



TOWN OF FREEPORT, MAINE
Planning Department
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TO: FREEPORT TOWN COUNCIL
FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER
RE: ZONING AND SUBDIVISION ORDINANCE REVISIONS TO COMPLY WITH THE STANDARDS REQUIRED BY THE STATE OF MAINE GENERAL PERMIT FOR STORMWATER DISCHARGES FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4S)
DATE: WEDNESDAY, SEPTEMBER 13th, 2023

Background: Adam S. Bliss, P.E., Town Engineer, brought forward proposed amendments to the Freeport Zoning Ordinance and Subdivision Ordinance as required under Maine’s DEP General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) rules. The Town of Freeport has been regulated by this General Permit since 2003, and the proposed amendments comply with the most recent changes that became effective in July 2022.

The Planning Board held a public hearing on this topic on 09/06/23 and made a motion to recommend the proposed amendments to the Town Council. The agenda item was as follows:

ITEM III: PUBLIC HEARING – Text Amendments to Section 529. Stormwater Management and Section 602. Site Plan Review of Chapter 21 Town of Freeport Zoning Ordinance (related to stormwater and erosion and sedimentation control standards).

The Board will hold a Public Hearing to discuss proposed amendments to Section 529 and Section 602.D and 602.F of the Freeport Zoning Ordinance. The purpose of the proposed amendments is to comply with the standards required by the State of Maine General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

ITEM IV: PUBLIC HEARING – Text Amendments to Chapter 25 Subdivision Ordinance (related to stormwater and erosion and sedimentation control standards).

The Board will hold a Public Hearing to discuss proposed amendments to Article 3 Definitions, Article 11 Approval Standards, Appendix D, Appendix E, Appendix F, and Appendix J of Chapter 25 Subdivision Ordinance. The purpose of the proposed amendments is to comply with the standards required by the State of Maine General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

The proposed amendments relate to adopting specific erosion and sedimentation control standards (for proposed developments that trigger site plan review or subdivision review) and updating references to documents in the Freeport Zoning (Chapter 21) and Subdivision (Chapter 25) ordinances that were

outdated. Please see the attached proposed amendments as recommended by the Planning Board.

Process: The Planning Board held a Public Hearing on 09/06/23. The Planning Board legal ads for the public hearing were published in the Times Record on 8/25/23 and 8/30/23. The text for the legal ad was as follows:

Public Notice

**TOWN OF FREEPORT
PLANNING BOARD–PUBLIC HEARINGS**

The Freeport Planning Board will hold public hearings on Wednesday, September 6th, 2023 at 6:00pm in the Freeport Town Hall Council Chambers at 30 Main Street Freeport, Maine to discuss proposed text amendments to the following Ordinances:

1) **Section 529. Stormwater Management and Section 602. Site Plan Review of Chapter 21 Town of Freeport Zoning Ordinance (related to stormwater and erosion and sedimentation control standards).**
This will be a public hearing to discuss proposed amendments to Section 529 and Section 602.D and 602.F of the Freeport Zoning Ordinance. The purpose of the proposed amendments is to comply with the standards required by the State of Maine General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

2) **Chapter 25 Subdivision Ordinance (related to stormwater and erosion and sedimentation control standards).**
This will be a public hearing to discuss proposed amendments to Article 3 Definitions, Article 11 Approval Standards, Appendix D, Appendix E, Appendix F, and Appendix J of Chapter 25 Subdivision Ordinance. The purpose of the proposed amendments is to comply with the standards required by the State of Maine General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

The public is welcome to attend and may choose to attend in person or on Zoom. Information on how to participate (including information on how to join on Zoom) can be found on the meeting agenda posted on the meeting calendar of the Town's website at www.freeportmaine.com. Meeting materials will be available for viewing on the Town's website or by contacting the Planning Office at the Freeport Town Hall at (207) 865-4743 option 5.

Recommendations from the Planning Board: The Planning Board made the following recommendations:

MOVED AND SECONDED: Be it ordered that the Freeport Planning Board recommends to the Freeport Town Council the proposed amendments regarding the Zoning Ordinance revisions to comply with the Maine General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) requirements and reducing the threshold for Erosion and Sedimentation Control requirements to disturbances greater than 5,000 square feet. The amendments include Section 529 and Section 602.D and 602.F of the Freeport Zoning Ordinance. The Board finds that the proposed language has been drafted to protect the health and safety of Freeport residents and is in in harmony with the

Comprehensive Plan's Vision that Freeport would be a responsible steward of the environment by providing incentives to develop land in ways that don't harm the environment and ensuring an adequate supply of potable drinking water in keeping with the Comprehensive Plan. (Burwell & Arsenault) **VOTE:** (6 Ayes) (0 Nays)

MOVED AND SECONDED: Be it ordered that the Freeport Planning Board recommends to the Freeport Town Council the proposed amendments regarding the Subdivision Ordinance revisions to comply with the Maine General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) requirements and reducing the threshold for Erosion and Sedimentation Control requirements to disturbances greater than 5,000 square feet. The amendments include amendments to Article 3 Definitions, Article 11 Approval Standards, Appendix D, Appendix E and Appendix F of the Town of Freeport Subdivision Ordinance. The Board finds that the proposed language has been drafted to protect the health and safety of Freeport residents and is in in harmony with the Comprehensive Plan's Vision that Freeport would be a responsible steward of the environment by providing incentives to develop land in ways that don't harm the environment and ensuring an adequate supply of potable drinking water. (Rouda & Jortner) **VOTE:** (6 Ayes) (0 Nays)

* Please note that during the meeting the Planning Board made a motion to strike out the following sentence from the proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11, Subsection 11.6.B.(d) as shown below, but this recommendation didn't make it to the motion. The Town Council may want to consider removing the sentence as suggested.

d. Subdivisions requiring stormwater management facilities shall enter into a Maintenance Agreement with the Town. ~~A sample of this agreement is attached as Appendix J of this Ordinance.~~

Chapter 21 Town of Freeport Zoning Ordinance

Section 529. Stormwater Management

Adequate provisions shall be made to manage any stormwater flows generated by a development. All developments subject to Site Plan and/or Subdivision Review shall meet the following standards for stormwater management:

1. Stormwater shall be detained on the site using the natural features of the site to the greatest extent possible.
2. The rate of stormwater flows from the site after development shall not exceed the predevelopment rate of stormwater flow from the site unless the discharge is directly into the ocean or into the Cousins, Royal or Harraseeket Rivers or if the applicant can demonstrate through engineering studies that no negative impact on downgradient drainage facilities due to increased stormwater runoff rates from a site will result.
3. The quality of the stormwater flows offsite shall be addressed. Retention of the first one-half inch of runoff from a storm event for 24 hours or other stormwater quality improvement measures may be necessary to minimize or eliminate sediments and other contaminants from the stormwater leaving the site.
4. In addition to any other applicable requirements of this Ordinance and the Freeport Subdivision Ordinance, any development which would require a stormwater management permit from the Maine Department of Environmental Protection under 38 M.R.S.~~A~~. 420-D shall comply with the rules adopted by the Department of Environmental Protection under 38 M.R.S.~~A~~. 420-D(1), as the same may be amended from time to time, and the applicant shall document such compliance to the Freeport Project Review Board and these standards are hereby adopted by reference. Where the standards or other provisions of such stormwater rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

Chapter 21 Town of Freeport Zoning Ordinance

Section 602. Site Plan Review

A. Purpose

The purpose and objectives of the Site Plan Review requirements are to conserve the Town’s natural beauty and visual character and to provide for public safety and environmental stewardship of the immediate neighborhood including light and noise and by ensuring that structures, signs and other improvements are properly related to their sites and to surrounding sites and structures, especially in regard to the natural terrain and landscaping, and that the exterior appearance of structures, signs and other improvements harmoniously relates to their environment.

