

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-24
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JANUARY 2, 2024
6:00 PM

	PRESENT	EXCUSED	ABSENT
Council Chair, John Egan, 38 Curtis Road	X		
Councilor Vice Chair Daniel Piltch, 25 Quarry Lane	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Joanna Benoit, 1038 US Route 1	X		
Councilor Eric C. Smith, 1464 US Route 1	X		

The Chair called the meeting to order at 6:05 p.m.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance.

The Chair outlined the items that will be tabled tonight. Public Comment on non-agenda items from virtual attendees will be moved to the end of the agenda. (Video record time 00:05:26 – 00:06:42)

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #27-23 held on December 19, 2023, and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #27-23 held on December 19, 2023, and to accept the minutes as printed. (Lawrence & Piltch)

VOTE: (6 -Ayes)(0-Nays)(1-Abstain Pillsbury)(Video record time 00:06:42 – 00:07:20)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

2023 Citizen of the Year applications are being accepted now with a submission deadline of January 31, 2024. (Video record time 00:07:20 – 00:08:20)

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Social Racial Equity Committee met since our last meeting. We'll be hearing about the Anti-Graffiti Ordinance later in the meeting. (Video record time 00:08:20 – 00:09:17)

FIFTH ORDER OF BUSINESS: Town Manager's Report (10 minutes)

- We received notification from FEMA that the Flood Plain Ordinance needs to be revised within the next 6 months. The town had joined with others in appealing the flood map. That appeal was not upheld. Staff recommends moving forward with the ordinance revision.
- The Manager met with Maine Department of Transportation's Planning Division. The Downtown Vision Plan seems to align with MDOT's priorities. The next step includes preparing some options for priorities building on the work we've already done in the initial prioritization of

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12 projects. We are looking for projects that fall under the umbrella of MDOT's Planning grant opportunities.

- We will be moving some ordinances forward to the Ordinance Committee for action, including Cannabis Land Use and Licensing, Tree Task Force, Sign Ordinance, and Short-Term Rental Registration.

(Video record time 00:09:17 - 00:14:15)

SIXTH ORDER OF BUSINESS: Public Comment Period – (30 Minutes)
(Non-Agenda Items Only)

There were no public comments from attendees in the room. (Video record time 00:14:15 – 00:15:12)

SEVENTH ORDER OF BUSINESS: To take action on the following items of business as read by the Council Chairperson:

ITEM # 01-24 To consider action relative to adopting the January 2, 2024, Consent Agenda.

BE IT ORDERED: That the January 2, 2024, Consent Agenda be adopted.
MOVED AND SECONDED (Egan & Smith) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:15:12 – 00:15:55)

(Council Chair Egan) (5 minutes)

ITEM # 02-24 To consider action relative to setting a public hearing regarding proposed amendments to Chapter 31-Coastal Waters Ordinance to require registration of moorings within the anchorage.

Harbor Master: This change is an attempt to get all moorings within the Freeport Anchorage under an annual registration process. Only moorings within the Harraseeket River anchorage are currently required to register annually. These changes have been through the Coastal Waters Commission which has been a 9-month process. Fees are outlined in the fee schedule, not the ordinance.

BE IT ORDERED: That a Public Hearing be set for January 16, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding proposed amendments to Chapter 31-Coastal Waters Ordinance to require registration of moorings within the Anchorage. **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:15:55 – 00:22:02)

(Harbor Master, Charles Tetreau) (15 minutes)

ITEM # 03-24 To consider action relative to setting a public hearing regarding proposed amendments to Chapter 21, Freeport Zoning Ordinance related to municipal compliance with 30-A M.R.S. §§ 4364 – 4364-C (including LD 2003, “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”).

The Assistant Planner provided an explanation of LD2003 and the State requirements with specific clarifications on the Affordable Housing Density Bonus, Extra Dwelling Units Allowance, and the Accessory Dwelling Units Allowance. The Chair explained that all of these changes are allowable but

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not mandatory. We're not requiring the zoning upgrades or the higher density. This is providing an allowance upon landowner request, but this does not change the zoning in a particular zone.

She also gave highlights of the recommended amendments to the Zoning Ordinance to comply with LD 2003 requirements including adding new definitions, amending Section 201 to allow up to the maximum number of dwelling units, added new standards for sanitary and potable water, amending Off-Street Parking to comply with the State rules, adding Affordable Housing Development to zoning districts, lowered barriers to ADUs and added Affordable Housing Density Bonus section.

Attachment A: The PowerPoint presentation for the this item and the next two has been attached as part of the minutes.

BE IT ORDERED: That a Public Hearing be set for January 16, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding proposed amendments to Chapter 21, Freeport Zoning Ordinance related to municipal compliance with 30-A M.R.S. §§ 4364 – 4364-C. **MOVED AND SECONDED** (Fournier & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:22:02 – 00:42:42)

Note: The proposed amendments will potentially allow more housing in almost all zoning districts; add a new section, Section 536. Affordable Housing Density Bonus; and also include amendments to lower barriers to the development of Accessory Dwelling Units (Accessory Apartments). Additional non-substantive text amendments are also proposed.

(Assistant Town Planner, Cecilia Smith) (15 minutes)

ITEM # 04-24

To consider action relative to setting a public hearing regarding proposed amendments to Chapter 25, Freeport Subdivision Ordinance. The majority of the changes are related to municipal compliance with 30-A M.R.S.A. §§ 4364 – 4364-C (including LD 2003, “An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”). Additional proposed amendments include adding and/or amending standards to comply with State subdivision approval standards (M.R.S. 30-A § 4404) and as previously discussed by the Planning Board); several non-substantial text amendments to update reference documents used throughout the Ordinance; and non-substantial text amendments for clarification purposes.

Cecilia Smith: There were not many changes that had to be made to the Subdivision or Shoreland Zoning Ordinances in order to meet the criteria of LD2003. Proposed revisions to the Subdivision Ordinance include amending definitions for consistency, adding submission requirements for Affordable Housing Developments, incorporating State review criteria under Title 30-A, § 4404 and general clean-up.

The Manager clarified that an Accessory Dwelling Unit (ADU) is accessory to the primary use, which is residential, which means that it could not stand alone without meeting density, setback and other requirements. ADU's can be stand alone buildings.

Discussion ensued about Tiny Houses. We added tiny homes as a permitted dwelling type. The State of Maine adopted regulations for tiny homes, and it appears to be a challenge to meet the requirements to

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build a tiny home that complies. In towns with building codes, we do not see many that truly fit the tiny home category.

BE IT ORDERED: That a Public Hearing be set for January 16, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding proposed amendments to Chapter 25, Freeport Subdivision Ordinance. The majority of the changes are related to municipal compliance with 30-A M.R.S.A. §§ 4364 – 4364-C (including LD 2003, “An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”). Additional proposed amendments include adding and/or amending standards to comply with State subdivision approval standards (M.R.S. 30-A § 4404) and as previously discussed by the Planning Board); several non-substantial text amendments to update reference documents used throughout the Ordinance; and non-substantial text amendments for clarification purposes. **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:42:42 – 00:51:23)

(Assistant Town Planner, Cecilia Smith) (15 minutes)

ITEM # 05-24 To consider action relative to setting a public hearing regarding proposed amendments to Chapter 65, Freeport Shoreland Zoning Ordinance, related to municipal compliance with 30-A M.R.S. §§ 4364 – 4364-C (including LD 2003, “An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”).

Cecilia Smith: We needed to update the definitions in Shoreland Zoning due to updating them in the Subdivision Ordinance.

