

**TOWN COUNCIL MEETING #09-2002  
APRIL 9, 2002 - 7:00 P.M.  
TOWN COUNCIL CHAMBERS**

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**SUMMARY AGENDA**

**ITEM #58-2002** To consider action relative to proposed amendments to the Coastal Waters Ordinance Concerning the Fee Structure (Chapter 31). (Public Hearing)

**ITEM #59-2002** To consider action relative to a proclamation concerning Child Abuse Prevention.

**ITEM #60-2002** To consider action relative to supporting efforts to regionalize services.

**ITEM #55-2002** Tabled April 2, 2002.

To consider action relative proposed amendments to the Town of Freeport Comprehensive Plan Concerning Rural Management Areas.

**ITEM #56-2002** Tabled April 2, 2002.

To consider action relative to adopting a New Subdivision Ordinance (Chapter 25).

**ITEM #57-2002** Tabled April 2, 2002.

To consider action relative to proposed amendments to the Zoning Ordinance Regarding Subdivisions (Chapter 21).

**OTHER BUSINESS:**

1. Discussion on Spring Clean-Up Week.
2. Discussion on Public Right to Know.

Adjourn.

**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #09-2002**  
**TOWN HALL COUNCIL CHAMBERS**  
**APRIL 9, 2002 – 7:00 P.M.**

**SPECIAL NOTE:** This agenda is a working agenda that includes background information and is for distribution to Council members only.

**FROM:** Dale C. Olmstead, Jr.

**TO:** Robert Stevens, Chairperson, Porters Landing  
John Arsenault, Vice Chairperson, Prout Road  
Kenneth Mann, Mann Road  
David Soley, Arnold Road  
Eileen Lowell, So. Freeport Road  
Rod Regier, South Street  
Susan Campbell, Hunter Road

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #08-2002, held on April 2, 2002 and accept the Minutes as printed.

**SECOND ORDER OF BUSINESS:** Public Comment Period – 30 Minutes  
(Non-Agenda Items Only)

**THIRD ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

**COUNCIL MEETING #09-2002  
APRIL 9, 2002**

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**ITEM #58-2002** To consider action relative to proposed amendments to the Coastal Waters Ordinance Concerning the Fee Structure (Chapter 31). (Public Hearing)

**MOTION:** That the Public Hearing be opened.

**MOTION:** That the Public Hearing be closed.

**BE IT ORDERED:** That the proposed amendments to the Coastal Waters Ordinance be approved.

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**ITEM #59-2002** To consider action relative to a proclamation concerning Child Abuse Prevention.

**WHEREAS,** child abuse is a community problem and finding solutions depends on involvement among people throughout the community;

**WHEREAS,** statistics of children who are abused and neglected increase each year;

**WHEREAS,** the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

**WHEREAS,** effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community;

**WHEREAS,** youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community;

**WHEREAS,** all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

**NOW, THEREFORE,** We, The Freeport Town Council, do hereby proclaim April as Child Abuse Prevention Month in Freeport, Maine and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the community in which we live.

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**ITEM #60-2002** To consider action relative to supporting efforts to regionalize services.

**BE IT ORDERED:** That the Town of Freeport support efforts to regionalize services when determined to be in the best interest of the Citizens of Freeport and Citizens residing in the Region.

**BE IT FURTHER ORDERED:** That the Administration of the Town of Freeport be instructed to work with their counterparts in the region to explore the possibilities of providing services on a regional basis.

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**COUNCIL MEETING #09-2002  
APRIL 9, 2002**

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**ITEM #55-2002 Tabled April 2, 2002.**

To consider action relative to proposed amendments to the Town of Freeport Comprehensive Plan Concerning Rural Management Areas.

**BE IT ORDERED:** That the proposed amendments to the Town of Freeport Comprehensive Plan be approved.

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**ITEM #56-2002 Tabled April 2, 2002.**

To consider action relative to adopting a New Subdivision Ordinance (Chapter 25).

**BE IT ORDERED:** That the proposed New Subdivision Ordinance be adopted.

**BE IT FURTHER ORDERED:** That the existing Subdivision Ordinance be vacated.

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**ITEM #57-2002 Tabled April 2, 2002.**

To consider action relative to proposed amendments to the Zoning Ordinance Regarding Subdivisions (Chapter 21).

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance be approved.

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**OTHER BUSINESS:**

1. Discussion on Spring Clean-Up Week.
2. Discussion on Public Right to Know.

Adjourn.