B. Applicability

1. **Site Plan Review** is required for all development proposals as outlined in Article IV of this Ordinance. In addition, Site Plan Review is required for a change of use when the new use is subject to Site Plan Review, unless otherwise exempted under Section 602.C. Nothing in this Section 602 shall be construed to prevent the ordinary repair and/or maintenance of existing structures and/or existing site improvements.
2. **Build according to plan.** Construction, site development and landscaping shall be carried out in accordance with the plans, drawings, sketches, and other documents approved by the required reviewing authority, unless altered with approval.
3. **Multiple Reviews.** When a development is subject to multiple reviews such as Site Plan Review, Design Review, and/or Subdivision Review, the Project Review Board shall conduct a concurrent review; the project is required to meet the criteria and standards of all ordinances under review. If Subdivision Review is required, the procedures of Subdivision Ordinance shall be used. If the development requires action by the Board of Appeals, Project Review Board review shall not commence until the Board of Appeals has made a decision.

C. Administration

The following procedures and requirements shall apply to all applications for Site Plan Review:

1. **Pre-Application Conference.** Prior to submitting a formal application for a project requiring Site Plan Review, the owner of the property or agent, as

designated in writing by the owner, should schedule a pre-application meeting with the Town Planner. The purpose of this meeting is to familiarize the applicant with the review procedures, submission requirements and the approval criteria and to familiarize the Town Planner and other relevant Town staff with the project. The Town Planner shall determine who has the authority to review the project: the Town Planner, the Staff Review Board, or the Project Review Board.

2. Classification of Site Plans:

- a. **Town Planner Review.** The Town Planner has the authority to review and take action on proposed changes that do not modify the intent of the previously approved site plan. The proposed changes shall be shown on a plan submitted by the applicant to the Town Planner and the Town Planner shall sign and date the plan to record agreement that the change does not modify the intent of the approved site plan. Examples of such changes include, but are not limited to:
- i. Minimal lighting
 - ii. Landscaping
 - iii. Recalculations of parking requirements
 - iv. Changes to previously approved signage and/or any new signage on a site that has received Site Plan Review provided that in either case, the signs meet the standards of the Freeport Sign Ordinance
 - v. Modifications including expansions of structures and impervious surfaces up to one-thousand (1,000) square feet within a three-year period
 - vi. A change of use of an existing building in the Village Commercial I (VC-I) District from a restaurant/restaurant carry-out to retail trade or from retail trade to a restaurant/restaurant carry-out provided the building is located on a lot which does not abut a lot in a residential use
 - vii. A change of use from retail trade to business and professional office or business and professional office to retail trade when no site changes are proposed, the space occupied by the use does not exceed one-thousand five hundred (1,500) square feet of gross floor area, the applicant can demonstrate that the parking requirement of the zoning district has been met and that any public utilities serving the property have the capacity to serve the new use
 - viii. Seasonal accessory outdoor seating as permitted in the Village Commercial I, Village Commercial II, Commercial I and Commercial III Zoning Districts

Notwithstanding the above, either the Town Planner or the applicant may request a hearing by the Project Review Board.

- b. **Staff Review Board.** Projects that meet the criteria of this Section shall be eligible for review by the Staff Review Board. Municipal projects and projects that also require a Design Review Certificate or Subdivision approval are not eligible for review by Staff Review Board and shall require review by the Project Review Board. The Staff Review Board shall consist of the Town Planner, the Fire/Rescue Chief, the Police Chief, the Codes Enforcement Officer, the Town Engineer and the Public Works Superintendent, or the designee of any of them, with input from other Town departments as needed. The Staff Review Board shall have the same powers and duties as the Project Review Board. A public hearing shall not be required.

A quorum of the Staff Review Board necessary to conduct an official Board meeting shall consist of at least three (3) members. Action on any application by the Staff Review Board shall require a majority of those members present and voting. An audio recording of each meeting shall be made and retained by the Town. The following projects shall be eligible for review by the Staff Review Board:

- i. Change of use from one permitted use to another permitted use provided any expansions do not exceed the limits stated in this Section 602.C.2.b
- ii. Modifications including expansions of structures and/or impervious surfaces greater than one-thousand (1,000) square feet but less than two-thousand (2,000) square feet within a three-year period.
- iii. Filling of lands or creation of ponds on properties where the primary use is residential.
- iv. Filling of lands or creation of ponds where the primary use of the property is commercial which are greater than two-hundred (200) cubic yards but less than six-hundred (600) cubic yards of material.
- v. Renewal of gravel pit operations that do not include an expansion or other modification.
- vi. Any increase in height of a wireless telecommunication tower that is more than twenty (20) feet or 10% (ten percent), whichever is greater; any appurtenance to the tower that protrudes out from the edge of the tower more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater; the

- installation of more than four (4) cabinets per carrier for the technology involved; any excavation or deployment outside of the limits of the approved site plan; changes around the base of the tower structure that reduces the concealment elements of the support structure; amendments that alter the approved site plan.
- vii. Construction of ground-mounted Accessory Solar Energy Generation Systems for uses other than single and/or two family dwellings.

If the Town Planner or the applicant determines that a project appears to be complicated or disputed, the Town Planner may refer the application to the Project Review Board for their review at the next available meeting.

- c. **Project Review Board.** Projects that do not meet the criteria for review and action by either the Town Planner or the Staff Review Board shall require review and action by the Project Review Board.
- i) The Project Review Board shall accept public comments on any item at any stage of the review process and in accordance with the Rules of Order and Procedure of the Freeport Project Review Board. A public hearing shall not be required, but the Project Review Board may decide to schedule a public hearing in accordance with Section 602.C.9 if the size and/or nature of the development is perceived to have a significant impact on the community, not just the nearby properties.
 - ii) Projects that amend previously approved site plans, and that have sufficient information to be considered complete by the Town Planner, may be reviewed and have action taken in a single meeting of the Project Review Board.
 - iii) Projects that are proposed on undeveloped land, that include the demolition of buildings, or that include a building and/or parking area is more than two-thousand (2,000) square feet should first submit a conceptual plan. A conceptual plan should include environmentally sensitive areas such as wetlands, water bodies, streams, and steep slopes, locations of passing test pits if a subsurface sewage disposal system is proposed, the location of buildings and parking areas, and building elevations if a building is proposed. Conceptual plans should not be engineered plans. The purpose of the conceptual plan is to introduce the project to the Board and to contact property owners near the project. This portion

of the review gives the Board and nearby property owners an opportunity to comment on the project before any engineering is done for the project. This phase of the review process is to direct the applicant as to what changes should be made and what information should be included in the final plan.