BE IT ORDERED: That a Public Hearing be set for January 16, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding proposed amendments to Chapter 65, Freeport Shoreland Zoning Ordinance, related to municipal compliance with 30-A M.R.S. §§ 4364 – 4364-C (including LD 2003, “An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”). **MOVED AND SECONDED** (Benoit & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:51:23 – 00:53:04)

Note: The intent of the proposed changes is to keep consistent with the proposed amendments in the Freeport Zoning Ordinance and to clarify that Accessory Dwelling Units are still subject to Shoreland Zoning Space Standards.

(Assistant Town Planner, Cecilia Smith) (15 minutes)

ITEM # 06-24 To consider action relative to setting a public hearing regarding proposed amendments to Chapter 22, Design Review Ordinance.

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Caroline Pelletier: The town created the Central Core Working Group in 2023 to look at changes that could be made quickly to the Design Review Ordinance. She gave an overview and history of amendments to the Design Review Ordinance.

Summary of current: We have 2 Design Review districts with a Color Overlay. Each building has a category. If you are in Design Review almost anything you do to the outside of the building requires Design Review approval. There is not much allowed by staff review. There is a waiting period to demolish an A or B building. There are 10 guidelines the Board uses when they consider an application. This has vague submission standards. Appeals of a design review certificate go to the Board of Appeals.

Changes proposed:

Reduce the size of the District (anything south of the railroad tracks would be excluded)

Adding definition for nearby buildings (a building within 500 feet as measured by road).

Remove the Color Overlay District

Clarified and expanded the review threshold. They expanded categories that could be administrative review (ADA ramps, sign changes, changing material on decks and stairs, etc). There is now a whole list that would be excluded from Design Review.

Added an appeals process for administrative review.

General submission requirements were added (application, deed, explanation).

Change the voting to majority of members present and voting.

The 10 guidelines the Board uses for approval were tweaked slightly.

General clean up for clarity and consistency amongst the standards.

Fees will be removed and put in the fee schedule.

The Central Core Working Group recommended that appeals of a PRB decision go directly to Superior Court. That has not changed. These draft changes would add the section for administrative appeals and retain the existing language for Board decisions to go to the Board of Appeals before going to Superior Court.

Project Review Board Chair, Sam Kapala, spoke in favor of the amendments.

Attachment B: The PowerPoint presentation that she provided has been attached as part of the minutes.

BE IT ORDERED: That a Public Hearing be set for January 16, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding proposed amendments to Chapter 22, Design Review Ordinance.
MOVED AND SECONDED (Smith & Fournier) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:53:04 – 01:21:45)

Note: The purpose of the proposed amendments is to: clarify definitions, including adding new definitions for previously undefined terms; clarify review standards; change some of the thresholds for when review is required and what type of review is required; add exemptions for certain projects that will no longer require a Design Review Certificate, and thresholds for projects that will qualify for Administrative Approvals; clarify submission requirements; change the appeals process; eliminate the Color

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Overlay District; and, modify the Design Review District boundaries and update the District map(s). The draft amendments incorporate the recommendations for the Central Core Working Group (CCWG).

(Town Planner, Caroline Pelletier) (15 minutes)

TABLED:

ITEM # 07-24

To consider action relative to appointing two (2) Town Councilors to the FEDC Board of Directors.

BE IT ORDERED: That two (2) Town Councilors be appointed to the FEDC Board of Directors.

(Council Chair Egan) (5 minutes)

ITEM # 08-24

To consider action relative to a Resolution to petition the Commissioner of Transportation and the Maine State Legislature to implement the recommendation of the Portland to Auburn Rail Use Advisory Council.

Kim True, Representative of Complete Streets, Connect Freeport and Casco Bay Trail Alliance Trail Building Committee. The Casco Bay Trail Alliance is a 501c3 nonprofit formed in 2019 to plan and support a recreational trail loop through the communities of Portland, Cumberland, Yarmouth, North Yarmouth, Auburn, Lewiston, Lisbon, Durham, Topsham, Brunswick, Freeport and back to Portland. It is a 72 mile off road trail that will be a community resource.

A key section is a 26.5-mile rail trail that will run from Portland to Auburn. This is a State-owned section that runs along an abandoned Railway referred to as The Berlin subdivision rail corridor until such time that the State commits to making it an active rail line again.

The resolution before the Council tonight is the next step in the statutory process for the Dept. of Transportation to obtain legislative approval to convert the state owned right of way on the rail corridor into a non-rail recreational use. This resolution is procedural and does not commit the town to anything.

Complete Streets voted in November to recommend that the resolution be submitted to the Council for adoption because Complete Streets and Connect Freeport believe that a completed Casco Bay Alliance trail fits squarely with the work Freeport is already doing to establish an off road multi use path that connects Freeport to both Yarmouth in the south and Brunswick in the north.

BE IT RESOLVED:

WHEREAS, the State Railroad Preservation and Assistance Act requires the Department of Transportation to seek legislative approval for any conversion of a state-owned rail corridor in which the department controls the right-of-way to a non-rail recreational or non-recreational transportation use; and

WHEREAS, the Portland to Auburn Rail Use Advisory Council was formed in April 2022 pursuant to Maine Revised Statutes, Title 23, section 75, to review the section of the St. Lawrence and Atlantic rail corridor from mile post 0.0 in

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Portland to mile post 26.5 in Auburn, referred to as the Berlin Subdivision Rail Corridor, for potential non-rail use; and

WHEREAS, any conversion to non-rail use is considered interim in nature, with rail corridors preserved for future rail use as provided under the State Railroad Preservation and Assistance Act; and

WHEREAS, conversion to an interim trail would involve removing the existing tracks and ties and developing a multi-use trail on the former track bed, with a paved or grave/stone trail surface; and

WHEREAS, authorizing an interim trail use is only the first step, and would enable additional planning regarding construction and funding of an interim trail; and

WHEREAS, of the 13 members of the Portland to Auburn Rail Use Advisory Council to cast a vote, a majority of 7 members voted to recommend the conversion of 26.5 miles of the inactive Berlin Subdivision Rail Corridor to an interim bicycle and pedestrian trail; and

WHEREAS the afore-referenced 26.5 miles of the state-owned Berlin Subdivision Rail Corridor is an integral part of a 62-mile looped, off-road multi-use trail network initiative led by the Casco Bay Trail Alliance and connecting Portland, Lewiston-Auburn, Brunswick, and Freeport; and

WHEREAS, the Casco Bay Trail Alliance vision is consistent with and complimentary to Freeport's "Connect Freeport" vision; and

WHEREAS, the Connect Freeport vision and activities are consistent with and complimentary to Freeport's Complete Street Committee Ordinance and Complete Street Policy; and

WHEREAS, it may be worthwhile for the Town of Freeport to express its continued interest in the Berlin Subdivision Rail Corridor to the Commissioner of the Maine Department of Transportation and to the Maine State Legislature;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT ASSEMBLED THIS 2nd DAY OF JANUARY, 2024, THAT:

The Freeport Town Council, in support of an interim trail on the 26.5 miles of state-owned, inactive Berlin Subdivision Rail Corridor from Portland to Auburn, hereby petitions the Commissioner of the Maine Department and the Maine State Legislature to permit the conversion of 26.5 miles of the Berlin Subdivision Rail Corridor to an interim bicycle and pedestrian trail, consistent with the recommendation of the rail use advisory council.

