



**TOWN OF FREEPORT, MAINE**  
Planning Department  
30 Main Street  
Freeport, ME 04032  
Phone: 207-865-4743  
[www.freeportmaine.com](http://www.freeportmaine.com)

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**TO: FREEPORT PLANNING BOARD**  
**FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER**  
**RE: STAFF REPORT**  
**DATE: WEDNESDAY, DECEMBER 4, 2019**

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| <p>1. PUBLIC HEARING on proposed amendments to the Freeport Zoning Ordinance to Section 104 – Definitions to amend the existing definition of “Mixed Use Development” and Section 409 - Commercial I District “C-I” to add Mixed Use Development as a permitted use subject to site plan review (<i>Hal &amp; Mark LLC, applicant</i>)</p> |
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**Background:** The Board reviewed an application from Hal and Mark LLC at the October meeting. The applicant presented proposed zoning amendments to the Board which would allow commercial and residential uses within one structure in the Commercial I Zoning District. The Board discussed two options which were adding the use of mixed use development, or allowing something similar to the language in the Village Commercial I Zoning District which does not include the use of Mixed Use Development, but does allow a use which would allow a similar result, “One or two dwelling units on other than the first floor”.

There are currently properties in the Commercial I Zoning District which have both residential and commercial uses in a single structure, however, the use is not permitted in this District. Based upon comments and discussion at the last meeting, the following amendments have been generated by staff, with collaboration of working with the applicant’s attorney and review by the municipal attorney.

**Current Ordinance:** Per Section 104: Definitions for the Freeport Zoning Ordinance, the existing definition of Mixed Use Development is as follows:

“Mixed Use Development: A structure with at least three residential units and at least one other use that is permitted within the District.”

The specific use is currently permitted (subject to site plan review) in the following zoning districts:

Section 417. Village Mixed Use District 1 –VMU-1

11. Mixed Use Development; mixed use development with local convenience goods stores may have a building footprint up to 15,000 square feet. as allowed in Sec. E.6 below

Section 418. Village Mixed Use District 2 –VMU-2

## 11. Mixed Use Development

If the Board takes the approach of amending the definition (in Section 104) it would also apply to the other Zoning Districts where the use is permitted (noted above); this is something to consider.

Section 409: Commercial District I also has the following requirement for multiple family dwelling (and a few other uses).

“The following uses are permitted 300 feet or more from the easterly edge of the U.S. Route One right-of-way or if closer than 300 feet from the easterly edge of U.S. Route One the standards of Section 409.D.9 shall be met, and are subject to site review regardless of size:

- 38. Multiple Family Dwelling
- 39. Warehouse and Storage Facility
- 40. Wireless Telecommunication Facilities
- 41. Truck Facilities”

If amended as shown in the attached language, a mixed use development could contain any combination of permitted uses and an unknown number of dwelling units (for reference, a multiple family dwelling would have three or more units). Does the Board feel that the proposed new use should fall under this standard with regards to distance from US Route One? In the case of the applicant’s property, it is an existing structure and is located within 300 feet of US Route One.

In addition, when certain conditions are met, the existing standards in the Commercial I Zoning District have a “minimum land area per dwelling unit requirement if part of a mixed use development” of 10,000 s.f.. The applicant’s application did include omitting the land per dwelling unit requirement for mixed use development, in certain cases, however the existing standard will meet their needs. This is still something the Board can discuss adjusting, if they feel it would be appropriate for the new use.

2. PUBLIC HEARING on proposed amendments to the Freeport Zoning Ordinance to Section 409 - Commercial I District "C-I" to allow food trucks as an accessory use to any use subject to site plan review (*Maine Wicked Goods Mercantile, Nick and Amanda Kent, applicants*).

**Background:** The Board reviewed an application from Maine Wicked Goods Mercantile, Nick and Amanda Kent at the November meeting. The proposed amendments were to add the use of food trucks as an accessory use to uses in the Commercial I Zoning District that are subject to site plan review. The proposed language provided by staff has been updated to reflect that the proposed use would be subject to site plan review, unless otherwise not require per Section 526.A of the Zoning Ordinance which has additional standards for food trucks. One thing for the Board to consider, is are there any uses subject to Site Plan Review in which the Board feels that the accessory use of a food truck would not be appropriate? There was some discussion at the last meeting about some additional changes to Section 526.A. Those were not part of the applicant's application, and would more broadly impact food truck standards, so they will be taken up at a subsequent meeting as a separate agenda item.

3. Continued discussion on a request from the Freeport Town Council for the Planning Board to study adding a definition and allowed zoning districts for the use “Community Solar Farm” to the Freeport Zoning Ordinance. Some draft language from the consultant (*Northstar Planning*) will be reviewed and discussed and the consultant will be present.