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**MINUTES  
COUNCIL MEETING #09-2002  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
April 9, 2002—7:00 P.M.**

<b><u>CHAIRPERSON'S CALL TO ORDER</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>	<b><u>Excused</u></b>
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Robert Stevens, Chairperson Porters Landing	x		
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John Arsenault, Vice Chairperson Prout Road	x		
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David Soley Arnold Road	x		
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Susan Campbell Hunter Road	x		
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Rod Regier South Freeport Road	x		
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Kenneth Mann Mann Road	x		
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Eileen Lowell South Freeport Road	x		
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**FIRST ORDER OF BUSINESS:** TO WAIVE THE READING OF THE MINUTES OF MEETING #08-2002 HELD ON APRIL 2, 2002 AND ACCEPT THE MINUTES AS PRINTED.

Councilor Regier pointed out that on Page 7 under "Other Business" the first sentence should have read: "The Council just adopted a Capital Budget without the need for voter approved bonding".

**MOVED AND SECONDED:** TO WAIVE THE READING OF THE MINUTES OF MEETING #08-2002 HELD ON APRIL 2, 2002 AND ACCEPT THE MINUTES AS AMENDED. (Councilors Regier & Soley (7 Ayes

**SECOND ORDER OF BUSINESS:** Public Comment Period—30 Minutes (Non-Agenda Items only)

**MOVED AND SECONDED:** To open the Public Comment Period (Campbell & Arsenault) (7 Ayes).

Brad Guay of Holbrook Street expressed his gratitude for being allowed to use the laptop projection equipment at the last meeting. He explained the process he followed to schedule the equipment. He had some recommendations for minimizing the effort required for both citizens and the Town regarding projector scheduling.

**MOVED AND SECONDED:** To close the Public Comment Period (Soley & Arsenault) (7 Ayes).

**THIRD ORDER OF BUSINESS:** To take action on the following items of business as read by the Council Chairperson.

Chair Stevens asked for everyone's cooperation and help in minimizing repetitive comments and attempting to stay focused on the issues.

ITEM #58-2002 To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning the Fee Structure (Chapter 31). (**Public Hearing**)

**MOVED AND SECONDED:** That the Public Hearing be opened. (Councilors Soley & Arsenault) **VOTE:** (7 Ayes).

Carol Chipman, Chair of the Coastal Waters Commission, explained the proposed changes to the Ordinance and a parking lot recommendation. She answered questions. The following people shared their views and raised questions on the proposed amendments: Peter Horne of Flying Point Road, John Carp of Flying Point, Ken Vosmus of Pownal Road, Peter Thompson of Flying Point, Stewart Pfeffer, Gail Rice, Tom Schwarm of South Freeport Road, Heidi Bishop and Phil Clifford of Flying Point.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Councilors Soley & Arsenault) (7 Ayes).

**BE IT ORDERED:** That the proposed amendments to the Coastal Waters Ordinance be approved. (Councilors Soley & Arsenault)

**MOVED AND SECONDED:** To add to the second paragraph after *All moorings within the coastal waters* the words "excluding flats moorings" (Councilors Mann & Regier) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** To delete "All moorings within the coastal waters, excluding flats moorings, of the Town of Freeport, but not in the anchorage, must be registered with the Harbor Master and must include the information in ARTICLE V., Section 3 of this ordinance and the owner must pay a \$20 yearly registration fee to the Town of Freeport on or before March 31 of each year." (Councilors Mann & Campbell). **ROLL CALL VOTE:** (5 Ayes—(Mann, Campbell, Regier, Lowell & Stevens) (2 Nays—Soley & Arsenault).

**MOVED AND SECONDED:** That the fourth paragraph be sent back to the Coastal Waters Commission to clear up some vagueness and ambiguities to determine as to whom this applies and the extent of usage and come back with a specific proposal when fully and adequately handled. (Councilors Soley & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** The Coastal Waters Commission shall be directed to establish the one-time cost of locating and registering mooring locations outside of the anchorage. (Councilors Regier & Stevens) **ROLL CALL VOTE:** (4 Ayes—Soley, Arsenault, Regier and Stevens) (3 Nays—Mann, Lowell and Campbell).

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**MOVED AND SECONDED:** In Paragraph 3: Decrease the fee to \$25.00 yearly. (Councilors Campbell & Mann) (5 Ayes—Arsenault, Mann, Campbell, Lowell, Stevens) (2 Nays—Regier & Soley).

