



TOWN OF FREEPORT, MAINE  
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**TO: FREEPORT PLANNING BOARD**  
**FROM: CAROLINE PELLETIER, TOWN PLANNER**  
**RE: STAFF REPORT**  
**DATE: WEDNESDAY, OCTOBER 7, 2020**

ITEM III: Zoning Ordinance Amendment – Village Commercial I (VC-I) and Definitions **PUBLIC HEARING**

The applicant is proposing an amendment to Section 413 Village Commercial I (VC-I) of the Town of Freeport Zoning Ordinance. The change would change the word “masonry” to “non-combustible” and “non-masonry” to “combustible” with regards to measuring setbacks (Section 413.C.5). A new definition of non-combustible will also be added to Section 104 Definitions. *Applicant: Jim Cram, Freeport Historical Society, 45 Main Street (Tax Assessor Map 11, Lots 26, 26A & 29).*

Background: This is an applicant driven agenda item for a text amendment to Section 413 Village Commercial I (VC-I) of the Town of Freeport Zoning Ordinance. The change would change the word “masonry” to “non-combustible” and “non-masonry” to “combustible” with regards to measuring setbacks (Section 413.C.5). A new definition of “non-combustible construction” is also proposed to be added to Section 104 Definitions.

From a review of the municipal record and old Zoning Ordinances, in 1982, the side and rear setback requirement in the Village Commercial District read as follows: “None, if fire rated per Building Code; 15 feet if not rated”

Sometime between 1982-1984, the standard was amended to read as it is today: “4. “Minimum setback side and rear: None, if masonry construction is used and roof does not pitch in that direction. Five (5) feet if masonry construction is used and roof pitches in that direction. Fifteen (15) feet for non-masonry construction or wall of ingress or egress in them.” In the public record from when the change went before the Planning Board and Council, there was no discussion as to why the change was made.

The proposed definition includes a reference so that non-combustible construction would include the use of any materials that meet that definition per the Maine Uniform Building and Energy Code (MUBEC).

It is important to keep in mind that any recommendation that the Planning Board makes to the Town Council for a Zoning Ordinance amendment must be found to be in harmony with the Freeport Comprehensive Plan. The Vision of the 2011 Freeport Comprehensive Plan is attached. The link to the entire Comprehensive Plan is here <https://www.freeportmaine.com/planning/pages/comprehensive-plan>

Process: The Board had a discussion on the item at the July 1, 2020 Planning Board meeting. A public hearing was scheduled and advertised for the August 5, 2020 meeting, however that meeting was postponed due to a power outage. A public hearing is scheduled for this meeting. Notice was circulated to abutters and as required per the Planning Board’s notification policy. Legal ads ran in the Times Record on 8/21/20 and

8/24/20.

**Proposed Motion:** Be it ordered that the Freeport Planning Board recommend that the Freeport Town Council adopt proposed amendments to Section 413 of the Freeport Zoning Ordinance and Section 104 of the Freeport Zoning Ordinance, to incorporate the use and definitions for combustible and non-combustible materials in regard to setbacks, in that the Board finds that the proposal is consistent with the 2011 Town of Freeport Comprehensive Plan in that \_\_\_\_\_

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**2011 Freeport**  
**Comprehensive Plan**

**The Vision**

The Vision outlines the direction that the town wants to move in. While many ideas are included in this Plan they are not specific recommendations and, by no means should those ideas be considered the only way to achieve the Vision. In determining if an idea or proposal is consistent with the Plan, it is the Vision that should be kept in mind.

It is very likely that a new idea or situation will come up that is not consistent with the Vision of this Plan. If the idea is found to be a good one, then the Plan should be amended. This Vision is not static, but instead it is fluid and should be updated to meet changing needs and circumstances. It is also the document that the Planning Board uses as a guide to their decision making.

It is rarely the path of least resistance that creates a desirable change, but instead it is the difficult decisions and compromises that make a community a great place. The results of the Community Attitude Survey indicated that the Town's residents strongly identify with Freeport's "small town feel". Intelligent growth and development can benefit Freeport if they are managed in a manner consistent with this "small town" feel. This vision should be preserved, but not to the exclusion of all development.

