



TOWN OF FREEPORT, MAINE

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TO: FREEPORT PLANNING BOARD

FROM: CAROLINE PELLETIER, TOWN PLANNER

**RE: AGENDA ITEM III: Zoning Ordinance and Subdivision Ordinance Amendments
Regarding Public Notice – PUBLIC HEARING**

DATE: WEDNESDAY, JANUARY 6, 2021

Zoning Ordinance and Subdivision Ordinance Amendments Regarding Public Notice – PUBLIC HEARING

This will be a public hearing regarding amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1, and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are scheduled to be held. *Note: This amendment is being brought forward by staff based upon public input and previous discussions on this topic by both the Freeport Project Review Board and the Freeport Planning Board.*

Background: This amendment is being brought forward by staff based upon public input and previous discussions on this topic by both the Freeport Project Review Board and the Freeport Planning Board. The request for increased public notification has come up a few times within the past year in cases where there have been public hearings before the Project Review Board.

Although the Project Review Board usually takes public comment, there are times that formal public hearings are held and in which case a legal ad is run in a newspaper. The Town of Freeport typically posts legal notices in the Brunswick Times Record as it meets the State standard (Title 1 M.R.S.A. § 601) as a newspaper of general circulation. The request was made that notice for public hearing be posted in a newspaper such as the Forecaster. Since the Forecaster, or other similar weekly local free papers, may not meet the legal requirements for a newspaper of general circulation, the proposed text before the Board for consideration would add an additional public notice be printed in an additional newspaper that is available within the municipality.

The additional notice will be done at an additional cost. Whether the cost is passed on to the applicant or covered by the Town will be a discussion for the Town Council.

Proposed Motion: Be it ordered that the Freeport Planning Board recommend to the Freeport Town Council amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1, and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are scheduled to be held.

Chapter 21 – Town of Freeport Zoning Ordinance Proposed Amendments

Proposed new text is underlined in red

Section 602.C.1.i – Site Plan Review, Administration

- i. **Public Hearing.** If the Project Review Board decides to hold a public hearing a notice of the nature of the application and of the time and place of the public hearing shall be given by mail to the applicant and the owners of all property within two hundred (200) feet of the property involved at least ten (10) days in advance of the hearing and shall be published at least seven (7) days in advance in a newspaper of general circulation in the area and a second time in a different printed paper in circulation within the municipality.

The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Project Review Board.

Chapter 25 - Town of Freeport Maine Subdivision Ordinance Proposed Amendments

Proposed new text is underlined in red

Article 6.2.D.1 – Minor Subdivisions, Procedure

1. Schedule a public hearing for the next available scheduled meeting of the Project Review Board for which the appropriate notification can be given. Prior to the hearing, the Board shall publish a notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two (2) times. The date of the first publication shall be at least seven (7) days prior to the hearing. In addition, notice of the date, time, and place of the hearing shall be published a third time in a different printed paper in circulation within the municipality. A copy of the notice shall be mailed to the applicant.
- 2.

Article 7.1.C.1 – Preliminary Plan for Major Subdivisions, Procedure

1. Schedule a public hearing for the next regularly scheduled workshop meeting of the Project Review Board for which the appropriate notification can be given. The Board shall publish a notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two (2) times. The date of the first publication shall be at least seven (7) days prior to the hearing. In addition, notice of the date, time, and place of the hearing shall be published a third time in a different printed paper in circulation within the municipality. A copy of the notice shall be mailed to the applicant.

Article 8.1.H – Final Plan for Major Subdivision, Procedure

- H. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days, notify the applicant, publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two (2) times, and notify abutters of the hearing. The date of the first publication shall be at least seven (7) days before the hearing. In addition, notice of the date, time, and place of the hearing shall be published a third time in a different printed paper in circulation within the municipality.