



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PLANNING BOARD
FROM: CECILIA SMITH, ASSISTANT TOWN PLANNER
RE: AGENDA ITEM III: DISCUSSION – PROPOSED AMENDMENTS TO CHAPTER 21 FREEPORT ZONING ORDINANCE PERTAINING TO THE IMPLEMENTATION OF STATE LD 2003 REQUIREMENTS
DATE: TUESDAY, SEPTEMBER 12th, 2023

Background: On August 2nd, 2023, the Freeport Planning Board held a workshop on Maine’s LD 2003 law. LD 2003 is “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.” The law, which was passed in 2022, expands the ability to build housing in residential zones by loosening some zoning restrictions. Freeport must amend its Zoning Ordinance to comply with the State rules by January 2024.

The August 2nd, 2023, Planning board workshop on housing and LD 2003 consisted of a presentation on LD 2003, questions and answers and an opportunity for members of the public to share their thoughts with the Planning Board. In this document, I summarize questions, attempt to provide answers, and provide a summary of the comments from the August 2nd workshop. Given the scope of LD 2003, please note that the board and the public may have many additional questions and the questions provided in this document were specific to the August 2nd workshop.

In addition, I am including a table (Table 1) summarizing the maximum sizes of Accessory Dwelling Units (ADUs) in other cities and municipalities, as requested at the 4/05/23 Planning Board meeting where the topic of maximum size of ADUs was discussed.

QUESTIONS AND ANSWERS FROM THE 08/02/23 PLANNING BOARD LD 2003 WORKSHOP

1. *Short Term Rentals – Does Freeport have a limit to short term rentals in terms of total number of units allowed?*

Yes. The total number of annual registrations issued by the Town Clerk shall be limited to three hundred (300) (Chapter 61 Short-Term Residential Rental Registration Ordinance, Article VI: Limits on Annual Short-term Rental Registrations).

2. ADUs - What is the maximum size of an ADU that Freeport allows now?

Under our current ordinance, the maximum size of an ADU is proportional to the size of the single-family house. ADUs are currently limited to 40% of the finished and heated portion of the single-family home. Per Chapter 21 Freeport Zoning Ordinance, Section 532. Accessory Apartments §6:

“In all cases, the accessory apartment shall be no larger than 40% of finished and heated portion of the single-family home and have no more than one bedroom, nor no less than 320 square feet.”

3. ADUs and Additional Dwellings Allowance Question - What is the difference between an ADU and a second dwelling unit if it is detached?

A big difference between an ADU and a “regular” second dwelling unit built under LD 2003’s Additional Dwelling Allowance provision is that the Town can limit the maximum size of ADUs and can impose a maximum number of bedrooms permitted for ADUs. The property owner may apply for either an ADU or an additional dwelling. The difference will be in the definition. Another big difference is that the required density (that is, the land required per unit) doesn’t apply to ADUs but applies to building additional units in a given property. For property owners that wish to add a secondary unit to their properties but don’t have enough acreage to comply with the minimal density required in their zoning district, adding an ADU may be an option (if they can meet other requirements, such as setbacks, Shoreland Zoning if applicable, and water and wastewater).

4. ADUs and Affordable Density Bonus - Does the density bonus apply to ADUs?

No, the 2.5 times density bonus applies to Affordable Housing Developments and are unrelated to the State’s LD 2003 ADU provision.

5. Affordable Density Bonus - Will staff members have to monitor median incomes [for Affordable Housing Developments] and will that information have to be updated annually? How will Affordable Housing Development owners be monitored to make sure they are only changing up to the 30% of the median income as required?

The Town will most likely not be administering the Affordable Housing Development restrictions directly, but this is one item that we still need to work out the details on. More information will be forthcoming.

6. *What if a household exceeds the maximum income after living in the unit?*

LD 2003 specifies that the income eligibility is based on household income “at the time of initial occupancy,” meaning that a household could be allowed to remain in an “affordable” unit if their income goes up after they occupy the unit. MaineHousing has experience with this issue, as do communities that manage their own affordable housing programs, so there may be best practices that can be adopted locally. The restrictive covenants should outline how this would work.

7. *What happens when a restricted affordable home ownership unit is sold?*

The restrictive covenants should outline how this would work. MaineHousing has experience with this issue, as do communities that manage their own affordable housing programs, so there may be best practices that can be adopted locally.