The Vision for the future is:

That Freeport would continue to be a desirable place to live by:

- allowing a variety of neighborhoods and housing types, at a variety of prices,
- protecting natural and historic resources,
- ensuring that workers in Freeport can afford to live in Freeport,
- maintaining large tracts of undeveloped fields and forests, and providing opportunities to enjoy these places,
- having a recognizable transition from built-up village areas to rural areas,
- preserving and enhancing waterfront resources,
- encouraging the expansion of the creative arts,
- replicating the traditional pattern of New England village neighborhoods, and traditional architectural designs while also allowing new development patterns and contemporary design
- maintaining and improving the walk ability and bike ability of the town's neighborhoods so as to encourage community health and safety

That Freeport would be responsible stewards of the environment by:

- providing incentive to develop land in ways that don't harm the environment
- ensuring an adequate supply of potable drinking water
- protecting environmentally sensitive areas
- continuing to improve air and water quality

That Freeport's economy would remain strong and stable by:

- providing a diversity of commercial enterprises that provides a wide variety of jobs consistent with the community's character
- providing a diversity of goods and services that attracts visitors and sustains residents, again consistent with the community's character
- promoting Freeport as a destination to visitors
- providing flexible regulations that allow creative site and building designs so as to minimize negative environmental impacts, improve traffic circulation and traffic safety, and reduce our dependence on non-renewable energy resources
- protecting and expanding local food production, both on land and in the sea

That Freeport's energy needs would be met by:

- reducing energy consumption through efficient land use and building use, efficient building design, non-car transportation opportunities, and clean waste management
- increasing the use of renewable energy resources
- organizing energy conservation including all residents

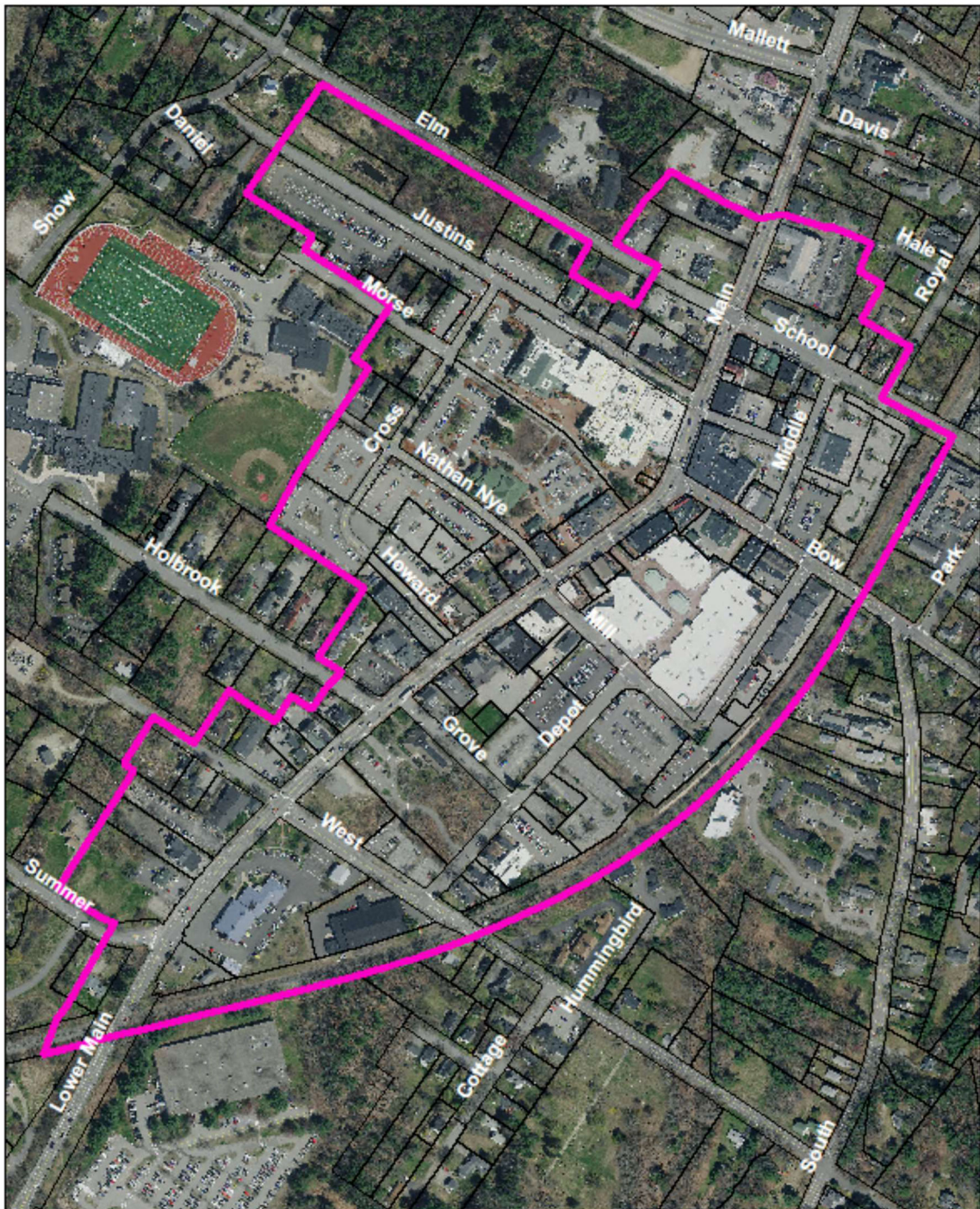
That Freeport's transportation needs would be met by:

- maintaining the existing system of roads, expanding only when necessary
- promoting a variety of alternatives to the automobile, including walking, biking, rail, buses and trains
- improving the flow of traffic both vehicular and pedestrian in the village to reduce congestion

That Freeport's tax base would best accommodate growth by:

- using infrastructure and services to plan for growth, rather than simply to react to growth pressures. Infrastructure means roads, water and sewer lines, power lines, etc. Services means schools, libraries, firehouses, and other public investments

**Village Commercial I (VC-I)**  
**Boundaries noted with the pink outline**





Note: Proposed new text is underlined, proposed text to be omitted is struck through

**PROPOSED AMENDMENTS  
TOWN OF FREEPORT ZONING ORDINANCE**

**Section 104. Definitions**

**Noncombustible construction:** The construction type of the building or structure as classified by the Maine Uniform Building and Energy Code (MUBEC).

**Section 413. Village Commercial “VC-I”**

**A. Purpose:**

It is the intent of this District to concentrate commercial activity within the Village Center:

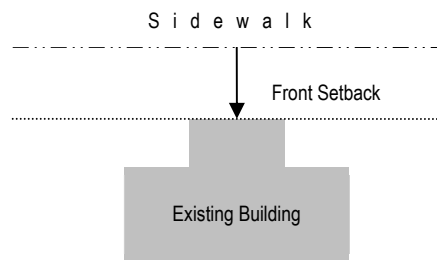
**B. Permitted Uses subject to site review regardless of size:**

1. Retail Trade
2. Commercial Recreation, Indoor
3. Business and Professional Offices
4. Arts Center – Indoor and/or Outdoor with or without permanent structures
5. Municipal Facility
6. Private Assembly
7. Public Assembly - Indoor
8. Public Utilities
9. Public or Private School
10. Commercial School
11. Outdoor Recreation School
12. Religious Institution
13. Peddler on Private Property subject to the requirements of Section 526
14. One or two dwelling units on other than the first floor
15. Multiple Family Dwelling
16. Restaurant
17. Restaurant - Carry-Out
18. Visitors’ Center
19. Manufacturing accessory to or associated with a retail trade located in this District
20. Bed and Breakfast Inn
21. Day Care Center Facilities
22. Convenience Store
23. Parking lots to serve A & B buildings, as defined in the Freeport Design Review Ordinance in the VC-II District, which meet the requirements of Section 413.D.2.
24. Personal Services
25. Parking Structure subject to the standards of Sec. 413.D.7 below
26. Inn – not over 25 rooms and shall be at least two stories high
27. Parking area for open space *{Amended, Effective 12/02/14}*
28. Artisan Food and Beverage *{Effective 12/17/14}*
29. Community Centers and Services *{Amended, Effective 12/18/18}*

C. Space Standards:

- |  |            |
|--|------------|
| 1. Minimum lot size:   | 8,000 s.f. |
| 2. Minimum road frontage:  | None       |
| 3. Maximum building height:  | 35 feet    |
| 4. Minimum setback/front:  |            |
| a. Where a sidewalk exists:  |            |
| i. New Structures  |            |
| - 10 feet from the property line if roof pitches toward the sidewalk;  |            |
| - 5 feet from the property line if roof pitches away from the sidewalk;  |            |
| ii. Additions to existing structures: the distance between the closest point of the existing building and the edge of the sidewalk closest to the building. In no instance shall the addition encroach into the public right-of-way; |            |

Example:



- b. Where no sidewalk exists: 15 feet from property line;
- c. Landscaping or other amenities such as planters, benches or expanded sidewalk shall be required within the front setback.

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|--|------------|
| 5. Minimum setback side and rear: None if <u>masonry-non-combustible</u> construction is used and roof does not pitch in that direction. Five (5) feet if <u>masonry-non-combustible</u> construction is used and roof pitches in that direction. Fifteen (15) feet for <u>non-masonry-combustible</u> construction or walls with points of ingress or egress in them. |            |
| 6. Minimum land area per dwelling unit:  | 2,000 s.f. |
| 7. Maximum impervious surface to lot area ratio  | 90%        |