MOVED AND SECONDED (Piltch & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:01:21:55 – 00:01:30:38)

(Councilor Lawrence) (10 minutes)

ITEM # 09-24 To consider action relative to authorizing the Town Manager, on behalf of the Town of Freeport, to submit a co-application with the City of Westbrook for Cumberland County Community Development Block Grant (CDBG) funds to support increased Project HOME services.

Town Manager: In mid-December, Freeport Community Services asked the town to authorize a pre-application that goes to Cumberland County to let them know we are interested in applying for grant funds and for them to take the narrative and quickly determine if it would qualify or not qualify. Being invited into the second round of a grant application is not a guarantee that you are getting funds. It would simply mean they are aware that we would qualify for the application for the use of funds that we are proposing. This is a joint community effort. They are asking for \$40,000 that would be passed through to the subrecipient of the Quality Housing Coalition for expansion of the Project Home effort that has been underway. Project Home is a program that unlocks access to Maine's existing housing stock for historically marginalized low-income tenants. They would use the \$40,000 to help fund a Housing Navigator that would focus half of the time exclusively on working with people experiencing homelessness or housing insecurity in Freeport and Westbrook. The goal is to create 10 new partner landlords and successfully place 20 Project Home households and eviction prevention support to 50 households. This does not require a match from the town. To apply for CBDG grant funds, the Council has to agree that this application is a priority and that we would support going forward.

Councilor Benoit asked about our history of partnership with Westbrook. The Manager was unsure but suggested that CBDG grants do better when there are co-applicants.

Councilor Pillsbury asked about the funding and if this was a continuation of previously issued support. This would extend the program so that when the original funding is done, the program will continue.

Councilor Fournier asked if this program will sunset and will be asked for funding in future budget seasons. He supports this as long as there is not creep down the road. This is a stop gap while the State tries to figure out the issue of homelessness. This is finite in the sense that if we get CBDG funding for this now, we will not get that funding through CBDG again. FCS does not intend to come back for additional funding.

Councilor Lawrence asked if this is for current residents or does this create the potential to bring more people to town. The intent when we talk about Freeport and Westbrook residents is that this is for residents who meet that definition by law.

BE IT ORDERED: That the Freeport Town Council authorized the Town Manager to execute any and all documents necessary to submit a co-application with the City of Westbrook for Cumberland County Community Development Block Grant (CDBG) funds in the amount of \$40,000 to fund Project HOME personnel costs focused on working with people experiencing homelessness or housing insecurity in Freeport and Westbrook. **MOVED AND SECONDED** (Pillsbury & Fournier) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:01:30:38 – 00:01:39:59)

(Town Manager, Sophia Wilson) (5 minutes)

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TABLED: *For information only (no action required) it is estimated to be taken up later in January, 2024.*

ITEM # 213-23 To consider action relative to setting a Public Hearing regarding a Consent Agreement between the Town of Freeport and Cleveland Kapala Revocable Trust for property located at 28 Cunningham Rd (Tax Assessor Map 5A, Lot 32A).

ITEM # 214-23 To consider action relative to setting a Public Hearing regarding a Consent Agreement between the Town of Freeport and Benjamin Willauer and Amanda Berry for property located at 90 Birch Point Rd (Tax Assessor Map 24, Lot 53C).

OTHER BUSINESS:

1. **TABLED**-Discussion of Proposed Ordinance to Establish a Senior Property Tax Rebate Program (Town Manager, Sophia Wilson)(20 minutes)
2. Update on Anti-Racist Graffiti Ordinance (SREC)(15 minutes)(Video record time 00:01:40:20 – 00:01:46:11)

The Social and Racial Equity Committee has created a draft of an Anti-Graffiti Ordinance. Since we are bringing a new ordinance forward, he wants to know if the Council wants to review this rough draft first or send it directly to the Ordinance Committee. In the past year, we've had incidents of graffiti in our community. At the last SREC meeting, it was made clear that there is a distinction between invited and welcomed art that is often on public spaces. This is focused on permanent defacement of both public and private property.

Councilor Fournier recommends sending it to the Ordinance Committee to do their job.

Councilor Pillsbury asked for a high-level view of the ordinance. The Chair explained that the focus was on definitions and then the level of response and the penalty. It's mostly to define what graffiti is and who's responsibility it is to get it removed.

Councilor Fournier pointed out that we need the support of the DA's office to move these issues forward.

VIRTUAL PUBLIC COMMENT PERIOD on non agenda items– (30 Minutes)

There was no public comment on Zoom.

Motion to adjourn 7:50 p.m. (Lawrence & Smith) **VOTE:** (7-Ayes)(0-Nays)(Video record time 00:01:47:20)

END OF AGENDA (Estimated time of adjournment 9:25 PM)



**PROPOSED AMENDMENTS TO THE FREEPORT
DESIGN REVIEW ORDINANCE**

01.02.24 TOWN COUNCIL MEETING



2023 – Town Council Established Central Core District Working Group

Caroline Pelletier, Town Planner

Brett Richardson, FEDC/Housing Task Force

Sam Kapala, Planning Board

Ford Reiche, Project Review Board

John Egan, Councilor

Dan Piltch, Councilor

Guy Blanchard, Freeport Historical Society

Susan Nourse, member of the public

Linda Berger, Social Racial Equity Committee

David Latulippe, Developer

Kelleigh Dulany, Resident/property owner (from one of the Design Review Districts)



CENTRAL CORE WORKING GROUP

"That a Central Core District Working Group be established, to exist for a period of 6 months, to collaboratively study the processes relating to planning, development and preservation in Freeport's central core districts, and to make recommendations to the Town Council for actions the Town could take and policies the Town could establish to encourage more predictable and efficient processes that are fair and equitable to new development and to existing residents."

FREEPORT DESIGN REVIEW ORDINANCE

ORIGINALLY ESTABLISHED IN 1983



Specific Intent It is the specific intent of this Ordinance to:

1. Encourage the continued use of existing historically or architecturally important buildings and those which contribute to the character of the Districts and discourage their demolition and removal;
2. Prevent inappropriate alterations of buildings of historic value;
3. Assure that new buildings are designed and built in a manner compatible with the character of the Districts in terms of scale and visual effect;
4. Assure that changes to contemporary buildings and new construction do not detract from adjacent historic buildings.

1983 – Design Review Ordinance

"... District 1 is comprised predominantly of buildings which were constructed before 1930. It includes the Main Street Historic District, many significant historic buildings representing a variety of architectural styles, other buildings which contribute to the historic setting, and a number of contemporary buildings..."

2007 – District 2

"...District 2 is predominantly residential with a few businesses and is wedged between the Main Street Historic District and the Harraseeket Historic District..."



