

**TOWN OF FREEPORT, MAINE**

Planning Department

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TO: SOPHIA WILSON, TOWN MANAGER
CC: FREEPORT TOWN COUNCIL
FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER & CAROLINE PELLETIER, TOWN PLANNER
RE: PROPOSED AMENDMENTS TO CHAPTER 25 FREEPORT SUBDIVISION ORDINANCE RELATED TO COMPLIANCE WITH THE STATE'S PL 2021, Ch. 672 (LD 2003)
DATE: TUESDAY, JANUARY 2, 2024

Background: As explained in the memo pertaining to the proposed Zoning Ordinance amendments being presented for consideration at the January 2, 2024 Town Council meeting, the State of Maine recently adopted PL 2021, Ch. 672 (LD 2003) which is *"An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions."* The Act, which was signed into law in April 2022 expands the ability to build housing in residential zones by loosening land use standards. In Freeport, the implementation of the new State mandate requires amendments to the Zoning Ordinance, Subdivision Ordinance and Shoreland Zoning Ordinance. *(For more detailed information on the requirements of PL 2021, Ch. 672 (LD 2003) please refer to the memo regarding proposed amendments to the Freeport Zoning Ordinance on this same topic).*

In addition, M.R.S. 30-A §4404 outlines review criteria that municipalities must use when reviewing applications for subdivision approvals. Freeport's Subdivision Ordinance is missing two standards outlined in M.R.S. 30-A §4404, and, in order to keep the Subdivision Ordinance up to date, planning staff recommended adding the missing standards and updating the document to reflect State language. This was something previously discussed by the Planning Board but being presented at the same time as other amendments for efficiency.

Therefore, the recommended amendments to the Subdivision Ordinance are intended to both comply with PL 2021, Ch. 672 (LD 2003) and to incorporate State language regarding subdivision approval standards under M.R.S. 30-A §4404. In addition, the recommended amendments include general clean-up, such as updating referenced documents/agencies and terminology used throughout the ordinance.

Process: The process for the implementation of PL 2021, Ch 672 (LD 2003) was outlined in the memo for the proposed amendments to the Freeport Zoning Ordinance, with the difference for the proposed Subdivision Ordinance text amendments being more minimal and to reflect amendments to the Zoning Ordinance, so the actual draft amendments were presented at the December 13th, 2023 public hearing.

Prior to starting work on amendments to comply with LD 2003, planning staff had started working on updates to the Subdivision Ordinance to incorporate review criteria standards from the State and to do general non-substantive language updates to the ordinance. The Planning Board held two discussions about this topic on 05/05/21 and 01/10/23.

Recommended amendments to the Subdivision Ordinance:

To comply with the State public law and statutes noted above, a summary of proposed amendments to the **Subdivision Ordinance**, is as follows, and is including, but not limited to the following Articles:

- Article 3. Definitions – Amendments to definitions to keep consistent with the definitions in the Zoning Ordinance;
- Article 7 - Preliminary Plan for Major Subdivision 7.2. D. – Amendments to include reference to Affordable Housing Developments for submission requirements related to providing copies of draft Community Association Documents, or Conservation Ownership and Management Plans;
- Article 11. Approval Standards – Including amendments to incorporate State review criteria (under M.R.S. 30-A §4404) in the following sections: 11.5 Traffic Conditions, 11.11. Impact on Water Quality or Shoreland, a new section 11.15. Identification of Farmlands, and 11.21. Land Impacted by Timber Harvesting;
- APPENDIX G Community Association Documents and Conservation Ownership and Management Plan Submission Requirements – Amendments to include submission requirements for Affordable Housing Developments related to affordability covenants and water/wastewater systems.
- Non-substantive text amendments throughout other sections of the document to match words used in the document with words used in Section 104. Definitions (e.g. single family to Single-Family, two family to Duplex, etc.).

Recommendations from the Planning Board:

The Planning Board made the following recommendations:

“BE IT ORDERED: that the Freeport Planning Board recommends that the Freeport Town Council adopt the proposed amendments to the Subdivision Ordinance pertaining to the implementation of the State of Maine’s LD 2003 – Public Law 2021, chapter 672 requirements and pertaining to the implementation of the State’s subdivision approval requirements under Maine revised Statute title 30-A subsection 4404, and additional non-substantial language clean-up.

The Board finds that the proposed amendments are in general harmony with the Comprehensive Plan and consistent with the Plan’s Vision of Freeport 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. (Burwell & Spiers) **VOTE:** (6 Ayes) (1 Excused: Myles) (0 Nays)”