D. Other Standards: {Amended, Effective 12/18/18}

- 1. Parking in the VC-I District is further subject to the provisions of Section 514 as applicable of this Ordinance.
- 2. A Buffer Zone as required by Article V, Section 506 shall be at least 20 feet in depth, and shall be required whenever new construction or renovation requiring a building permit is applied for. Where existing structures are within the 20-foot area, no further encroachment shall be permitted.
- 3. Peddler trucks are prohibited.
- 4. Parking structures shall meet the following design standards:
  - a. Active uses such as retail, display windows, or other Permitted Uses shall be incorporated into a parking structure. At least 50% of the total pedestrian-level frontage facing streets or

other pedestrian areas shall incorporate retail, display windows, or other Permitted Uses. For the purposes of this section, pedestrian areas shall mean existing or proposed sidewalks, walkways, or plazas. The required frontage incorporating retail, display windows or other Permitted Uses may be included in another structure that is physically separate from the parking structure provided that such other structure is separated by no more than 10 feet from the parking structure. If the space between such separate structures abuts a public street, other pedestrian area or parking lot, such space shall be integrated into the building design as a sidewalk or it shall be concealed from view from such street, pedestrian area or parking lot in a manner consistent with this Ordinance. Neither vehicular access to parking structures nor the parking portion of the structure shall be permitted on the street level of Main and Bow Streets. Upper levels of parking structures on these streets shall be designed to be compatible with the street level structure.

- b. The retail, display windows or other Permitted Uses meeting the 50% frontage requirement described above may be allocated across different elevations of the structure in any manner, provided that the result of such allocations in conjunction with other adjacent uses is not to cause any street upon which the parking structure has frontage to be significantly lacking in pedestrian destinations with the result that the street is inconsistent with the character of the District.
- c. The parking space dimension and aisle width of Section 514 of this Ordinance may be reduced to maximize the efficiency of the parking structure provided the safety of the structure is not reduced.
- d. Parking structures may exceed the maximum impervious surface to lot area requirement; provided the required pervious land area is met on another property in the VC-1, VC-2, or VC-4 Districts provided a permanent agreement is documented publicly in a format approved by the Town Attorney.
- e. At least 75% of the street level of the parking structure that does not include retail, display windows or other Permitted Uses shall be screened with landscaping, art work, plants that grow on vines, or other material that softens the appearance of the parking structure. The 75% does not include entrances and exits or commercial uses. Street trees shall be provided at 1 tree for every 30' feet of parking garage clearly visible from a public street or a parking lot. If the Project Review Board determines that street trees are not appropriate in the sidewalk along the parking structure, the standard may be met at another location in the VC-1 District or at the village gateways at exit 20 and/or 21 provided a permanent agreement is documented publicly in a format approved by the Town Attorney.
- f. The façade of the parking structure along the street or sides of the structure that are clearly visible from a road, other pedestrian area or parking lot shall consist of materials found on nearby buildings such as brick, stone, or wood-like material; or shall have a functional use such as a climbing wall.
- g. The façade of the structure along sides other than those described in paragraph f. above shall be treated to soften the stark appearance of concrete, for example red sand mixed with the concrete provides a brick-like color and texture to the minimally visible walls.
- h. On the side of the structure facing the street or sides of the structure that are clearly visible from a road, other pedestrian area or parking lot, the façade shall have vertical elements that cover support columns and shall be done in such a way to mimic window openings similar to nearby buildings, while providing proper ventilation, such as grill work, window boxes or other types of adornment that soften the look of the structure. The sides of the structure along other buildings shall maximize the openings between floors to improve ventilation.
- i. Pedestrian access is required on all sides of a parking structure that run along a public



- street, sidewalk, other pedestrian area or parking lot and shall be clearly marked.
- j. At no point shall a parking structure exceed 40 feet in height.
- k. A plan for providing security to parking structures is required. This plan shall include provisions for interior lighting and provisions for protecting the public such as but not limited to: surveillance cameras, regular patrol, etc.
- l. The Project Review Board may allow minor reductions to any of the standards listed above if strict compliance with the standard would result in the need for a mechanically ventilated parking structure. The Board may only allow a reduction up to the point where the standards of an open parking structure are in accordance with the current building code being enforced by the Town of Freeport. *{Amended, Effective 10/03/17}*

**ITEM IV: Discussion – Desert Road and Old County Road Zoning Change**

This will be an initial discussion on a request to change the Industrial II (I-II) District to allow for a mix of commercial and residential uses and to possibly also change a portion of the Rural Residential I (RR-I) District near Old County Road to allow for higher density single family and multiple family dwellings. Subject properties include Tax Assessor Map 22, Lot 25 & Tax Assessor Map 26, Lot 38. *Applicant: KV Enterprises LLC – Kendrick Ballantyne; LL Bean, Inc, owner; Kylie Mason, Sebago Technics, representative.*

**Background:** This will be the applicant’s initial meeting with the Board to discuss a possible amendments to the Freeport Zoning Ordinance to change the Industrial II (I-II) District to allow for a mix of commercial and residential uses and to possibly also change a portion of the Rural Residential I (RR-I) District near Old County Road to allow for higher density single family and multiple family dwellings. If this application moves forward, it is likely that amendments to the Freeport Subdivision Ordinance would also be proposed.