3. **Timing of review.** For projects that are eligible to be reviewed by the Staff Review Board, the Town Planner shall make an initial review of the application to determine if it is complete and upon being deemed complete, shall be placed on the Staff Review Board’s agenda for consideration within twenty-one (21) days.

For projects that are eligible to be reviewed by the Project Review Board, the completed application for Site Plan Review, together with the documentation required in these regulations, shall be placed on the Project Review Board’s agenda for consideration within thirty (30) days of its receipt review unless the Project Review Board and applicant agree to a continuance; however, any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the Town Planner with an indication of the additional information required. Within sixty (60) days of the receipt of a Site Plan submission which is determined by the Project Review Board to be complete, the Project Review Board shall act.

4. **Notification of Meetings.** All agendas of the Project Review Board and the Staff Review Board shall be posted at the Freeport Town Office and the Freeport Community Library for inspection during normal business hours. The notice shall also be placed on Freeport’s local municipal cable channel and the Town’s website.
 - a. For meetings of the **Staff Review Board**, notification of the nature of the application and the time and place of the meeting 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 five (5) days in advance of the meeting. The Staff Review Board shall accept public comment for all applications.
 - b. For meetings of the **Project Review Board**, notification of the nature of the application and the time and place of the meeting shall be given by mail to the applicant and the owners of all property within five-hundred (500) feet of the property involved at least seven (7) days in advance of the meeting.

The owners of all property shall be considered to be those against whom taxes are assessed as of April 1 of each calendar year. Failure of any property owner to receive a notice of a meeting shall not necessitate another meeting or

invalidate any action by the Staff Review Board and/or the Project Review Board.

5. **Possible action.** Action may include approval, approval with conditions, or disapproval of the site plan as submitted or amended. If the Project Review Board or Staff Review Board votes on an application, the owner or authorized agent shall be notified in writing of the action with any conditions of approval being noted.
6. **Site walk.** The Project Review Board or Staff Review Board may schedule a site walk of the property before making a final decision on the application. Notice of the site walk shall be given to the applicant and all abutting property owners per Section 602.C.1.b. and such notice shall include, at minimum, the date, time and location of the site visit. The Board will report on its findings at its next scheduled meeting where the application for the project is discussed.
7. **Conditions of approval.** The Project Review Board or Staff Review Board may attach such condition(s) as it finds necessary to ensure compliance with the purpose and standards of Site Plan Review and all other applicable sections of this Ordinance. Requests for changes in the conditions of approval require review under the provisions of this Section and by the Board that granted the approval with conditions.
8. **Review by an expert.** The Project Review Board and/or Staff Review Board may require that the Town Engineer or other expert consultant(s) review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and, advise if necessary, of procedures which will result in compliance. The Town Engineer and/or other expert consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account prior to the start of the review. Any costs for engineering review and/or review by other expert consultant(s) shall be paid from the escrow account and if funds remain after payments are completed, any remaining balance shall be returned to the applicant. If the actual cost is more than the estimated cost, the applicant shall pay any overages before the Notice of Decision of the Board is issued to the applicant. The consultants shall be fully qualified to provide the required information as determined by the Staff Review Board and/or Project Review Board in its sole discretion.

The Project Review Board may require the applicant to undertake any study which it deems reasonable and necessary to ensure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

9. **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 published at least seven (7) days in advance in a newspaper of general circulation in the area.

10. **Performance Guarantee:** The Staff Review Board and/or Project Review Board, with the advice of Town Staff, Municipal Officers, and/or the Town Attorney may as a condition of approval require the applicant to post a performance guarantee to ensure the completion of site improvements associated with the project. The performance guarantee may be in the form of an escrow agreement, irrevocable letter of credit, or any other form reviewed and approved by the Town Manager, upon review by the Town Attorney in such amount as is approved by the Staff Review Board and/or Project Review Board as being reasonably necessary to ensure completion of all site improvements, for example, but not limited to erosion control, drainage, stormwater management facilities, parking areas, landscaping, walkways, retaining walls, lighting and any off-site improvements that were required as a condition of approval.

The Town of Freeport shall have access to the site at all times to review the progress of the work and shall have the authority to review the field logs maintained by the construction monitor. Any deficiencies noted by the Town representative shall be brought to the attention of the construction monitor who shall see that remedial measures are taken. If the Town Engineer or their designee shall find, upon inspection of the improvements performed before expiration date of the performance guarantee, that required improvements have not been constructed in accordance with plans and specifications approved by the Board, they shall so report to the Town Planner and/or Municipal Officers or their appointed designee. The Town Planner and/or Municipal Officers shall then notify the applicant and, if necessary, the issuer of the performance guarantee, and take necessary steps to preserve the municipality's rights.

11. **Payment of fees.** At the time of application for a building permit, the applicant shall pay to the Town Treasurer any fees that were required as a condition of the approval. Fees such as an inspection fee to cover ensure that the project is constructed as approved, impact fees, and the administrative fee on the performance guarantee.
12. **Pre-construction meeting.** The applicant shall notify the Town Planner or their appointed designee when construction of such improvements shall commence so that the Town Planner or their appointed designee can cause inspection to be made to ensure that all municipal specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Staff Review Board and/or Project Review Board.

13. **As-built plans.** The Project Review Board, Staff Review Board, Town Planner, Town Engineer or Codes Enforcement Officer may require that as a condition of approval, or for a Certificate of Occupancy, that upon completion of construction, the owner shall present to the Town a set of as-built plans indicating the location of underground utilities on the developed site and in all abutting roads and easements/right of ways. These "as-built" plans shall be submitted in both paper and electronic copies (including a PDF copy) prior to the issuance of a Certificate of Occupancy for the project or occupancy of the building.
14. **Review of future plans.** No new plan by the applicant shall be approved by the Town under this Section 602 as long as the applicant is in default on a previously approved site plan.
15. **Certificate of occupancy.** A certificate of occupancy shall not be granted until the Codes Enforcement Officer determines that the completed project meets all of the requirements of the site plan as approved by the Town.

Nothing contained in this section shall prevent the Town from pursuing any other action.
16. **Existing development.** Nothing herein contained shall require any change in plans, construction or structure, the construction of which shall have been diligently prosecuted previous to the date of enactment or amendment of this Ordinance, provided plans for such building or structure shall have been timely filed with and approved by the Codes Enforcement Officer.
17. **State and federal permits.** The applicant shall comply with all State and Federal requirements and receive all relevant approvals before application is made for a building permit and/or any development activities may begin. The Codes Enforcement Officer shall issue a building permit after a determination that the application complies with the site plan(s) approved by the Town.
18. **Approval duration.** The approval of a site plan shall become void if construction of site improvements is not initiated within two (2) years of the date of such approval unless such time limit is extended by the Board that granted the original approval. The site may be developed and used only as shown on the approved site plan. All elements and features of the site plan are conditions of the approval and no change from the approved site plan is permitted unless an amended plan is first submitted to and approved by the Board that granted the original approval and following the procedures of this Section 602. Such extension may only be granted for one additional two-year period.
19. **Violations.** Failure to comply with any conditions of the Site Plan approval, subsequent to approval of the site plan, shall be construed to be a violation of this

Ordinance and shall be the grounds for revoking the approval, initiating legal proceedings to enjoin construction or any specific activity violating the conditions of approval, or imposing such fines as the Town Council shall have established for violations of this Ordinance, for each day that the violation continues to exist after official notification by the Codes Enforcement Officer.