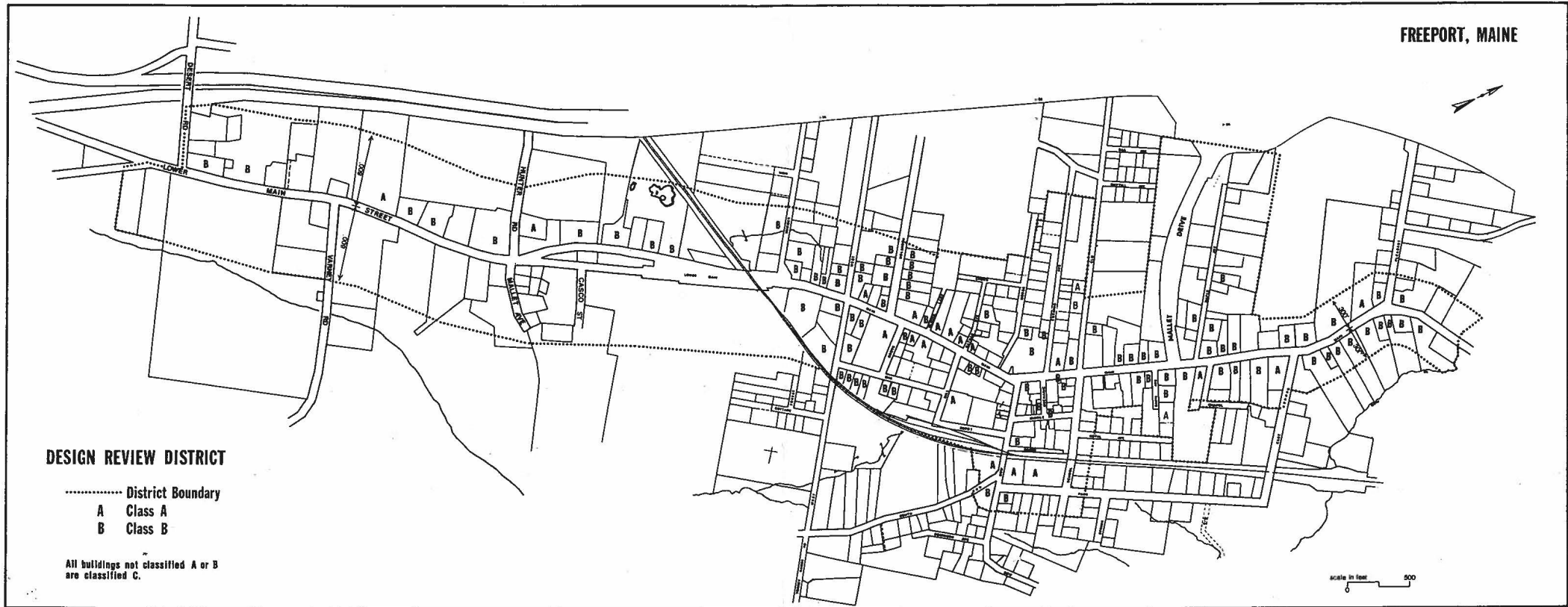
FREEPORT DESIGN REVIEW DISTRICTS



FREEPORT DESIGN REVIEW DISTRICT

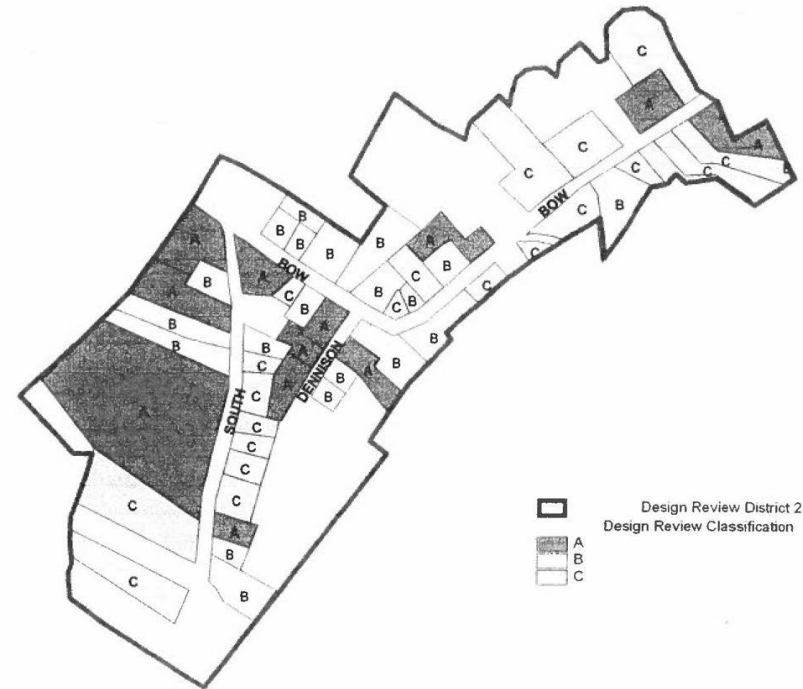
DISTRICT 1

FREEPORT, MAINE



DESIGN REVIEW DISTRICT II

Design Review District 2
Approved by the Freeport Town Council
04/03/07

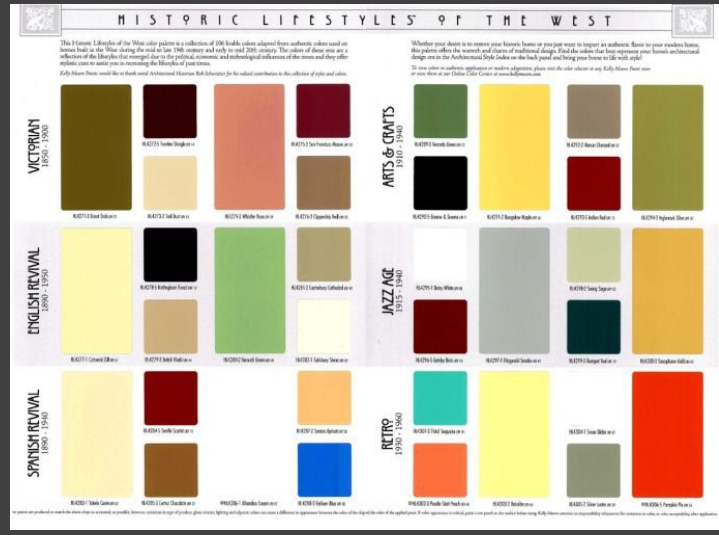


The classification applies to the building on a particular parcel, not the parcel itself.
See the Design Review Ordinance for details on what each classification means.