8. *State Funding – Clarification on a resident’s question about a \$25,000 municipal grant related to LD2003.*

While earlier language in the LD 2003 bill indicated that DECD would provide a municipal incentive program grant of up to \$25,000 dollars for a period of 3 years for municipalities that participated in a program to review their zoning, that language was eliminated in a Committee Amendment before LD2003 was signed into law in April 2022.

However, DECD does have grant opportunities for work related to housing and LD 2003 compliance. The Town of Freeport will be pursuing the municipal grant (up to \$10,000) from the Housing Opportunity Program and will consider any additional grant opportunities as they become available.

9. *LD 2003 – For renters, is there any room in this effort to create opportunities for ownership for people who want to live in town? Can an ADU or the additional units be sold? Can the town consider as we are going through this process if there are ways we can allow smaller lot sizes or create ways in which people can own the house and maybe lease the land or maybe own them both in fee in the future?*

The Affordable Housing Development density bonus will hopefully create an incentive for developers to build housing and sell it to people who may be currently renting in Freeport and are interested in becoming homeowners but can’t afford to do so given the current home sale prices. That is one opportunity that may result from the LD 2003 Affordable Housing Density Bonus changes.

As far as ownership opportunities for units that are created as a result of the Additional Dwellings Allowance and ADU changes, the Town is seeking legal clarification and we do not have an answer to this question at this time.

In terms of allowing smaller lots to help make housing development more feasible, that is something the Town could look into. Residents can and should engage in the upcoming comprehensive plan process to help the Town identify areas where they think that lots should be smaller.

10. Does the ADU allowance allow a property owner to add two additional ADUs to a given piece of property?

No. LD 2003 does not require that municipalities allow more than one ADU per lot. However, municipalities can choose to do so, as that would be considered more permissive and therefore comply with LD 2003.

11. Is the Town considering allowing more than one ADU per lot?

While this additional allowance was not proposed at the previous meetings regarding ADUs, the Planning Board is open to listen to these thoughts and ideas.

12. Do density requirements apply to ADUs?

Outside of the Shoreland Zone, ADUs are exempt from density requirements. ADU's in the Shoreland Zone will need to meet all Shoreland Zoning requirements for dwelling units, which does include a land area and shore frontage requirement.

13. Rate of Growth Ordinance – Does Freeport have a rate of growth ordinance?

Freeport does not have a rate of growth ordinance and per LD 2003 ADUs would not count towards a rate of growth ordinance even if we had one.

14. Could the Town consider tiny homes on wheels as ADUs if they were in full compliance with other rules, such as septic tie in, water and electricity? Many people want to move their ADUs after years and take them with you.

Yes. A tiny home constructed to the State's requirements for tiny homes can be utilized as an ADU but would have to follow all the required codes, laws, standards for hooking up to utilities as any other structure would be required to.

15. Are there any existing ordinances in Freeport currently that would prohibit tiny homes?

It depends. A structure meeting the state definition of an RV would not be allowed to be used as a dwelling in the Town of Freeport as the Town's Zoning Ordinance does not allow an RV to be used as a dwelling unit. An RV in Freeport can only be used in a campground or individual campsite but not as a dwelling.

A tiny home is under 400 sq. ft., and there are two ways to utilize a "Tiny Home" as a dwelling per State law.

1. Constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit for human occupancy" and complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles.

In order for a "Tiny home" to comply to this RV/Park model standard it must be inspected to one of these standards and a certified label shall be placed on the tiny home, therefore, certifying that the home has been inspected to such standard.

2. Constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes (comply with applicable building (As amended), electrical, energy, fire, plumbing codes, Etc.).

The Zoning Ordinance defines a Dwelling as the following:

Dwelling Unit - residential: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing living, sleeping, toilet, and cooking facilities. The term shall include prefabricated or modular housing, mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. This does not include hotels, motels, rooming houses, or temporary trailers. A recreational vehicle with its tires on the ground and registered with the State Division of Motor Vehicles is not considered a residential dwelling unit.

The last sentence states an RV with a few stipulations cannot be used as a dwelling, therefore, a tiny home constructed to an RV standard, registered as an RV and its wheels on the ground cannot be used as a dwelling.