D. Submission Requirements

When the owner of the property or authorized agent makes formal application for Site Plan Review to the Staff Review Board and/or the Project Review Board, the application for the Site Plan or an amendment to an approved site plan shall contain at least an application, a deed for the property, plans, building elevations, and a cover letter. In addition to the paper copies required below, all application materials must be submitted in digital PDF form. More details on each of these items are listed below. The Town Planner shall make an initial review of the application to determine if it is complete.

1. **Application:** A fully executed and signed copy of the application for Site Plan Review. The application form will be provided by the Planning Department.
2. **Proof of right, title and/or interest in the property:** A copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be omitted.
3. **Cover letter:** A cover letter explaining the project should include details on any proposed construction or change of use that can't be explained by the plans. The cover letter should also list other local, state, or federal permits or licenses that will be required.
4. **Plans:** Two (2) sets of the full-size plan set drawn at a scale sufficient to allow review under the Criteria and Standards of Section (F) of this Section, but at not more than forty (40) feet to the inch for that portion of the total tract of land being proposed for development and ten (10) copies for the Project Review Board, or seven (7) copies for the Staff Review Board of the plan set on 11" X 17" size sheets. All plans shall include the following information:
 - a. Owner's name and address and applicant's name and address;
 - b. Assigned address and Tax Assessor Map and Lot(s) of each parcel(s)-existing at the time the application is submitted;
 - c. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;

- d. The bearings and distances of all property lines, and easements and the location of the adjacent right-of-way.. A formal survey is recommended for new developments; however, the Project Review Board may waive the requirement of a formal boundary survey when sufficient information is available to establish, on the ground, all property boundaries;
- e. Zoning classification(s) of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts;
- f. The lot area of the parcel and the road frontage;
- g. The location, size, and type of all existing and proposed buildings and structures (including size and height) and the setbacks from property lines, driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements and landscaping;

Developments proposed on land that hasn't been previously developed, redevelopment of property, and or significant expansion shall also include the following additional information. The Town Planner may determine what additional information will need to be submitted. The Project Review Board may require additional information or may waive the additional submission requirements required by the Town Planner.

- h. Sketch map showing general location of the site within the town;
- i. The location of all buildings within 150 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel;
- j. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposes;
- k. A stormwater drainage plan showing:
 - (1) the existing and proposed method of handling stormwater run-off;
 - (2) the direction of flow of the run-off through the use of arrows;
 - (3) the location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;
 - (4) engineering calculations used to determine the increased rate of drainage based upon the pre and post development conditions of a two year, ten (10) year and twenty-five (25) year storm frequency. The drainage plan shall result in no increase to the rate of off site-drainage from the pre-development rate.

(5) Plan for maintaining and/or improving stormwater quality.
Retention of the first one-half inch of run-off from a storm event for twenty-four (24) hours may be required.

(6) Compliance with Section 529.4 of this Ordinance, if applicable.

l. A *utility plan* showing provisions for water supply and wastewater disposal, including the size and location of all piping, holding tanks, leach fields, etc., and showing the location and nature of any solid waste collection facility and all electrical, telephone and any other utility services to be installed on the site.

Impact on groundwater shall be evaluated. All utilities shall be underground whenever feasible as determined by the Project Review Board.

m. *Lighting* showing the location, type, radius and intensity in foot candles of all exterior lighting, including sidewalk lighting in the Village Commercial 1 and 2 Districts.

n. A *landscaping* schedule keyed to the site plan and indicating the varieties, sizes, and the locations of trees, shrubs, plants and any other landscaping elements to be retained or to be planted or placed on the site. It should include proposed methods of protecting existing trees and growth during and after construction.

o. If a new entrance is proposed; *sight distances* at the entrance is required in both directions

p. *Building elevations*: For new building construction, building elevation drawings of all sides of the building including the description of type, color, and texture of all buildings.

q. Estimated *peak-hour traffic* to be generated by the proposal.

r. The *type and size of all permanent machinery* likely to generate appreciable noise at the lot lines.

s. The amount and type of any raw, finished *or waste materials to be stored* outside of roofed buildings, including their physical and chemical properties, if applicable.

t. A *list of construction items* that will be included in the performance guarantee and the estimated or actual cost of completing those items.

u. Provisions for *maintenance agreements* of all common areas, if applicable.

- v. *Condominium declarations*, if applicable, including, but not limited to, organization of the homeowners’ association and provisions for maintenance of common areas.

w. An Erosion and Sediment Control Plan, as applicable:

(1) For sites that disturb between 5,000 and 43,559 square feet of land, an erosion and sediment control plan prepared in accordance with the Maine Erosion and Sediment Control Practices Field Guide for Contractors published by the Maine Department of Environmental Protection, dated 2014 or most recent revision and approved by the Town Engineer, or their designee.

(2) For a sites that disturb one or more acres of land, including phased site plans where all disturbance exceeds one or more acres even if no single phase will disturb one or more acres of land, the Erosion and Sediment Control Plan associated with the Maine Department of Environmental Protection Chapter 500 application or Maine Construction General Permit Application.

The Project Review Board may waive any of these submission requirements if it determines that the scale of the project is of such size as to make the information unnecessary. The Project Review Board may require other pertinent information necessary to determine if the planned use meets the provisions of this Ordinance.

- E. All applications for Site Plan Review shall meet all applicable provisions of Section 602.F, Criteria and Standards.

F. Criteria and Standards

1. The following criteria and standards shall be utilized by the staff and the Project Review Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Project Review Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The Project Review Board may waive the criteria presented in this section upon a determination by the Project Review Board that the criteria are not applicable to the proposed action or upon a determination by the Project Review Board that the application of this criteria are not necessary to carry out the intent of this Ordinance. The Project Review Board shall approve the site plan unless the plan does not reasonably meet the intent of one or more of the following criteria provided that the criteria were not first waived by the Project Review Board.

a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to any applicable State or municipal standards.

d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 of this Ordinance. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.
- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties and shall not constitute hazards to vehicles and pedestrians.
- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.
- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- (1) Will maintain safe and healthful conditions;
 - (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
 - (3) Will adequately provide for the disposal of all wastewater;
 - (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
 - (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
 - (8) Will avoid problems associated with floodplain development and use; and
 - (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.
- m. **Erosion and Sedimentation.** The proposed site shall be constructed in accordance with the Maine Department of Environmental Protection’s Best Management Practices and shall not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy situation results.

Chapter 25 Town of Freeport Subdivision Ordinance

ARTICLE 3 – DEFINITIONS

3.1 Meaning of Words.

Words and terms used in this ordinance shall have the meanings set forth in Section 3.2 below. Words and terms which are not defined in Section 3.2 but are defined in the Zoning Ordinance of the Town of Freeport, Maine shall have the meanings set forth in the Zoning Ordinance. Words and terms which are not defined in either Section 3.2 or in the Zoning Ordinance shall have their customary dictionary meanings. Where the definitions set forth in Section 3.2 of this ordinance include regulations, restrictions, limitations, prohibitions, criteria, or standards, the definitions constitute enforceable requirements of this ordinance.

3.2 Definitions.

Applicant: The person applying for subdivision approval under these regulations.