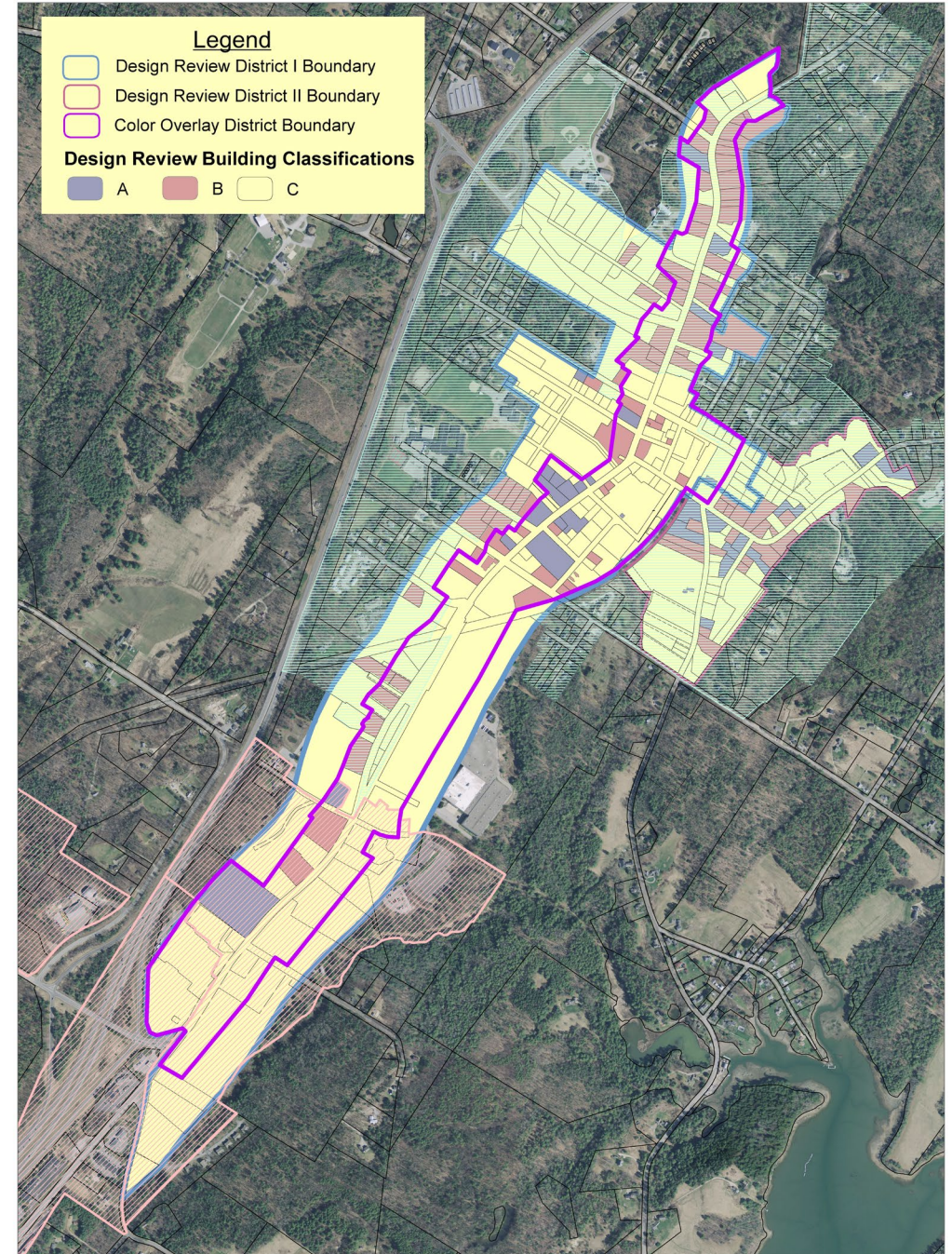


➤ "COLOR CHANGES TO THE EXTERIOR OF CLASS A, B, OR C BUILDINGS WITHIN THE COLOR OVERLAY DISTRICT ONLY IF THE COLOR IS NOT INCLUDED ON THE PALETTE OF HISTORICAL COLORS OF ANY PAINT MANUFACTURER."

2008
 COLOR OVERLAY DISTRICT
 (WITHIN THE FREEPORT DESIGN REVIEW DISTRICT)



COLOR OVERLAY DISTRICT



2019 – Town Contracted with Architectural Historian (Kleinfelder)

The Project Review Board had a survey of architectural and historical buildings (classified as A and/or B within Design Review District I) completed. This included about 120 properties; 13 were found to no longer be contributing.

2022 – Town Completed the Freeport Downtown Vision Plan

Included a robust list of goals and implementation strategies, including, but not limited to: supporting a variety of uses in our downtown with a recognition of the importance to include/encourage residential uses; clear and predictable land use regulations; and, a streamlined review process for projects (both residential and commercial) that currently require municipal review.

2023 – Freeport Town Council Housing Workshop

Discussion on housing in Freeport and the recommendations of the Freeport Housing Task Force one of which included "Short Term Fix: Make an emergency repair to the Design Review Ordinance to exclude new residential and residential mixed use construction."