Councilor Arsenault stated for the record that his original intention regarding the parking issue was to divide it in half. Half for commercial use and half for residential use.

**ROLL CALL VOTE AS AMENDED:** (5 Ayes—Arsenault, Soley, Campbell, Stevens and Regier) (2 Nays—Lowell & Mann).

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**ITEMS #59-2002** To consider action relative to a proclamation concerning Child Abuse Prevention.

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, statistics of children who are abused and neglected increase each year;

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community;

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community;

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

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NOW, THEREFORE, We, The Freeport Town Council, do hereby proclaim April as a Child Abuse Prevention Month in Freeport, Maine and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the community in which we live. (Councilors Lowell & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #60-2002** To consider action relative to supporting efforts to regionalize services.

**BE IT ORDERED:** The Town of Freeport supports efforts to regionalize services when determined to be in the best interest of the Citizens of Freeport and Citizens residing in the Region.

Be it further ordered: That the Administration of the Town of Freeport be instructed to work with their counterparts in the region to explore the possibilities of providing services on a regional basis. (Councilors Mann & Arsenault)

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**MOVED AND SECONDED:** To add "and instructed to bring back to the Town Manager specific ideas for saving money through regionalizing services." (Councilors Soley & Campbell) (7 Ayes).

**ROLL CALL VOTE AS AMENDED:** (7 Ayes)

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ITEM #55-2002 Tabled April 12, 2002.

To consider action relative to proposed amendments to the Town of Freeport Comprehensive Plan Concerning Rural Management Areas.

**BE IT ORDERED:** That the proposed amendments to the Town of Freeport Comprehensive Plan be approved. (Councilors Regier & Arsenault).

**MOVED AND SECONDED:** Amend to read under Section VI, page 5, 1. Encourage a pattern of development in rural areas which is consistent with the existing rural landscape, maintains open space and develop design standards for locating housing in subdivision and along existing roadways which would not negatively impact the existing rural pattern. (Councilors Campbell & Mann) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** To send the following two amendments back to the Planning Board for further discussion and public hearings:

2. Develop further ordinances, which would promote working landscapes such as forests, harbors, farms, etc.

3. Create a mechanism for the provision of educational materials to large landowners and encourage them to participate in Federal, State and Town incentive programs to maintain and preserve large tracts of open space. (Councilors Campbell & Soley).

Councilor Regier asked if he should recuse himself and it was the consensus of the Council that he should not.

**ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To send to the Planning Board to review the sections of the Inventory & Analysis Sections of the Comprehensive Plan that require us to do a 10 year projection of local and regional growth populations, etc. which was adopted about 1994. The Town has new information on aquifers and estuaries that should be analyzed and adopted into the Comprehensive Plan. Review Section G of the State Statute which talks about existing transportation, major routes, parking facilities, traffic, etc. in Freeport. Further review residential housing, affordable housing and also historical resources which include stonewalls, impoundments and timber bridges. (Councilors Mann & Campbell) **ROLL CALL VOTE:** (3 Ayes—Mann, Campbell & Lowell). (4 Nays—Soley, Arsenault, Regier and Stevens)

Chair Stevens suggested putting this topic on a future agenda to discuss with the Town Planner at some point.



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**ITEM: #56-2002 Tabled April 12, 2002.**

**To consider action relative to adopting a New Subdivision Ordinance (Chapter 25).**

**BE IT ORDERED:** That the proposed New Subdivision Ordinance be adopted.

**BE IT FURTHER ORDERED:** That the existing Subdivision Ordinance be vacated.  
(Councilors Soley & Arsenault)

**MOVED AND SECONDED:** On Page 5 – ARTICLE 1 – PURPOSES 1.8 To minimize the potential impacts from new subdivisions on neighboring properties and on municipalities particularly in the Rural Management Areas, which rural atmosphere, landscape and natural resources are at risk, including but not limited to RR-I and RR-II Districts. (Campbell & Stevens). **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the four page document provided by the Town Planner Presented this evening showing 8 amendments to the Subdivision Ordinance and several amendments to the Zoning Amendments be adopted. What is being changed is:

Pg. 8 under **Conservation Area** – add: Secondary: Corridors along rivers or streams included in the Town of Freeport Shoreland Zone and other.