16. Why is Freeport included in the area for Portland for Area Median Income?

Area Median Income (AMI) is based on the number of people in a household and is determined by the US Department of Housing and Urban Development (HUD) every year. HUD uses Census data to calculate AMI for every metropolitan area in the country using the Census American Community Survey data (ACS). The American Community Survey is an estimate based on a

sample survey. Unlike the decennial census, the survey does not capture every household and therefore it is just an estimate. The Area Median Income is the midpoint of a region's income distribution, meaning that half of the households in a region earn more than the median and half earn less than the median.

Freeport is included in the metropolitan area that includes Portland, Freeport and the following surrounding areas: South Portland, Cape Elizabeth town, Casco, Chebeague Island, Cumberland, Falmouth, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth, Buxton, Hollis, Limington, and Old Orchard Beach.

While the Census calculates that the median family income for a family in Freeport is \$89,870 (based on the American Community Survey (ACS) data for 2017-2021), the 2022 AMI for the Portland metro area for a family is \$112,700. The difference is most likely due to some of the neighboring communities having higher incomes that skews the data to a higher value.

17. Who is determining what the growth areas are and are there any benefits to be had for the town by having more growth areas or fitting into some metric that we would get more money?

Growth areas are determined by the Town's Comprehensive Plan.

For a list of districts, see *Current Land Patterns and Future Land Use Plan* (under page 30) of the 2011 Town of Freeport Comprehensive Plan:

<https://www.freeportmaine.com/sites/g/files/vyhlf4436/f/uploads/compplanadopted2-8-11.pdf>

Because the Comprehensive Plan is the result of a community process and is guided by Freeport's residents and community, ultimately, it is the community that determines where Freeport's growth areas should be.

18. Parking- Why is parking being cut out by not requiring more parking spaces? Are they costly or do they take up a lot of space? Where are people going to put their cars?

The Town has no control over the parking reductions required under LD 2003. Freeport will need to amend its Zoning Ordinance to reduce the parking requirements for developments that qualify as Affordable Housing Developments (to a maximum requirement of 2 parking spaces per 3 units) and eliminate parking requirements for ADUs. Currently, most (but not all) zoning districts require 2 parking spaces per dwelling unit (Chapter 21. Freeport Zoning Ordinance, Section 514. Off-Street Parking and Loading).

As to the question regarding if parking is costly or if parking takes up a lot of space, the answer is yes to both. Parking can significantly increase development costs, especially in areas where land costs are higher, such as densely developed areas and downtown areas, because parking spaces occupy a lot of space.

In general, developers pay close attention to what people demand and will likely try to build the parking they think is necessary. Please note that the reduced parking requirements are optional, meaning that while the Town can't require additional parking spaces, the developer may choose to build more.

19. Question about comment about doing away with single family homes. What do you mean by that?

LD 2003, in effect, eliminates what is generally understood as traditional "single-family zoning" throughout the state. Please note that there is a distinction between single-family homes and *zoning that allows only single-family homes* in a district. For example, oftentimes there are zoning districts that allow multifamily homes and have several lots with single-family homes. A property owner would therefore have the choice to build a single-family home or a multifamily.

The Town of Freeport, by no means, desires to eliminate single-family homes which make up most of the housing stock in our Town. To note, most of Freeport's residential districts already allow two-family dwellings, and therefore, Freeport, unlike many other Maine cities and towns, doesn't follow the traditional "single-family zoning" rules to begin with. In addition to allowing two-family homes, Freeport already allows ADUs almost everywhere in Town. Many, if not most, municipalities in Maine and across the nation do not allow ADUs.

What LD 2003 changes is our ability to limit development to one house per lot in any district that allows housing (a rule we have in a minority of zoning districts). The Town will now have to allow additional dwellings in a lot per LD 2003 30-A MRS §4364-A, and may need to allow up to 3 or 4 dwelling units in certain lots that meet other zoning requirements, such as density (land required per unit).

20. Do you have to amend the Comprehensive Plan to comply with LD 2003? Are we in the spirit of the Comprehensive Plan to amend our ordinance?

No, municipalities do not have to amend their Comprehensive Plan to comply with LD 2003.