2023 - Central Core Working Group

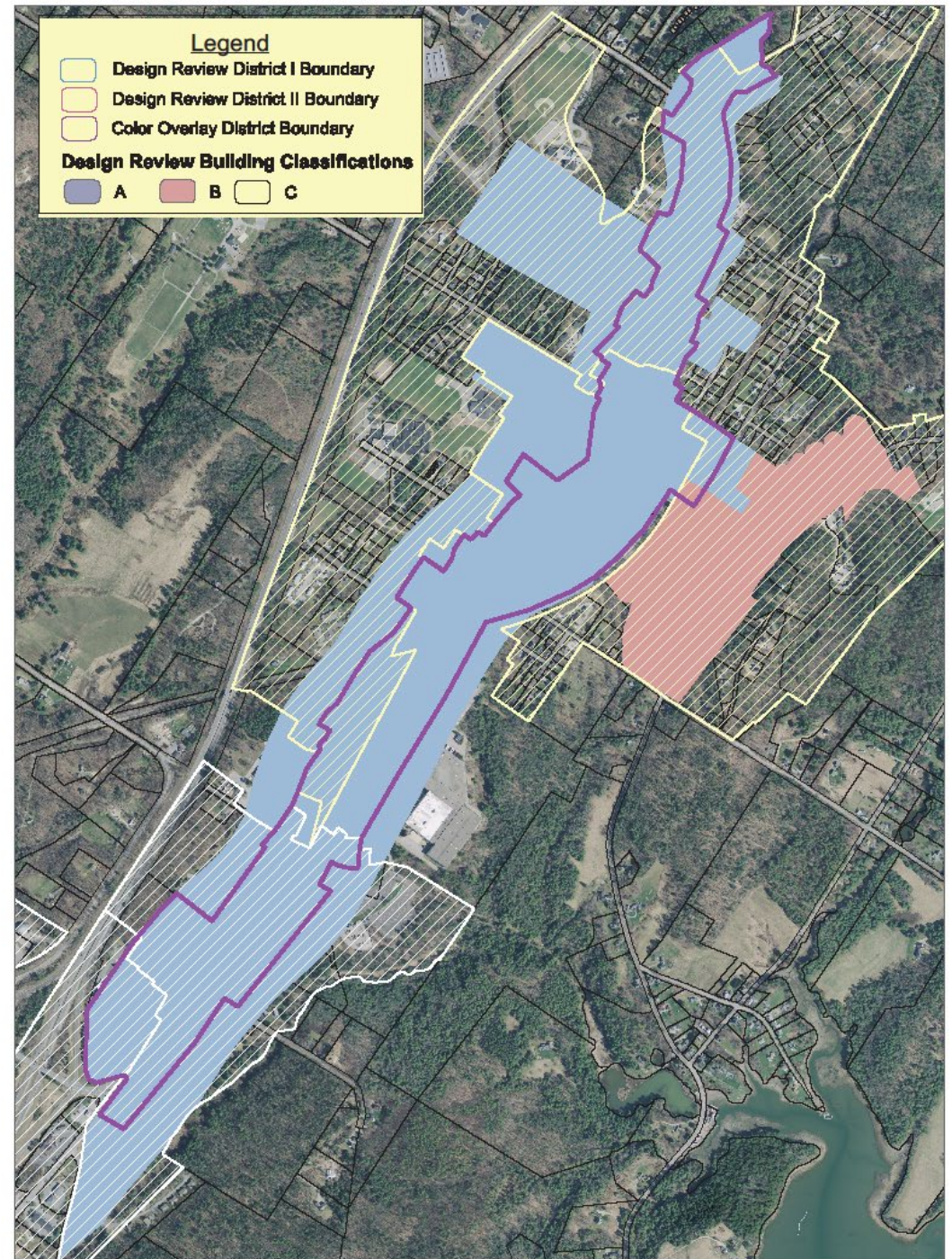


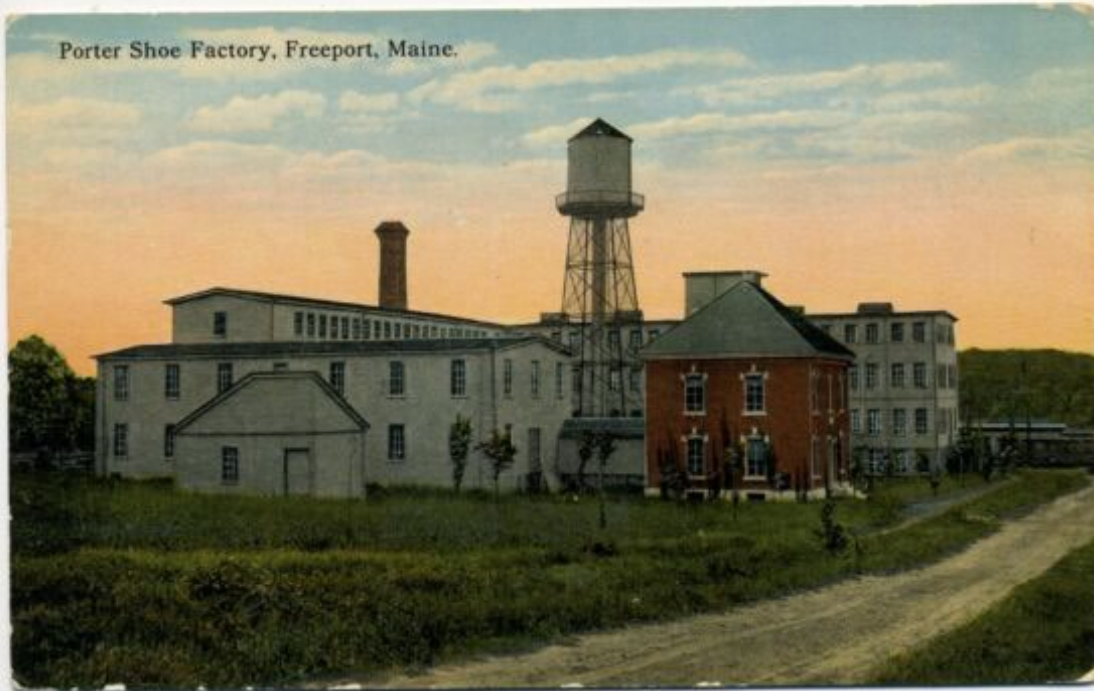
OTHER RELATED ITEMS

OTHER STANDARDS

Freeport Village Overlay District

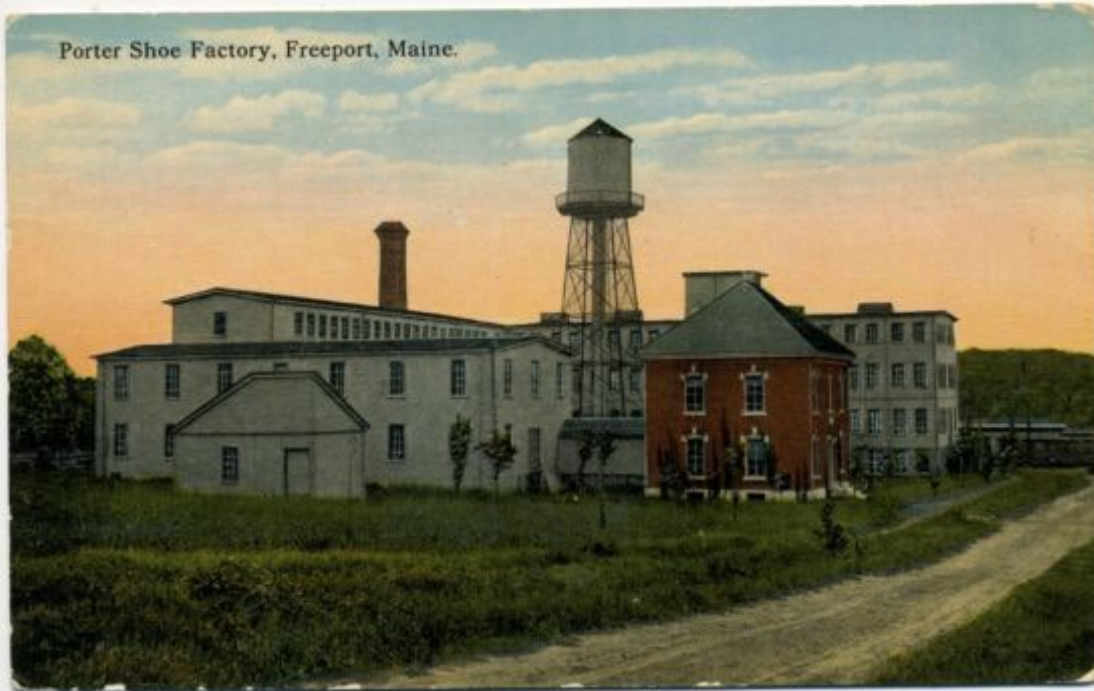
Section 527. Performance Standards for Commercial Districts (C-I, C-III, C-IV)





REVIEW: CURRENT DESIGN REVIEW ORDINANCE

- Districts 1 & 2 and the Color Overlay Districts
- Each buildings has A, B, C designation based upon its determined architectural and/or historical significance
- Almost any exterior building and/or site modification requires review and approval of a Design Certificate from the Project Review Board. (Limited approval ability granted to staff)
- Four-month notice period before someone can demolish any part, or all of a Class A and/or Class B building
- 10 Design Guidelines for All Buildings for which the Board needs to consider changes with regards to being "... visually compatible with the buildings, squares and places to which they are visually related and specifically with nearby and/or adjacent "A" or "B" buildings..."
- Vague submission requirements
- Appeals of a Board decision go to the Board of Appeals



