale. Commission will review existing undeveloped town-owned land and recommend properties for inclusion in open space system. Schedule: 1999 and ongoing 3. Report annually to Council on open space plan implementation; update plan every five years; and update natural resources inventory as necessary. Schedule: annual report/update in 2000 4. In conjunction w/ Planning Board, develop recommendations for conserving system of open space. Schedule: 1999-2000

SUMMARY OF POLICIES INCORPORATED WITHIN FREEPORT'S OPEN SPACE PLAN

POLICIES ADOPTED PREVIOUSLY (Comprehensive Plan (CP) and Conservation Commission Ordinance)	ADDITIONAL POLICIES
<p>SPECIAL RESOURCE VALUES</p> <ol style="list-style-type: none"> 1. Preserve, protect, and, where appropriate, enhance Freeport's land and water resources. Preserve and protect wildlife habitat, . . . forests, . . . streams, and shorelines, and the wise use of the Town's non-renewable earth, mineral, and water resources. (CP page VII-1) 2. Create a network of significant wildlife habitats. (CP page VII-3) 3. Protect the most significant natural . . . resources. (CP page VII-5) 	<ol style="list-style-type: none"> 1. Protect streams, rivers, ponds, coastal waters, shorelands, wetlands and their buffers, forests, and wildlife habitats on a holistic basis that sustains integrity and functions of natural systems and populations. 2. Give priority for conservation to areas with high open space values and field check each one prior to any Town purchase.
<p>TRAILS & NATURAL AREAS FOR PUBLIC ENJOYMENT</p> <ol style="list-style-type: none"> 1. Enhance Town natural resources for public use by all appropriate means. (CP page VII-2) 2. Preserve and protect . . . recreational opportunities . . . [associated with Freeport's land and water resources]. (CP page VII-1) 3. Continually assess needs and opportunities so that a wide range of recreational services & facilities can be made available to all residents regardless of age, season, or location. (CP page VII-15) 4. Consider the effects of development, including subdivisions, on the availability of, and access to, lands which provide opportunities for recreation. Provide such access where feasible. (CP page VII-15) 5. Encourage the establishment of recreational trail systems, with adequate public access . . . (CP page VII-15) 6. Support efforts by private individuals and organizations to work independently and with the Town to create, with landowner permission, walking, cross-country skiing, cycling, and snowmobiling trails within Freeport and connecting to adjacent communities where appropriate . . . and create easements or [accomplish] Town purchase, where appropriate, to maintain existing trails (CP page VII-16) 7. Encourage the creation of new or improved public access ways to the ocean, including islands, along with an adequate amount of associated parking in accessible locations. (CP page VII-16) 	<ol style="list-style-type: none"> 1. Site public recreational facilities for organized or indoor sports in a manner that complements and provides access to, and parking for, Freeport's open space system, whenever possible. 2. Site trails and public use areas in a manner that minimizes impacts on sensitive natural resources and avoids conflicts among users and with abutters. 3. Clearly identify places which are available for public use and promote appropriate behaviors for using private and public property. 4. Consider financial and other incentives to encourage landowners to make their properties available for public use. 5. Collaborate with neighboring communities to link trail systems wherever appropriate. 6. Open land to public use only after developing a management plan and allocating responsibility for its maintenance. 7. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and public use areas and take responsibility for their oversight and maintenance.
<p>SCENIC & HERITAGE LANDSCAPES</p> <ol style="list-style-type: none"> 1. Preserve and protect . . . Freeport's scenic vistas, forests, farmlands . . . (CP page VII-1) 2. Identify vistas or views . . . ; and encourage acquisition of protective easements or, more effectively, purchase, and provide access to them, where appropriate. (CP page VII-3) 3. Encourage creative development that preserves fields, forests, farmland, shoreland, and related scenic vistas. (CP page VII-5) 4. Use whatever tax or land management incentives are at the Town's disposal to encourage the permanent preservation of agricultural, forest and open space land. (CP page VII-6) 5. To the maximum extent permitted by law, provide property tax relief to landowners who preserve open space and conduct agricultural and forestry activities through the State's farm and open space and the tree growth tax law. (CP page VII-8) 	<ol style="list-style-type: none"> 1. Actively assist landowners in finding creative ways to keep their lands in forest and farm production, and retain the visual quality of heritage landscapes and scenic views. 2. Educate landowners about state property tax incentives available for conserving land in tree growth, farming, or open space use.
<p>PLEASING & VITAL OPEN SPACE SYSTEM</p> <ol style="list-style-type: none"> 1. The Commission shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition. (Conservation Commission Ordinance) 	<ol style="list-style-type: none"> 1. Actively promote and support the creation of a system of interconnected open spaces that maintains plant and wildlife populations, geographic balance, and community appearance and character. 2. Give priority to acquisition and conservation efforts that expand and connect key natural areas. 3. Take advantage of state and federal financial incentives, e.g. grants, provided to encourage the conservation of open space. 4. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and natural areas and take responsibility for their oversight and maintenance.

Open Space Vision

Introduction

Who would have predicted in 1960 that Freeport would become a mecca for shoppers! The Town has changed dramatically since then -- more stores, more visitors and traffic, more residents and houses.

Yet Freeport still has attractive stretches of country road, small town neighborhoods, and villages and buildings that retain their historic character. But development pressures threaten these and other qualities that townspeople value most such as forests, ocean access, pastures, farmland, wildlife habitat, and views of ocean and bays (see 1994 Comprehensive Plan survey results in Appendix I). New homes, in particular, are sprouting up in rural areas and chopping the remaining forests and open spaces into smaller and smaller pieces.

Zoning alone cannot curb the fragmented pattern of development that will destroy the open space qualities which Freeporters desire. Rather, Freeport also needs to consciously and assertively create a viable pattern of open space using non-regulatory tools as well, such as conservation easements, acquisition, and creative site planning.

By working with willing landowners, the Town can influence the future of its neighborhoods and rural areas. But to do so, townspeople must first agree upon a common vision of the kind of natural landscape they want for Freeport now and in future generations.

Such a vision can be a touchstone for townspeople to continuously evaluate whether town policies and actions are resulting in the kind of town they want Freeport to be.

Vision

The following vision draws both from the 1994 Comprehensive Plan and from meetings with the public and local organizations during the development of this open space plan. It builds on the general ideas contained in the Comprehensive Plan (see Appendix II and Comprehensive Plan pages referenced below) and fills in gaps that were not addressed.

The Vision embraces four basic objectives:

- protect special resource values and functions (see Comp. Plan (CP) pp. VII-1 to 4),
- provide trails and natural areas for public enjoyment (see CP pp. VII-15 to 16),
- conserve scenic views and landscapes (see CP pp. VII-1 to 4), and
- create a pleasing and vital open space system (see Conservation Commission Ordinance).

Resource Values and Functions

Freeport will be a place where:

- large forested areas connect with one another and with smaller forested areas in every part of town;
- wildlife species and plant communities thrive and coexist with humans because they have sufficient space and

environmental qualities to meet their needs; and

- shorelands, wetlands, and islands retain their natural character and functions.

Ready Access to the Ocean and Nature

Freeport will be a place where:

- people have access to the ocean from a variety of locations for recreation and commercial marine harvest;
- many trails are available on land owned by the public or by landowners who are willing to allow public access. Freeport residents can engage in a variety of pursuits including walking, cross-country skiing, snowmobiling, picnicking, hunting, fishing, dog walking, and enjoyment of nature; and
- those who live or work in town have ready access to trails and natural areas without driving, even from the most heavily developed areas, and can easily get from one special natural area or neighborhood to another by way of such trails.

Scenic Views and Landscapes:

Freeport will be a place where:

- views of the ocean and bays from public places are plentiful, attractive, and unobstructed; and
- roads around town still provide views of working farms, pastures, unbroken stretches of forested roadside, and other valued features.

Pleasant and Vital Open Space

Pattern:

Freeport will be a place where:

- open space areas and their connections comprise a rational system that sustains wildlife populations, geographic balance, traditional settlement patterns, and community appearance; and
- special places such as Hedgehog Mountain, Winslow Park, Wolf Neck, Maine Audubon's Mast Landing Sanctuary, Pettingill Farm, and Harraseeket River and Harbor form the focal points for the Town's open space system.

Land Use Trends: Potential Open Space Reality

Trends

Freeport's population is growing only moderately, compared with some communities in Southern Maine, but the town is changing in subtle and irreversible ways. Lot-by-lot, residential growth continues along roads and, to a lesser extent, along ocean shorefronts. And I-95 and compact commercial and residential development are forming a barrier between the eastern and western parts of the town.

According to the 1994 Comprehensive Plan, Freeport's population is expected to increase 17% in the 1990s, reaching about 8900 by the year 2000. According to the Town Planner, new housing growth has slowed from 65 new homes a year built in the 1980s to somewhere in the vicinity of 50 a year in this decade, mostly in small subdivisions or on single lots.

Most single family development continues to occur west of I-95. Recent multi-family development is locating on the easterly side of I-95 where public sewer and water are available. Some residential growth is occurring on undeveloped lots which remain in compact neighborhoods such as South Freeport, Porters Landing, and Mast Landing Sanctuary.

Much of the backland away from roads has not yet been developed, however.

Likely Future Under Current Zoning

Who can say how much Freeport will grow over the next decades or century? Who knows what life style changes or events outside of Freeport's control will influence where people want or can afford to live? These are substantial uncertainties. The only thing we do know is that the Town's current zoning, by itself, will result in a decidedly distinct pattern of land use, if and when all the buildable land is developed.

The Future Build Out Map following page 4 depicts a potential scenario for the land use pattern that is likely to result under current zoning. This map was developed by Melissa Gormley with information from the Casco Bay Estuary Program. The reader should note that this is a generalized scenario owing to the imprecision of the computer mapping.¹ The ultimate growth of each district is based upon the character of existing neighborhoods deemed to be "typical" of what might happen under existing zoning.

¹ The accuracy of satellite mapping is limited. The computer cannot distinguish between development and exposed soil and ledge. Consequently, not all of the areas that appear developed actually are, especially in shoreland (rocky coast) and backland areas (gravel pits). The computer also cannot detect development hidden by trees so more development exists than shown. The imagery provides a general snapshot of the extent of remaining large tracts of land that have not yet been excessively fragmented by roads, driveways and structures.

While we cannot know exactly where new development, roads, and driveways will occur, current zoning leads to a few probable outcomes. These include the following:

- East/West Barrier. The Route One corridor, Freeport's "growth area," will continue to expand in a dense band with commercial and, in the north, medium density residential development. This will reinforce the "wall" created by the I-95 corridor which bars easy travel for people and wildlife between the western and eastern portions of Freeport;
- Continuous Development Along Roads and Shores. Since it is less expensive to build single homes and small subdivisions adjacent to existing roads, development pressure will continue along them. Similarly, as long as some people can pay higher land prices, pressure will also continue on shorelands until no buildable land remains on the market. The character of Freeport will feel increasingly "suburban" as the remaining fields and woodlands along roads and shorelands are developed. Too few vegetated places along roads will also deter wildlife from crossing roads and from moving around freely enough to sustain their populations; and
- Fragmented Backlands. Development in rural areas on lots of 2.5 acres or more, the prescribed minimum lot size, could gradually fragment open space into areas that are too small to sustain wildlife or outdoor activities such as hunting, cross-country skiing, and enjoyment of nature. Such

fragmentation is making some wildlife such as songbirds easy targets for domesticated cats and other threats. One study of suburbanization in Westchester, New York, showed that 30% of the area's amphibian and reptile species was eradicated because the landscape was networked by roads, drainage ditches, lawns, and parking areas.²

This is not to say that Freeport's growth and zoning are intrinsically bad. They are not, but their spin-off effects do need to be anticipated and understood in order to shape the kind of open space system that Freeport envisions. That's what this plan is all about.

Existing Conservation and Recreation Areas

As a result of ongoing conservation efforts, Freeport is lucky to have over 1500 acres already permanently reserved for either conservation or recreation. Of this acreage, about 1100 acres, is available for public use. Four hundred acres, protected by conservation easements, do not accommodate public use.

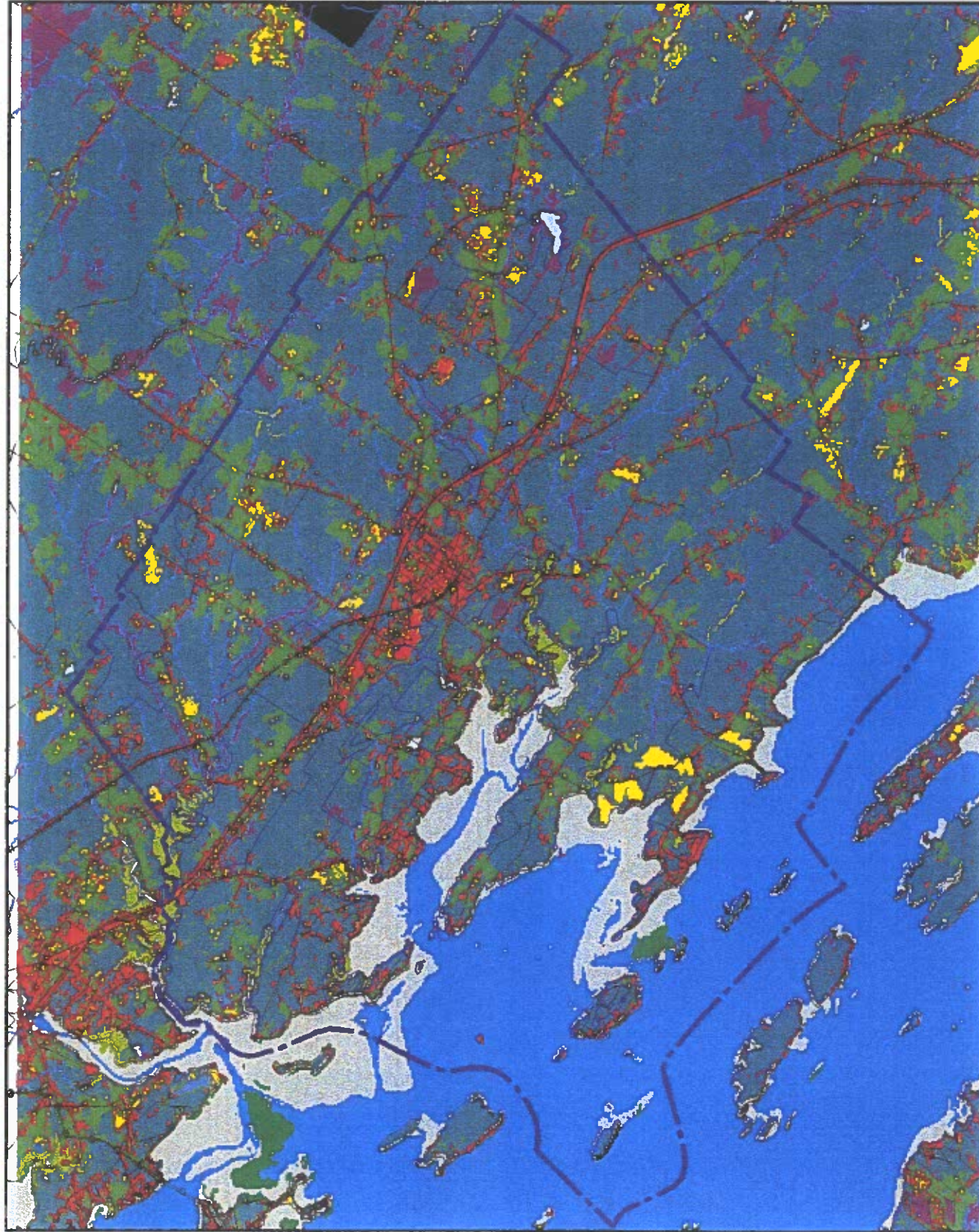
This "Dedicated Open Space" is shown on the Conservation & Recreation Use Map and listed in Appendix III. Together, conservation areas and parks constitute about 6 percent of Freeport's 23,727 acre land area.