Ultimately, for any Zoning Ordinance amendment to be recommended by the Planning Board, the Board would need to find that a proposal is in harmony with the Comprehensive Plan. In addition to considering the Vision (included on pages 3-4 of this staff report), the Board should also consider some of the strategies identified for achieving this vision. For this initial discussion, it may be helpful for the Board to review “10. Current Land Use Patterns and Future Land Use Plan – Village and Rural Housing and Commercial Growth”, of the current Comprehensive Plan. That section and the associated map, follow below:

**“10. Current Land Use Patterns and Future Land Use Plan – Village and Rural Housing and Commercial Growth**

**State Goals**

The Maine Growth Management Act states that communities must work *To encourage orderly growth and development in appropriate areas of each community and region, while protecting the State’s rural character, making efficient use of public services and preventing development sprawl. And To encourage and promote affordable decent housing opportunities for all residents*

Freeport's existing land use pattern is diverse. There is a densely developed commercial center attracting over 3.5 million shoppers a year; residences stand along existing roadways and new housing developments have been built on private roads in the rural parts of town. Finally, there are important historic villages.

**Residential**

Residential stock continues to be mostly single-family houses spread throughout the rural areas. New single-family development hit its peak in 2004, when 60 permits were issued, and its low in fiscal year 2009 with 17 new houses (see Table 12 –FDFTM). The average is 42 new single-family houses each year, since 1991. In the same period approximately 5 new multi-family units were built annually.

## **Rural Areas**

Rural areas typically include active agricultural and forest land, large tracts of undeveloped land for wildlife and outdoor recreation, environmentally sensitive areas, scenic vistas, and low density residential development. In Freeport, low density housing developments and lots along roads and in backland is becoming the predominant use in the rural areas. Over time the rural areas have been morphing into suburban areas.

As history, the 1959 Comprehensive Plan addressed the problems created by too much commercial, industrial, and residential uses in the Village. That Plan recommended that these problems could be alleviated by encouraging development on the outskirts of the Village where land was plentiful. By 1974 the Comprehensive Plan sought to counteract the increased development along rural roads because it was diminishing the strength of neighborhoods. In response to that Plan, the first Zoning Ordinance was adopted in 1976. The Rural Residential Districts 1 & 2 were created in the “most open and rural area in town”. A minimum lot size of 2.5 acres was established, it continues to be the standard for those districts.

The Plan developed in 1981 also identified rural development along roads as not being in the “best interests” of Freeport. The reasons stated were that housing conflicts with the open and rural nature of Freeport, that safety could become an issue that this dispersed form of development was likely to become more costly to provide services to, and it questioned whether the soil had the ability to handle all of the new development. Plans in 1985 and 1994 continued to discuss the same issues regarding development in rural areas. Yet in the past decade, 2000 – 2009, another 390 new single family houses were built, 22 of which were built in growth areas. For the past 25 years, Comprehensive Planning has attempted to slow down the growth in rural areas yet the growth continues.

The 1994 Comprehensive Plan set the goal that 50% of all new residential growth should be in growth areas. Between 1992 and 2001, 7% of all new units were in designated growth areas; by 2008 that number has increased to 18% (zoning amendments since 2005 have increased the density in the Village, (see Table 13 –FDFTM) Housing growth, in general, has dropped dramatically. It is still too early to tell if this is a shift in our development pattern or whether it is the result of a couple of fairly large projects in the growth areas coupled with the sharp decline in the economy.

If we have incentives to build in growth areas, should there be corresponding disincentives from building in rural areas? Would that, in fact, provide balance in growth? One method to limit the number of new houses in rural areas is to cap the number of building permits issued each year in those areas.

Currently the predominant means of preserving open spaces in rural areas was to purchase land through the efforts of the Freeport Conservation Trust and the Freeport Conservation Commission (see Table 21 in Freeport Data, Facts, Trends, and Maps for more details). This is an effective tool and has preserved hundreds of acres around town; however, it requires constant funding to be effective. The Open Space Subdivision Ordinance adopted in 2002 has also been effective at preserving a significant amount of open space (see Table 22 –FDFTM). That Ordinance requires that open space be preserved in every new development in return for smaller lots. The open space preserved in the various subdivisions serves a variety of functions such as providing buffers against neighboring uses, preserving large blocks of undisturbed land for wildlife, protecting managed woodlots, and providing outdoor recreation. In some cases, the open space is fragmented, in other cases the open space is a large undisturbed block of land. The large undisturbed tracts of land tend to be better for preserving wildlife while the smaller pieces tend to function more as buffers against neighboring properties or protect a small but important natural resource.

