



TOWN OF FREEPORT, MAINE

Planning Department
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TO: FREEPORT TOWN COUNCIL

FROM: CAROLINE PELLETIER, TOWN PLANNER

RE: RECOMMENDED ZONING ORDINANCE AMENDMENTS PERTAINING TO SHORELAND ZONING AND THE OFFICIAL ZONING MAP

DATE: WEDNESDAY, SEPTEMBER 15, 2021

Background: At the Wednesday, September 1, 2021 Planning Board meeting, the Planning Board reviewed the following agenda items:

ITEM II: Public Hearing – Proposed Amendments to the Freeport Zoning Ordinance (pertaining to Shoreland Zoning)

This will be a public hearing to consider proposed amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. All new proposed changes have been drafted to align with the State’s minimum requirements. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

Note: Mike Morse from Morse Environmental Consulting, LLC will be present to give an overview of the proposed updates. If you have property specific questions, please contact the Codes Office 207-865-4743 ext. 102 prior to the meeting

ITEM III: Public Hearing – Proposed Amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning)

The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amended to “shoreland area”. Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Maps, as adopted by the Town Council.

Note: The proposed map also reflects any other zoning amendments already approved by the Council, but not currently reflected on the Official Zoning Map.

The items pertained to proposed amendments to the Freeport Zoning Ordinance regarding to Shoreland Zoning regulations. The Town is required by the State to adopt the mandatory Shoreland Zoning regulations (which were last updated by the State in 2015).

This proposed amendments before the Council were prepared with assistance of Mike Morse from Morse Environmental Consulting, Town Staff, and consultations (as needed) with the Maine Department of Environmental Protection and Town Attorney. The proposed language was also sent to the Maine Forest Service for review for compliance with regulations pertaining to timber harvesting (these permits are issued by the State).

Mike Morse will be available at the Council public hearing to provide the Council and public with an overview of the proposed changes.

In addition to the text amendments, these changes also require updates to the official zoning map for the Town of Freeport. The updated map also includes any other zoning amendments that were previously adopted by the Council, since its original adoption in 2013.

Process: Notification of the Planning Board hearing was mailed in accordance with the Planning Board Rules of Order and Procedure (over 800 notices sent) and included standard posting and circulation of the agenda. Legal ads for the public hearing were published in the Brunswick Times Record on 08/19/21 and 08/24/21.

Public Notice

PUBLIC HEARINGS

The Freeport Planning Board will hold public hearings on Wednesday, September 1, 2021 at 6:00 p.m. in the Freeport Town Hall Council Chambers to discuss the following proposed amendments:

1) Proposed Amendments to the Freeport Zoning Ordinance (pertaining to Shoreland Zoning)

This will be a public hearing to consider proposed amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. All new proposed changes have been drafted to align with the State's minimum requirements. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

2) Proposed Amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning)

The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amend to "shoreland area". Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance rate maps, as adopted by the Town Council.

3) Proposed Remote Participation Policy for the Freeport Planning Board

The public is welcome to attend. The meeting agenda and associated materials can be viewed at the Freeport Town Office or on the Town's website at www.freeportmaine.com

Notes:

- 1) The proposed Amendments in Section 601 of the attached document would need to get incorporated into the Board of Appeals amendments also for consideration before the Council at the 9/21/21 meeting.
- 2) If the proposed Shoreland Zoning Amendments and Map amendments are approved by the Town Council, they would then be forward to the Maine Department of Environmental Protection who has 45 days to review and approve/not approve the proposed amendments.

- 3) At the Planning Board public hearing there was general discussion about regulations pertaining to topics dealing with regulations of our tidal waters. It was noted by multiple members of the public, that the Town needs to clarify its rules with regards to water regulation. In particular, reference was given to Coastal Waters and regulations pertaining to items such as piers, docks and wharfs and regulations pertaining to aquaculture. The Planning Board wanted this noted in the recommendation to the Council.

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

MOVED AND SECONDED: That the Freeport Planning Board recommends changes to the Town of Freeport Zoning Ordinance as proposed dated September 1, 2021 as amended with attachments included for members in the public tonight. The changes relate to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302 Zoning Map; Section 303 Zoning District Boundaries; Section 304. Map Corrections – Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review with the noted addition from Joyce Veilleux relating to the appeals to the lot coverage vegetation and the edit to the typo in the Campground definition changing “is” to “in”. It is consistent with the spirit of the Town’s Comprehensive Plan and consistent with protecting our shoreland zoning areas and being environmentally responsible. (Canaan & Jortner) **VOTE:** (6 Ayes) (1 Excused-Savona) (0 Nays)

MOVED AND SECONDED: That the Freeport Planning Board make the proposed amendments to the official Zoning Map for the Town of Freeport on September 1, 2021. The boundaries of the shoreland zone as regulated by State law, will be updated. Many areas previously designated as Resource Protection I are being amended to shoreland area. Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as boundaries will be based upon the FEMA Flood Insurance Rate Maps, as adopted by the Town Council. This is to be in accordance with State law and environmental protection under Shoreland Resource Protection. (Child & Jortner) **VOTE:** (6 Ayes) (1 Excused-Savona) (0 Nays)