The "Other Recreation Facilities" shown on the map are not guaranteed for conservation or public use over the long term. For example, private, fee-based commercial enterprises such as campgrounds, the golf course, and marinas are included because they provide outdoor recreation opportunities. But they should be recognized as privately owned and subject to

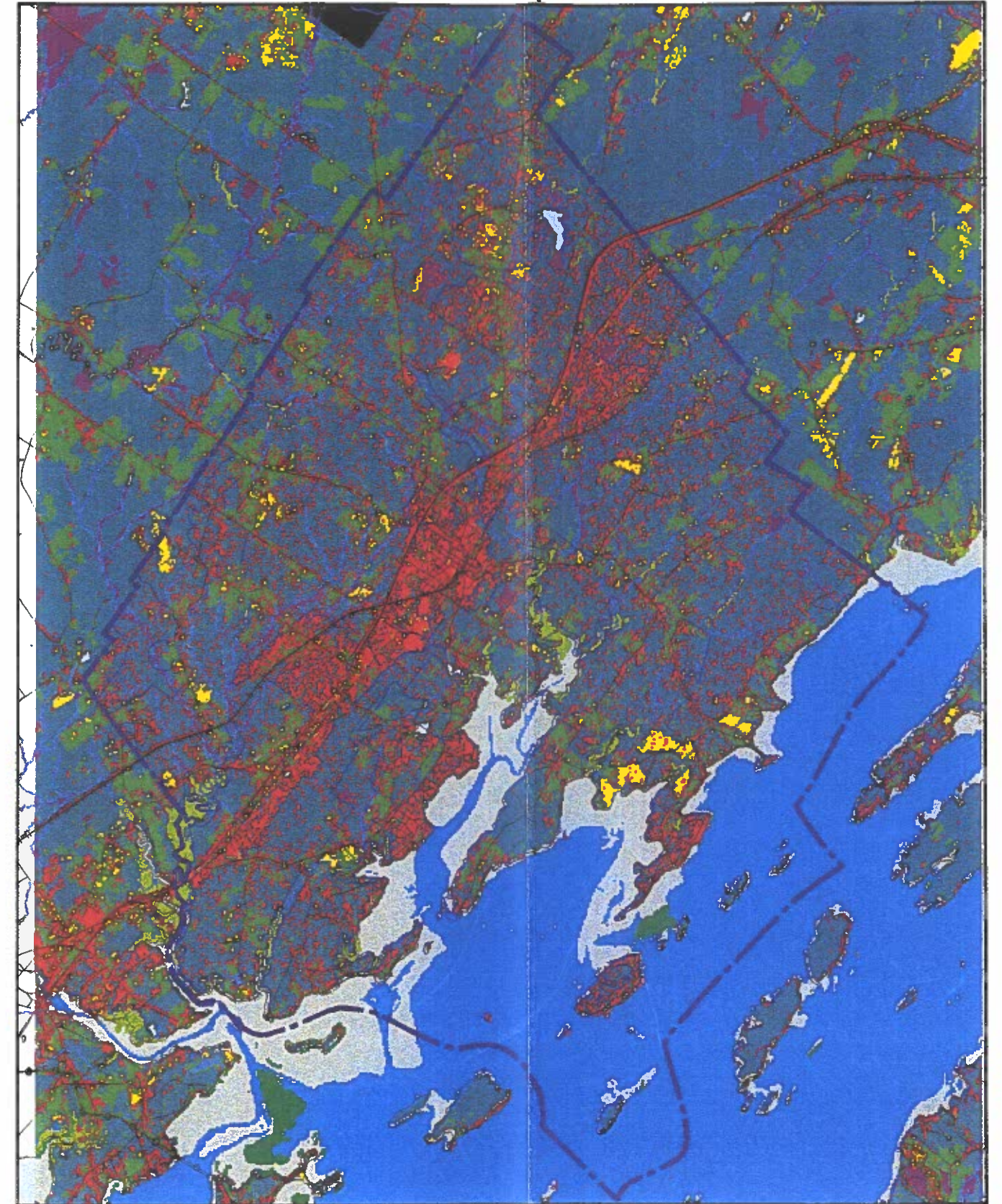
² The New York Times, Sept. 7, 1997

Potential Intensity of Development Freeport, Maine

1991 Development Pattern, Satellite Imagery



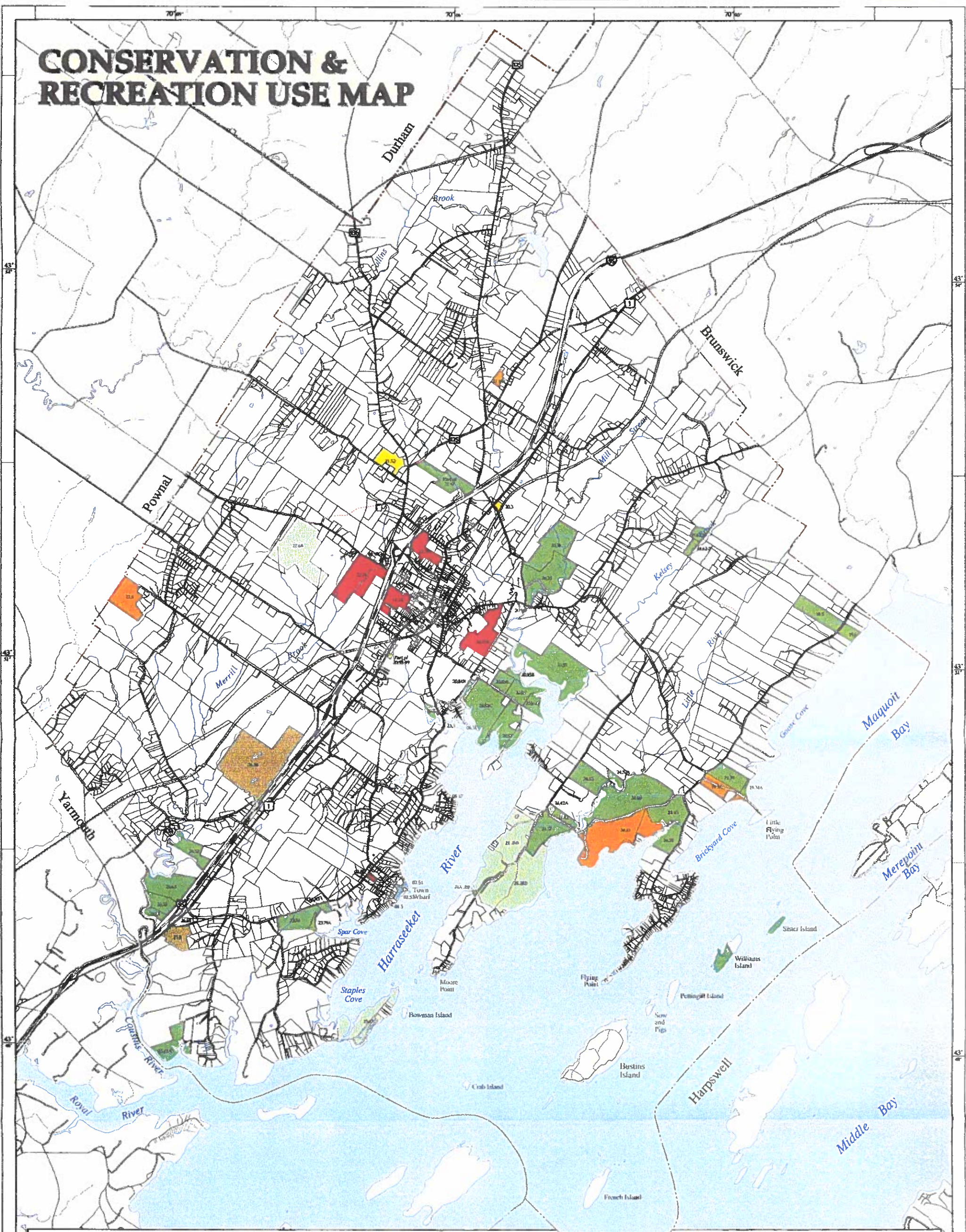
Potential Development Pattern Under Current Zoning



- | | | | |
|---|--|---|---|
| ■ Open Water | ■ Emergent Vegetation | ■ Other Intertidal | ■ Bare Ground/Farm Fields |
| ■ Interior Rock Outcrops/Ledge | ■ Forested Wetlands | ■ Developed/Disturbed | ■ Upland Forest/Shrub |
| ■ Aquatic Bed | ■ Beach, Dune | ■ Grass/Hay/Pasture | |

0 0.5 1 1.5 2 Miles
0 0.5 1 1.5 2 2.5 3 Kilometers

CONSERVATION & RECREATION USE MAP



Freeport Conservation Commission

CONSERVATION & RECREATION USE

Parks and Conservation parcels, shown by map and lot number, include Town, State, and Privately owned nature reserves, heritage areas, and parks. Table I in the Plan provides a list of these properties and their ownership. Most private properties with easements are not open to the public without landowner permission. Appendix III identifies the kinds of recreation facilities that are available at each site.

DATA SOURCES:

1. Basemap data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
2. Parcel lines from Freeport tax maps (rev 1997).
3. Conservation and Recreation Use parcels identified by H. Dominie.

Planning Consultant:
H. DOMINIE, INC., Randolph, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997



Scale 1:24,000



Open Space Plan

- | | |
|-------------------------------------|----------------------------------|
| DEDICATED OPEN SPACE: | Rivers, lakes and coastal waters |
| Nature/Heritage areas | Potential streams |
| Parks/Recreation Areas | Intermittent streams |
| OTHER RECREATION FACILITIES: | Interstate |
| Schools | US Routes |
| Boating | State roads |
| Commercial Campgrounds | Major local roads |
| Ball Fields | Secondary local roads |
| Other | Unimproved local roads |
| | Trails |
| | Railroads |
| | Town boundaries |
| | County boundaries |

26.63 Parcel Map and Lot Number

development which might preclude public use. One can see from the Conservation and Recreation Use Map that the number and size of areas dedicated long term for conservation or recreation purposes falls far short of Freeport's open space vision. These areas do protect

some vital resources and provide limited trails and open space for public enjoyment. But they do not as a whole conserve the town's character and ensure a vital and interconnected open space system. More work needs to be done!

People perceive that conservation takes revenues off the property tax roll. . .

Conservation may not generate property tax revenues but it pays!

Traditionally, buildings have been the underpinning of Freeport's tax base, comprising 67% of the total valuation in 1980. But building values have appreciated more slowly than land, so that their valuation comprised only 58% of the total by 1997. This means that the tax burden is shifting to improved land, such as house lots. Unimproved land remains taxed at a relatively low value, especially if it is enrolled in one of the state's taxation programs (see box, page 16). Such open space may not generate much income in comparison with improved land and buildings, but it doesn't require much service either.

In contrast, residential development costs more to serve than it generates in tax revenues. The amount has been shown to vary in Freeport, depending upon the study. In 1993-94, the average house cost the school district \$1,484 more than it brought in property tax revenues, according to a study for Maine Coast Heritage Trust. A more recent study by the Greater Portland Council of Governments estimated that educational costs created only a \$567 gap. No matter which amount one uses, converting open space to residential development also increases state valuation which can mean less state aid for education.

Public purchase of open space has a much less dramatic effect on the tax base than does residential development. The Maine Coast Heritage Trust study showed that a property tax bill on a \$100,000 home would have increased by only \$0.15 if a conservation organization had bought 500 acres of land in Freeport valued at \$500,000. Developing homes on the same property, depending upon the number, would, have resulted both in a larger tax loss and decline in state aid.

Obviously Freeport can't stop residential development. Nor is more commercial-industrial development by itself necessarily the right answer. Data shows that such development, while creating a positive balance sheet in regard to property taxes, generally attracts more residential growth in its wake and thus increase taxes. Freeport can, however, moderate the overall tax burden by finding the right balance between new homes and open space, uses which generally compete in the same zoning districts.

Sources:

Ad Hoc Associates. *Property Taxes in Freeport, Maine (1996) and Open Land, Development, Land Conservation, and Property Taxes In Maine's Organized Municipalities (1997)*, Maine Coast Heritage Trust.

Greater Portland Council of Governments, January 1998. *Growth Trends in Freeport, Maine. Preliminary Report.*

Fields and forest surrounding neighborhoods make Freeport a great place to live!
(Porter's Landing, Bob Moore photo)



Objective 1:

Protect special resource values & functions!

Vision

- sufficient space and habitat for most wildlife species and plant communities
- fresh and salt waters, shorelands, wetlands, and islands which retain their natural character, quality, and functions
- abundant and healthy forests to sustain water and air quality, stormwater control, wildlife, recreation, soils, and other values

Current Status

Extent of Resources

Some of Freeport's most important natural resources are shown on the following maps:

- Shorelands and Wetlands
- Biological Resources
- Public Water Supply

The Shorelands and Wetlands Map depicts buffer areas in three different categories of value along streams, rivers, coastal waters, and nonforested wetlands. Forested wetlands are not included because they have not been inventoried. And a few streams are left out because they do not appear on USGS topographic maps.

Shoreland and wetland areas have important water quality, scenic, wildlife, and recreation values. "High value" areas include rivers, perennial streams, the largest and most important wetlands, coastal waters, and tidal flats. Freeport's Shoreland Zoning Map shows fewer streams because of the narrow definition of streams in the ordinance. Definitions of the words shoreland, river, and stream, as used and

mapped in this document, do not match those in the Freeport Zoning Ordinance, nor is this usage to be construed as replacing those definitions in section 104 of the Zoning Ordinance. The 250 foot setback for high value areas conforms with shoreland zoning, though many species of wildlife need a buffer of 330 feet or more.³

A 100 foot setback from intermittent streams and moderate sized wetlands traces the "moderate value" areas. A 100 foot buffer is generally recognized as sufficient for protecting water quality, depending upon soil and slope conditions. The smallest wetlands are included in the "lower value" category, though these areas, too, play an important role in sustaining environmental quality, as do forested wetlands which are not delineated on the map.

The Biological Resources Map is the result of a rating process conducted by the U.S. Fish and Wildlife Service which summarized the values of 11 different habitats including: eelgrass, cordgrass, shellfish harvest, marine worm harvest, waterbird, bald eagle nesting, roseate tern, seabird, shorebird, wading bird, and fish. The Conservation Commission added deer wintering areas identified by the Maine Department of Inland Fisheries and Wildlife to the USFWS assessment.

This map shows that "high" and "moderate"

³ Chase, V. P., et al. 1995. *Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities*. Audubon Society of N.H.

value resources concentrate in and near coastal waters. Streams and wetlands appear as "lower" value because they contain fewer overlapping habitat types, but they are nonetheless important.

The Biological Resources Map shows only the most critical habitat areas that have been identified to date by state and federal agencies. The maintenance of a diverse array of plant and wildlife species, our ecological heritage, however, depends not only on the protection of these habitat areas, but also upon the availability of large interconnected tracts of undeveloped land.

Much of Freeport's land area has already been fragmented by roads and development as shown in the Future Build Out Map mentioned on page 3. The largest remaining open space areas still support deer and moose, according to local anecdote, but they may not over the long term as development continues to chip away at them.

The Department of Inland Fisheries and Wildlife has provided a guide for considering the relative space needs of various types of

wildlife (see Figure 1). While raccoon and skunk rummage around in even the smallest remnants of open space, hawks and deer require much larger natural territories, as do some species of songbirds and small rodents.