Pg. 13/14 under **Subdivision, Major** – delete: or any subdivision requiring any new street or the extension of public utilities such as sewer or water service whether provided by a public or private entity.

Pg. 13/14 under **Subdivision, Minor** – delete: All lots shall be located on an existing public or private street and no new public services or extension of municipal or other public facilities shall be required.

Pg. 17 under **Submission Completeness** add: Appeals shall lie from the decision of the Town Planner to the Freeport Planning Board.

Pg. 19 under **C.**: Appeals shall lie from the decision of the town Planner to the Freeport Planning Board.

Pg. 19 under **D**: the sentence should read: When the submission is determined to be complete, the Town Planner shall:

Pg. 23 under **C** - add: Appeals shall lie from the decision of the Town Planner to the Freeport Planning Board.

Pg. 23 under **D** – The sentence should read: When the submission is determined to be complete, the Town Planner shall:

Pg. 25 Under **D**. 1. remove the word “Preliminary” and add “Sketch” before Plan.

Pg. 33/34 Under **G**. The paragraph should read: This Ordinance shall be enforced by the Town of Freeport Code Enforcement Officer in the same manner as the Town of Freeport Zoning

Ordinance. Appeals shall lie from the decision of the Codes Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provision of the Maine revised statutes.

Page 36/37 under Fire Protection – b. delete “If fire hydrants are not provided” and add “Where fire ponds are built for fire protection.”

Page 50/51 under Private Systems 2) – after the words “and if the lot” delete “has a potential” and add “includes “ and then remove the word “on” immediately following “includes”.

Page 52/53 in the first paragraph – delete “two hundred fifty (250) feet or within shoreland area along rivers and streams as defined on the Freeport Official Zoning Map of the following”.

Page 52/53 delete “d”.

Page 53/54 change 11.8C to 11.8B (Councilors Regier & Arsenault)

**MOVED AND SECONDED:** on Page 8 under Conservation Area – Secondary remove corridors and add “land within 75’ of rivers and stream. (Councilors Mann & Campbell)  
**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Soley).

**MOVED AND SECONDED:** on Page 17 under Submission Completeness add: “The applicant may appeal the Town Planner’s determination to the Planning Board by filing a written request with the Town Planner. This request will be considered by the Planning Board at the next meeting at which the application is considered. The Planning Board may overrule the submission requirement or reduce the amount of information required” Delete: “and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted. These steps shall be repeated until the application is found to be complete.” (Councilors Mann & Campbell).

Donna Larson noted that completeness and waivers are getting confused and clarified these for the Council. Discussion followed. Councilor Soley requested that this amendment be passed on to the Town Planner for review since the goal is shared by all Councilors. Councilor Mann offered to work with the Town Planner on this issue.

**MOVED AND SECONDED:** on Page 69, Section 15.1 regarding appeals from the Board of Appeals to the Superior Court, add: “From the Board of Appeals to the Superior Court according to the provisions of the Maine Revised Statutes. (Councilors Regier & Stevens)  
**ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** To add the following language to 3. on Page 11, of the Subdivision Ordinance: “ However, if it is proved that the specific site improvements such as roads and utilities and excluding buildings cannot be located elsewhere , they may be located on this soil but only to the extent necessary that such improvements shall be engineered to adequately relieve the very poorly drained conditions and to minimize the soil disturbances to be approved by the Planning Board”. (Councilors Mann & Campbell) **ROLL CALL VOTE:** (2 Ayes—Mann & Campbell) (5 Nays).

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**MOVED AND SECONDED:** on Page 21, 6.4, a. To add: "controlling shareholders"(Councilors Mann & Soley) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** on Page 22, change to 10 years. (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (2 Ayes—Mann & Campbell). (5 Nays).

**MOVED AND SECONDED:** on Page 32, E. under Findings, Add Codes Enforcement Officer. (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** on Page 39, C. -Access Ways to Subdivisions, change "shall be done" to "may be required". (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** on Page 40, Delete sentence that reads: "Any street intended to be accepted by the Town Council as a public street shall conform to the standards of Chapter 26 in the Streets Acceptance Ordinance of the Freeport Municipal Code." (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (3 Ayes—Campbell, Arsenault, Mann) (3 Nays—Lowell, Regier and Stevens) and (1 Excused—Soley).