Rural residential development is either in an approved subdivision or on land that is not in a subdivision. In Freeport, the proportion of new single-family houses being built in subdivisions has increased from 22% in 1990

to 28% in 2008. (see FDFTM page 9) The balance of new houses in rural areas are built on lots that are not part of a subdivision.

Lots in approved subdivisions are typically clustered closer together so that larger tracts of open space can be protected. They are also subject to extensive environmental review. Additionally, subdivisions are required to calculate their “net residential density”. To do that, environmentally sensitive areas and roads are deducted from the gross land area. The resulting acreage is the “net acreage”. The number of lots is determined by dividing the minimum lot size by the “net acreage”. This is done to appropriately size the development based on the land’s capacity to sustain the development. On average, about 25% of a parcel of land can be expected to be lost as a result of the net residential acreage calculation. Lots that are created outside of an approved subdivision are not subject to the net residential acreage calculation, yet the minimum lot size of 2.5 acres/lot is the same for either type of lot.

Subdivisions are also limited to a dead-end road of 2,500’, and can have no more than 15 lots if the road is a dead-end. Developers routinely request waivers from these provisions. The purpose of the limitation on the length of a dead-end road and the number of lots on that road is unknown.

It could be considered that lots outside of subdivisions are given a bonus in a number of ways. Environmental review is avoided and the number of lots is greater. Lots that are not in subdivisions though can only be created at a rate of one every five years. In the Village, lots that are outside of an approved subdivision have a larger minimum lot size than those in a subdivision. There are methods that can provide some balance between the two types of lots. For example, a larger minimum lot size for lots outside of subdivisions is one way and would be consistent with the practice in the Village. Another is to analyze the road length requirement and net residential acreage requirements to look for ways to provide more equity between the types of lots.

#### **IMPLEMENTATION IDEAS**

1. Consider equitably limiting the number of building permits in rural areas. (Planning Board) *medium priority*
2. Consider reviewing the need and effectiveness of the dead end road length limitation and the limitation of the number of houses on a dead-end street. (Planning Board/Project Review Board) *low priority*
3. Consider increasing the minimum lot size for lots not in a subdivision. (Planning Board) *low priority*

#### **Mixed Use and Growth Areas**

The ultimate “concentrated” development model is mixed use development. Mixed use development allows residential and commercial development to exist on the same parcel, adjacent to each other, or in the same building. The best examples of mixed use development can be found in any New England village; with houses, businesses, and factories all close by. In this case, the past is our best model. Zoning separated these uses. In retrospect, it may have separated them too much.

Mixed use areas were desirable places to live. They can, once again, be desirable places to live as long as open spaces are intertwined with developed areas, goods and services are within walking distance, and safe and well maintained facilities for bicyclists and pedestrians are provided. Creating places for people to live, work, and play provides opportunities to reduce gasoline consumption, to reduce traffic congestion, to improve air quality, and to provide a mix of housing units in size and price. Mixed use areas should be in areas serviced by public water and sewer, or at least in areas that require minimal extensions to those utilities. In 2007, the first mixed use districts were approved.

In Freeport, the growth areas are the Medium Density Districts along Route One North, the Village 1, Village Commercial Districts, the Village Mixed Use Districts, and the Commercial 1 and 3 Districts. Since 2005, the

allowable densities in those districts (with the exception of the Medium Density districts) have been increased while the size of the Districts remains the same. All of the Districts allow a wide variety of housing types and commercial uses. All of these areas are serviced by public water and sewer.

In 2008, the allowable residential density was increased in the Route One South area. This area could be a “receiving” area for a transfer of development rights (TDR) program (see recommendation for developing such a program in the Open Space and Recreation section of this Plan). The program works like this; development rights that are preserved in rural areas (the sending area) are traded for higher development in the Route One South corridor (the receiving area). This would provide another option for housing growth and simultaneously preserves rural areas. The TDR program will provide additional incentives to preserve types of rural land, active farmland, woodlots, or open spaces.

Freeport currently has a “Retirement Community Overlay District”. Any parcel over 30 acres having access to public water and sewer is eligible for this designation, no matter where it is in town. During the course of the review of these projects, it was suggested that these types of developments should only be allowed in certain districts, ideally those near other development. One “retirement community” has been approved. Another is proposed as of the end of 2009. These “communities” provide a variety of housing types, sizes, and prices, and varying levels of services. A zoning amendment is required for a retirement community.

