



TOWN OF FREEPORT, MAINE

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TO: FREEPORT TOWN COUNCIL

FROM: CAROLINE PELLETIER, TOWN PLANNER

RE: AGENDA ITEMS RELATED TO SHORELAND ZONING

DATE: TUESDAY, APRIL 19, 2022

I apologize that I will be out of town and unable to attend the April 19, 2022 Town Council meeting. Before you for consideration will be multiple agenda items to set public hearings for proposed ordinance amendments pertaining to the State of Maine Mandatory Shoreland Zoning Act ([Mandatory Shoreland Zoning Act \(Issue Profile\)](#), [Land & Water Quality](#), [Maine Department of Environmental Protection](#)).

Similar proposed amendments were originally before the Town Council for consideration in October 2021. At that time, the Council had discussion, the items were tabled and the decision was made that staff, the consultant, and Councilors Dan Piltch and Ed Bradley would meet for further review and discussion of the items before they returned to the Council. As a result of the meeting, it was decided that it would be best to try to simplify the proposed Shoreland Zoning regulations so they were easier to understand and then community would be able to also decide if there were provisions that warranted additional discussions with the Maine Department of Environmental Protection (DEP) to see there was any flexibility in the State minimum requirements.

As a result, before the Council for consideration of setting public hearings are the following:

- 1) Proposed Town of Freeport Shoreland Zoning Ordinance (new stand-alone document)
- 2) Proposed Amendments to the Freeport Zoning Ordinance
- 3) Proposed Amendments to the Town of Freeport Official Zoning Map
- 4) Proposed Amendments to the Town of Freeport Coastal Waters Ordinance

Essentially, the previously proposed Shoreland Zoning regulations were extracted from the existing Freeport Zoning Ordinance and a proposed stand-alone Shoreland Zoning Ordinance was drafted. As a result, amendments were needed to the remaining Zoning Ordinance to remove Shoreland regulations while as the same time, some overall Ordinance clean-up is being proposed. The proposing zoning map has been cleaned up slightly, but overall remains mostly unchanged however for clarify, and at the request of the Maine DEP, the current FEMA Flood Maps and Maine Geological Survey Coastal Bluff maps have been attached as addendums.

New to the Town Council are the proposed amendments to the Town of Freeport Coastal Waters Ordinance. The Coastal Waters Committee was previously before the Town Council for discussion of possible amendments pertaining to the length of a dock. An updated version of that proposal is included

in the proposed Coastal Waters Ordinance amendments. In addition, under State Shoreland Zoning requirements, the Town of Freeport has the option to regulate *Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland*. Since we, as a Town, chose to do so, those standards need to comply with State Shoreland Zoning requirements. Additional updates to the Coastal Waters Ordinance are proposed to make the Ordinance comply with at least the minimum State Shoreland Zoning requirements.

All of the proposed amendments before the Town Council tonight have been reviewed by the DEP for input. Final review will be required after action by the Council and in accordance with municipal requirements and State law.

Based upon discussion at the Planning Board meeting, we are waiting on additional guidance on the proposed Coastal Waters Ordinance pertaining to the setbacks for haul-outs and sizing requirements for a float; this information will be forthcoming (and is expected to be non-substantive) and hopefully will be received prior to the public hearing held by the Town Council.