**MOVED AND SECONDED:** on Page 51, 1 under B, Performance Standards, Add "shall be designed to minimize" and remove "where feasible". (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** on Page 51, under A, remove Maine Natural Areas Program. (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** Page 52, replace "no adverse impact" with "there shall be minimal impact. (Councilors Mann & Stevens). **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** Page 52, same paragraph, second to last sentence replace "no adverse impact" with "there shall be minimal impact. (Councilors Mann & Stevens). **ROLL CALL VOTE:** (7 Ayes).

**MOVED AND SECONDED:** on Page 52, Design Guidelines, A., Subdivision, delete "shall maintain any existing vegetation buffers" and replace with "maintain to the extent possible vegetative buffers". (Councilors Mann & Campbell) **ROLL CALL VOTE:** (2 Ayes—Mann & Campbell) (5 Nays).

On Page 53, There shall be no cutting of vegetation within the strip of land extending 75' from the normal high water mark, etc. Councilor Mann suggested that the Town Planner review this issue and bring it back to the Council.

**MOVED AND SECONDED:** on page 54, top of page, delete "Planning Board selects or approves a wildlife biologist"if they are recommended by the Department of Inland Fisheries and Wildlife. (Councilors Mann & Campbell) **ROLL CALL VOTE:** (2 Ayes—Mann & Campbell) (5 Nays).

**MOVED AND SECONDED:** On Page 56, 1 a. Groundwater Quality, delete and leave the State standard in as shown on item listed above it. (Councilors Mann & Arsenault) **VOTE:** (2 Ayes—Mann & Campbell) (5 Nays).

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**MOVED AND SECONDED:** On Page 59, Town Water Management Provisions, delete the standard. (Councilors Mann & Arsenault) **ROLL CALL VOTE:** (1 Ayes—Mann) (5 Nays) (1 Excused—Campbell).

Councilor Regier thanked the Town Planner, Donna Larson and Mark Eyerman, Consultant for all their help on this project. Councilors shared their views on this ordinance.

**ROLL CALL VOTE ON AMENDED PROPOSED ORDINANCE:** (6 Ayes) (1 Nay—Mann)

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**ITEM #56-2002 Tabled April 2, 2002.**

To consider action relative to proposed amendments to the Zoning Ordinance Regarding Subdivisions (Chapter 21).

**BE IT ORDERED:** That the proposed amendments to the Zoning Ordinance be approved. (Councilors Campbell & Arsenault)

Councilor Regier pointed out that there are 30 pages of additions.

**MOVED AND SECONDED:** To waive reading the document as a whole. (Councilors Regier & Arsenault) **VOTE:** (7 Ayes).

**MOVED AND SECONDED:** To accept the Zoning Ordinance Amendments dated February 5, 2002. (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** On Page 28, change 3 to read: Some or all of the required open space may be held in common by the individual lot owners of the proposed residential development – All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. The developer shall be required to establish a homeowner's association consisting of individual lot owners which shall include the following: (no changes to a, b, and c).

On Page 29, change the last paragraph to read: "4. Some or all of the required open space may be held in "non-common private ownership" provided the land is permanently restricted from future development through a conservation easement or other mechanism acceptable to the Planning Board, except for those uses listed in Section 504A.4 above. The Town of Freeport has the ability to enforce the restrictions of land in "non-common private ownership". This requirement shall be set forth in deed covenants or other legal instrument binding upon the lot owner and running with the land. When the non-common open land is attached to a homestead on the property being developed, the required open space land shall be in addition to the minimum permitted lot size."

Amend the definition of the Conservation area to conform to what was done in the Subdivision Ordinance. (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Nays—Campbell & Mann).

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**ROLL CALL VOTE ON ORDINANCE AS AMENDED:** (5 Ayes) (2 Nays—Campbell & Mann).

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**OTHER BUSINESS:**

**Discussion on Spring Clean-up Week.**

Mr. Olmstead pointed out that the Town can have a Spring Clean-up Week the first week in June. Discussion followed.

**MOVED AND SECONDED:** To take up a matter not on the printed agenda. (Councilors Stevens & Campbell) (7 Ayes).

**MOVED AND SECONDED:** To provide a Spring Clean-up Week in early June. (Councilors Campbell & Mann) (5 Ayes) (1 Nay—Soley) and (1 Excused—Arsenault).

**Discussion on Public Right to Know .**

Councilor Campbell requested that this item be deferred to another meeting.