Considering the long term, only two permanent conservation areas contiguous to one another may be large enough to sustain species such as goshawk, moose, deer, and wild turkey. Wolf Neck State Park and Wolf Neck Farm together comprise just over 500 contiguous acres. The next largest areas, i.e. Mast Landing Sanctuary and Hedgehog Mountain, each have only about one hundred acres.

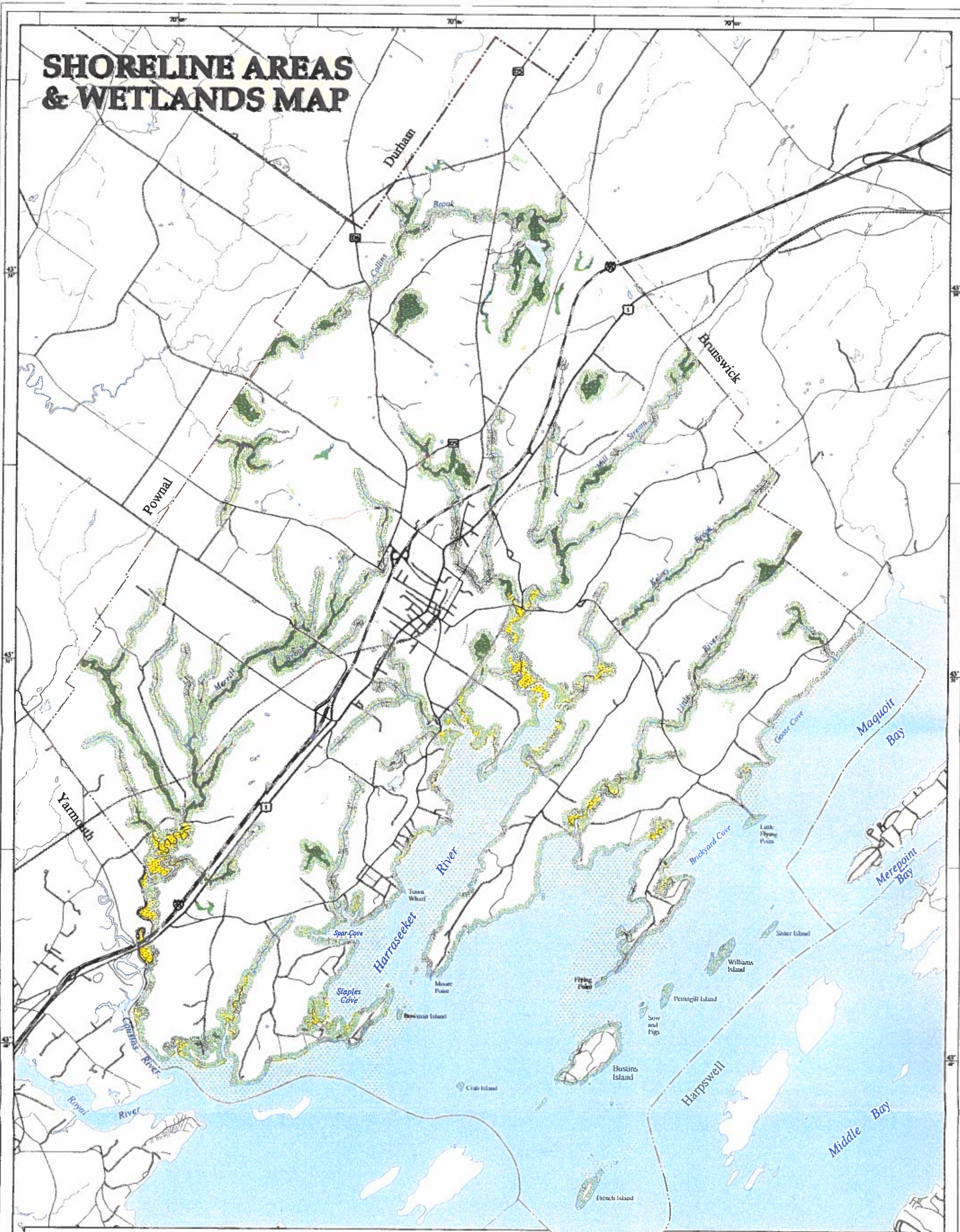
Existing conservation areas won't function well over the long term for wildlife unless they are expanded and joined by undeveloped connectors. And if Freeporters want to retain hunting, some areas in the community will have to be even larger than Figure 1 suggests in order to provide a margin of safety between homes and hunters.

The Future Build Out Map also generally indicates the extent of Freeport's remaining forests. In addition to providing wildlife

Figure 1: MINIMUM HABITAT BLOCK SIZE REQUIREMENTS FOR MAINE WILDLIFE
Maine Patterns of Development Task Force, Maine Environmental Priorities Task Force

<u>Tier 5</u> <u>1-19 Acres</u>	<u>Tier 4</u> <u>20-99 Acres</u>	<u>Tier 3</u> <u>100-499 Acres</u>	<u>Tier 2</u> <u>500-2500 Acres</u>	<u>Tier 1</u> <u>Undeveloped</u>
RACCOON MOST SMALL RODENTS COTTONTAIL SQUIRREL MUSKRAT RED FOX MANY SONGBIRDS SKUNK MOST REPTILES RING NECK SNAKE MOST AMPHIBIANS	HARE PORCUPINE BEAVER WEASEL WOODCHUCK GARTER SNAKE	MINK DEER SHARP-SHINNED HAWK COOPER'S HAWK HARRIER BROAD-WINGED HAWK KESTREL HORNED OWL BARRED OWL OSPREY TURKEY VULTURE TURKEY WOOD FROG	MOOSE BALD EAGLE GOSHAWK RED-TAIL HAWK RAVEN	COYOTE BOBCAT BLACK BEAR FISHER

SHORELINE AREAS & WETLANDS MAP



Freeport Conservation Commission

SHORELAND AREAS & WETLANDS

Shoreline areas and wetlands are valuable for water quality protection, recreation, scenic quality and other functions. Buffers of at least 250' (for perennial water bodies) and of 100' (for intermittent streams) are needed to protect water quality and habitat and provide depth for siting trails, etc. These buffer widths are consistent with state regulations and research on riparian habitat use by Maine species.

DATA SOURCES:

1. Basemap data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
2. Wetlands and tidal flats from US Fish & Wildlife Service digital data

Planning Consultant:
H. DOMINIE, INC., Readfield, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997



Scale 1:24,000



Open Space Plan

AREAS OF HIGH VALUE:

- Freshwater wetlands greater than 10 acres or adjacent to perennial streams
- Saltwater wetlands
- 250 foot buffers from wetlands, coastline and perennial streams
- Tidal flats

AREAS OF MODERATE VALUE:

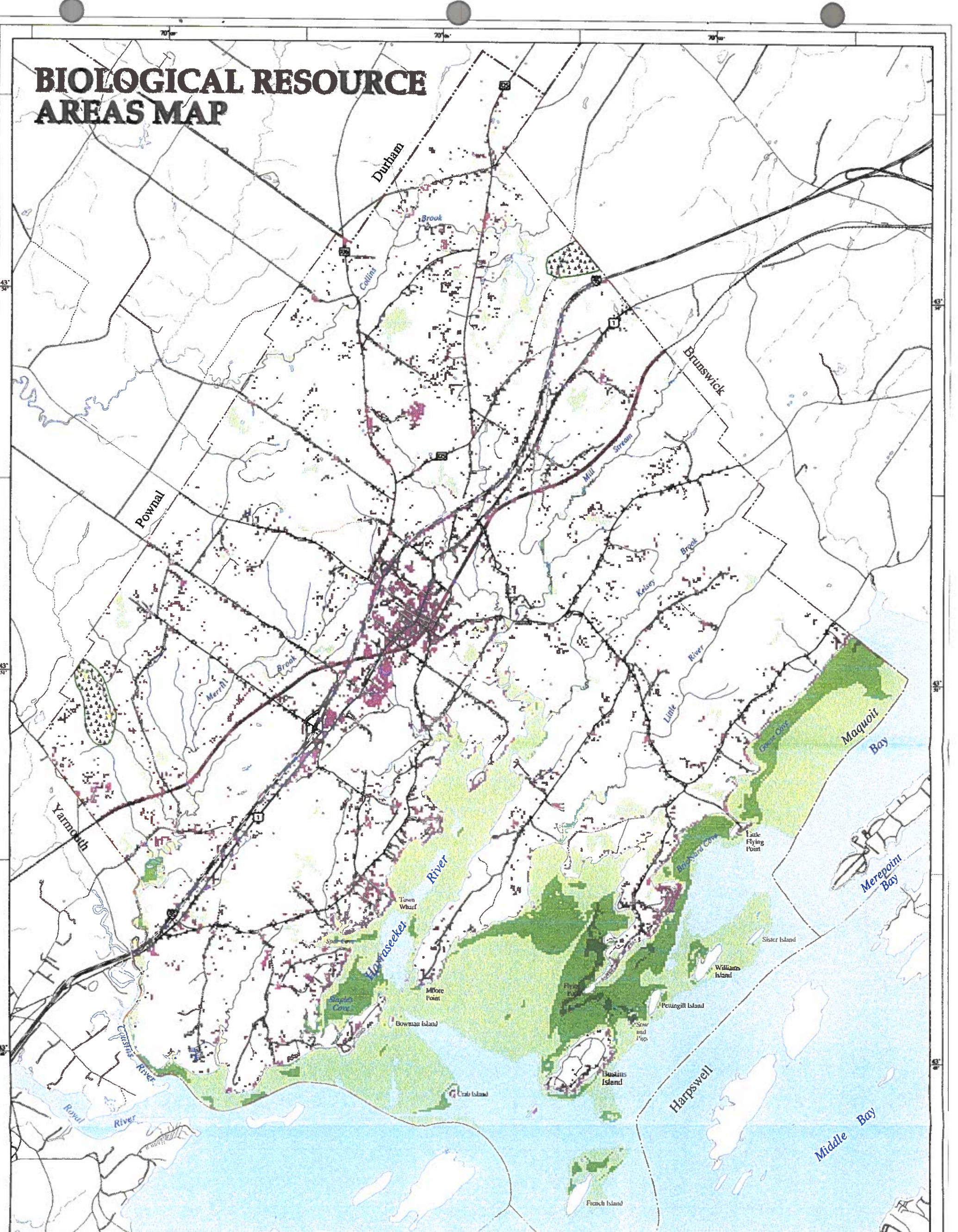
- Freshwater wetlands between 5 and 9 acres
- 100 foot buffers from wetlands and intermittent streams

AREAS OF LOWER VALUE:

- Other freshwater wetlands less than 5 acres

- Rivers, lakes and coastal waters
- Perennial streams
- Intermittent streams
- US Routes
- State roads
- Major local roads
- Secondary local roads
- Unimproved local roads
- Trails
- Railroads
- Town boundaries
- County boundaries

BIOLOGICAL RESOURCE AREAS MAP



Freeport Conservation Commission

BIOLOGICAL RESOURCE AREAS

All undeveloped land supports life forms, but some areas have greater economic, recreational or ecological value. The areas shown on this map as high, moderate, or lower value habitat represent the collective value of 13 different species of wildlife rated by the U.S. Fish & Wildlife Service. Deer winter areas are mapped separately. Developed areas are interpreted from 1991 satellite images and have not been completely verified. No rare or important plant sites are known.

DATA SOURCES:

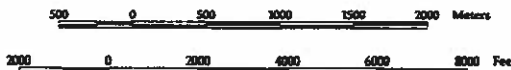
1. Basemap data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
2. Habitat and developed areas from US Fish & Wildlife Service digital data
3. Deer Winter Areas from Maine Dept. of Inland Fisheries & Wildlife

Planning Consultant:
H. DOMINIE, INC., Readfield, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997



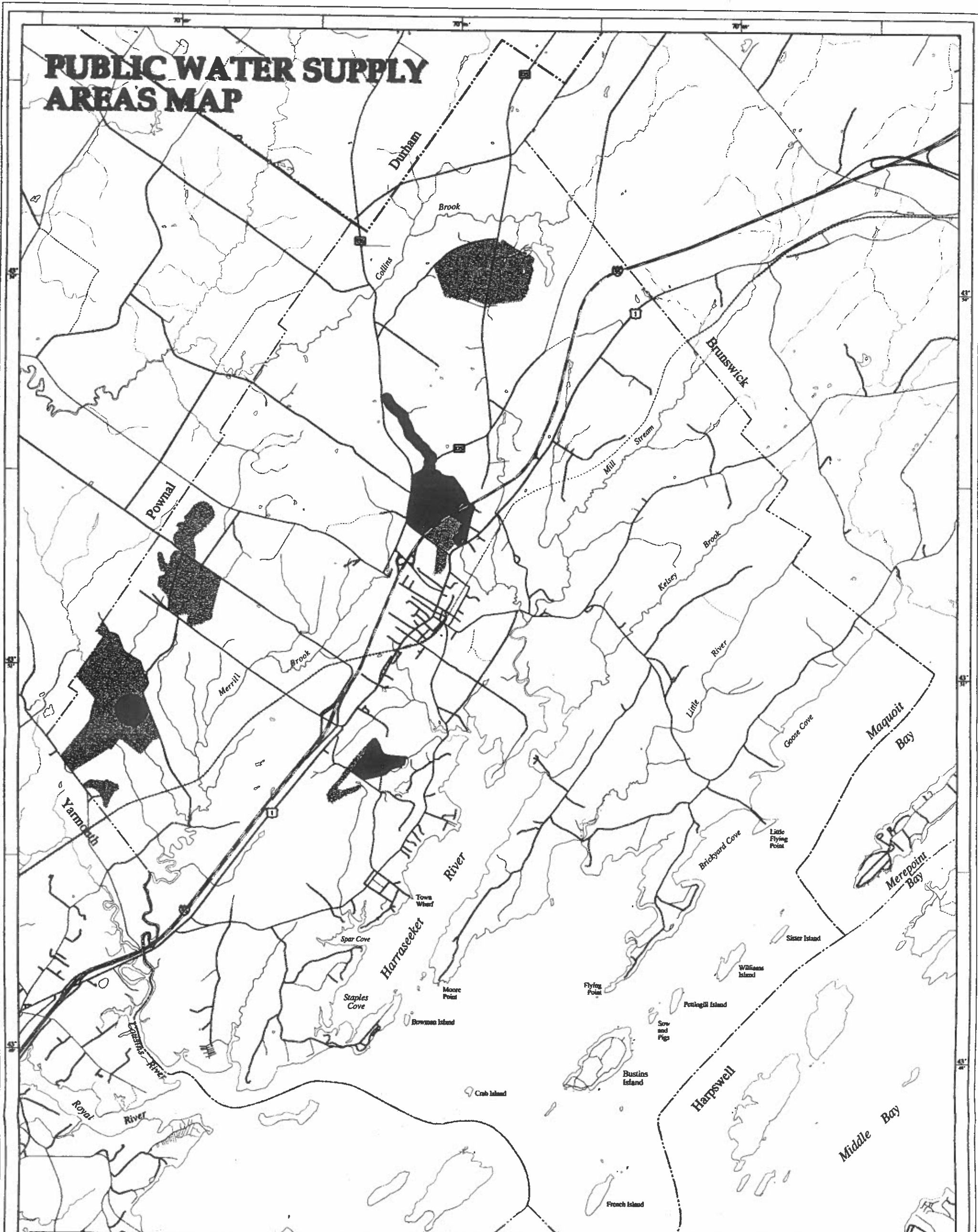
Scale 1:24,000



Open Space Plan

- | | |
|-----------------------------------|----------------------------------|
| AREAS OF HIGH VALUE: | Rivers, lakes and coastal waters |
| High value habitat | Perennial streams |
| Deer yards (indeterminate status) | Intermittent streams |
| AREAS OF MODERATE VALUE: | Interstate |
| Moderate value habitat | US Routes |
| AREAS OF LOWER VALUE: | State roads |
| Lower value habitat | Major local roads |
| Developed Areas | Secondary local roads |
| | Unimproved local roads |
| | Trails |
| | Railroads |
| | Town boundaries |
| | County boundaries |

PUBLIC WATER SUPPLY AREAS MAP



Freeport Conservation Commission

IMPORTANT PUBLIC WATER SUPPLY AREAS

Consumers Maine Water Company relies upon wells in sand and gravel aquifers for its water supply in Freeport. The areas shown on this map depict the Resource Protection I (well head protection) and Resource Protection II (aquifer recharge) Zones.

