



TOWN OF FREEPORT, MAINE

Planning Department

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TO: Freeport Town Council
FROM: Caroline Pelletier, Interim Town Planner
RE: Possible Repeal of a Retirement Community Overlay District (Tax Assessor Map 23, Lots 43, 45 & 49)
DATE: Tuesday, August 27, 2019

Background: At the June 4, 2019 Town Council meeting, the Council made a recommendation to the Planning Board to withdraw the Retirement Community Overlay District. This request was a result of a discussion that the Council had following the submission of a petition by residents (May 2019), that the Town repeal an existing Retirement Community Overlay District.

The Town of Freeport currently has two Retirement Community Overlay Districts; the one requested to be repealed is located in the area of Route One South / Stagecoach Road / Pine Street. The included parcels (shown below) can be identified as Tax Assessor Map 23, Lots 43, 45, & 49. The District was approved for Freeport, Living LLC by the Town Council on October 17, 2006.

Process: Section 531.G of the Freeport Zoning Ordinance has the following standards for the repeal of a Retirement Community Overlay District:

"G. Repeal

The Town Council may repeal a Retirement Community Overlay District created at the request of the property owners within the district and terminate all rights in the overlay provisions if:

1. Necessary Subdivision and/or Site Plan approvals have not been obtained for the retirement community within two (2) years of the Town Council's vote to create the overlay district, and/or
2. Substantial construction has not begun on the improvements shown on the approved Subdivision and/or Site Plan within three (3) years of the Town Council's vote to create the district.
3. The use of the property no longer qualifies as a Retirement Community as defined in section C above."

At the advice of the Town Attorney, the Town is following the process as it would for a Zoning Map Amendment in regard to public notice, review and recommendation from the Planning Board prior to action by the Council.

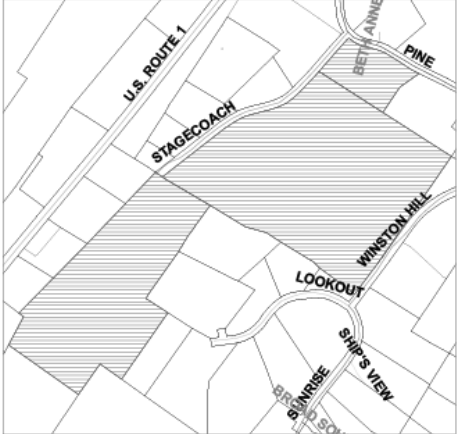
The Planning Board had an initial discussion on the item in July 2019 and held a formal public hearing on the item on August 7, 2019. The following ad was run in the Brunswick Times Record on 7/25/19 & 7/30/19.



PUBLIC HEARINGS

The Freeport Planning Board will hold public hearings on Wednesday, August 7, 2019 at 6:00 p.m. in the Freeport Town Hall Council Chambers to discuss the following:

1) A request to repeal a Retirement Community Overlay District in the area of Stagecoach Road/Pine Street (See shaded area on map below - Tax Assessor Map 23, Lots 43, 45 & 49). The district was approved for Freeport Living, LLC. by the Freeport Town Council on October 17, 2006. The underlying zoning districts will remain.



2) Proposed amendments to the Freeport Zoning Ordinance pertaining to the Island District (Sections 104, 426.d, and 507). These required changes will make the language consistent with State Shoreland Zoning regulations.

The public is welcome to attend. Submitted materials are available for viewing in the Planning Department at the Freeport Town Hall during normal business hours.

Abutter notification was sent in accordance with the notification requirements outlined in the Rules of Order and Procedure of the Freeport Planning Board. The Planning Board received three letters in support of the repeal and five members of the public spoke in favor of the repeal at the public hearing.

Recommendation from the Planning Board: The Planning Board made the following motion:

“That the Freeport Planning Board recommend that the Freeport Town Council repeal the Retirement Community overlay District in the area of Stagecoach Road/Pine Street (Tax Assessor Map 23, Lots 43, 45 and 49) approved for Freeport Living LLC. by the Freeport Town Council on October 17, 2006 as the Board finds the following:

1. Necessary Subdivision and/or Site Plan approvals for the project were obtained, however, have since expired and not been renewed;
2. Substantial construction did not begin on the improvements shown on the approved Subdivision and/or Site Plan within three (3) years of the Town Council’s cote to create the district;
3. The property is currently vacant, with the exception of one old dwelling which is currently uninhabited; and,

4. The underlying zoning district as shown on the Town of Freeport Official Zoning Map adopted 02/26/13 will remain unchanged. (Cannan & Torres) **VOTE:** (5 Ayes) (2 Excused-Ball & Child)”

Official Map: Please note that if the Retirement Community Overlay Designation on the subject parcels is removed, the existing underlying zoning districts and their boundaries will remain unchanged.

**Proposed Retirement Community Overlay District
Freeport Zoning Districts**



Prepared by the Freeport Planning Department
September 26, 2006