**Adjournment**

**MOVED AND SECONDED:** To adjourn at 11:20 p.m. (Councilors Mann & Campbell) (6 Ayes) (1 Excused—Arsenault).

Respectfully Submitted,

*Sharon Coffin*

Sharon Coffin  
Council Secretary

*Approved w/Changes*  
**PROPOSED AMENDMENTS TO THE COASTAL WATERS ORDINANCE**

**CHAPTER 31**

**ARTICLE V MOORING ASSIGNMENTS**

5. Fees: In addition to the following fees, ~~a User fee of \$20.00, a registration fee of \$20.00 and a \$ (one dollar) per foot of boat length over all fee (LOA)~~ shall be paid for all boats on moorings and slips in the anchorage of the Town of Freeport. All persons who receive a mooring assignment in the anchorage must pay to the town of Freeport a mooring permit registration fee for each mooring received, in accordance with the following schedule.

**Coastal Waters Commission Fees**

<u>Category of Mooring Permit</u>	<u>CURRENT</u>			<u>PROPOSED</u>	
	<u>User Fee</u>	<u>Fee</u>	<u>Total</u>	<u>Proposed Additional (LOA) Fee</u>	<u>Total</u>
1) Resident Fisherman	\$75	\$20	\$95	\$30 based on average length	\$125
2) Resident/Recreational	\$25	\$20	\$45	\$30 based on average length	\$75
3) Resident Commercial Marine	\$75	\$20	\$90	\$30 based on average length	\$110
4) Non-Resident Fisherman	\$180	\$20	\$200	\$30 based on average length	\$230
5) Non-Resident Commercial Marine Enterprise	\$180	\$20	\$200	\$30 based on average length	\$230
6) Non-Resident Recreational	\$180	\$20	\$200	\$30 based on average length	\$230
7) Marina	\$75	\$20	\$95	\$55 based on length limit	\$150
8) Yacht Club	\$25	\$20	\$45	\$30 based on average length	\$75
9) Commercial Passenger Boat	\$60	\$20	\$80	\$30 based on average length	\$110
10) Resident Subsequent	\$100	\$20	\$120	\$30 based on average length	\$150
11) Non-Resident Subsequent	\$180	\$20	\$200	\$30 based on average length	\$230

All moorings within the coastal waters of the Town of Freeport, but not in the anchorage, must be registered with the Harbor Master and must include the information in ARTICLE V section 3 of this ordinance and the owner must pay a \$20 yearly registration fee to the Town of Freeport on or before March 31 of each year.

All skiffs/dinghies on the town floats must be registered with the Town of Freeport each season and the owner must pay a \$50 yearly fee to the Town of Freeport on or before March 31 of each year.

All users; including but not limited to lobstermen, clammers, muscle gatherers, fuel deliverers, mooring contractors, construction contractors, trash haulers, boat/canoe/kayak rental services, individuals stepping or unstepping masts, of the wharves, docks, hoist, or electricity must pay a \$50 yearly Wharfage fee to the Town of Freeport on or before March 31 of each year.

# Coastal Waters Commission Proposed Fee Extensions

Category	Number (approx.)	Fees Currently Generated	Proposed
1) Resident Fisherman	26	\$2,470	\$ 3,250
2) Resident/Recreational	197	\$8,865	14,775
3) Resident Commercial Marine	1	90	110
4) Non-Resident Fisherman	2	400	860
5) Non-Resident Commercial Mar	1	200	230
6) Non-Resident Recreational	71	14,200	16,330
7) Marina	35	3,325	5,250
8) Yacht Club	4	180	300
9) Commercial Passenger Boat	5	400	550
10) Resident Subsequent	8	960	1,200
11) Non-Resident Subsequent	0	0	0
•User fee for slips	188	3,760	3,760
•Registration fee boats outside (\$20 each)	100	0	2,000
•Dinghy tie-up Fee (\$50)	40	100	2,000
Totals	350	\$34,850	\$50,615

## **Child Abuse Prevention Month**

### **Proclamation**

*Whereas, child abuse is a community problem and finding solutions depends on involvement among people throughout the community.*

*Whereas, statistics of children who are abused and neglected increase each year;*

*Whereas, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;*

*Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community;*

*Whereas, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community;*

*Whereas, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;*

*Now, Therefore,*

*We, the Freeport Town Council, do hereby proclaim April as Child Abuse Prevention Month in Freeport, Maine and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the community in which we live.*

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**Signed: Robert E. Stevens**  
**Town Council Chairperson**



**Proposed amendments to the, Town of Freeport, Comprehensive Plan  
October 1994  
Section VI, page 5**

**C. RURAL MANAGEMENT AREAS**

The rural management areas encompass the RR-1 and RR-11 Districts. These Districts include at least two thirds of the land area of the Town and approximately one fifth of that total area is in Tree Growth. The designated areas are intended to accommodate low density residential development on lots which contain a lot area of or a density of 2.5 acres, and other land uses which complement the residential setting and provide needed services. Approximately fifty percent of the projected residential growth is expected to occur in these areas.