DATA SOURCES:

1. Base map data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
2. Public water supply areas US Fish & Wildlife Service digital data

Planning Consultant:
H. DORRIS, INC., Bangor, Maine

Mapping Consultant:
NORTHERN GEOMATICS, INC., Hallowell, Maine December 1997



Scale 1:24,000



Open Space Plan

- | | |
|--|--|
| <p>AREAS OF HIGH VALUE:</p> <ul style="list-style-type: none"> Well head protection areas Sand and gravel aquifer recharge areas <p>AREAS OF MODERATE VALUE:
(none included)</p> <p>AREAS OF LOWER VALUE:
(none included)</p> | <ul style="list-style-type: none"> Rivers, lakes and coastal waters Perennial streams Intermittent streams Interstate US Routes State roads Major local roads Secondary local roads Unimproved local roads Trails Railroads Town boundaries County boundaries |
|--|--|

habitat, forests play a critical role in water quality protection, flood management, scenic character, and climate control. For instance, studies have shown that about 90% of a watershed, depending upon local soils and terrain, should remain in forest or other pervious surfaces to manage runoff naturally and thus avoid costly engineered stormwater or water pollution control systems and protect marine and aquatic habitats, e.g. shellfish.⁴ Somewhere in the order of nine percent (9%) of Freeport is already developed. This rough estimate should be used guardedly because of the inaccuracies inherent in satellite mapping, however.

Finally, the Public Water Supply Map notes the locations of well heads and sand and gravel aquifer recharge areas that provide the source of public water supply in Freeport. Some are already partly developed.

Protection Status

About 1523 acres shown on the Conservation and Recreation Use Map are protected in perpetuity. Also, Consumers Water Company owns additional lands for water supply protection in the Frost Gulley and Harvey Brook area.

Some also receive at least short term protection through local regulations. All coastal wetland buffers, well head protection areas; and some perennial stream and wetland buffers are included in the Resource Protection I district of Freeport's zoning ordinance. Aquifer recharge areas are less well protected; they are included in the Resource Protection II district where residential development is permitted.

In addition, approximately 4,634 acres of

⁴ "The Importance of Imperviousness," in Watershed Protection Techniques. Vol. 1, No. 3, Fall 1994.

woodland, fields and wetlands as of 1997 (about 20% of Freeport's 23,727 total acreage) also receive short term protection through state taxation programs. Intermittent streams, small wetlands, and deer wintering areas are not protected by local regulations. They do, however, receive some protection through the State's Site Location of Development Law and Natural Resources Protection Act.

Acreage Under Taxation Programs

Tree Growth	3,710
Open Space	290
Farmland	634

Town Forests Offer Income & Legacy

Communities can generate income from conserved lands and keep community values alive in the bargain . . .

Troy, Maine, is a good example. In the 1940s, the town acquired about 1340 acres of land in 15 parcels, many contiguous, through property tax defaults. Elected trustees who manage the land planted red pine in the abandoned fields which have since grown up to sustain 2 or 3 selective cutting cycles. In 41 years, the town has earned \$187,765 in timber sales which amount to \$4,580 a year, though income is generated in cycles. While this land isn't particularly unique, it does conserve Troy's legacy of working forest and traditional hunting areas. (Source: Consulting Forester David Rock, Troy, Me..)

Offering another example, Amherst, Massachusetts, owns about 3000 acres of land in neighboring communities to protect its water supply. The Town averages about \$10,000 a year in timber sales from red oak, white pine, and some fuelwood harvested from the watershed management area. This income helps support the town's land conservation staff. (Source: Amherst Conservation Director Peter Westover)

Open Space Policies

Existing Policies of Comprehensive Plan

1. Preserve, protect, and, where appropriate, enhance Freeport's land and water resources. Preserve and protect Freeport's wildlife habitat, . . . forests, . . . streams, and shorelines, and the wise use of the Town's non-renewable earth, mineral, and water resources. (CP p. VII-1)
2. Create a network of significant wildlife habitats. (CP p. VII-3)
3. Protect the most significant natural . . . resources. (CP p. VII-5)

Additional Policies

1. Protect streams, rivers, ponds, coastal waters, shorelands, wetlands and their buffers, forests, and wildlife habitats on a holistic basis that sustains the integrity and function of natural systems and populations.
2. Give priority for conservation to areas with high open space values and field check each one prior to any public purchase.

Goals For 2009

1. Create high landowner awareness and action to protect all shoreland and wetland areas and minimize impacts from development.
2. Add goals after completion of Maine Department of Inland Fisheries terrestrial wildlife recommendations.

Action Recommendations

1. The Conservation Commission will continue working with the Maine Department of Inland Fisheries and

Wildlife to identify terrestrial habitats of importance and will request the department to field check any recommended for conservation. Any new areas will be added to the GIS mapping system and Resource Values Summary Map.

Schedule: 1999

2. The Conservation Commission will develop and update periodically a priority list of natural areas for conservation based upon this plan; and work with landowners to conserve their values through easements, donations, purchase, and creative development.

Schedule: 1999 and ongoing

3. In conjunction with Planning Board, develop recommendations to conserve valuable natural resources in development projects.

Schedule: 1999-2000

Trails On Private Land Require Special Consideration

Landowners don't want to attract nuisance use and vandalism to their property so . . .

it is no wonder many are reluctant to let people know about informal trails on their land. At a public meeting, some Freeporters said private trails shouldn't be shown on public maps, even snowmobile trails which are already publicized. But they do want the Town to develop a trails plan and work with willing landowners to implement it. Members from both the Orono, Maine, and Boxford, Massachusetts, land trusts say that working with developers to conserve or relocate traditional trails in subdivisions has been critical to successful conservation of ten miles of trails in each community.

Objective 2:

Provide trails and natural areas for public enjoyment!

Vision

- access to the ocean from a variety of locations
- trails connecting key natural areas and providing for a variety of pursuits including walking, fishing, cross-country skiing, snowmobiling, picnicking, hunting, dog walking, and enjoyment of nature
- access to trails and natural areas from neighborhoods

Current Status

Extent of Resources

Six public trail systems are associated with Freeport's key natural areas including:

- Hedgehog Mountain Town Park
- Winslow Town Park.
- Wolfe's Neck Woods State Park,
- Mast Landing Sanctuary Sanctuary,
- Wolf Neck Farm, and
- Tidebrook Conservation Area.

In addition, one can walk into the Pettingill Farm along the access road and the Freeport Conservation Trust is planning another trail system at Powell Point. None of these trails is connected with one another by public trails, sidewalks, or bikeways, but connections across private lands may exist.

Informal trails exist in many neighborhoods but landowners cannot be expected to provide public access to them unless a formal arrangement is developed. The location of

Freeport's informal trails has not been documented.

No formal access is available to coastal islands, though a few landowners elsewhere in Casco Bay allow the public to use their island property as part of the Maine Island Trail.

People can launch motor boats at town sites at Winslow Park and Porter's Landing. Smaller boats can be launched from the Town Wharf in South Freeport, Lower Mast Landing Sanctuary (Freeport Conservation Trust), and Cove Road (Town). Clammers also have access to Wolf Neck across property of the Freeport Conservation Trust.

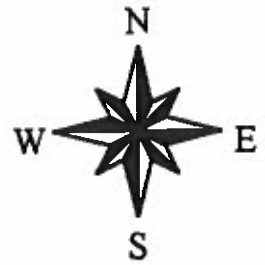
Some private lands with conservation easements which have been awarded to the Freeport Conservation Trust do not allow public access. Other easements held on Wolf Neck Farm and Tidebrook allow limited public access.

Access from Neighborhoods

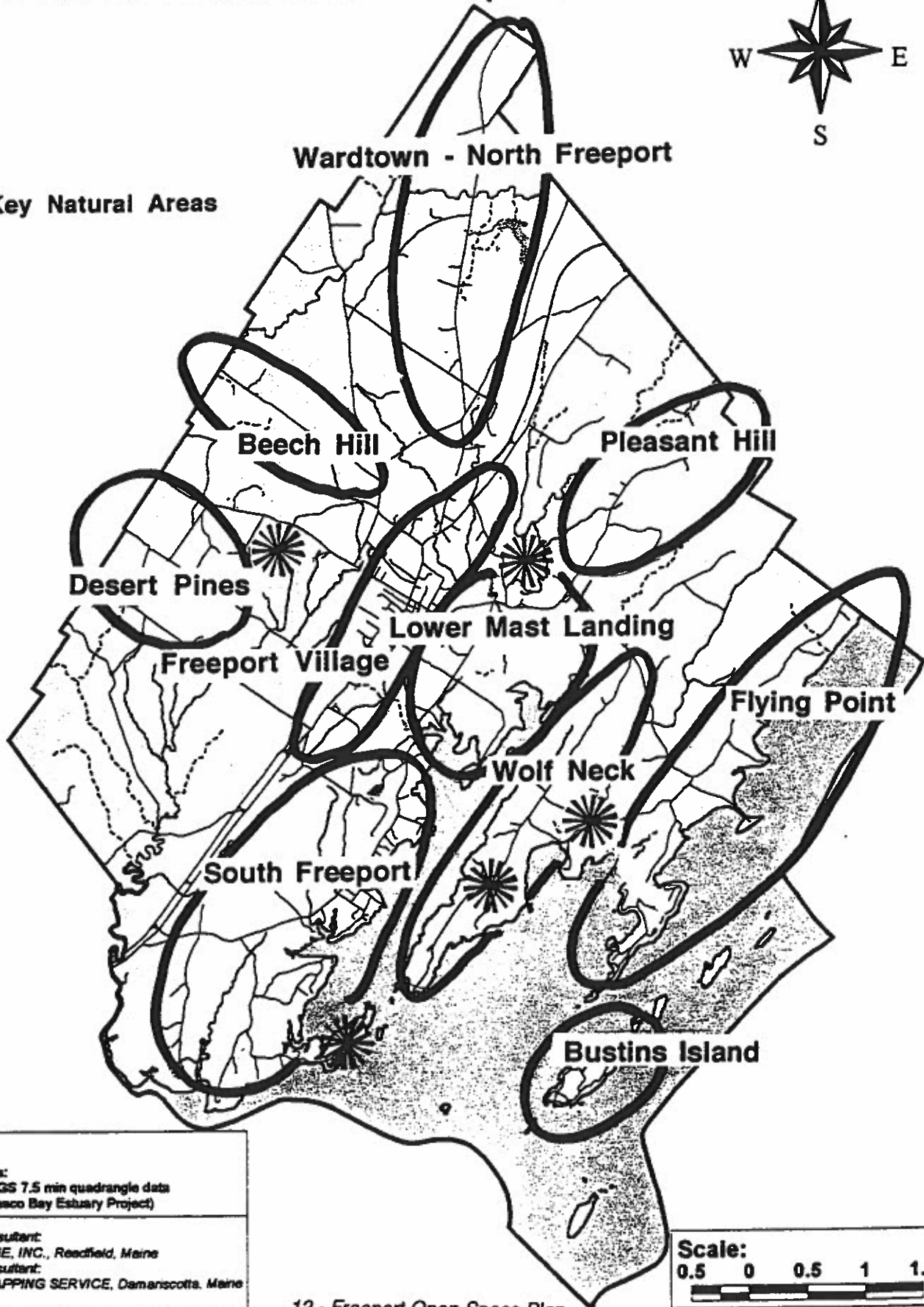
Urban planners use a rule of thumb that most people won't walk more than about a quarter to a half mile to get to their destinations. Recreationists, however, are known to venture further to reach a park or trail system, if conditions such as safe sidewalks, road shoulders, or connecting trails along their route are favorable for walking, running, or cross-country skiing.

Densely Settled or Distinct Neighborhoods

OPEN SPACE PLAN - Freeport, Maine



Key Natural Areas



NOTES:

Data Sources:

1. Digital USGS 7.5 min quadrangle data
(via the Casco Bay Estuary Project)

Planning Consultant:

H. DOMINIE, INC., Readfield, Maine

Mapping Consultant:

MAINE MAPPING SERVICE, Damascus, Maine

July 1997

The Neighborhood Map shows the general locations of concentrated residential areas in Freeport. Existing aggregations of conserved lands are fairly well distributed in relation to these neighborhoods, at least on the eastern side of I-95, so residents can get to at least one of them by walking or driving a short distance from their homes. However, none are easily within walking distance from residential areas in the downtown or parts of north or northwest Freeport.

Hedgehog Mountain and parcels along I-95 at the mouth of Merrill Brook are the only lands dedicated for conservation west of I-95. But school teams use the privately owned golf course for cross-country skiing and running, and the public is also welcome to ski there for a fee. The Nature Conservancy has offered to donate property to the Town in the Grant Road vicinity which, if accepted, would help make up the deficiency in the North Freeport/Ward Town area.

People can camp in or near a couple of Freeport's dedicated natural areas including Winslow Park, Wolf Neck Farm (Recompense Shore), and Flying Point Campground, a private establishment located next to a small parcel of land owned by the Freeport Conservation Trust. Two other private campgrounds are located in the "Desert of Maine" and North Freeport areas.

Open Space Policies

Existing Policies of Comprehensive Plan

1. Enhance Town natural resources for public use by all appropriate means. (CP p. VII-2)
2. Preserve and protect . . . recreational opportunities . . . [associated with Freeport's land and water resources]. (CP p. VII-1)
3. Continually assess needs and opportunities so that a wide range of recreational services and facilities can be made available to all Freeport residents regardless of age, season, or location. (CP p. VII-15)
4. Consider the effects of development, including subdivisions, on the availability of, and access to, lands which provide opportunities for recreation. Provide such access where feasible. (CP p. VII-15)
5. Encourage the establishment of recreational trail systems, with adequate public access . . . (CP p. VII-15)
6. Support efforts by private individuals and organizations to work independently and with the Town to create, with landowner permission, walking, cross-country skiing, cycling, and snowmobiling trails within Freeport and connecting to adjacent communities where appropriate

Hiking Trails Among Most Desirable Amenities

Buyers shopping for homes in newly developed communities placed top value on . . .

community design that delivers low traffic and quiet, "natural, open space," and walking and biking paths. The Washington Post reported an American Lives survey finding that consumers are putting an increasingly high premium on interaction with their environment through wooded tracts, nature paths, and preserving wilderness, meaning in this case the setting aside of substantial acreage to preserve the fauna and flora that existed prior to the building of the subdivision.