Allowing higher density also has an impact on the town’s tax base. The average assessed value of a single-family home is close to \$48,000 per acre. Most of these homes are on lots 2.5 acres or larger. The assessed value per acre of a condominium complex is \$538,500 (see Table 14 –FDFTM)

#### **IMPLEMENTATION IDEAS**

1. Consider evaluating discharge rates at the sewage treatment plant and review plant upgrades prior to expanding any new growth areas. (Planning Board/Sewer District) *high priority*
2. Consider allowing lots with more than one residential structure to create non-conforming lots provided both buildings were in existence prior to January 1976 and both buildings were used for residential purposes in 1976. (Planning Board/Board of Appeals) *low priority*
3. Consider reviewing the appropriateness and effectiveness of Overlay District standards. (Planning Board) *medium priority*

#### **Transition Areas**

Traditional land use patterns have the densest development in the center and then rings of lesser density as one moves out. In some cases, Freeport’s densest areas for residential and/or commercial development abut rural, commercial, and industrial areas. “Transition” areas, or medium-density areas, provide a buffer between the built-up environment and the rural areas. In Freeport, the proposed rural, growth, and transition map shows areas that could become medium-density zoning districts. It is important to note that the areas shown on the map are not intended to show exact lines of demarcation, but merely to show areas that could provide buffers. Such buffers could provide for more growth but at a lesser density than is allowed in the Freeport and South Freeport Villages.

The Medium Density Districts that exist in Freeport today are typical transition zones. The allowable densities are not as high as growth area, but higher than rural areas. They also allow some business activities. The current minimum lot size in the mixed use districts is 50,000 square feet per lot. That size lot is not dependent on connection to the public water and sewer system. It may be preferable to connect to these public systems, but new areas should not be required to connect to the public systems unless the sewage treatment plant has the capacity to handle the new flow without detriment to the water quality in the Harraseeket River.

To maintain rural areas in Freeport, at least sixty percent of all new residential growth should be in growth or transition areas. In addition, at least ten percent of all new units should meet the local definition of affordable. This will not be accomplished by one tool, but by many.

#### **IMPLEMENTATION IDEA**

1. Consider developing “transition zones” between growth areas and rural areas. The transition zones could allow higher density than what is currently allowed while avoiding sensitive area identified by the Beginning with Habitat program. (Planning Board) *medium priority*

#### **Affordable Housing**

Affordable housing means that housing does not require any more than 30% of a household’s income. Given the median home price in Freeport, a household whose income is approximately 150% of the median income (in 2008, the median household income in Freeport was \$61,958) will have a difficult time finding a house that is affordable for them. Homeownership is typically not possible for households earning between 70% and 120% of median income. Households below 70% of median income will typically have difficulty finding rental housing that is affordable. Those below 60% of median income typically rely on a subsidy for their rental housing. In 2008, only 27% of Freeport families would be able to buy a median priced house (\$293,000) (see Table 5 – FDFTM) ) A majority of homeowners in Freeport could not afford to buy their homes at today’s prices.

The affordability of housing in a community or region is based on an index. The index measures the difference between the median price of housing and the housing price that a family with a median income can afford. An index of 1 means that there are adequate housing options available for a family with a median income can afford. An index less than one means there are fewer options and the options decrease the lower the index gets. In 2008, the affordability index for Freeport was .66, while the statewide the index is .79. (see Table 6 –FDFTM

The economic downturn of 2008 has created both challenges and opportunities for housing. Home prices have dropped, a federal tax credit for first-time home buyers is in place, and very low interest rates have created excellent opportunities for home buyers, in particular for those who currently rent. Securing financing however has become extremely difficult, except for those with excellent credit ratings. Job security is low, and energy prices are high and unstable.

A goal of the State's Comprehensive Planning Program is to encourage at least 10 percent of all new housing created over the next ten years to consist of affordable units. The current socioeconomic mix of the town would indicate that in Freeport a goal higher than 10% is necessary to achieve an affordability index of one. Using the housing projections, this goal would translate into the creation of 63 affordable housing units during the next ten years. If this affordable housing was to be allocated among very low, low, and moderate income households in proportion to the region’s household distribution, then 34 of the 63 new affordable housing units would be affordable to moderate income families, 15 would be affordable to low income families, and 14 would be affordable to very low income families.

To reach an affordability index of one, the town will have to play an active role. Higher densities have been approved in the Village and that is an important and bold step. But higher densities alone won’t create housing that is “affordable”. The town will have to develop mechanisms to raise money to subsidize the cost of housing. The funds can be used to maintain the existing housing stock, or to create new housing. Provisions to avoid the creation of a “windfall” for the first owner to ensure the long-term affordability are necessary.