PROPOSED CHANGES AS RECOMMENDED BY THE CENTRAL CORE DISTRICT WORKING GROUP

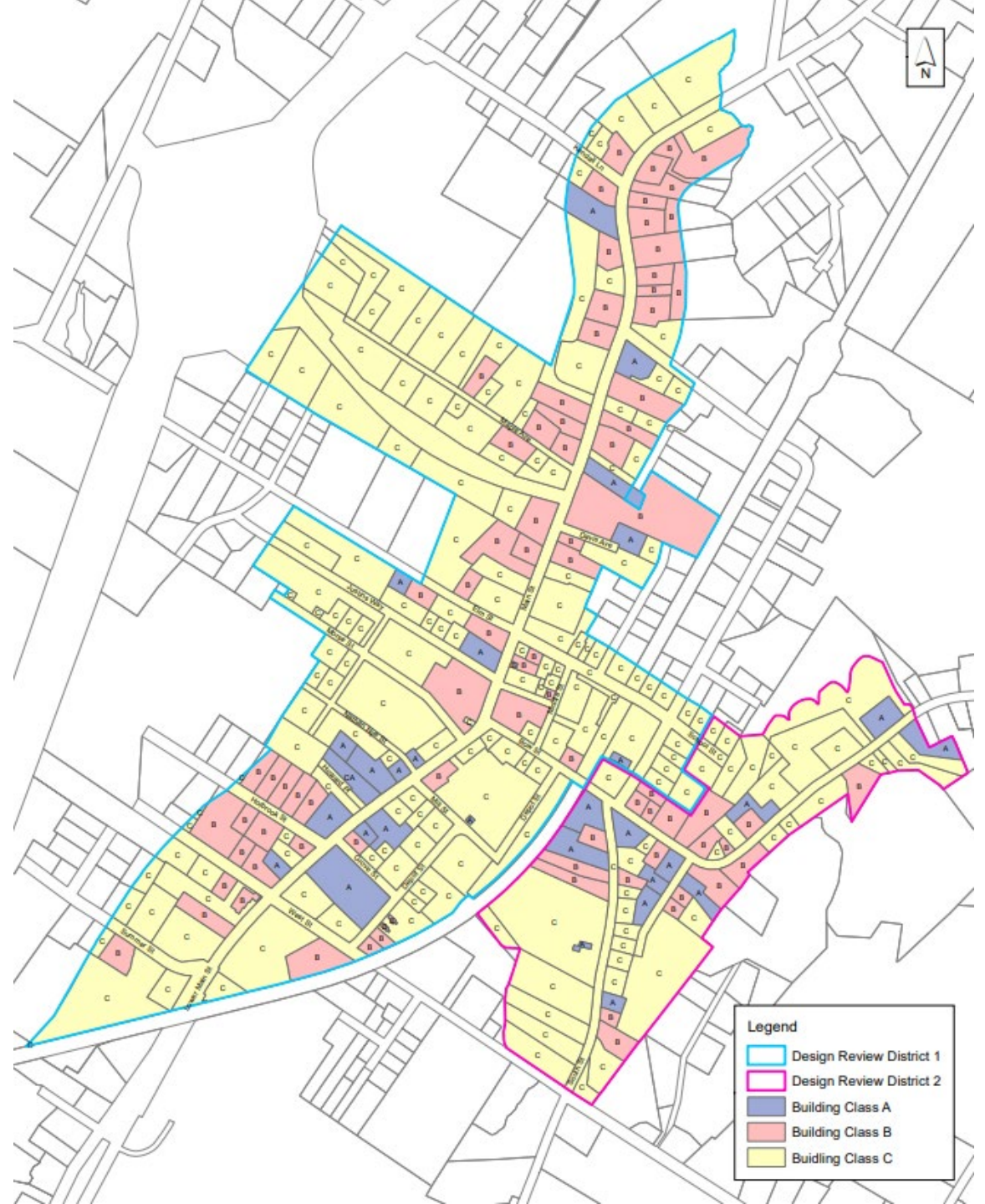
(WITH ADDITIONAL INPUT FROM STAFF AND THE TOWN ATTORNEY)

- General non-substantive clean-up and reorganization
- Update/expand definitions for clarity – ie: Material Change, Nearby Building (500 feet), Primary Façade & Visual Compatibility
- Elimination of Color Overlay District
- Clarified/expanded review thresholds:
 - Project Review Board Review
 - Administrative Review
 - Projects Exempt from Design Review Certificate
- Voting and Submission Requirements
- Updated Design Guidelines
- Clarified which buildings are considered with regards to visual compatibility for the Board to consider when reviewing each standard
- Cleaned up language for clarity and consistency
- Appeals
 - Process for appeals of a Town Planner decision (Administrative Appeal)
 - Appeals of Project Review Board would go to Superior Court
- Fees

NEARBY BUILDING
(500 FEET MEASURED BY
CENTERLINE)



PROPOSED DESIGN REVIEW DISTRICT(S) MAP





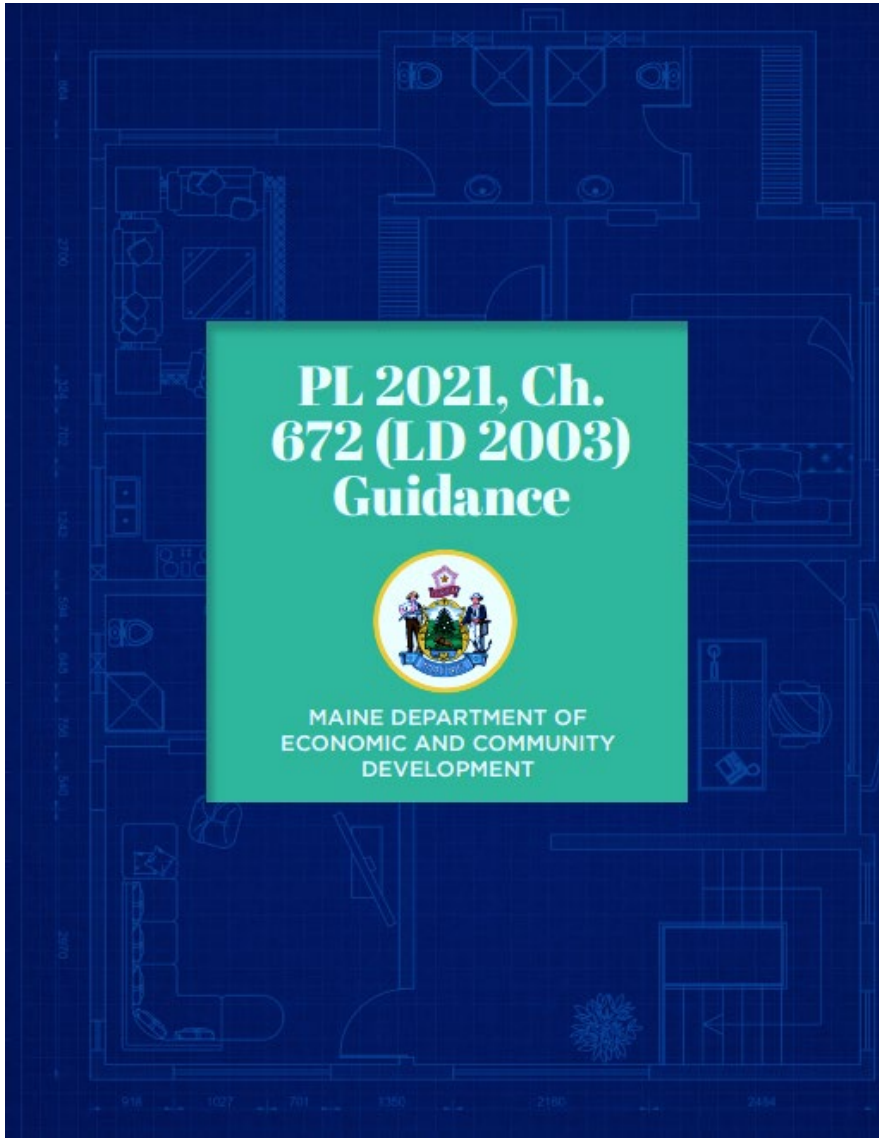
Implementing LD 2003 (PL 2021, Ch. 672) Rules: Zoning, Subdivision, and Shoreland Ordinance Amendments

*“An Act To Implement the Recommendations of the
Commission To Increase Housing Opportunities in
Maine by Studying Zoning and Land Use Restrictions”*



Freeport Town Council Meeting 01/02/24

Overview LD 2003



- 1) The Municipal Role in Fair Housing and Statewide Housing Production
- 2) Clarifies that municipalities can regulate short-term rentals
- 3) The Affordable Housing Density Bonus
- 4) The Extra Dwelling Units Allowance
- 5) The Accessory Dwelling Units Allowance

The Affordable Housing Density Bonus

30-A MRS 4364 Affordable Housing Density



- Density bonus for affordable housing of 2.5 times the base density (dwelling units per acre)
- More than half of the units need to be affordable
- Affordable for at least 30 Years
- Applies to all zoning districts that allow multifamily dwellings and either are in a designated growth area or are served by a public, special district or comparable water and sewer system
- Parking reductions: parking requirements cannot exceed 2 parking spaces for every 3 units

The Extra Dwelling Units Allowance

30-A MRS 4364-A Residential areas, generally; up to 4 dwelling units allowed



- A lot without a dwelling unit already on it can have **2 units** if it is **not** within a designated growth area **or** served by water and sewer in a municipality without a comprehensive plan.