... and create easements or [accomplish] Town purchase, where appropriate, to maintain existing trails (CP p. VII-16)

7. Encourage the creation of new or improved public access ways to the ocean, including islands, along with an adequate amount of associated parking in accessible locations. (CP p. VII-16)

Additional Policies

1. Site public recreational facilities for organized or indoor sports in a manner that complements and provides access to, and parking for, Freeport's open space system, whenever possible.
2. Site trails and public use areas in a manner that minimizes impacts on sensitive natural resources and avoids conflicts among users and with abutters.
3. Clearly identify places which are available for public use and promote appropriate behaviors for using private and public property.
4. Provide incentives to encourage landowners to make their properties available for public use, e.g. short term leases.
5. Collaborate with neighboring communities to link trail systems wherever appropriate.
6. Open land to public use only after developing a management plan and allocating responsibility for its maintenance.
7. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and public use areas and take responsibility for their oversight and maintenance.

Goals For 2009

1. Create at least one trail connector

between two key natural areas.

2. Provide every major neighborhood with at least one, modest trail system and natural area.
3. Provide signs for all areas and trails available for public use.
4. Make one island trail or natural area available for public use⁵.

Action Recommendations

1. The Conservation Commission, Recreation Committee, and Freeport Conservation Trust, will form a working group, along with public members from each part of town, to develop a Master Trails Plan. The plan will be used for working with landowners and organizations interested in helping to expand Freeport's public trail system. The plan will identify:
 - priorities for linking key natural areas, establishing neighborhood trails, and, where appropriate, retaining paper streets for such use,
 - strategies for securing funding,
 - opportunities for linkages among communities and learning from the experience of Portland Trails and other organizations,
 - strategies for providing parking, signage, and maintenance, and
 - opportunities for adoption by businesses and civic organizations.

It will be updated every ten years.

Schedule: 1999

2. The Conservation Commission will work with the Planning Board to develop recommendations for strengthening regulatory incentives, e.g. subdivision or site plan review set aside requirements, to

⁵ From 1994 Comprehensive Plan, page VII-16, Item 3A.

encourage the provision or retention of public access to public trails and public open space.

Schedule: 1999

Won't I Be Liable If Someone Gets Hurt Using My Land?

Landowners are sometimes reluctant to let people use their land for fear of being sued. Maine Law protects landowners from liability by providing that:

an owner, lessee, manager, or holder of an easement or occupant who gives permission to another to pursue recreational activities does not . . . assume responsibility or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted. (See 14 MRSA Section 159-A for details.)

Freeporters enjoy walking along the Harraseeket River!
(Dorsey/Sawtelle easement, Freeport Conservation Trust photo)



Glimpses of water along roads and highways create a strong visual image for Freeport!
(Means Massacre Field, Freeport Conservation Trust photo)



Objective 3:

Conserve scenic views & landscapes along roadways and shorelands!

Vision

- plentiful, attractive, and unobstructed views of the ocean, bays, and mountains from public places
- views of working farms, pastures, unbroken stretches of forested roadside, and other features that are Freeport's heritage

Current Status

Extent of Resources

Freeport is a beautiful town, with many views of the ocean, farms, fields, forests, and historic homes from the road and water. These visual resources are important to residents who most frequently cited the following particular scenic views and natural areas in a survey reported in the 1994 Comprehensive Plan (see Appendix D):

- Flying Point
- Wolf Neck
- Porter's Landing
- Winslow Park
- Mast Landing Sanctuary
- Little River/Burnett Road
- High View Road
- Freeport Castle
- So. Freeport Harbor/Harraseeket River

Such places, along with views of the ocean, forests, farms, and fields in general, remind us of Freeport's history, provide a positive visual image for the town, serve as landmarks, and enhance our psychological well being by

providing a restful contrast to development.

The Preliminary Visual Resources Map, available for inspection at the Town Office, provides the only existing local documentation of important views and scenic areas in Freeport. It was prepared informally during development of the 1994 Comprehensive Plan. The rationale and method used for this inventory have not survived so the map must be considered as "preliminary." While in need of rigorous update, it does provide a general indication of the number and location of views. But there is no indication as to which views are of the ocean, farmland, or other specific type of visual feature, and there is no assessment of views as seen from the water.

The Important Farmlands Map shows the extent of remaining farms, fields, and pastures. In 1998, only four working farms survive from the 1800s when Freeport agriculture was more prevalent and economically viable. In addition, many fields and pastures, though not used for farming at present, are scattered along rural roadways.

Forests are also highly important to the town's character. In the Comprehensive Plan survey, townspeople ranked them first, along with views of the ocean, among the natural qualities enjoyed most.

Protection Status

Several places identified by townspeople in the Comprehensive Plan survey on the previous page are already protected by private and public initiative. In fact, people enjoy them most because their beauty and public use have been retained.

Land associated with two working farms has been conserved through conservation easements: Wolf Neck Farm and Talbot Farm. While not used for farming or conserved through formal means, many other fields and pastures are mowed by landowners who want to maintain their visual character or harvest grass for hay.

As mentioned earlier, about one fifth of Freeport, approximately 4,634 acres in 1997, receive short term protection through taxation programs. Of this number, 3710 acres are managed for timber production under the Tree Growth Program and 634 acres are actively farmed under the Farmland Taxation Program. The remaining 290 acres are enrolled in the Open Space Program.

Freeport's land use ordinances are of limited value in conserving open space. While the Comprehensive Plan promoted creative development and the use of cluster design concepts to retain open space (see Appendix II), the zoning ordinance doesn't contain effective provisions to accomplish these ends.

Open Space Policies

Existing Policies in Comprehensive Plan

1. Preserve and protect . . . Freeport's scenic vistas, forests, farmlands . . . (CP p. VII-1)
2. Identify vistas or views. . . ; and encourage acquisition of protective

easements or, more effectively, purchase, and provide access to them, where appropriate. (CP p. VII-3)

3. Encourage creative development that preserves fields, forests, farmland, shoreland, and related scenic vistas. (CP p. VII-5)
4. Use whatever tax or land management incentives are at the Town's disposal to encourage the permanent preservation of agricultural, forest and open space land. (CP p. VII-6)
5. To the maximum extent permitted by law, provide property tax relief to landowners who preserve open space and conduct agricultural and forestry activities through the State's farm and open space and the tree growth tax law. (CP p. VII-8)

Additional Policies

1. Actively assist landowners in finding creative ways to keep their lands in forest and farm production, and retain the visual quality of heritage landscapes and scenic views.
2. Educate landowners about state property tax incentives available for conserving land in tree growth, farming, or open space use.

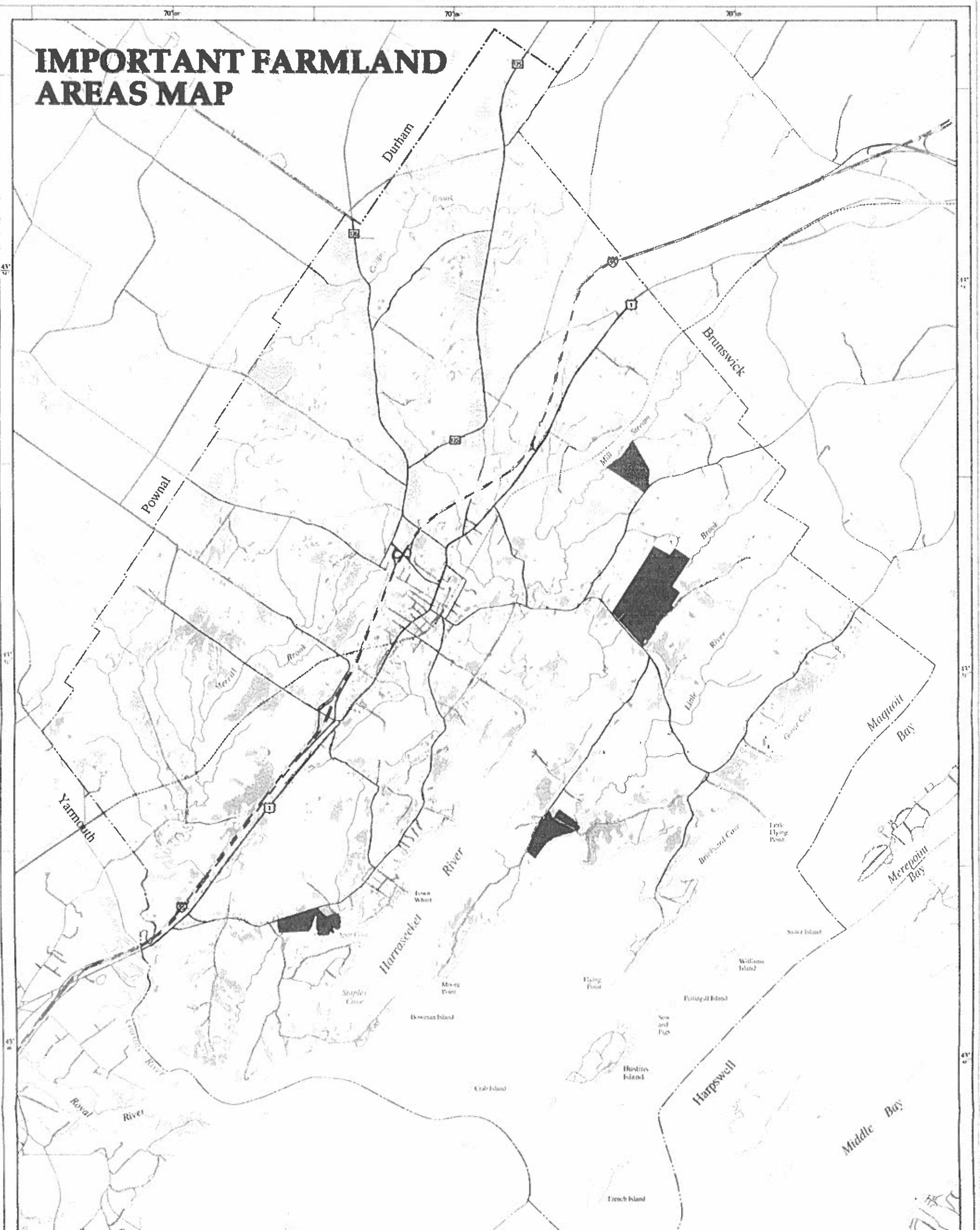
Goals For 2009

1. Retain all working farms.
2. Maintain, and increase if possible, the amount of acreage enrolled in the Tree Growth, Farmland, and Open Space Programs.
3. Add goals after completion of visual resource inventory.

Action Recommendations

1. The Conservation Commission will conduct an inventory and quantitative

IMPORTANT FARMLAND AREAS MAP



Freeport Conservation Commission

IMPORTANT FARMLAND AREAS

Working farms and open fields and pastures contribute to the scenic and historic character of the town, as well as the local economy.

- DATA SOURCES:**
1. Base map data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
 2. Open fields and pastures from Casco Bay Estuary Project satellite imagery.
 3. Active farmlands from Freeport tax maps (rev 1997)

Planning Consultant:
H. DOMINIE, INC., Randolph, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997

Open Space Plan

- | | |
|---------------------------------|----------------------------------|
| AREAS OF HIGH VALUE: | Rivers, lakes and coastal waters |
| Active farmland | Perennial streams |
| AREAS OF MODERATE VALUE: | Intermittent streams |
| Other fields and pastures | Interstate |
| | US Routes |
| | State roads |
| | Major local roads |
| | Secondary local roads |
| | Unimproved local roads |
| | Trails |
| | Railroads |
| | Town boundaries |
| | County boundaries |



Scale 1:24,000



ranking of visual resources in Freeport, including scenic areas, scenic roads, and views from public places on both land and water; and incorporate the results into this plan and accompanying maps, e.g. Resource Values Summary Map.

Schedule: 1999

2. The Town Council may request the Freeport Conservation Trust to work with the Conservation Commission and be the point of contact for landowners seeking assistance in conserving their properties through creative development, state taxation programs, easements, and other conservation techniques. The Trust may actively approach and offer assistance and information to landowners who intend to or have put any lands on the market which have been identified on Resource Values Summary Map.

Schedule: 1999 and on-going

3. The Conservation Commission will work with the Planning Board to review and propose changes to make existing land use regulations more effective in conserving open space, especially those areas shown on the Resource Values Summary Map. This review should explore such techniques as incentives/requirements for cluster and creative design of development, conservation overlay zoning, open space set asides or payments to the Land Bank Fund in lieu of set asides, and vegetative buffers along rural roads. An overlay zone is where special requirements apply such as conservation of a specific amount of open space.

Schedule: 1999-2000

Give Taxpayers A Break!

Can communities give landowners property tax breaks in exchange for conserving open space?

The answer is yes but . . .

Only if a property has a permanent, enforceable development encumbrance which results in a measurable loss in market value, or if property qualifies under one of the State's three property taxation programs, of which only the last was designed specifically to conserve open space:

- Tree Growth
- Farmland
- Open Space.

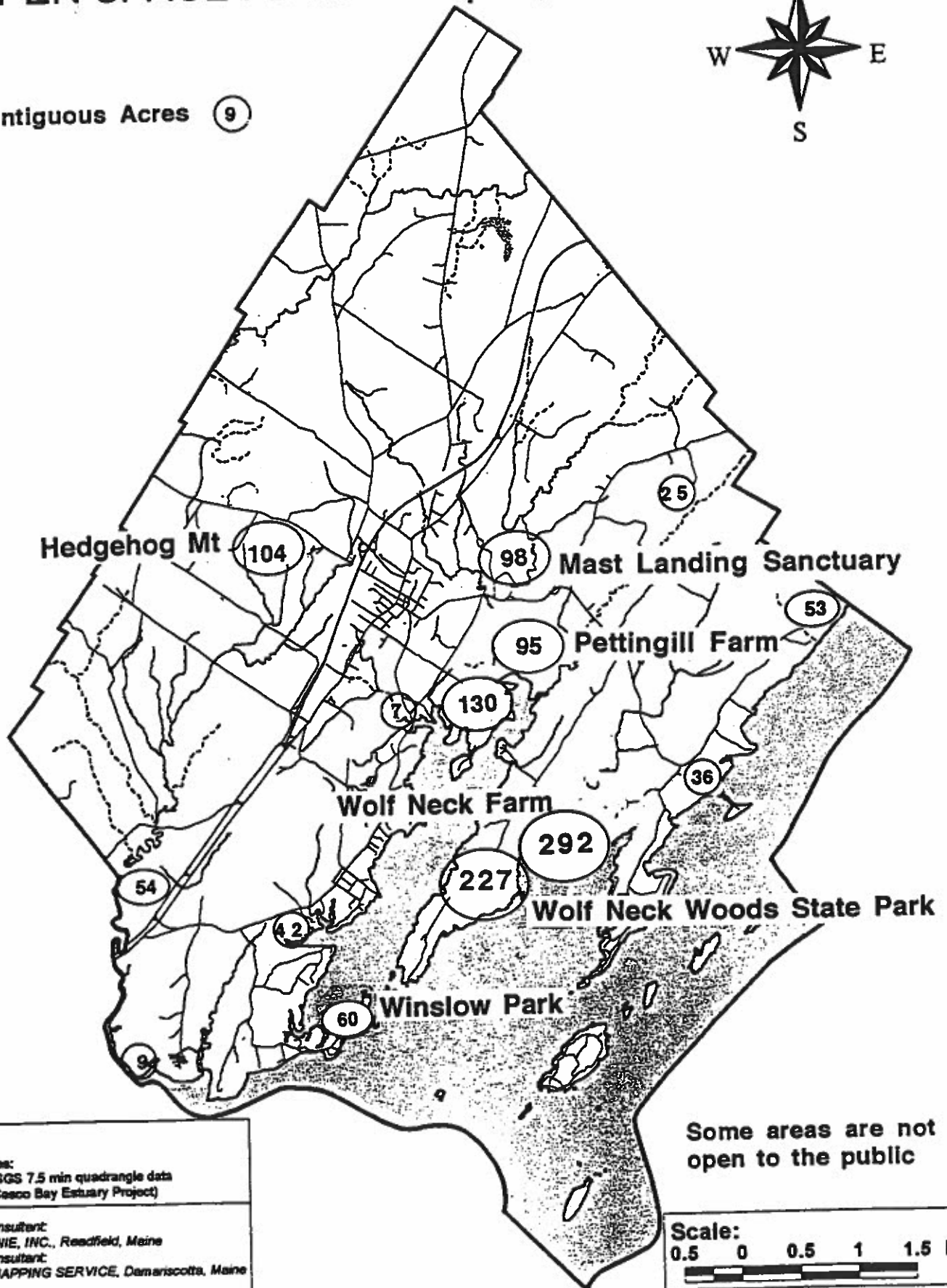
This is because the State holds all authority to tax in Maine. The State specifically delegates responsibility for administering property tax laws to municipal assessors (not communities in general) who statutorily answer to the state tax assessor and have no discretion to offer local exemptions. Freeport's local assessor encourages landowners who request reduced taxation on encumbered lands to participate in one of the three State programs. This provides a consistent and objective method for determining market value.