LD 2003 is in many ways within the spirit of Freeport's Comprehensive Plans. For instance, the Comprehensive Plan identifies the following Vision for the Future: *That Freeport would continue to be a desirable place to live by allowing a variety of neighborhoods and housing types, at a variety of prices, and ensuring that workers in Freeport can afford to live in Freeport.*

The lack of affordable housing in Freeport is also identified as a concern in the Comprehensive Plan. Several implementation ideas are presented to address affordable housing, including allowing incentives for creating a diverse housing stock.

21. Are there any benefits to the rural areas from this LD 2003?

LD 2003 helps property owners (in terms of ability to further develop a lot) in the rural zones with the extra dwelling units allowance, where existing lots with one house already on the lot may be able to add two more units (one detached and one attached) as long as they meet the density and all other zoning, shoreland zoning and subdivision requirements.

Freeport already allows ADUs in the rural zones, so there are no additional benefits in terms of additional development potential regarding the ADU provisions. However, in revisiting Freeport’s current ADU rules (Section 532. Accessory Apartments) in preparation to changes related to LD 2003, the Planning Board has instructed staff to draft amendments that may reduce some general requirements that may make building ADUs easier in all zoning districts, including the rural areas.

The Affordable Housing Density Bonus will not apply to the rural districts as the rural districts do not currently allow multifamily.

22. Affordable Housing Density Bonus - Can the town require that over 51% of the units in an Affordable Housing Development be affordable, such as 100%?

Yes. (This was clarified in the 19-100 C.M.R Chapter 5. Summary of Comments and Responses and Lists of Changes to the Final Rule).

23. Who will administer the Affordable Housing Development programs?

Unfortunately, we do not have any information on the administration of these programs at this moment. The Town is awaiting further guidance from the State and counsel.

The Maine Department of Economic and Community Development’s **LD 2003 Guidance** document is a great resource for learning more about LD 2003. The LD 2003 Guidance document also has a questions and answers section for each element of LD 2003.

Link: https://www.maine.gov/decd/sites/maine.gov.decd/files/inline-files/DECD_LD%202003_digital-%20Feb%202023%20update%20website_0.pdf

SUMMARY NOTES FROM PUBLIC COMMENTS LD 2003 WORKSHOP 08/02/23

Kate Laughlin – Proposes that the Town considers allowing more than one ADU and at the same time looks at ways that we can make the rules about ADUs be more restrictive. For example, restrictions around density and setbacks. Can the board consider additional ADUs if they meet certain requirements?

Joyce Veilleux- Pointed out that we are putting a lot of money into two bridges to make the other side of 295 walkable and bikeable to town. The Town may want to update the Growth Zones to reflect that given our interest in making downtown walkable and bikeable.

Peter Anzuini – Shared concerns about increased costs due to population growth, costs to schools.

Joyce Velleux – Likes the idea of ADUs but thinks the minimum lot area per dwelling becomes important and also the minimum size of the ADUs becomes important. We don't want the look of a shanty-town, we want to make sure that it meets our vision of what we want Freeport to look like and so I think it is very important that we require 600 square feet. Increasing the number of ADUs that people can put on their properties should take that into consideration. Smaller spaces, such as tiny houses have a place in today's society, such as younger people who are looking for places to rent and older people who are looking to downsize, or wanting to be near a parent, etc. So, allowing more than one ADU can be a good thing, but it needs to have some kind of density requirements so it doesn't just jam things in there.

Peter Anzuini- Shared that Freeport's goal has been to have affordable housing. Could we require more affordability?

Janice Flynn – Asked why is Freeport included in the area for Portland for Area Median Income? It does a disservice to us here in Freeport, as most of us don't make that amount.

Melissa Porter – Pointed out a rule in the Zoning Ordinance that is a barrier to the creation of more housing: The Zoning Ordinance says that when a lot is transected by a zoning district boundary the regulation set forth in this ordinance for each district shall apply to the area of the lot in each district. We have a portion of our property that is in a second district that doesn't comply with that. So, if we already have a single-family dwelling and you are trying to add a second dwelling, we already been told we can't build on it. The fact that our property transects another district, anything we do has to meet the requirements for both districts. (See attached email)

Gary Laughlin – See attached letter.