Average Daily Traffic (ADT): The average number of vehicles per day that enter or exit the premises or travel over a specific section of road.

Average Lot Size: average lot size shall be calculated by adding up the area of all of the lots within a subdivision and dividing by the number of lots. Open spaces and right-of-ways shall not be included in this calculation.

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land-use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent areas.

Capital Improvements Program (CIP): The municipality’s proposed schedule of future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the Comprehensive Plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations, or by a vote of the Project Review Board to waive the submission of required information. The Town Planner shall issue a written statement to the applicant upon the determination that an application is complete.

Comprehensive Plan: The Town of Freeport Comprehensive Plan as adopted by the Town Council as amended.

Conceptual Sketch Plan: A plan showing the major features of the site and the preliminary, generalized layout of proposed required open space, roads, lots, locations of suitable septic sites if applicable, and other improvements. This plan shall be prepared by a landscape architect or a professional engineer with expertise in civil/site engineering. Engineering details of any proposed improvements are not required and will not be accepted for review or consideration at this stage.

Conservation Area – Primary (Unbuildable land): The most severely constrained land with regard to development and environmentally sensitive land as defined in net residential acreage as unbuildable land.

Conservation Area – Secondary: Land within seventy five (75) feet of rivers or streams as defined by the Department of Environmental Protection and other natural resource areas of local importance included in the Freeport Open Space Plan dated July 20, 1999 and as amended from time to time, but not those areas considered to be primary conservation areas. In village open space subdivisions, the secondary conservation areas are those areas shown on the Freeport Village Open Space Map 1 and Freeport Village Open Space Map 2, dated August 2, 2005, and attached as addendum 2 of this Ordinance. Freeport Village Open Space Map 1 shows the location of gullies, streams, and wetlands of significance and a 200’ buffer along Interstate 295. Freeport Village Open Space Map 2 identifies civic destinations and employment centers to determine if land within a proposed subdivision could provide a connection or link between destinations or to a trail that has a history of use by the public.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations on a piece of land as defined by Title 33 M.R.S.A. §476 as amended from time to time.

Conservation Land: The portion of required open space to be set aside as part of an open space subdivision, expanded open space subdivision, village open space subdivision or commercial open space subdivision. For open space subdivisions, fifty percent (50%) of the net residential acreage shall be conservation land. For expanded open space subdivisions, sixty- five percent (65%) of the net residential acreage shall be conservation land. For village open space subdivisions, thirty percent (30%) of the net residential acreage shall be conservation land. For commercial open space subdivisions, twenty percent (20%) of net residential acreage shall be conservation land. *{Amended, effective 09/03/19}*.

Dead-end road – road with a single common ingress and egress that connects with another major or minor road. For the purposes of measuring the length of a dead-end road, it is the longest continuous route of travel.

- a. required turnarounds such as cul-de-sacs and hammerheads are not included in the length if there are no driveway or road connections;
- b. If a dead-end road has a “Y”, “T” or other configuration, the length is measured by adding all of the different segments of road for the longest continuous length of road;
- c. If a road in a development has more than one entrance, with a dead-end road coming off of that road, the length of the dead-end road is from the point where the dead-end connects to the road with more than one entrance. *{Amended 06/06/17}*

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Disturbed Area: All land areas that are stripped, graded, ~~or grubbed~~, filled or excavated at any time during the site preparation for, or construction of, a project. ~~unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one (1) year of disturbance.~~ Cutting of trees, without grubbing, stump removal, disturbance, or exposure of soil is not considered Disturbed Area. Disturbed Area does not include routine maintenance but does include redevelopment and new Impervious Areas. “Routine maintenance” is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving impervious gravel surfaces provided that an applicant or permittee can prove the original line and grade and hydraulic capacity shall be maintained and original purpose of the gravel surface remains the same is considered routine maintenance. Replacement of a building is not considered routine maintenance of the building and is therefore considered Disturbed Area.

Driveway: A vehicular accessway serving two (2) dwelling units or fewer.

Engineered Subsurface Wastewater Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of two thousand (2,000) gallons of wastewater or more per day or any system designed to be capable of treating wastewater with higher BOD (Biochemical Oxygen Demand) and total suspended solids concentrations than domestic wastewater.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters (19 ½') tall or taller.

Freeport Village Design Standards: That document entitled “Freeport Village Design Standards” dated August 2, 2005 and attached to this Ordinance as Attachment 1. The Freeport Village Design Standards are part of this Ordinance. In those instances where a requirement of this Ordinance is described by reference to the Freeport Village Design Standards, the Freeport Village Design Standards shall modify or supersede any different or conflicting requirement or standard of this Ordinance.

Freeport Village Overlay District (FVOD): The Freeport Village Overlay District as shown on the “Town of Freeport, Maine, Zoning Map”, pursuant to the Zoning Ordinance of the Town of Freeport, Maine.

Freshwater Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and as defined by the “Corp of Engineers Wetlands Delineation Manual,” January, 1987.

Frontage-Shore: The length of a lot bordering on a water body or wetland measured in a straight line, between the intersections of the side lot lines with the shoreline.
{Amended 06/06/17}

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high-water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

High Water Mark or Elevation:

Normal High Water (Tidal): The shoreline elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial. In the case where this is difficult or impossible to determine, or where a determination by the land owner or Code Enforcement Officer is challenged, this evaluation shall be determined by accurate survey with reference to the 1929 National Geodetic Vertical Datum to be 4.9' above 1920 datum.

10% Exceedance High Water (Tidal): The shoreline elevation which marks the upper limit of the typical highest tide of each year. In the case where this is difficult or impossible to determine, or where a determination by the land owner or Code Enforcement Officer is challenged, this elevation shall be determined by accurate survey with reference to the 1929 National Geodetic Vertical Datum to be 7.2' above 1929 datum.

High Water Elevation (Non-tidal): That line on the shores and banks of non-tidal waters at which either vegetation changes from predominantly aquatic to predominantly terrestrial, or where the soils are floodplain soils as categorized by the USDA-SCS Classification System, or where the water has left a definite mark, whichever is at the highest elevation.

In the case of wetlands adjacent to rivers, the normal high water line is the upland edge of the wetland, and not the edge of the open water.

Impervious Area: Structures and other man-made improvements to land and materials covering the land which substantially reduce the infiltration of water. Impervious surfaces shall include, but are not limited to, roofs, paved areas, parking lots, and driveways, regardless of surface material.

Initiate Construction: The completion of a portion of the improvements which represents no less than thirty (30) percent of the costs of the proposed improvements within an approved project. For the purposes of this ordinance, improvements shall mean roads, sidewalks, utilities, stormwater facilities, and erosion control. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, published by the National Academy of Sciences, Transportation Research Board, 1991. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Medium Intensity Soil Survey: A map identifying the soil types down to mapping units of three (3) acres at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey.

Multi-Family Development: A subdivision that contains three (3) or more dwelling units on land in common ownership, such as apartment buildings, condominiums, or mobile home parks.

Net Residential Acreage: The area of a tract or parcel of land which, as determined by the Project Review Board, is suitable for development or conservation land as part of a residential subdivision. The area shall be calculated by subtracting the following from the total acreage of the tract or parcel:

A. Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic:

1. For multi-family developments: total acreage of the tract or parcel used for roads and parking.
2. For any other subdivisions: total acreage used for street right-of-way.

