



ZONING AMENDMENTS - ITEMS:

- # 33-19-CAR WASH
- # 34-19-ISLAND DISTRICT
- # 35-19-BOATYARDS

February 7, 2019

TO: Peter Joseph, Town Manager

FROM: Donna Larson, Town Planner

RE: Zoning amendment recommendations from the Planning Board

On Wednesday, February 6, 2019, the Planning Board held a series of 3 public hearings to discuss and hear testimony on amendments to the Zoning Ordinance. All three amendments were originated as requests from property owners. The amendments are in the Commercial Districts 1 & 3, the Medium Density Districts A & B and the Island District. In each case, all property owners within these districts were notified of the changes and of the public hearings.

Below are details on each of the items:

1. Commercial 1&3 District changes

The amendments being proposed in this District are a combination of a request from a property owner in the C-1 District to allow a car wash and some clarifying and corrective language that wasn't requested by the applicant but that should be done .

Doten Construction owns land and wants to add vehicle wash as a permitted use in the District. In addition to washing cars a pet washing station is also proposed. Pet washing alongside vehicle washing seems to be gaining popularity. Vehicle washing isn't an allowed use in Freeport at this time.

The Board is recommending a new definition "vehicle wash center" and adding that use subject to Site Plan Review in the Commercial 1 District (C-1). In addition, screening requirements for outdoor accessory uses such as vacuuming stations have been added.

In addition to these changes, some "housekeeping" changes are proposed. First is the C-3 District. This District has a combined side setback of 75' with one side being at least 25'. A property owner interpreted that to be if one side setback is 25', the other side could be zero. That's stretching the language, but with the proposed change, any confusion should be eliminated. See page 7 of the handout for this item for details. The applicant did not request this change.

Second, to encourage more flexibility with building placement, the Planning Board recommended some changes to the setback requirements in this district. The intent was to provide flexible setbacks so that environmentally sensitive areas could be protected or so that lot access or stormwater facilities could be shared more easily. The wording says the "Project Review may reduce the setback", the language has been changed so that the Board doesn't have the discretion to lower the setback, but that a reduction is allowed by right if the specific criteria are met. The substance of the flexible setback requirements has not changed. The applicant did not request this change.

Keith McBride of FEDC, was the only person to comment on the proposal. Speaking on behalf of FEDC, he expressed support for the proposed amendments. However, Keith did bring up the related issue of the limitation on the number of overhead doors that are allowed on sides of the building visible from Route One. The Planning Board did have a brief discussion about the issue. Making changes to that provision was not part of the legal notice; therefore, the Board couldn't take action. The Board did discuss the need to look into this requirement soon.

Motion: : The Freeport Planning Board recommended that the Town Council approve the proposed amendments to Sections 104, 409 and 411 as proposed in that Planning Board finds that the proposed amendments are consistent with the Vision of the Freeport Comprehensive Plan to provide a diversity of goods and services that attracts visitors and sustains residents in a way that's consistent with the community's character. **Vote: all in favor - unanimous**

2. Island District (ID) District changes

Two of the Islands in the Island District are connected to the mainland with a causeway. These islands are Bartol Island (Ford Reiche, owner) and Little Flying Point Island (LLBean owner and adjacent to the Flying Point Paddling Center). All other islands in the district are only accessible by boat. The owners of the two islands are co-applicants for amendments. The proposed amendments loosen the regulations for islands connected to the mainland with a causeway. The rationale for the changes is that the causeway makes these islands more like the mainland than the islands that are significantly farther from the mainland and only accessible by water.

For Bartol and Little Flying Point Islands, the following amendments are proposed:

1. the shore setback be 75' instead of 125' (75' is consistent with the shore setback on the mainland)
2. These islands would still be allowed one dwelling per island or lot of record, but the restriction of only once accessory structure is proposed to be removed. Typical accessory structures are garages and sheds.

General amendments to the Island District include:

1. Currently non-residential facilities for nature interpretation are allowed. The Ordinance doesn't define Nature interpretation. Nature interpretation has been changed to outdoor recreation (a definition is proposed) and outdoor recreation school which is currently defined).
2. References to timber harvesting have been changed to clearing and removal of vegetation. *Note: on the revised text that the Planning Board reviewed, the use of timber harvesting had not been changed to clearing and removal of vegetation. . That correction has been made.*
3. A clause that prohibited changes that materially altered the natural and scenic appearance of the landscape within 125' of the high water mark as viewed from the water has been removed. Building is allowed and it will change the view from the water so it contradicts itself and no standards to determine what is "materially altered" or "natural and scenic appearance" were included.
4. Sign limits were eliminated. Signs have not been a problem on the islands

Motion: : The Freeport Planning Board recommends that the Town Council approve the proposed amendments to Sections 104 and 426 as proposed (or with the following changes ..) in that Planning Board finds that the proposed amendments are consistent with the Vision of the Freeport Comprehensive Plan to provide an incentive to develop lands that don't harm the environment. **Vote: all in favor - unanimous**

Item 5 – Medium Density A & B District changes

East Coast Yacht Sales has a purchase and sale agreement to buy undeveloped land in the MD-B District. Freeport has several boat sales and storage facilities, referred to as "boat yard" for zoning purposes. Boat yards are not permitted in the MD A&B Districts (Route One North). Many commercial uses are allowed in that district, adding boat yard as a permitted use seems appropriate.

In looking at the definition of "boat yard" it did not include boat sales. All of the boat yards in Freeport include boat sales in addition to storage, maintenance etc. To correct this, boat sales has been added to the definition.

Lastly, as in the Commercial 1 District, the flexible setback requirement has been changed so that it is by right if the standards have been met; it is not at the discretion of the Project Review Board. This was not at the request of the applicant, but is a housekeeping item that is being fixed while the notification was being done.

Proposed motion: : Be it ordered that the Freeport Planning Board recommends that the Town Council approve the proposed amendments to Sections 104 and 406 as proposed (or with the following changes ..) in that Planning Board finds that the proposed amendments are consistent with the Vision of the Freeport Comprehensive Plan to provide a diversity of goods and services that attracts visitors and sustains residents in a way that's consistent with the community's character.