TABLE 1. EXAMPLES OF MAXIMUM SIZE OF ADUS IN DIFFERENT CITIES AND MUNICIPALITIES

City	Maximum Size
South Portland, ME	<p>Smaller parcels: 90% or 800 square feet, whichever is smaller</p> <p>Larger parcels: 90% or 1,200 square feet whichever is smaller</p>
Portland, OR	<p>Purpose: Ensure that accessory dwelling units are smaller in size than primary dwelling units;</p> <p>Maximum size. The living area of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years. The size measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created. When the primary dwelling unit is a duplex, the size of the accessory dwelling unit may be no more than 75 percent of the living area of the larger of the two primary units or 800 square feet of living area, whichever is less.</p>
State of California	At least 800 square feet, 1,000 square feet if the ADU has more than one bedroom
Seattle, WA	<p>Residential zone: 1,000 square feet</p> <p>Lowrise zone: = 650 square feet</p>
Yarmouth, ME	<p>Maximum size 900 square feet</p> <p>2 bedrooms maximum</p>
State of New Hampshire	<p>At least 750 square feet</p> <p>May not limit ADUs to one bedroom, but can limit to two bedrooms</p>

August 2, 2023

Good day to members of the Freeport Planning Board:

My name is Gary Laughlin, a Freeport resident, and I will be attending tonight's presentation. Thank you for the opportunity to learn more about LD2003 and your current considerations.

I appreciate that you will need to make many decisions in the months ahead in order to comply with the new state law in a way that supports, protects and is best for the residents of Freeport and our unique needs and community. I am writing to support that the Planning Board might consider circumstances under which the town could allow more than one ADU to exist on a property under the new law, provided that certain criteria can be met.

The state law presently disallows the addition of an ADU to a property that has an existing ADU, however it allows municipalities individually to grant such permission. This situation, because it is not bound by the conditions of the state law, allows criteria to be drafted at the town level to include, for example: consideration for pre-existing structures, limits on short term rentals, acreage minimums, off street parking, and so forth. These criteria could be drafted in a way that would both provide flexibility and benefit for residents of the town while also still limiting the impact of LD 2003 and satisfy the valid concerns of those who have opposed the new law.

I would like to share a specific example of how one such Freeport resident could benefit significantly from such permissions. My wife and I live at 75 Eagles Nest Drive which is off Webster Road and our son presently lives above the garage. After 30 years in North Yarmouth, we purchased the 50-acre Eagles Nest property at auction in 2010. The history of the property is that it was built in 1984 as a single family residence and subsequently in the 1990s was permitted as a bed and breakfast. The structural aspects of the property remain exactly the same as when we purchased it in 2010. It consists of 3 units:

1. The original main residence
2. The guesthouse that consists of two separate one-bedroom and one-bath units and has been permitted for a commercial kitchen
3. A garage with an apartment above where our son Gus presently lives

These structures are further described in the accompanying prospectus for auction from 2010.

My hope presently is to convert the existing guesthouse into an ADU which would enable me and my wife to remain living on our property and cope with our deteriorating health issues, essentially a place that would allow us to live on a single floor with handicapped accessibility in a way that the other two existing structures simply do not allow for. To accomplish this, I would need only to convert one of the existing bathrooms into a kitchen and eventually add a ramp for access.

Upon applying for a permit to do so, I found that it is not and would not be allowed under existing property regulations. I was surprised by this as the garage apartment has been permitted for over 30 years and the commercial kitchen at the guest house has permitted for almost as long, even in this RD2 zone. I have also learned that presently the two units in the guesthouse cannot be rented on a long or short term basis as they do not include kitchen facilities, rendering them basically useless.

In further discussions I have been told that I could break off the guesthouse into a 2 ½ acre lot, building a paper driveway to nowhere and absorbing the additional tax burden created by a separate lot, to accomplish my goal. I was later offered another alternative, which would involve dismantling and making substantial changes to the garage apartment to render it unfit to live in once vacated by our son. Rendering that unit useless would seem to me to create unnecessary waste, incur significant additional expense, and ultimately decrease the value and usefulness of the property to me and my family in the future.