Local assessors, including Freeport's, also encourage land conservation by assessing "excess acreage" in properties over a certain size at a lesser amount than the first acre, or whatever sized "trip points" he or she establishes.

Size of Contiguous Parcels of Dedicated Open Space

OPEN SPACE PLAN - Freeport, Maine

Contiguous Acres (9)



NOTES:

Data Sources:
1. Digital USGS 7.5 min quadrangle data
(via the Cocco Bay Estuary Project)

Planning Consultant:
H. DOMINIE, INC., Readfield, Maine
Mapping Consultant:
MAINE MAPPING SERVICE, Damariscotta, Maine
July 1997

Objective 4:

Create a pleasing & vital open space pattern!

Vision

- a system of interconnected open spaces that sustains wildlife populations, geographic balance, traditional settlement patterns, and community appearance
- large, interconnected, forested areas throughout town
- key natural areas as focal points of the open space system

Current Status

Extent of Resource

The sum of the areas that are already conserved in Freeport is impressive but does not constitute a functional "system" of open space. To function as a system, these areas must:

- be large and numerous enough to sustain wildlife populations and other natural functions such as cleansing the water and air,
- contain as many high value resources as possible to accomplish flood control, air and water quality purification, and climate control; meet recreation needs; and conserve traditional settlement patterns and scenic character - with the least cost and disruption to public and private interests, and
- connect with one another to allow free movement and replenishment of natural populations, and in those areas where landowners are willing, public use.

The Resource Values Summary Map shows where selected resource areas are most concentrated. It provides a summary of three other maps including:

- Shoreland Areas & Wetlands,
- Important Biological Resource Areas, &
- Important Farmland Areas.

The Department of Inland Fisheries and Wildlife is developing information concerning terrestrial wildlife which will be added later. Visual resources and most valuable forest areas are also not included in this map at present because no reliable inventories are available. Public Water Supply areas are not included because many of them have already been developed.

In compiling the Resource Values Summary Map, the computer was directed to assign points to each value category of each individual map, i.e. 10 points for high value areas, 5 for moderate value areas, and 3 for lower value ones. The summary map shows the cumulative values of the information on the three maps with highest scores representing the areas with greatest overlapping values. The amount of acreage represented in each of the value categories is as follows:

High	3800 acres
Moderate	4300 acres
Lower	5500 acres

The resulting pattern provides a guide for the Town and conservation organizations to use

in working with landowners to ensure that as many as possible of the highest value areas are included in Freeport's open space system.

The Open Space Pattern Analysis Map provides a way to see how closely existing conservation efforts relate to the pattern of valuable resource areas. It shows information from the Resource Values Summary Map and Recreation and Conservation Use Map, superimposed on the remaining forested and natural areas in town. It is important to emphasize that the remaining open space areas shown are approximate and even smaller in size than noted. This is because of the limitations in satellite imagery mapping mentioned earlier.

The Size of Contiguous Parcels Map provides insight into the other two components of an ideal open space system -- size and connections. The Wolf Neck area contains the highest concentration of conserved land with just over 500 acres. The farm and state park parcels are linked except where the Little River bisects them. All of other aggregations of conserved land in Freeport are comparatively small. The Mast Landing Sanctuary, Pettingill Farm, and Porter's Landing areas, however, could function as a large area if their total 323 acres were permanently connected by open space corridors.

Open Space Policies

Existing Policies Within Conservation Commission Ordinance

1. The Commission shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition.

Additional Policies

1. Actively promote and support the creation of a system of interconnected open spaces that maintains plant and wildlife populations, geographic balance, and community appearance and character.
2. Give priority to acquisition and conservation efforts that expand and connect key natural areas.
3. Take advantage of state and federal financial incentives, e.g. grants, provided to encourage open space conservation.
4. Encourage neighborhood groups, civic organizations, and businesses to adopt trails and natural areas and take responsibility for their oversight and maintenance.
5. Consider creating a reserve account from the proceeds from the sale of Town-owned property toward the future purchase of other land that may be needed for public use.

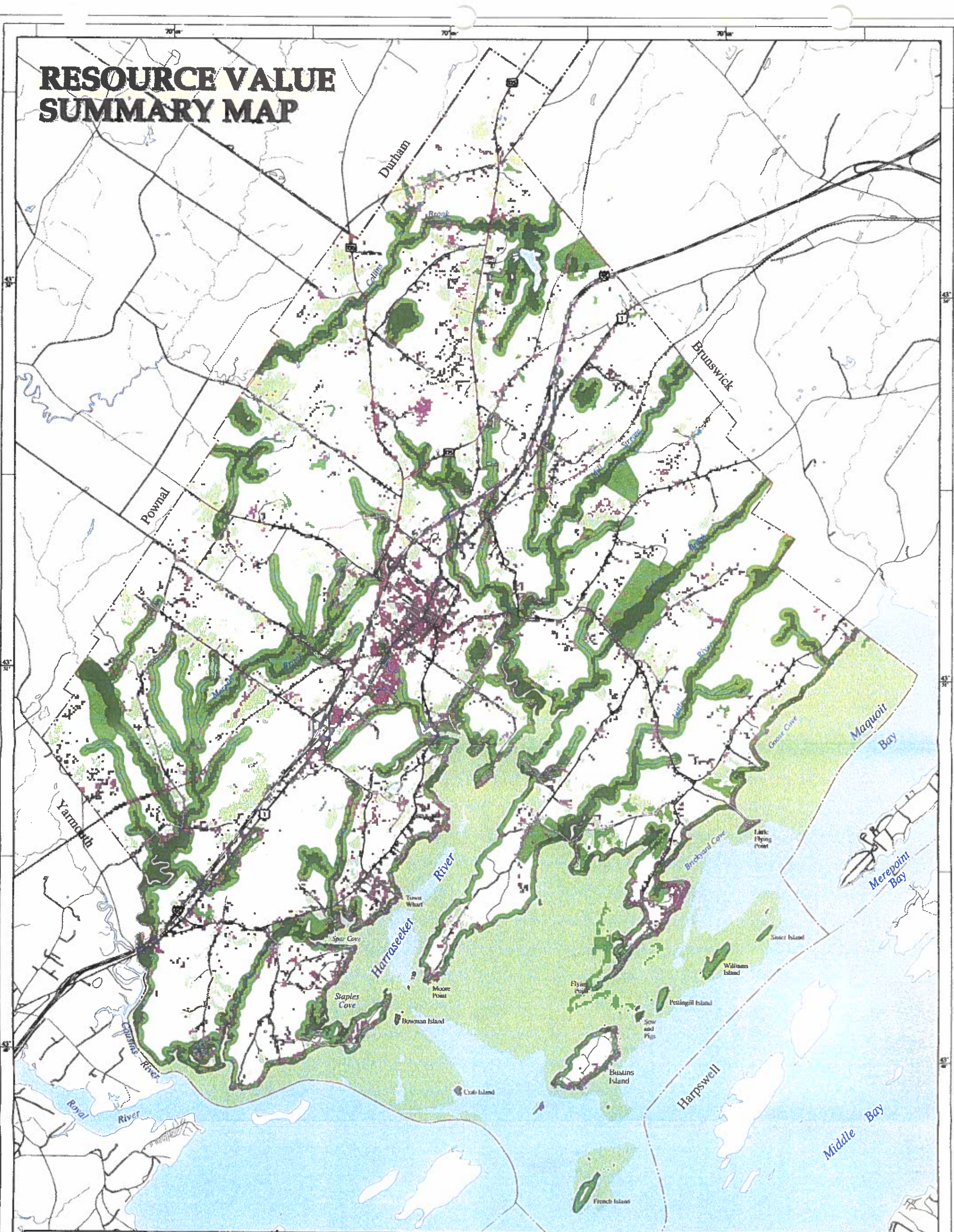
Goals For 2009

1. Double the amount of land that is dedicated for open space from 1500 to 3000 acres, giving highest priority to high value natural areas and connectors, especially those which together will constitute an interconnected, and healthy system. Where possible, build upon existing conservation areas to create contiguous areas greater than 500 acres.

Action Recommendations

1. Propose a referendum to authorize a bond issue for the Land Bank Fund (see Appendix IV) as an essential component for accomplishing the goals of this plan. This money, which will only be spent with Town Council approval, will help leverage state and federal grants and private

RESOURCE VALUE SUMMARY MAP



Freeport Conservation Commission RESOURCE VALUE SUMMARY

This information represents a summary of the values data on the Shoreline Areas and Wetlands, Important Biological Resources, and Important Farmland Areas Maps. Points were assigned to each value; 10 points for high value areas; 5 points for moderate value areas; and 3 points for lower value areas as depicted on the 3 maps. The total was determined by adding the cumulative values. Highest scores are the areas with the greatest overlapping values. Developed areas are interpreted from 1991 satellite images and have not been completely verified.

DATA SOURCES:

1. Basemap data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
2. Developed areas from US Fish & Wildlife Service digital data

Planning Consultant:
H. DOMINIE, INC., Portland, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997



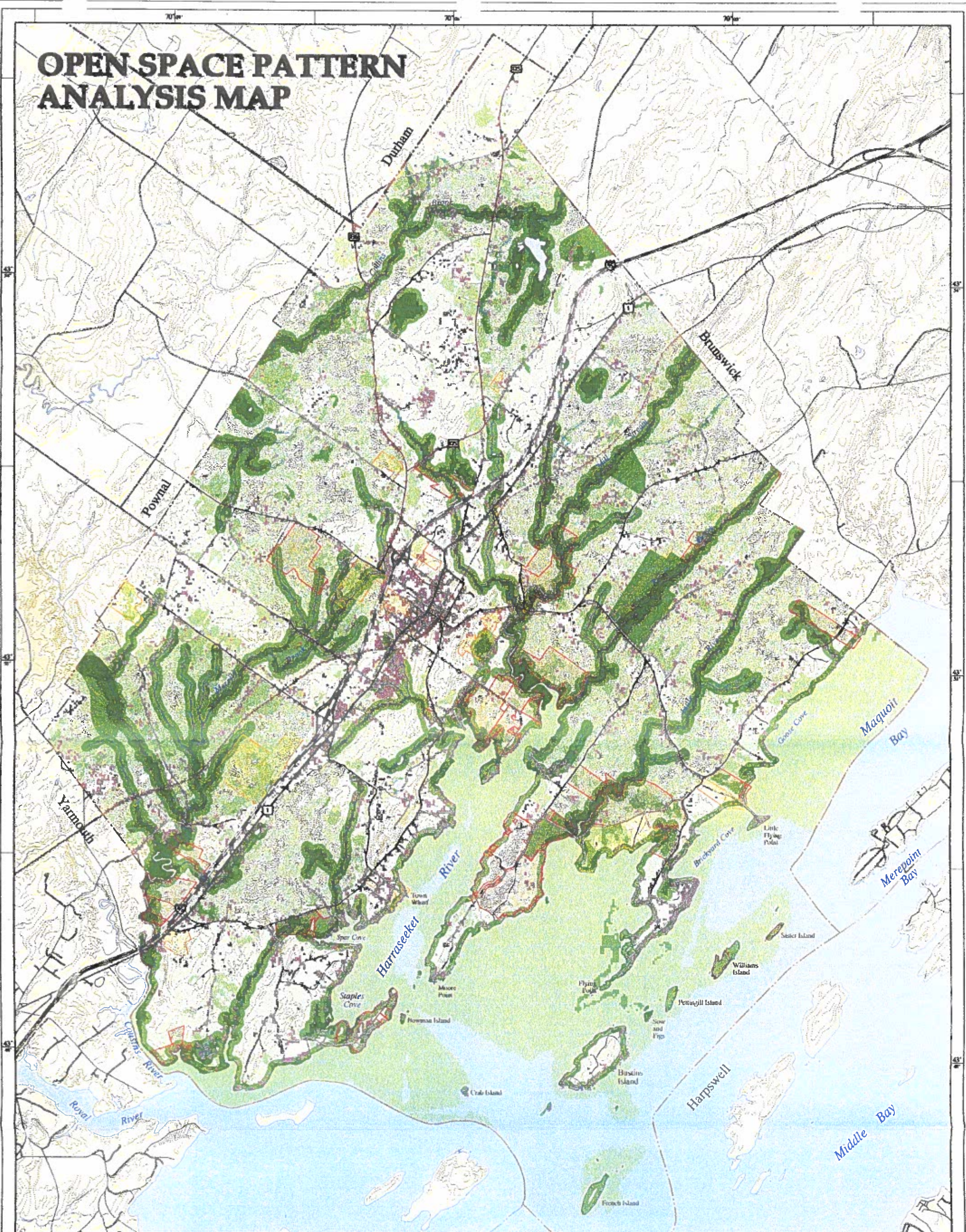
Scale 1:24,000



Open Space Plan

- | | |
|--|----------------------------------|
| AREAS OF HIGH VALUE: | Rivers, lakes and coastal waters |
| Total Rating 12 - 28 points (approx. 3800 acres) | Perennial streams |
| AREAS OF MODERATE VALUE: | Intermittent streams |
| Total Rating 6 - 11 points (approx. 4300 acres) | Interstate |
| AREAS OF LOWER VALUE: | US Routes |
| Total Rating 3 - 5 points (approx. 5300 acres) | State roads |
| Developed Areas | Major local roads |
| | Secondary local roads |
| | Unimproved local roads |
| | Trails |
| | Railroads |
| | Town boundaries |
| | County boundaries |

OPEN SPACE PATTERN ANALYSIS MAP



Freeport Conservation Commission

OPEN SPACE PATTERN ANALYSIS

This information summarizes the data shown on the Resource Value Summary, Habitat Size Analysis and the Conservation & Recreation Use Maps. It provides a way to see how well existing conserved areas protect resource values. It also shows how a "system" of conserved areas and linkages can be created through additional conservation action.