Residential growth may occur in a manner that negatively impacts the rural qualities of a given area. The result is the loss of resources such as scenic open fields, heavily wooded forests and traditional hunting areas. These resources, however, do not have to be destroyed when development takes place. If properly regulated, development and protection of significant natural resource land can occur simultaneously.

Current ordinances should be reviewed to determine whether additional standards are needed to accomplish these goals.

In order to preserve the rural atmosphere of these areas, while at the same time permitting development to occur, the following principles should guide future development. More specific recommendations are included in the Land Use Section of this Plan.

1. Encourage a pattern of development in rural areas which maintains open space ~~is similar to existing patterns~~ and develop design standards for locating housing in subdivisions and along existing roadways consistent with that pattern;
2. Revise the ~~cluster~~ Subdivision Ordinance to encourage greater flexibility of density and design of residential developments and housing styles and which will, in all areas of Town but especially in rural areas, maximize open space;
3. Preserve and protect unique natural, historical and archaeological resources;
4. Create design standards for new roads that are consistent with Freeport's existing system of traditional, rural roads.
5. Encourage the permanent protection of open space, agricultural and forestry lands.

UPDATED SUBDIVISION ORDINANCES  
APRILL 7, 2002

Susan Campbell

Page 5

ARTICLE 1 – PURPOSES

1.8 To minimize the potential impacts from new subdivisions, <sup>as major</sup> particularly in the Rural Management Areas, where rural ~~lifestyle~~, landscape and natural resources are at risk; ~~on neighboring properties and on the municipality;~~ and

~~1.9 To promote the development of an economically sound and stable community while minimizing the potential impact on neighboring properties and the municipality.~~

Page 14

ARTICLE 3 – DEFINITIONS

Subdivisions, Minor

*Remove language referring to location on an existing public or private street*

on neighboring properties  
& on municipalities

CR  
RSL

01' ✓  
- 2d'

RR1  
/ RR2  
mm

Roll call  
ray

~~Pg 33 - G -~~

~~Pg 37 Bor D - East Id~~

Pg 39 - c - access ways to Subdivisions

change to  
" may be required "

Mann/ars - 7ay

~~Street lights to (to)~~

~~if approved by the~~

Pg 40 - wants to delete sentence  
because we ~~adred~~ have a

Mann/ars - Roll

fails

Lowell NO

Regin NO

Bob NO

Pg 51 - **B** 1 b -

~~where feasible~~

shall be designed to minimize

Mann/ars 7ay

Pg A -

Maine Natural Areas -

Mann/ars 7ay



Pg 17

### 5.5 Submission Completeness

If the submission is determined to be <sup>incomplete</sup> the Planner shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete.

The applicant may appeal the Town Planner's determination to the Planning Board by filing a written request with the Town Planner. This Request will be considered by the Planning Board at the next meeting at which the application is considered. The Planning Board may ~~waive~~ <sup>overrule</sup> the submission requirement or Reduce the amount of information Required and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted. These steps shall be repeated until the application is found to be complete.

Delete this

Land Within 75' of Rivers & Streams  
indicated in the Town of Inupat Shoreland  
Zone,

# **PROPOSED TO VACATE**

## **CHAPTER 25 SUBDIVISION ORDINANCE**

### **ARTICLE I PURPOSE**

**Section 25-101** The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Freeport, Maine, the Planning Board shall consider the following criteria and before granting approval shall determine that the proposed subdivisions:

1. Will not result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable State and local health and water resources regulations;
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision, and will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
3. Will not cause unreasonable soil erosion;
4. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
5. Will provide for adequate waste disposal or will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
6. Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
7. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas, or any public rights of physical or visual access to the shoreline;
8. Is in conformance with the adopted Subdivision Ordinance, Comprehensive Plan and Land Use Plan;
9. The subdivider has adequate financial and technical capacity to meet the above stated standards.

