

**TOWN OF FREEPORT, MAINE**

Planning Department

30 Main Street

Freeport, ME 04032

Phone: 207-865-4743

www.freeportmaine.com

TO: Peter Joseph, Town Manager
FROM: Caroline Pelletier, Town Planner
RE: Business Reopening - Regulatory Considerations
DATE: Tuesday, May 12, 2020

It is expected that based upon the Governor's phased re-opening plan, many Freeport businesses, including restaurants and retail establishments, will have the opportunity to reopen on June 1, 2020. It appears that re-opening guidelines to be provided by the Governor will most likely include limitations on the number of customers at an establishment and proper social distancing requirements.

For rural communities, guidance was delivered in the form of the COVID-19 Prevention Checklists (which were developed by the Maine Department of Economic and Community Development). While there are multiple page checklists for businesses to consider based upon the type of establishment, some topics suggested in the guidance included curbside pickup/takeout, additional signage, distance markers outside of establishments, expanded outdoor seating for restaurants, and outdoor fitness classes for gyms. Although the additional guidance is expected for the Phase 2 reopening which starts June 1, it is assumed that some of these same suggestions will be incorporated into the re-opening guidance for Cumberland County.

As you are aware, in Freeport, if a business wanted to make some of these changes, it could require review and permitting from a Board and various Town departments. For example, expanding outdoor seating or adding an area of an outdoor exercise class, would most likely require a Site Plan Amendment and maybe additional parking. New signage could also require Site Plan Review; while temporary signs are not even permitted. Furthermore, in the downtown area, where our Design Review Districts are located, a Design Review Certificate from the Project Review Board would be required for any of these changes that would be visible from any public right-of-way. Freeport also has limits related to outdoor retail sales.

Although historically, some of these are things that Freeport has chosen to restrict, given the current pandemic and overall need to supporting our existing businesses, we have the opportunity to consider some simple changes that would help our businesses move forward and make this transition smoother for them. Sometimes change is good; if some of these ideas work and seem to better support the business community, while maintaining the values that are important to Freeport, we could later pursue Ordinance amendments to make them permanent.

This is not only a great opportunity for look at new ways to support our existing businesses, but at the same time will add some vibrancy and activity in Freeport, and in particular to the entire Route One corridor including the Village. It would be great to see Freeport emerge from the pandemic as a vibrant town, which supports its local business community while also providing a safe and welcoming environment for our residents and visitors to feel comfortable utilizing our existing businesses and community resources.

The following is a list of items that the Council could consider, with some recommended guidelines as noted:

- Allow businesses to install **temporary signs** to support the changes to their business operations as a result of the COVID-19 pandemic. This may also include additional signs needed for distance markers outside of establishments. Internally illuminated signs, signs with moving parts, and flag and/or feather style signs

would not be permitted. Signs would need to be located on private property and not project over the public right-of-way. No sign shall exceed 32 sf in size or 25 feet in height.

- Remove the limit for the number and length of time that **outdoor sidewalk or tent sales** are allowed. This should include a stipulation that product and items used for the outdoor set-up (ie: tables and tents) be brought inside when the business is not open if they cannot be safely secured. This provision for “outdoor sidewalks and tent sales” could also apply to outdoor setups for tourist information centers.
- Allow business that hold fitness classes to create **outdoor areas to hold classes** as long as new permanent impervious area is not created on the site.
- Allow the creation of **outdoor seating areas with chairs and tables** (and minimal required lighting for safety & ambiance) for restaurants as long as new permanent impervious area is not created on the site.
- Allow the use of **tents** with the understanding that all tents would need to comply with regulations of the State of Maine Fire Marshal’s Office and the Town of Freeport Fire Prevention Code. Business should be aware that in cases of inclement weather (such as severe storms) they could be contacted and asked to take tents down if there is a public safety concern.
- Allow the installation of **outdoor seating areas** to support the needs to other business (such as restaurant carry-out establishments serving items like coffee and ice cream).
- Public bathrooms and **restroom facilities** should remain available in accordance with State law and default to any directive included in the Governor’s orders.
- For properties in the Design Review Districts, a Design Review Certificate should not be required for any of these temporary changes as long as no permanent changes to the site or the building facades are proposed.
- These temporary modifications should not require the applicant to amend their existing site plan through the formal Site Plan Review process.

The suggestion would be that businesses looking to take advantage of these changes, apply for a Temporary Activity Permit from the Town of Freeport. No other land use permits would be required. In addition to any conditions noted above, the following would apply:

- No fee would be charged and one form could be completed for the entire time period unless the needs to the business changed, in which case the form on file would need to be updated.
- Applicants would be required to show proof of right, title and/or interests (deed or lease) and would need sign-off from the landlord (as applicable).
- Requests would be reviewed and approved by the Town Planner and the Codes Enforcement Officer and could be completed electronically.
- Any changes would need to ensure that safe and adequate pedestrian and vehicular circulation and adequate egress is being provided.
- No ADA parking may be displaced.
- The proposed changes would be entirely on private property, unless permission is otherwise granted by the Freeport Town Council.
- If a commercial property abuts a residential property, for the expansion of outdoor areas for classes and/or dining, or for the use of tents, setbacks would be applicable.
- Contact information for the business would be provided so there is a contact on file to reach in case of emergencies.
- Any changes authorized as part of this program would be permitted through Monday, October 12, 2020 (Columbus Day/Indigenous Peoples' Day), unless otherwise amended by the Town Council. *(Note: This could be done through enactment of an emergency ordinance (Freeport Town Charter, Article 2.14) which could be adopted immediately through a super-majority vote (5 members of the Town Council) and reenacted as necessary).*