DATA SOURCES:

1. Basemap data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)

Planning Consultant:
H. DOMINE, INC., Randolph, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997



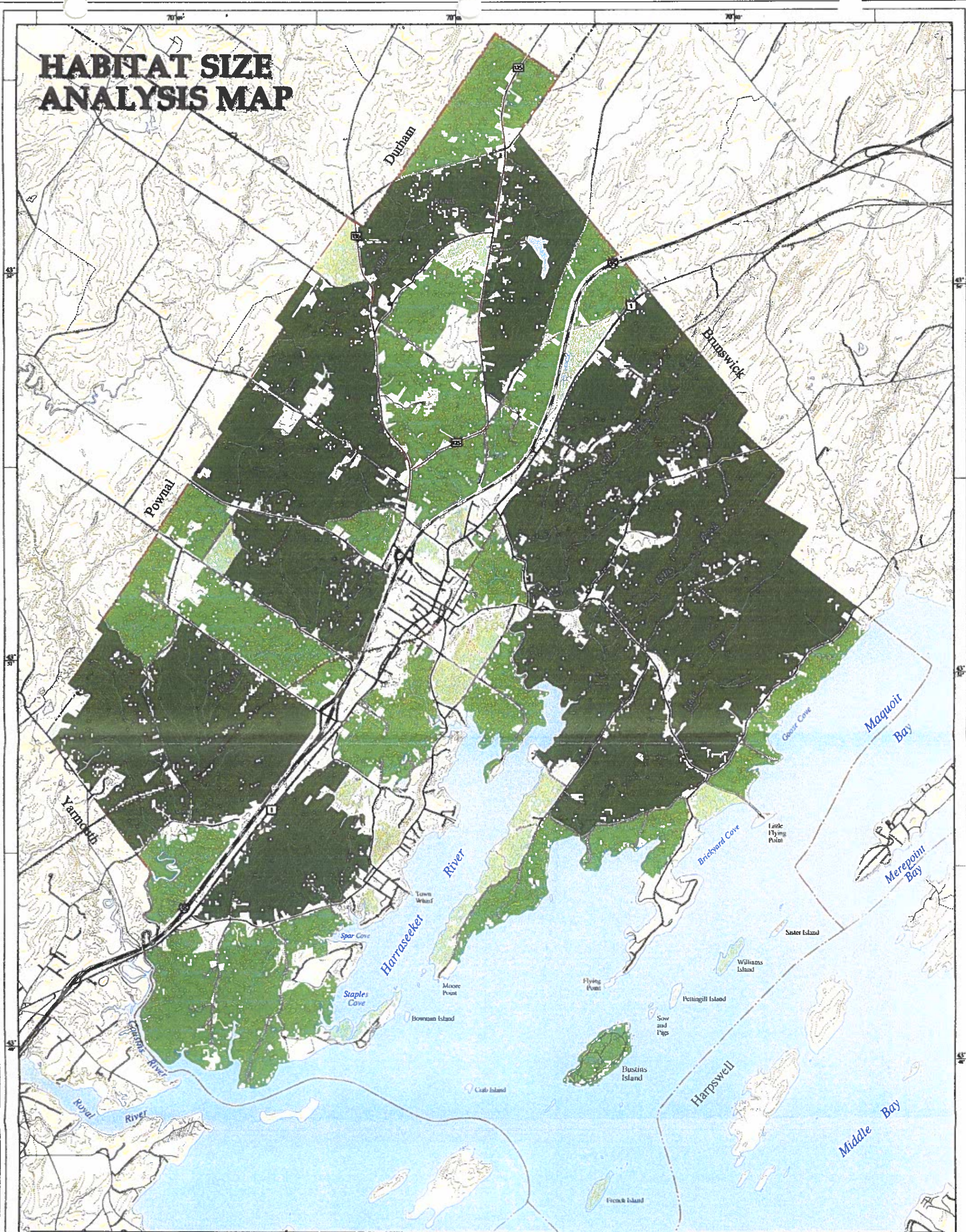
Scale 1:24,000



Open Space Plan

- | | |
|--|--|
| <p>RESOURCE VALUE SUMMARY RATING:</p> <ul style="list-style-type: none"> Areas of High Value (~3800 acres) Areas of Moderate Value (~4300 acres) Areas of Lower Value (~5500 acres) <p>HABITAT SIZE ANALYSIS:</p> <ul style="list-style-type: none"> > 500 acres 100 - 500 acres < 100 acres <p>CONSERVATION & RECREATION USE:</p> <ul style="list-style-type: none"> Dedicated Open Space Other Recreation Facilities Developed Areas | <ul style="list-style-type: none"> Rivers, lakes and coastal waters Potential streams Intermittent streams Interstate US Routes State roads Major local roads Secondary local roads Unimproved local roads Trails Railroads Town boundaries County boundaries 20 foot contours |
|--|--|

HABITAT SIZE ANALYSIS MAP



Freeport Conservation Commission

HABITAT SIZE ANALYSIS

Large, non-fragmented habitat areas are necessary for many species to thrive. This map was created by omitting developed areas, parcels less than 2.5 acres and road right-of-way data. The remaining contiguous, undeveloped areas are categorized by size. Note that these size categories may actually function as smaller areas for wildlife since they appear to include many fragments of development. Developed areas are interpreted from 1991 satellite images and have not been completely verified.

DATA SOURCES:

1. Basemap data from digital USGS 7.5 minute quadrangle data (via the Casco Bay Estuary Project)
2. Developed areas from US Fish & Wildlife Service digital data
3. Parcel information from Freeport tax maps (rev 1997)

Planning Consultant:
H. DOMINIE, INC., Randolph, Maine

Mapping Consultant:
NORTHERN GEOMANTICS, INC., Hallowell, Maine December 1997

Open Space Plan

HABITAT SIZE:

- > 500 acres
- 100 - 500 acres
- 20 - 99 acres
- < 20 acres

20 foot contours

- Rivers, lakes and coastal waters
- Perennial streams
- Intermittent streams
- Interstate
- US Routes
- State roads
- Major local roads
- Secondary local roads
- Unimproved local roads
- Trails
- Railroads
- Town boundaries
- County boundaries



Scale 1:24,000



donations.

Schedule: 2000

2. The Town Council will continue to request the Conservation Commission to review the conservation potential of any Town-owned lands prior to their sale. The Commission will review existing undeveloped Town-owned land to determine its importance to sustaining a viable open space system. It will recommend any properties to the Council which should be dedicated for conservation use.

Schedule: 1999 and ongoing

3. The Conservation Commission will report annually to the Town Council on progress in implementing this open space plan;

update or revise the plan every five years; and update the natural resources inventory as necessary.

Schedule: annual report
2004, 2009 updates

4. The Conservation Commission will work with the Planning Board to review and propose changes to make existing land use regulations more effective in conserving open space, especially those areas shown on the Resource Values Summary Map. This review should explore such techniques as incentives and requirements for cluster and creative design of development, open space set asides or payments to the Land Bank Fund in lieu of set asides, vegetative buffers along rural roads, and conservation overlay zones. (This recommendation is repeated from Objective 3, page 19.)

Schedule: 1999-2000

Freeport Land Bank Fund Provides A Start

Lack of flexibility in negotiating with landowners is a daunting obstacle . . .

facing public and non-profit conservation organizations. Because many communities don't capitalize land acquisition accounts, most conservation commissions in Maine lack sufficient funds for moving rapidly to secure options from landowners impatient to sell their land. Opportunity -- being able to move on important properties as they appear on the market -- is key to success.

Freeport's Land Bank Fund currently contains approximately \$13,000 for land purchase. The Conservation Commission also has approximately \$62,000 in the Hedgehog Mountain Account, which is restricted to purchase and development activities associated with the mountain area. This money is a good start, but it won't go very far toward attaining Freeport's land acquisition goals, given current land values and development pressures. This plan recommends that the Town bond more money to leverage funds and accelerate conservation projects, similar to Falmouth's approach.

Recognizing the need for flexibility and commitment, Falmouth voters recently authorized their Town Council to bond up to \$1 million for land conservation. This initiative, among others, reflects that community's commitment to creating a viable open space system before the most significant properties are subdivided or developed.

Shaping Successful Development & Open Space Patterns Requires Action On Many Fronts

Acquisition and Voluntary Protection are but two key tools needed to shape an open space and development pattern that really conserves what townspeople most value about a community.

Regulation & Education are just as important.

Some pointers from other communities:

Falmouth, Maine. Two central components of Falmouth's open space program work in tandem -- a resource conservation overlay zone encompassing about 50% of the community and a \$1 million bond authorization for land purchase. Development projects in the overlay zone must conserve at least 50% of a property's resource values, using up to five criteria stipulated in the ordinance. Town Planner George Theborge advises that Falmouth will use the bond issue to purchase lands with the highest resource values to show developers that conservation pays by adding value to adjacent developments. Like the Freeport Conservation Commission, he believes that conservation of the most strategic places can make an open space system feel and function much larger than it really is, e.g., conservation of 3 acres of river and roadside buffer in a 21 acre Presumpscot River project.

Amherst, Massachusetts. Amherst has already permanently dedicated more than 26% of its land area to conservation. Using a state program for purchase of farmland development rights, land trust efforts, gifts and donations, and creative development designs, the town has acquired about 140 parcels and a trail network that includes portions of two regional trails. According to Conservation Director Peter Westover, core trails anchor the open space system, even if some segments currently have only temporary protection. Special zoning districts protect another 40% of the town, encompassing wetlands, floodplains, watershed protection lands, aquifers, and farmlands. Subdivisions in farmlands and some watershed protection areas must be laid out as cluster developments; and maximum lot and building coverages are specified in the aquifer zone, e.g. maximum lot coverage for residential land is 15%.

In both communities, land trusts, conservation commissions, planning boards, and town staff all pitch in to raise public awareness about how to conserve and develop land wisely.

Appendix I:

Selected Comprehensive Plan Survey Results

Table I-1: COMPREHENSIVE PLAN SURVEY RESULTS

(Note: 1,102 out of 4,700 surveys were returned, i.e. 23%.)

	Natural Resources	Forested Areas	Agricultural Land	Water & Shore	Other
Natural Qualities Enjoyed Most About Freeport's Town Character	#3 Rank (36% - clean air) #5 Rank (30% - clean water) #7 Rank (20% - wildlife)	#1 Rank (tied) (47% - forested areas)	#4 Rank (33% - pastures) #6 Rank (24% - active farmland)	#1 Rank (tied) (47% - ocean access) #2 Rank (45% - views of ocean and bays)	
Majority Support for Critical Natural Resource Factors That Should Be Used In Deciding Locations For Development	#1 Rank (82% - protection of natural resources) #4 Rank (58% - prot. of comm. marine fish.)	#2 Rank (70% - preservation of forest and agricultural resources)	#2 Rank (70% - preservation of forest and agricultural resources)	(Note - no water/shore category was listed in survey)	#3 Rank (64% - concentration of devel. to preserve open space & scenic areas) #5 Rank (54% - prot. of rural char)
Most Enjoyed Scenic Views and Natural Areas (45% indicated they enjoy particular ones) **** 46-30 votes *** 22-15 ** 9-8 *7-3			• Wolfe's Neck *** • So. Freeprt fields * • Mitchell Ledge *	• Flying Point **** • Wolfe Neck State Park **** • Porter's Landing **** • Winslow Park *** • Little River/Burnett Rd. *** • Mast Landing *** • High View Rd *** • So. Freept. Harbor ** • Harraseeket River **	• Freeport Castle*** • White Mts. View ** (near "Big Indian") • Views from Hedgehog Mt. * • Desert Rd * • Pleasant Hill * • Pine St.* • Pettingill Farm* (historic)
Techniques Town Should Use To Preserve Open Space					• additional incentives for landowners to hold land (65%) • cons. easements (51%) • private donations (39%) • non-profit ownership (34%) • cluster devel. (29%) • town purchase (27%) • private ownership (22%)
Majority Support for Increased Level of Services/Fac. ¹				• ocean access (61%) • boat ramp (55%)	• walking trails (54%)

1. Only services related to open space and recreation are shown. Recycling, school system quality and playgrounds also received majority vote.

Freeport Open Space Plan

Appendix II:
Selected Comprehensive Plan
Goals, Policies, & Strategies

Table II-1: SUMMARY OF COMPREHENSIVE PLAN POLICIES, GOALS, & STRATEGIES RELATED TO OPEN SPACE

Wildlife & Wetls.	Marine Res.	Forests & Farmlands	Water Resources	Historic & Arch.	Scenic & Passive Recreation Areas
<ul style="list-style-type: none"> • Preserve & protect wildlife habitat (p. VII-1) • Reasonably regulate development that may destroy or otherwise damage threatened or endangered plant or animal life (p. VII-1), significant wildlife habitats, and unique natural areas (p. VII-2) • Protect the function and value of significant wetlands and the critical edge around all wetlands • Create a network of sign.wildlife habitats (CC/p. VII-3) 	<ul style="list-style-type: none"> • Open presently closed clam flats and protect the quality of clam flats now open (p. VII-2) • Identify public resources such as aquaculture sites and woodlots which would increase public benefits (CC/p. VII-4) • Review water quality recs in Comp. Harbor and Waterfront Plan (CC/VII-25) 	<ul style="list-style-type: none"> • Preserve & protect forests and farmlands (p. VII-1) • Reasonably regulate development that may destroy or otherwise damage prime farmlands (p. VII-1) • Identify prime farmlands and make recommendations to allow farm uses to continue (CC/VII-3) • Identify public resources such as woodlots and aquaculture sites which would increase public benefits (CC/p. VII-4) 	<ul style="list-style-type: none"> • Preserve & protect streams and shorelines (p. VII-1) • Reasonably regulate development that may destroy or otherwise damage water quality (p. VII-1) • Protect the quantity and quality of aquifers which supply or are likely to supply water resources for public or extensive private supplies (p. VII-1) • Reasonably regulate development that may destroy or otherwise damage sensitive soils and slopes which are subject to slumping, groundwater infiltration, and marine and shellfish resources (p. VII-2) 	<ul style="list-style-type: none"> • Identify and preserve the significant archaeological resources and important historical and architectural structures and areas (VII-11) • Identify buildings and sites at risk and liaise with other town groups to conserve them (VII-11) 	<ul style="list-style-type: none"> • Preserve & protect recreat. oppts & scenic vistas (p. VII-1) • Identify important scenic vistas or views. Purchase easements or title to these areas. Provide access where appropriate. (CC/p. VII-3) • Require, where appropriate, visual, vegetated buffers between roads and houses (VII-9) • Encourage the creation of additional green space and the protection of trees in the VC-1 and VC-2 Districts (P. VII-6); inventory and develop a management plan for green spaces there (VII-10) • Encourage the establishment of trail systems, with adequate public access (CC/VII-15) • Plan for Hedgehog Mtn. (CC/VII-16) • Consider ocean access at Burnett Rd bridge, Cove Rd (done), Porters Landing (done), Dixon Way, & Wolf Neck (VII-16) • Develop pedes. pathway plan (VII-21)

Strategies recommended in the plan:

- update natural resource inventory (VII- 2)
- work with neighboring communities (VII-10)
- maximize property tax relief (VII-8)
- transfer of development rights (VII-8)
- CC - fund and encourage private donations

- to Land Bank (VII-10 & 15)
- use volunteers to build and maintain (VII-15)
- CC - work with landowners re easements donations, & purchase (VII-3 & 15)
- use creative financing techniques
- Recreation Comm. coordination (VII-16)

- CC - use local tax or land management incentives to encourage the permanent preservation of land (p. VII-6).