If I may digress, in March of this year, the Maine Department of Economic and Community Development took comments on the proposed rules governing LD 2003. Commentator number two spoke to the issue of lots where two dwellings already exist. I quote: “but lots with two existing would not be allowed to have any additional dwelling units under the local ordinance. If this law is outside of a growth area, why is the limit not two dwelling units regardless of the number of existing units? Commentator states that this difference punishes individuals who already tried to add more dwelling units”.

The response to this comment was that the Department's rule making authority was bound by statutory language, which distinguishes between lots with existing units compared to a lot without existing units. The statutory language does, however, give a municipality the discretion to add more units than the minimum if it so chooses.

I, too, agree with the commentator and feel unfairly restricted for having an existing ADU here on our property. Back to 2010 when we purchased the property at auction Bob Stevens, well known to you, came up to me before the ink was dry. As President of the Freeport Conservation Trust, he spoke of his impression of Eagles Nest. He felt that Eagles Nest was unusual in a unique way. It was his position, as well as that of others, that he would hate to see it developed. Although I made no representation at the time of what my plans were, I have always kept that conversation in mind.

For over 13 years I have lived up to that stated desire. Since we moved here, a new house has gone up next to us in the Leonard's former horse pasture after their sale. The build out of Dune Drive has been completed. A special district has been approved nearby which now hosts a mini-golf course and this year 8 new cottages to add to the existing 8 cottages. Minor subdivisions are popping up all over in this formerly rural part of town. While this has gone on, I have passed up opportunities to sell off three lots with the ability to sell a fourth in a little more than a year. I could have profited greatly from this, not only financially from the sales and reduction in taxes to my property by diminished acreage, but also in the sharing of expenses for general property maintenance and for resurfacing and plowing this almost half-mile driveway.

I am confident that Bob Stevens is not the only person who values the maintenance of open space in this town. I believe many of you on the board hold this to be an important and worthy need to keep the character of Freeport viable and prevent it from being completely swallowed up in suburbia. This need will become even clearer as the impact of LD 2003 comes to bear. I feel I have contributed something of value to the town by my actions or lack of thereof. My hope is that our town can work to create our own guidelines in a way that can support, rather than negatively impact, a resident like me.

For the privilege of having two ADUs composed from these pre-existing structures which are within such close proximity to each other, I would happily conform to other requirements and limits that the board would likely require in order to limit the impact of such a privilege and prevent it from being miss-used.

The advent of LD 2003 gives the planning board the opportunity to give those who have an existing duplex, as my property is considered, to not be excluded from and to benefit by the intention of the legislation. While my specific property and circumstances are unique, it is certainly possible that there are others of us who have maintained large properties at great personal expense who could benefit family or financially from such an action.

Thank you for your consideration of my circumstances and allow me to hope that you will give serious consideration to my proposal. I am happy to invite individual members of the board or the board as a whole to visit Eagles Nest if this would in any way benefit your deliberations. I understand implementing the requirements of LD 2003 is difficult. My request seems to me to be a reasonable guideline that I earnestly hope you will consider favorably.

Gary Laughlin
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207-329-1002
gary@lobsterbake.com

Re: Porter Property

Melissa Porter <MelissaMaePorter@hotmail.com>

Wed 8/2/2023 8:39 PM

To:Cecilia Smith <csmith@freeportmaine.com>;Caroline Pelletier <CPelletier@freeportmaine.com>;Darrel Fournier <dfournier@Freeportmaine.onmicrosoft.com>

Cc:bporter982@yahoo.com <bporter982@yahoo.com>

**** CAUTION EXTERNAL EMAIL ****

Hi Cecilia,

In regards to my question this evening at the planning board workshop, I would propose the following amendment to the Zoning Ordinance for the Planning Boards consideration and I am quite certain I have two Councilor members who would agree:

- A. When a lot is transected by a zoning district boundary, the predominant district regulations set forth in this Ordinance for the lot shall apply to the area of the entire lot, except as permitted by Section 201.H below.

Hopefully that makes sense. My suggestion is just to make it so those that have tiny slivers of an overlapping district comply with the predominant zone of the lot rather than making them comply with both districts standards at once. I would even say you could add a stipulation to say "comply with which ever zone is more restrictive" as long as it's only making people comply with a single zone rather than two or more at once on a single parcel of land. I have found this to be pretty standard practice in the surrounding towns.

Best Regards,

Melissa M. Porter