B. Unbuildable Land (Primary conservation area). The following environmentally sensitive land which, if disturbed, may adversely impact the ecological balances in the environment. No construction or development shall occur on the land areas listed below unless otherwise permitted as provided below.

1. Deer wintering areas as identified in the Maine Department of Inland Fisheries and Wildlife, Identification and Management of Significant Fish & Wildlife Resources in Southern Coastal Maine, provided in digital format dated October 2003 as amended from time to time.
2. Wetlands; Forested wetlands shall not be considered an unbuildable area (primary conservation area), except those forested wetlands that are mapped as having very poorly drained soils in the USDA SCS Cumberland County Soil Survey, or forested wetlands flooded during the 100-year storm event, or areas that support breeding habitat for vernal pool-dependent amphibian species.
3. Portions of the tract or parcel containing slopes over twenty percent (20%) which, because of unstable soils, would be subject to erosion if development were to be located on them.
4. Portions of the tract or parcel in the 100-year floodplain, floodway and/or coastal high hazard area as designated on the most recently adopted Flood Insurance rate map of the National Flood Insurance Program for the Town of Freeport.

5. Portions of the tract or parcel below high water elevation (non-tidal) and below ten percent (10%) exceedance high water (tidal) as defined above.
6. Portions of the tract or parcel covered by surface water bodies.

Where an interpretation of the geographical boundaries of the unbuildable land is necessary, the Planning Board shall be guided by the following standards:

1. Whether a portion of the unbuildable area could be incorporated into a minimum sized subdivision lot in such a manner that an adequate developable area for buildings and site improvements with conforming setbacks is retained;
2. Whether the environmentally sensitive land is adequately protected from disturbance or degradation.

Net Residential Density: Net residential density shall mean the number of dwelling units per net residential acre.

100-Year Flood: The highest level of flooding that, on the average, has a one percent (1%) chance of occurring in any given year.

Project Review Board: The Project Review Board of the Town of Freeport.

Preliminary Plan: The preliminary drawings showing the proposed layout of the subdivision to be submitted to the Project Review Board for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Water System: A water-supply system that provides water to at least fifteen (15) service connections or services water to at least twenty-five (25) individuals daily for at least thirty (30) days a year.

Record Drawings: Scaled detailed drawings of the completed or encountered existing infrastructure within a public right-of-way or easement. The plans shall be prepared and organized in a form that is consistent with the design plans submitted for Project Review Board review during the subdivision approval process or engineering review by the Town Engineer. The plans shall be drawn and noted with field measurements, i.e., three-way ties, made by the contractor installing the infrastructure. The plans shall note the infrastructure materials, widths, diameters, elevations, service connection locations at the main and the right-of-way line, ledge profile, permanent reference benchmark, and other appropriate data necessary to

show the completed or encountered existing infrastructure. The record drawing plan set shall include a copy of the signed plat.

Recording Plan: An original of the final plan, suitable for recording at the Registry of Deeds that shows only information relevant to the transfer of an interest in the property including property lines with dimensions, easements, wetlands, and the location of test pits, as well as documentation of any waivers, conditions of approval, or other pertinent notes. The recording plan shall not show other information presented on the subdivision plans such as topography, grading, sewer and water line locations and sizes, culverts, and building lines.

Required Open Space: The sum of the land area of conservation land and unbuildable land (primary conservation areas) as defined in net residential acreage. This land is within a subdivision with uses as permitted in Sec. 504A, Sec. 504.B and 504.D of the Freeport Zoning Ordinance and which is permanently restricted from future development. Subsurface wastewater disposal systems, or individual wells serving units within an open space or expanded open space subdivision may be located within the required open space if approved by the Project Review Board. *{Amended, effective 09/03/19}*.

Salt Marsh: Areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is salt marsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow: Areas which support salt-tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway, measured as described in Section 11.5.C.2.b of the Ordinance.

Site Inventory and Analysis: Inventory maps, renderings, and supporting data describing the site proposed to be subdivided and analyzing the opportunities and constraints for open space preservation, subdivision, and development. The inventory and analysis are submitted for initial review prior to submitting a formal application for subdivision approval.

Storm Water Best Management Practices (BMP's): Methods, techniques, designs, practices, and other means to control the quality and quantity of storm water that are approved by the Maine Department of Environmental Protection. Storm water BMP's are identified in "Maine Stormw-Water Management Design Manual~~in Maine: Best Management Practices~~" which is published periodically by the Maine Department of Environmental Protection, dated 2016, or most recent version.

Story: that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
{Amended, effective 09/03/19}

Street: For the purposes of this Ordinance and for determining minimum road frontage requirements, a street is considered to be any public way maintained by public authority, except a limited access highway, or a private road fifty (50) feet in width, or a private road shown on a recordable plan, approved by the Project Review Board. Approval of a private road or minimum road frontage requirements shall in no way be construed to imply acceptance by the Town of Freeport for purposes of maintenance, improvements, or other Town services.

Subdivision: The division of a tract or parcel of land into three (3) or more lots within any five (5-) year period, that begins after September 23, 1971, as defined by Title 30A §4401, et. seq. as amended from time to time, except that a lot of forty (40) acres or more shall be counted as a lot.

Subdivision – Commercial Open Space: a higher-density residential development in a Commercial Districts that permits higher density residential units with reduced road frontage, setbacks and lot sizes, and that maintains open space. The area of the required open space shall be equal or exceed the sum of the unbuildable land (primary conservation areas) as defined by net residential acreage plus twenty percent (20%) of the net residential acreage. The required open space must meet the standards of Section 504.D of this Ordinance. *{Amended, effective 09/03/19}*

Subdivision – Open Space: A residential development design that permits reduced lot sizes, road frontage, and setbacks, and that maintains required open space. The area of the required open space shall equal or exceed the sum of the unbuildable land (primary conservation areas) as defined by net residential acreage plus fifty percent (50%) of the net residential acreage.

Subdivision – Expanded Open Space: A residential development design that permits reduced lots sizes, road frontage, and setbacks, and that maintains required open space. The area of the required open space shall equal or exceed the sum of the unbuildable land (primary conservation areas) as defined by net residential acreage plus sixty-five percent (65%) of the net residential acreage.

Subdivision – Large Lot: A residential development design that requires lot sizes be at least double the minimum lot size of the district in which the subdivision is located. The net residential density of a large lot subdivision shall be fifty percent (50%) less than an open space subdivision. A note on the plan and a deed restriction forbidding further subdivision of these lots unless the appropriate density requirement for a large lot subdivision can be met must be provided.

Subdivision – Village Open Space: A residential development design that permits reduced lot sizes, road frontage, and setbacks, and that maintains open space within the Freeport Village Overlay District. The area of the required village open space shall equal or exceed the sum of the unbuildable land (primary conservation areas) as defined by net residential acreage plus thirty percent (30%) of the net residential acreage. The required village open space may be met with either land, a fee in lieu of land, or a combination of both land and a fee in lieu of land as further described in Section 504B of this Ordinance.

Subdivision, Major: Any subdivision containing 11 or more lots or 16 or more units that are connected to the public water and sewer system, or six (6) or more lots or dwelling units that are not connected to the public water and sewer system.