Note: CC = Conservation Commission (or former Land Bank) is involved

Appendix III: Existing Recreation and Conservation Facilities

Table III-1: CONSERVATION AND RECREATION LANDS

PERMANENTLY DEDICATED OPEN SPACE	Tax Map & Lot Number	Acres	Town	State	Private Non Prof
NATURE & HERITAGE AREAS					
U.S. Route One - Town	26-69	3.2	X		
	26-72	2.01	X		
U.S. Route One - State	26-57	24		X	
Note: DOT land is under FCT easement	26-70	15		X	
	26-73	10		X	
Mast Landing Sanctuary - Maine Audubon Soc.	20-31	52			X
	20-34	2			
	20-35	46			
Tidebrook Cons. Area - Tidebrook C. Trust	20-87	54			X
Pettingill Farm - Freeport Historical Society	20-51	95			X
Wolf Neck Farm - Wolf Neck Foundation	24-37	46			X
	24-42	3.14			X
	24-42A	10			X
	24-55	40			X
	24-60	121			X
	24-65	39			X
	24-78	26			X
Freeport Conservation Trust Properties	19-5	39.5			X
	19-6	12.92			X
	19.34A	4			X
	20-34A	0.22			X
	20-84B	6.8			X
	20-85B	8			X
	23.79A	3.5			X
	24A-28J	1.37			X
	24.57A	4			X
	25-41A	29			X
	26-56	2.25			X
	26-63	60			X
Easements to Freeport Conservation Trust	18 parcels	421		X	X
PARKS					
Winslow Park	25-67	60	X		
Hedgehog Mountain	22-68	104	X		
Town Park/Monument	13-40	0.8	X		
Wolf Neck Woods State Park	24-28B	227		X	
	Total Nature & Heritage Areas	1131			
	Total Parks	392			
	Total Dedicated Open Space	1523			

Table III-1: CONSERVATION AND RECREATION LANDS

OTHER RECREATION FACILITIES	Tax Map & Lot Number	Acres	Town	State	Private Non Prof
BOATING					
Cove Road Wharf	6-31	0.2	X		
Porters Landing boat ramp	23-3	0.61	X		
Town Wharf - see map	Submerged land, end of Main St.	2	X		
Informal Access	4-17	0.29	X		
S. Freeport Marine	2-51, 52-34	2.9			X
Harraseeket Yacht Club	1-5	0.74			X
Strouts Point Marine	2-53	2			X
Mast Landing Canoe Access - F. Conserv. Tru	20-34A	<1			X
COMMERCIAL CAMPGROUNDS					
Desert of Maine	22-8	30			X
Flying Point	19-35	12			X
Recompense Shore - Wolf Neck Foundation	24-61	112			X
Sandy Cedar Haven	17-18B	7			X
SCHOOL FACILITIES					
Freeport High School	11-24	40	X		
Freeport Middle School	12-59	10	X		
Morse Street Elementary School	11-24	2	X		
Mast Landing Elementary School	20-75B	16	X		
former Soule Elementary School	2-85	2.3	X		
Pine Tree Memorial- 7th Day Adventists	22-74	89			X
BALL FIELDS					
Keith Field	21-52	2			X
LL Bean Field	20-98,99,100 (partial)	2			X
Stilphen Field	20-3	2			X
OTHER					
Casco Bay YMCA	25-8	23			X
Freeport Country Club - LL Bean	26-38	30			X
Pownal R. Pond - informal skating	21-97G	5			X

Table III-2: PUBLIC RECREATION & CONSERVATION FACILITIES

	Acres	Softball Fields	Baseball Fields	Basket- ball Courts	Tennis Courts	Multi Purpose Fields	Soccer Fields	Field Hockey Fields	Running Track	Swimming (ft of beach)	Skating (square feet)	Boating Access Sites	Camping Sites	Play- grounds	Picnic Tables (no.)	Trails (miles)	Parking Spaces (no.)
TOWN																	
SCHOOL FACILITIES																	
F. High School - Map 11/Lot 24	40	2	1		3		2	1								1	500
F. Middle School - Map 12/Lot 59	10	1	1	1			1				X						100
Morse Street E.S.- Map 11/Lot 24	2				1									X			100
Mast Landing E.S.-Map 20/Lot 75B	16	1	1	1		1	1		400'			canoe		X	3	1	44?
former Soule E.S.- Map 2/Lot 85	2.3				1												
PARKS/RECREATION AREAS																	
Winslow Park - Map 25/Lot 67	90									900		ramp/pier	100	X	33	3	120
Hedgehog Mtn - Map 22/Lot 68	104																20
Park/Monument- Map 13/Lot 40	0.8																
BOATING																	
Cove Road - Map 6/Lot 31	0.2											wharf					
Porters Landing- Map 23/Lot 3												ramp			3		10
Town Wharf - No Map/Lot#	2											floats					10?
Informal Access- Map 4/Lot 17	0.11											undev.					
NATURE/SCENIC AREAS																	
Rt 1-Map 26/Lot 69	3.2																
Rt 1-Map26/Lot57	24																
Rt 1-Map26/Lot70	15																
Rt 1-Map26/Lot73	10																
Rt 1-Map26/Lot45	2.79																
Rt 1-Map26/Lot72	2																
STATE																	
PARKS/RECREATION AREAS																	
Wolfe's Neck Woods-Map 24/L 28B	244					1 small									60	10	97

Table III-3: PRIVATE OR NON-PROFIT OWNED OUTDOOR RECREATION FACILITIES

	Acres	Softball Fields	Baseball Fields	Basket - ball Courts	Tennis Courts	Multi Purpose Fields	Soccer Fields	Field Hockey Fields	Running Track	Swimming (ft of beach)	Skating (square feet)	Boating Access Sites	Camping Sites	Play- grounds	Picnic Tables (no.)	Trails (miles)	Parking Spaces (no.)
BOATING																	
Coffins Wharf (Comm)	5											8 dock sites					10
S. Freeport Marine	5											82 dock sites					10
Haraseeket Yacht C.												docks					
Strouts Pt Marine	2											90 dock sites					150
BALL FIELDS																	
Keith Field	2	1 informal															
LL Bean Field	2		1 small													X	
Stilphen Field	2	1															
FITNESS																	
Casco Bay YMCA	23								indoor?	pool	17000						
GOLF																	
F. Country Club	30																
NATURE AREAS																	
Mast Landing Sanct.	140															4	
F. Cons. Trust Eastern	326															?	
F. Conserv. Trust	135																
Pettingill Farm - His	135																
Wolfes Neck Farm	95											X	12				
CAMPGROUNDS																	
Desert of Maine	54												88			14	
Flying Point	40									200' beach			78				
Recompense Shore	163			1/2				1					100	2		1	
Sandy Cedar Haven	7			1		1				295'			84				
SCHOOL FACILITIES																	
Pine Tree Memorial	89	1				1	1								8		
SKATING																	
Pownal Rd	5										215						

Appendix IV:
Conservation Commission Ordinance, Chapt. 35

CHAPTER 35 FREEPORT CONSERVATION COMMISSION

Section 35-1 Definitions

As used in this Ordinance, unless the context indicates otherwise, the following terms have the following meanings:

1. Commission. "Commission" means the Conservation Commission established pursuant to Section 35-2.
2. Land Bank Fund. "Land Bank Fund" means the fund for the purchase of municipal land established pursuant to Section 35.7.
3. Hedgehog Mountain Fund. "Hedgehog Mountain Fund" means the fund created by the remaining monies raised for the purchase of the Hedgehog Mountain property and any future income from the operation and maintenance of the Hedgehog Mountain property.
4. Hedgehog Mountain Plan. "Hedgehog Mountain Plan" means the Report of the Hedgehog Mountain Planning Committee as accepted by the Freeport Town Council on March 1, 1994.
5. Hedgehog Mountain Property. "Hedgehog Mountain Property" means the property described in the Hedgehog Mountain Plan and any additions to that parcel that may be from time to time acquired by the Town.

Section 35-2 Commission Established

A Conservation Commission shall be established which shall consist of and be administered by 9 persons appointed by the Freeport Town Council for staggered three-year terms. The members must be legal residents of the municipality and shall serve without compensation. The Commission shall annually elect a Chair, a secretary and a treasurer from among its members and shall adopt reasonable rules for the conduct of its meetings. The decisions of the Commission shall be by majority vote of those present and voting and no business may be transacted without a majority of the members present. The Commission shall keep accurate records of its meetings and actions and shall file an annual report with the Town Manager.

The Commission may also appoint up to five associate members, which associate members may assist in the work of the Commission and participate in its discussions but shall hold no office and have no vote.

Neither a municipal officer nor a member of the Freeport Planning Board may be a member of the Commission.

In the event of a permanent vacancy, the Town Council shall, within 60 days of its occurrence, appoint a person to serve for the unexpired term.

Members and associate members may be removed by the Town Council for cause, after notice and hearing. Excessive absence from regular scheduled meetings shall be considered cause for removal.

Section 35-3 Powers and Duties

The Commission:

1. May purchase and acquire, in its name, on behalf of the municipality, fee simple interests and any lesser interests, including conservation restrictions, development rights or easements, in any real property situated within the borders of the municipality, of the types set forth in Section 35-4, including any improvements on that real property, provided that all purchases or acquisitions are consistent with the Commission's open-space plan;
2. May recommend to the Town Council the acceptance of gifts of any real property interests or of funds to further the purposes of the land bank or the conservation goals of the Commission;
3. May dispose of all or any portion of the real property interests held by it, subject to the Constitution of Maine to the extent applicable and subject to the approval of the Town Council and the Commission;
4. May incur debt, pledging the full faith and credit of the municipality, only after having been authorized to do so by the Town Council;
5. May obtain such professional services as are necessary in order to perform its duties, including development and updating of the Commission's open space plan;
6. May maintain, manage and improve land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land, including planting, pruning and cutting of trees and shrubs to manage and enhance natural systems and constructing nature trails, bird nest boxes and nature identification signs, provided that the expenditure of Land Bank funds for administration, maintenance, management and limited capital improvement of municipally owned conservation lands shall not exceed 10% of the Land Bank Fund without a 2/3 vote of the Commission.
7. May, as delegated to it by the Town Council from time to time, be responsible for the care and superintendence of public parks and other properties as designated by the Town Council and, subject to the approval of the Town Council, direct the expenditure of all monies appropriated for the improvement of the same;
8. May conduct research in conjunction with the Planning Board into local land and water areas;
9. May seek to coordinate the activities of conservation bodies organized for similar purposes.

10. May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary utilizing such funds as may be donated to the Town of Freeport or appropriated by the Town Council for such purposes;
11. Prepare and maintain an index of all open areas, publicly or privately owned, within the Town of Freeport, including marsh lands, swamps and other wetlands for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas.
12. May recommend to the Town Council or Planning Boards or any agency of the State of Maine, a program for better utilization, protection, development or use of such open areas.
13. Shall submit to the Town Council annually a budget for all expenses and projects of the Commission that do not involve the acquisition of property interests or the management of Hedgehog Mountain. Separate budgets for expenditure from the Land Bank and Hedgehog Mountain Funds will be limited to the purposes for which these funds are dedicated. All expenditures authorized by the Commission must be approved by the Town Council through the budgetary process.

Section 35-4 Types of Land which may be acquired:

Land, interests in land and other real property interests to be acquired and held as part of the Commission must be situated within the boundaries of the municipality and may consist of any of the following types of land and interests in land:

1. Ocean, harbor, river, stream, lake or pond frontage and adjoining backlands;
2. Fresh or saltwater marshes, estuaries, flood plains and adjoining uplands;
3. Islands;
4. Land for future active or passive public outdoor recreational use, including hiking trails, bicycle paths, green belts and high elevations with a view;
5. Aquifers, aquifer recharge areas and other ecologically fragile or significant property;
6. Properties with unique historical or geological characteristics or otherwise important to the community's cultural welfare;
7. Woods or forestland suitable for a town forest or usable by deer as a wintering yard;
8. Farmland or wildlife habitat;

9. Open spaces which help to shape the settlement pattern of the community by promoting the village concept and discouraging sprawl; or
10. Vacant parcels of land, vacant buildings and properties or buildings and properties in significant disrepair which may be reclaimed for the purpose of establishing natural areas for open space or park land.

Section 35-5 Maintenance of Real Property

The Commission shall retain any real property interest acquired pursuant to this chapter predominantly in its natural, scenic or open condition, except as otherwise provided in this ordinance. Except upon the approval of the Town Council, and where appropriate, subject to the Constitution of Maine or state law, the Commission shall not allow:

1. Construction or placing of buildings; roads, other than paths for recreational use; signs; billboards; other advertising, utilities or other structures on or above the surface, except in furtherance of the purposes of this ordinance;
2. Dumping or placing of trash, waste or unsightly or offensive material;
3. Removal or destruction of trees, shrubs or other vegetation, except where necessary for management purposes and to enhance natural systems or open-space uses;
4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, except limited grading to enhance the open-space uses of the land;
5. Surface use except for purposes permitting the land or water area to remain predominantly in its natural, scenic or open condition; or to permit the land to continue to support the cultural values for which it was purchased.
6. Activities detrimental to drainage, flood control, water conservation erosion control or soil conservation; or
7. Other acts or uses detrimental to the cultural, natural, scenic or open condition of the land or water areas.

In determining whether or not to approve a request to use, improve or dispose of any real property interest acquired by the Commission in a manner otherwise prohibited by this section, the Town Council and the Commission shall consider whether the request is in the interest of conservation and any national, state, regional or local program in furtherance of conservation; any public, state, regional or local comprehensive land use or developmental plan affecting the land; and any known proposal by a governmental body for use of the land.

Section 35-6 Annual Filing of Plan:

The Commission shall file annually with the Town Manager an open-space, public-access and conservation plan which shall be, as far as possible, consistent with the Town's comprehensive plan and with any regional planning relating to the area. The Commission may, from time to time, amend the plan. The Commission shall actively seek comments from the Planning Board, Town Council and the general public at a public hearing before adopting a plan or revisions to a plan. The plan must show all real property interests then currently held by the Commission, including a description of the use of those interests and all acquisitions, improvements or dispositions of all real property interests held by the Commission at any time during the year preceding each filing, including the reason for that acquisition, improvement or disposition. The plan shall also delineate all potential open space being considered for purchase and shall establish policies and priorities for these purchases.

Section 35-7 Land Bank Fund

The Commission shall meet its financial obligations for purchasing property interests on behalf of the Town by drawing upon a municipal land bank fund to be set up as a separate account within the Town. Deposits into the fund shall include:

1. Funds appropriated to be deposited into the fund by vote of the Town Council;
2. Voluntary contributions of money or other liquid assets to the fund;
3. Interest from deposits and investments; and
4. Proceeds from disposal of real property interests.

All expenses lawfully incurred in carrying out this ordinance must be evidenced by proper vouchers and shall be paid by the Town only upon submission of warrants duly approved by the Commission. The Town shall prudently invest available assets of the fund and all income from any investment shall accrue to the fund.

The Commission shall keep a full and accurate account of its actions, including a record as to when, from and to whom and on what account money has been paid or received relative to this ordinance, and as to when, from or to whom and for what consideration of real property interests have been acquired, improved or disposed of. These records and accounts shall be subject to examination by the Town Council.

Section 35-8 Management of the Hedgehog Mountain Property

The Commission shall manage the operation and maintenance of the Hedgehog Mountain property consistent with the Hedgehog Mountain Plan.

The Commission shall review the Hedgehog Mountain Plan at least every five years and recommend changes necessary for the proper management and operation of the Hedgehog Mountain Property. All proposed changes to the Hedgehog Mountain Plan must be approved

by a two-thirds majority vote of the full Commission before being presented to the Freeport Town Council which will take action on such proposals only after public hearing.

The Commission shall annually, on a date set by the Freeport Town Council, submit a budget for the management and operation of the Hedgehog Mountain property to the Council for approval. The approved budget shall be funded by the Hedgehog Mountain Fund. The budget shall be implemented by the Commission without further approvals by the Freeport Town Council, except that any proposed expenditure for non-budgeted items or items exceeding budgeted expenses must be pre-approved by the Freeport Town Council. To the greatest extent possible, the budget for the operation and maintenance of the Hedgehog Mountain property shall be limited in amount to the annual income produced by the Hedgehog Mountain Fund. All income from the management and operation of the Hedgehog Mountain property shall be deposited in the Hedgehog Mountain Fund which shall be segregated from any other Commission fund. Expenditures from this fund shall not be subject to any of the restrictions set forth in Section 35-3. An accounting of the Hedgehog Mountain Fund shall be submitted to the Town Council annually and shall accompany the budget.