#### **IMPLEMENTATION IDEAS**

1. Consider creating housing for low and moderate income families (family income up to \$71,000), younger families, and those 55 years of age and older. For example, by requiring developers to build at least 10% of the units in a housing development at certain price point, or charge a fee in lieu of providing the units. (Planning Board/Freeport Housing Trust/Habitat for Humanity) *high priority*
2. Consider allowing incentives for creating a diverse housing stock. For example, by allowing a density bonus if the house size is limited. (Planning Board/Freeport Housing Trust) *high priority*
3. Consider offering tax acquired property for affordable housing providing back taxes are paid. (Town Council) *ongoing*
4. Consider allowing an accessory apartment to be up to 40% of the living area of an existing home (remove the upper limit of 800s.f.). (Planning Board) *high priority*
5. Consider allowing existing buildings in the V-1, VC-3 and VMU districts to be converted to as many units as is practical if connected to public water and sewer, and if parking and impervious surface requirements can be met. (Planning Board) *low priority*
6. Consider partnering with the Freeport Housing Trust to find grant and subsidy programs and to administer the affordable units and/or funds generated. (Freeport Housing Trust/Town Council) *ongoing*
7. Consider striving to achieve a housing affordability index of one. *high priority*

### **Commercial Areas**

Commercial development over the last two decades has been a combination of new development and re-development of existing buildings. Freeport Village is largely retail and office, while Route One South provides hospitality uses and a variety of light manufacturing and specialty businesses. The Industrial 2 District and the Commercial 4 District on the west side of Interstate 295 are home to LLBean's catalog operations, and includes a significant amount of space that could be developed for a variety of commercial and light industrial type of uses. The local business district on the west side of the interstate has had minimal development over the last two decades.

In 2001, Vision 2010 was developed as a plan to reinvigorate the village retail core and to expand the commercial base in ways that would encourage visitors to stay in Freeport, rather than just stopping along the way to another place. Many positive changes, such as a parking garage and new retail space, further expansion of the LLBean campus, and expansion of the arts have resulted from that plan. One of Freeport Village's great advantages is its physical charm and distinct identity, things rarely found in other retail outlet centers. Maintaining that charm, ensuring diversity of businesses while providing sufficient opportunities for local businesses as well as nationally recognized businesses to thrive, and fostering businesses that serve residents as well as tourists is a way to sustain and reinforce Freeport's sense of place.

Changes to the Route One South corridor have increased the allowable density for both residential and commercial uses if access points are limited along U.S. Route One. The Comprehensive Traffic Study completed in 2004 recommended using access management techniques similar to those adopted by the Maine Department of Transportation to maintain the free flow of traffic in the area. Limiting access may mean limiting the number of driveways, maintaining a certain distance between driveways, and limiting the width of driveways. It may also mean adding signals, turning lanes, medians, and frontage roads. These types of techniques will allow the corridor to continue to grow while still maintaining the existing two lane road. Another important factor in maintaining a free flow of traffic, while allowing for growth is to limit or prohibit uses that generate high volumes of traffic such as "big box" retail development.



Avoiding environmentally sensitive areas is another concern when considering development. Recent changes in the Route One South corridor allow for more flexible setback requirements if sensitive areas can be avoided. That technique is particularly effective when adjacent properties have commercial uses.

Those buildings that are along the Route One corridor should be built to a higher architectural standard while buildings that aren't visible could be plainer buildings, and would allow for more diversity in the commercial base and a wider variety of jobs.

There continues to be ample land and buildings available to grow the commercial sector of the Freeport within the existing Districts. Instead of expanding the areas where commercial activity is allowed, adjusting rules and standards within the existing districts is proposed to keep up with our changing economy.

#### **IMPLEMENTATION IDEAS**

1. Consider assessing allowable uses and building heights in the Industrial 2 District (Desert Road). (Planning Board) *medium priority*
2. Consider finding appropriate locations for metal buildings, especially in Districts that allow light manufacturing. (Planning Board) *low priority*
3. Consider limiting the size of retail stores in some Districts. (Planning Board) *medium priority*
4. Consider developing more flexible regulations for commercial buildings provided that architectural and environmental standards are met and that access to the collector road is limited. (Planning Board) *medium priority*
5. Continue maintaining the consistency between town building codes and state building codes. (Codes Enforcement Officer) *ongoing*
6. Consider developing ideas that promote both local businesses and other businesses in different parts of Freeport. Such as, by identifying appropriate locations for formula restaurants, by evaluating parking and sign requirements to ensure that they are friendly to local businesses, developing a wayfinding system that informs residents and visitors of where local businesses are, and/or developing a "buy local" program. *medium priority*
7. Consider mechanisms for extending water, sewer, gas, and 3 phase electrical utilities on Route One North. (FEDC) *high priority*
8. Consider a design review district or design standards for Route One North (Planning Board) *low priority*

Proposed Future Land Use Map  
Freeport Rural and Growth Areas

Note:  
Red lined areas are proposed  
Village Commercial Growth Areas.

Blue lined areas are the approximate  
locations of proposed transition areas.