Subdivision, Minor: Any subdivision containing 10 or fewer lots or 15 or fewer units that are connected to the public water and sewer system, or five (5) or fewer lots or dwelling units for lots or units that are not connected to the public water and sewer system.

Town Engineer: Any registered professional engineer hired or retained by the Town, either as staff or on a consulting basis.

Town Planner: The staff person responsible for the direction of the Planning Department, his/her designee, or other person designated by the Town Manager to be responsible for development review.

Tract or Parcel of Land: As defined by 30-A M.R.S.A. §4401, as such may be amended from time to time.

Zoning Ordinance: The Zoning Ordinance of the Town of Freeport, Maine, as such may be amended from time to time.

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ARTICLE 11 - APPROVAL STANDARDS

11.16 Storm Water Management.

A. *State Standard*

Storm water. The proposed subdivision will provide for adequate storm water management.

B. Performance Standards

1. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system using practices equivalent to those described in the Maine Stormwater Management Design Manual~~*Storm Water Management for Maine:—Best Management Practices*~~, published by the Maine Department of Environmental Protection, dated 2016~~1995~~, or most recent revision. In the Freeport Village Overlay District the standards may be met on-site or off-site; where off-site facilities are used, the applicant must submit documentation that the off-site facilities will be dedicated to providing stormwater management for the subdivision by easement, covenant, or other appropriate legal instrument. The storm water management system shall be designed to meet the following standards:

- a. Quantity.

- 1) Peak discharge rates shall be limited to the predevelopment levels for the two- (2-) year, ten- (10-) year, and twenty-five- (25-) year frequency, twenty-four (24-) hour duration storm unless storm water from the subdivision will drain directly into the Atlantic Ocean or other large water body approved by the Town Engineer as having adequate capacity to absorb the increased runoff without adverse impacts.
- 2) Storm water management provisions shall use storm water BMP's that provide for the infiltration of surface runoff into the ground and that minimize the total volume of runoff from the site.

- b. Quality.
 - 1) The quality of stormwater flows offsite shall be addressed. Storm water best management practices (BMP's) appropriate for the site and type of activity must be used to meet the standards specified in this section. Preference shall be given to the use of nonstructural BMP's where feasible. Retention of the first one-half inch of runoff from a storm event for twenty-four (24) hours may be required.
- 2. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. Whenever elements of the storm drainage system are not within the right-of-way of a public street and the facilities will not be offered to the Town for acceptance as public facilities, perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, shall be provided to the municipality allowing maintenance and improvement of the system. If there are elements of the storm water system serving more than one lot that require future maintenance to remain effective that are located outside of the right-of-way of a proposed public street, the Project Review Board may require that the applicant offer to give these to the Town with a condition of approval that the Town be permitted to assess the lot owners on a pro rata basis for the costs of the future maintenance of these storm water facilities. A note relative to this condition of approval shall appear on the approved plan and an indication of the condition of approval shall be placed in the deed of each lot subject to the condition. When an offer of dedication is required by the Project Review Board, the applicant shall be responsible for the maintenance of these storm water facilities until they are accepted by the Town.
- c. In addition to any other applicable requirements of this Ordinance and the Freeport Subdivision Ordinance, any development which would require a stormwater management permit from the Maine Department of Environmental Protection (DEP) under 38 M.R.S.A. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. 420-D(1), as the same may be amended from time to time, and the applicant shall document such compliance to the Freeport Project Review Board. Where the standards or other provisions of such stormwater rules conflict with municipal ordinances, the stricter (more protective) standard shall apply.

- d. Subdivisions requiring stormwater management facilities shall enter into a Maintenance Agreement with the Town. A sample of this agreement is attached as Appendix J of this Ordinance.

C. *Design Guidelines*

1. The design of best management practices shall be substantially equivalent to those described in the Maine Stormwater Best-Management Practices-Design Manual~~Storm Water Management for Maine:—Best Management Practices~~, published by the Maine Department of Environmental Protection, dated 2016, or most recent revision.~~1995~~.
2. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts. The minimum pipe size between drainage structures and at inlets and outfalls shall be fifteen (15) inches. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material reaching a minimum of six (6) inches below the bottom of the pipe and extending to six (6) inches above the top of the pipe. The material shall contain no stones larger than three (3) inches, lumps of clay, or organic matter.
3. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
4. Storm Drainage Construction Standards.
 - a. Materials.
 - 1) Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Bituminous-coated steel pipes shall not be used.
 - 2) Where the storm drainage pipe is to be covered by ten (10) feet or more of fill material, pipe material with a fifty-(50-)year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, plastic polyethylene pipe, and corrugated aluminum alloy pipe.

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- b. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred (400) foot intervals.
5. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

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APPENDIX D

Minor Subdivision Submission Requirements

The Subdivision Plan and supporting documentation shall include at least the following information:

1. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
2. The information shown on the recording plan.
3. Verification of right, title, or interest in the property.
4. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
5. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.
6. The location of all rivers, streams, and brooks within or adjacent to the proposed subdivision.
7. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
8. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

9. Contour lines at the interval specified by the Town Engineer, showing elevations in relation to mean sea level.
10. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
11. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the Freeport Sewer District, stating that the District has the capacity to collect and treat the wastewater, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator, shall be provided. A test pit log and a map at the same scale as the subdivision plan showing the location of all test pits dug on the site shall be submitted.
12. An indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by public water supply, a written statement from the Maine Consumers Water Company or the South Freeport Water District shall be submitted, indicating that there is adequate supply and pressure for the subdivision and that the supplier approves the plans for extensions where necessary. Where the supplier's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the supplier approving the design of the extension shall be submitted.
 - b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
13. The width and location of any streets, public improvements, or required open space shown upon the official map and the Comprehensive Plan, if any, within the subdivision.
14. If a street will be constructed, applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical crosssection of the proposed public and private streets and existing streets within three hundred (300) feet of any proposed intersections. The plan view shall be at

a scale of one inch equals no more than fifty (50) feet. The vertical scale of the profile shall be one inch equals no more than five (5) feet. The plans shall include the following information:

- a. Date, scale, and north arrow, indicating magnetic or true north.
 - b. Intersections of the proposed street with existing streets.
 - c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 - d. Kind, size, location, material, profile, and cross-section of all existing and proposed drainage structures and their location with respect to existing natural waterways and proposed drainage ways.
 - e. Complete curve data for all horizontal and vertical curves.
 - f. Turning radii at all intersections.
 - g. Centerline gradients.
 - h. Size, type, and locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting, and cable television.
15. If a private street is constructed, a road maintenance agreement shall be submitted outlining maintenance and financial responsibilities of lot owners using the road. The road maintenance agreement shall be reviewed and approved by the Town Attorney.
 16. The location of any open space to be preserved and a description of proposed improvements and its management.
 17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained, shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.

18. The location and method of disposal for land clearing and construction debris.
19. For subdivisions that disturb between 5,000 and 43,559 square feet of land, an erosion and sediment control plan prepared in accordance with the *Maine Erosion and Sediment Control Practices, Field Guide for Contractors* published by the Maine Department of Environmental Protection, dated 2014 or most recent revision and approved by the Town Engineer, or their designee.
20. For subdivisions that disturb one or more acres of land, including phased subdivisions where all disturbance exceeds one or more acres even if no single phase will disturb one or more acres of land, the Erosion and Sediment Control Plan associated with the Maine Department of Environmental Protection Chapter 500 application or Maine Construction General Permit Application.