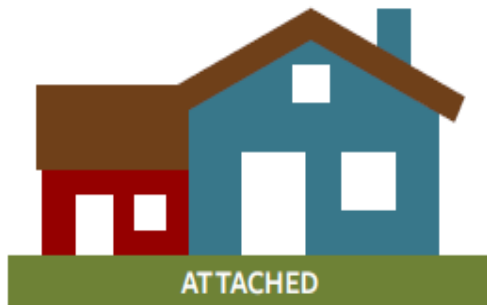
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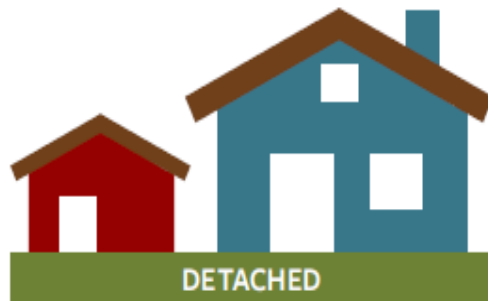
The Accessory Dwelling Units (ADUs) Allowance

30-A MRS 4364-B Accessory dwelling units



- Allowed where housing is permitted, and one single-family dwelling exists

- Can be within existing single-family structure, attached or detached



- Exempt from parking and density requirements (dwelling units per acre)

Municipalities still have power to:

ENFORCE

- Shoreland zoning ordinances
- Water and wastewater requirements
- Subdivision requirements

REGULATE

- Conduct site plan review, if required
- Dimensional requirements (setbacks, height, lot coverage)
- How many square feet of land are needed for each dwelling unit (other than ADUs)
- Establish the maximum size of ADUs

In addition, private covenants/deed restrictions are still valid



Highlights of recommended amendments to the Zoning Ordinance to comply with LD 2003 requirements

Section 104. Definitions

Added new definitions such as Affordable Housing Development, and amended existing definitions for clarification purposes

Section 201. General Restrictions

Amended to allow up to the maximum number of dwelling units (up to 3 in non-growth areas or 4 in growth areas) – more permissive than State
Added new standards for Sanitary and Potable Water

Section 514. Off-Street Parking and Loading

Amended to comply with State rules – maximum 2 parking spaces for every 3 units for Affordable Housing Development and no additional parking for ADUs

Highlights of recommended amendments to the Zoning Ordinance to comply with LD 2003 requirements

Zoning Districts Sections – Article IV

Added Affordable Housing Development to zoning districts that allow multifamily

Section 532. Accessory Apartments

Significant amendments to lower barriers to the development of ADUs – more permissive than State

New Section 536. Affordable Housing Density Bonus

Amended to comply with State standards

Highlights of recommended amendments to the Subdivision and Shoreland Zoning Ordinance

Chapter 25 Subdivision Ordinance

- Amended definitions for consistency with the Zoning Ordinance
- Added submission requirements for Affordable Housing Developments
- Incorporated State review criteria under M.R.S. 30-A §4404
- General clean-up (references, etc.)

Chapter 65 Shoreland Zoning Ordinance

- Amended definitions for consistency with the Zoning Ordinance

Questions?





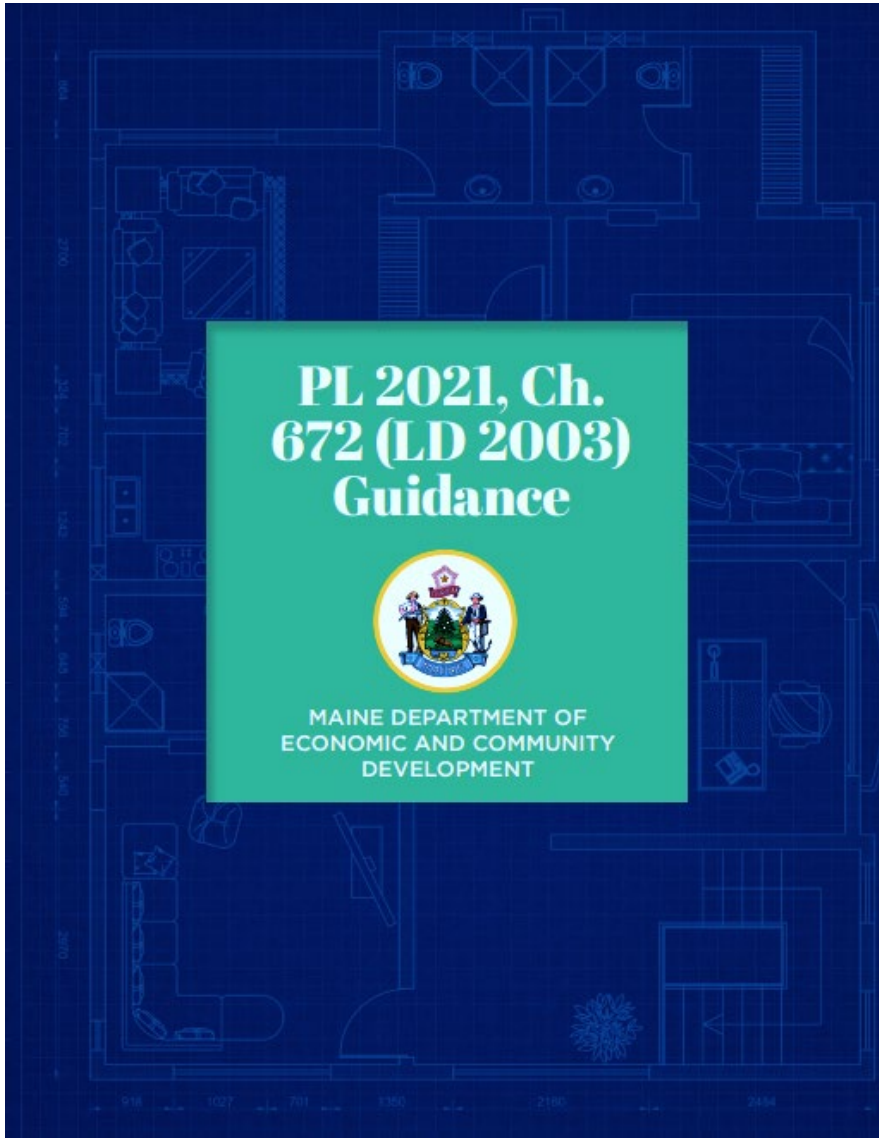
Implementing LD 2003 (PL 2021, Ch. 672) Rules: Zoning, Subdivision, and Shoreland Ordinance Amendments

“An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”



Freeport Town Council Meeting 01/02/24

Overview LD 2003



- 1) The Municipal Role in Fair Housing and Statewide Housing Production
- 2) Clarifies that municipalities can regulate short-term rentals
- 3) The Affordable Housing Density Bonus
- 4) The Extra Dwelling Units Allowance
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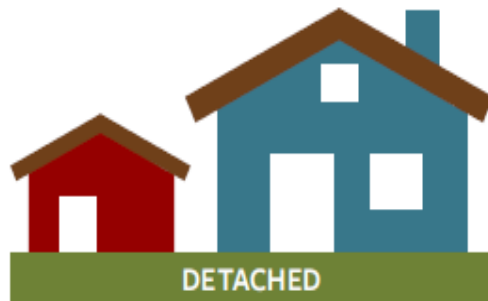
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