



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PLANNING BOARD

FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER

RE: AGENDA ITEM 2 - a public hearing on proposed amendments to the Freeport Zoning Ordinance pertaining to the Island District

DATE: WEDNESDAY, AUGUST 7, 2019

These changes are a result of a conditional approval by the Maine Department of Environmental Protection to recent changes the Town of Freeport adopted (March 19, 2019) pertaining to the Island District. These required changes will make the language consistent with State Shoreland Zoning regulations. New text is shown below as underlined and in red.

<p>Proposed Amendments Chapter 21: Town of Freeport Zoning Ordinance</p>

Section 104. Definitions

Individual private campsite – an area of land which is not associated with a campground, outdoor recreation and/or outdoor recreation school, and does not meet the definition of rustic campsite, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.*

Section 426. Island District “ID”

A. Purpose: *{Amended, 03/19/19}*

Freeport’s Islands are acknowledged to be among the Town’s most treasured natural resources, and their attractiveness contributes to the well-being of the Town.

It is the intent of the Island District to protect these unique natural areas and especially their shorelines and surrounding waters by discouraging inappropriate uses, prohibiting development on certain islands, and restricting development on the others as to not materially disturb wildlife habitat, contribute to water pollution, or alter the natural and scenic appearance of the

landscape when viewed from offshore. This zone applies to the following islands: Bartol, Bowman, Crab, French, French's Ledge, Googins, Indian, Little Bustins, Little Flying Point, Little French, Pettengill, Pound of Tea, Pumpkin Knob, Sister, Sister's Ledge, Sow and Pigs, and Williams. Bustin's Island is not included.

B. Permitted Uses: *{Amended, Effective 06/18/13, 03/19/19}*

All uses are subject to site plan review regardless of size:

1. Non-Residential Facilities associated with outdoor recreation and/or outdoor recreation school
2. Piers, Docks and Wharves (subject to the requirements of Art. XIII of the Coastal Waters Commission Ordinance, and Sec. 507 G of this Ordinance).
3. Single Family Dwelling
4. Fishing, excluding fish processing
5. Clearing and removal of vegetation subject to Sec. 426.D.3

C. Space Standards: *{Amended, 03/19/19}*

1. Maximum structure height: 20 feet
2. Minimum setbacks:
 - a. On the following Islands; Bowman, Crab, French, French's Ledge, Googins, Indian, Little Bustins, Little French, Pettengill, Pound of Tea, Pumpkin Knob, Sister, Sister's Ledge, Sow and Pigs, and Williams -

shore:	125 feet
side:	50 feet
 - b. On Islands connected to the mainland by a causeway; Bartol and Little Flying Point Islands –

shore:	75 feet
side:	50 feet
3. Maximum lot coverage with non-vegetated surfaces: 20%

D. Restrictions: *{Amended, 03/19/19}*

1. On the following Islands; French, Pettengill, Sister and Williams only one dwelling unit may be maintained on each Island or lot of record existing as of January 1, 1979. Only one accessory structure and one pier, dock or wharf may be maintained on each Island or lot of record existing as of January 1, 1979.
2. No dwellings or other structures may be erected on the following Islands, which are deemed unsuitable for such use because of their small size, exposure to the elements, critical wildlife habitat, thin and unstable soils, and/or scenic importance: Bowman, Crab, Googins, Indian, Little Bustins, Little French, French's Ledge, Pound of Tea, Pumpkin Knob, Sister's Ledge, and Sow and Pigs. Once destroyed or removed, any structures currently existing on one of these Islands may not be reconstructed or replaced unless accomplished within two (2) years. The location of a replaced structure may differ from the location of the original structure.

3. On Islands connected to the mainland by a causeway including Bartol Island and Little Flying Point Island, only one dwelling unit may be maintained on each Island or lot of record existing as of January 1, 1979. Only one pier, dock or wharf may be maintained on each Island or lot of record existing as of January 1, 1979.

34. The clearing and removal of vegetation are subject to the following:

- a. The right to cut and restore trees and shrubs that are disturbed by the forces of nature;
- b. The right to gather, use, or remove dead wood, provided that no tree supporting an osprey nest may be cut;
- c. The right to cut timber standing where a permitted structure is to be erected;
- d. The right to cut trees and shrubs only if the purpose is to maintain and encourage a healthy forest environment and a well distributed stand of trees is retained. The plan must be approved by a Licensed Forester.

45. Any modification, alteration, construction or reconstruction of any subsurface waste water disposal system shall be done in a manner that will prevent the direct or indirect discharge of any waste, treated or otherwise, into the salt water.

56. Inter-island bridges or causeways, and bridges or causeways from any island to the mainland, are specifically prohibited, except that the bridges or causeways from the mainland to Bartol's Island and Little Flying Point may be maintained and reconstructed, as necessary, provided that once removed or destroyed, the same may not be reconstructed or replaced unless accomplished within a period of three (3) years thereafter.

E. Other Standards:

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.

Section 507. Shoreland Zone Regulations

New subsection P.

P. Individual Private Campsites. Individual private campsites not associated with campgrounds, outdoor recreation and/or outdoor recreation school, are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

Re-letter subsections following Q-V