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APPENDIX E

Additional Information May Be Requested – Major and Minor Subdivisions

The Board may require additional information including, but not limited to, the following, to be submitted where it finds it necessary in order to determine whether the criteria of Title 30-A M.R.S.A §4404 are met:

1. A high intensity soil survey by a Certified Soil Scientist.
2. A hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology. The Board may require a hydrogeologic assessment when the subdivision is not served by public sewer and,
 - a. Any part of the subdivision is located over a mapped sand and gravel aquifer, or
 - b. The subdivision has an average density of more than one dwelling unit per one hundred thousand (100,000) square feet, or
 - c. In other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality, such as extensive areas of shallow to bedrock soils, cluster developments in which

the average density is less than one dwelling unit per one hundred thousand (100,000) square feet but the density of the developed portion is in excess of one dwelling unit per eighty thousand (80,000) square feet, or the use of shared or common subsurface wastewater disposal systems.

The hydrogeologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1.

3. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, published by the Institute of Transportation Engineers, 1997. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
4. A traffic-impact analysis. The Board may require an analysis for projects involving forty (40) or more parking spaces or projected to generate more than four hundred (400) vehicle trips per day based upon the ITE *Trip Generation Manual*. The traffic-impact analysis shall be prepared by a Registered Professional Engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peakhour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
5. A storm water management plan, prepared by a registered professional engineer in accordance with the *Maine Stormwater Management Design Manual, Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, ~~1995.~~ dated 2016, or most recent revision.
- ~~6. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991, and approved by the Cumberland County Soil and Water Conservation District.~~

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APPENDIX F

Preliminary Plan Submission Requirements for Major Subdivisions

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor’s map and lot numbers.
2. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
3. The date the plan was prepared, north point, and graphic map scale.
4. The zoning district in which the proposed subdivision is located, and the location of any zoning boundaries affecting the subdivision.
5. Verification of right, title, or interest in the property.
6. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
7. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
8. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
9. Historic resources and significant natural features, including topography, areas of steep slope, wetlands, vernal pools, 100-year floodplains, swales, rock outcroppings, vegetation, existing utilities, and other site features, as indicated on the Site Analysis Map.
10. Existing and *approximate* proposed lot lines, lot areas, any existing easements, and rights-of-way. The boundaries of conservation lands shall be indicated.
11. *Approximate* location, alignment, width, and tentative names of all existing and proposed streets and street rights-of-way, including all street extensions or spurs that

are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas.

12. *Approximate* location of proposed swales, drainage easements, and storm water and other management facilities.
13. Where public sewage service is to be provided, the conceptual layout of proposed sewage systems, including but not limited to, the tentative locations of sewer mains, together with a written statement from the Freeport Sewer District stating that it has the capacity to collect and treat the sewage generated.
14. Where public water service is to be provided, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks, and, where appropriate, wells or other water sources, together with a written statement from the utility providing the service indicating that there is adequate supply and pressure for the subdivision and that the supplier approves the plans for extensions where necessary. Where the supplier's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, and a written statement from the supplier approving the design of the extension shall be submitted. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
15. Location of all soil tests pits as may be required under this ordinance, including all failed test sites or pits, as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.
16. Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).
17. *Approximate* location and dimensions of proposed playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public or private open space.
18. If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout, and size of lots and provisions of public improvements on land subject to applicant's control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.

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19. Where installation of the improvements is proposed to be done in phases, the applicant shall submit with the Conceptual Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section is intended to be filed.
20. Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning, and construction materials.
21. The exact locations of existing utility easements and *approximate* locations of proposed utility easements.
22. Approximate locations of existing vegetation to be retained.
23. For subdivisions that disturb between 5,000 and 43,559 square feet of land, an erosion and sediment control plan prepared in accordance with the *Maine Erosion and Sediment Control Practices Field Guide for Contractors* published by the Maine Department of Environmental Protection, dated 2014 or most recent revision and approved by the Town Engineer, or their designee.
24. For subdivisions that disturb one or more acres of land, including phased subdivisions where all disturbance exceeds one or more acres even if no single phase will disturb one or more acres of land, the Erosion and Sediment Control Plan associated with the Maine Department of Environmental Protection Chapter 500 application or Maine Construction General Permit Application.

Chapter 25 Town of Freeport Subdivision Ordinance
Appendix J

~~APPENDIX J~~

~~Maintenance Agreement for a Storm Water Management System~~

This agreement is made this _____ day of _____, 20____ by and between _____ and the Town of Freeport, Maine.

The project name is _____.

The location is: _____, Freeport, Maine.

The project's Tax Map and Lot Numbers are Tax Map _____, Lot _____.

The project is shown on a plan entitled “_____” dated _____, most recently revised _____, approved by the Freeport Project Review Board on _____, and recorded in the Cumberland County Registry of Deeds in Plan Book _____, Page _____.

~~WHEREAS, the approval of the project includes a stormwater maintenance system which requires periodic maintenance; and~~

~~WHEREAS, in consideration of the approval of the project the Town of Freeport requires that periodic maintenance be performed on the stormwater management system;~~

~~NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the project by the Town and the agreement of _____ to maintain the stormwater management system, the parties hereby agree as follows:~~

1. _____, for itself, and its successors and assigns, agrees to the following:

- a) ~~To inspect, maintain, and clean the storm water management system, including, to the extent they exist, parking areas, catch basins, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment in the system;~~

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~~b) To repair any deficiencies noted during the annual inspection;~~

~~e) To provide a summary report on the inspection, maintenance, and repair activities performed annually to the Freeport Town Engineer;~~

~~d) To allow access by Town personnel for inspecting the storm water management system for conformance with these requirements.~~

~~e) To create a homeowner's association for the purpose of maintaining the stormwater management system.~~

~~2. Upon creation of the homeowner's association, the association shall become responsible for compliance with the terms of this maintenance agreement.~~

~~3. This agreement shall constitute a covenant running with the land, and _____ shall reference this agreement in all deeds to lots and/or units within the development.~~

WITNESS:

By: _____
_____ Its _____

TOWN OF FREEPORT, MAINE

WITNESS:

By: _____
_____ Its _____

STATE OF MAINE

CUMBERLAND COUNTY, ss: _____, 20_

~~Personally appeared the above named _____, the _____ of _____, and acknowledged the foregoing~~

~~Declaration to be his/her free act and deed in his/her said capacity.~~

Before me,

Notary Public / Attorney at Law

Proposed Amendments to Chapter 21– Town of Freeport Zoning Ordinance and Chapter 25 – Town of Freeport Subdivision Ordinance as Recommended at the 09/06/23 Planning Board Meeting
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_____ Print Name

STATE OF MAINE

CUMBERLAND COUNTY, ss: _____, 20_

~~Personally appeared the above named _____, the _____ of _____, and acknowledged the foregoing~~

~~Declaration to be his/her free act and deed in his/her said capacity.~~

_____ Before me,

_____ Notary Public / Attorney at Law

_____ Print Name