# **PROPOSED TO VACATE**

## **ARTICLE II AUTHORITY AND ADMINISTRATION**

### **Section 25-201 Authority**

This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Freeport, Maine".

### **Section 25-202 Administration**

1. The Planning Board of the Town of Freeport, hereinafter called the Board, shall administer this Ordinance.
2. The provisions of this Ordinance shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Freeport.

## **ARTICLE III DEFINITIONS**

**Section 25-301** In general, words and terms used in this Ordinance have their customarily dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

1. Comprehensive Plan or Policy Statement. Any part or element of the overall plan or policy for development of the Town as defined in Title 30 M.R.S.A., Chapter 239, Section 4961;
2. Construction Drawings. Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross-section of streets, miscellaneous structures, etc.
3. Driveways. A road or way which is only open for the benefit of certain individuals to go from and to their homes, for the service of their lands, and for the use of some estates exclusively.
4. Easement. The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.
5. Engineer. Municipal Engineer or consulting engineer licensed by the State of Maine.
6. Final Subdivision Plan. The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be filed for record with the Municipal Clerk and County Registry of Deeds.
7. Legislative Body. Town Council.

## PROPOSED TO VACATE

Net Residential Acreage: The area of a tract or parcel of land which, as determined by the Planning Board, is suitable for development as a planned unit development or a 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 in the 100 year flood plain, 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;
- b. Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic;
- c. Portions of the tract or parcel below high water elevation (non-tidal) and below 10% exceedance high water (tidal) as defined in Section 104;
- d. Portions of the tract or parcel covered by surface water bodies that cover 25% or more of any subdivision lot or that cover 25% or more of a parcel on which a PUD will be located;
- e. Unbuildable Land. 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. Only where an interpretation of the geographical boundaries of the unbuildable land is necessary, the Planning Board shall be guided by the following standards:

Whether a portion of the unbuildable area could be incorporated into a minimum sized subdivision lot in such a manner than an adequate developable area for buildings and site improvements with conforming setbacks is retained;

Whether the environmentally sensitive land is adequately protected from disturbance or degradation;

- (1) Deer yards as identified in the Maine Department of Inland Fisheries and Wildlife, Identification and Management of Significant Fish & Wildlife Resources in Southern Coastal Maine, February, 1988.
  - (2) All land area having slopes of zero to two percent and which are identified in the U.S. Department of Agriculture, Soils Conservation Service, Hydric Soils of the United States, 1985 and subsequent amendments, as soil that is very poorly drained, such as, but not limited to, Saco, Sebago, Biddeford, Chocorua, Tidal Marsh, Whately, Scarboro and Whitman. Construction or development shall not occur on these soils. However, if it is proved that a specific site improvement(s), such as roads and utilities, and excluding buildings, cannot be reasonably located elsewhere, they may be located on this soil but only to the extent necessary and such improvements shall be engineered to adequately relieve the very poorly drained condition and to minimize the soil disturbances. Proposed engineering shall be approved by the Planning Board.
- Identification and location of these soils shall be determined by a high intensity soils survey prepared according to the standards of the Maine Association of Professional Soils Scientists.



## PROPOSED TO VACATE

- (3) Portions of the tract or parcel containing slopes over 20% which, because of unstable soils, would be subject to erosion if development were to be located on them.
- f. For multi-family planned unit developments: 15% of the remaining acreage of the tract or parcel as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than or less than 15%.  
For other subdivisions: Total acreage used for street right-of-way.
9. Net Residential Density: The number of dwelling units per net residential acre.
10. Official Map. The map adopted by the Municipality showing the location of public property, ways used in common by more than two owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.
11. Official Submittal Date. The time of submission of a Pre-application Plan, Final Plan for Minor Subdivision; Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered the submission date of the application for such Plan approval to the Board, complete and accompanied by any required fee and all data required by these standards.
12. Person. Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
13. Planning Board. The Planning Board of the Municipality.
14. Preliminary Subdivision Plan. The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
15. Resubdivision. The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.
16. Soil Survey
- a. Medium Intensity Soil Survey. A plan that displays all of the individual soil types as they exist on the land of the proposed subdivision with an accuracy such that inclusions of a different soil type of over 3 acres in size shall not exist within the boundaries of one individual soil type. The soil boundaries shall divide the land into areas of soil with common properties such as the U.S. Department of Agriculture Soil Series. If the survey is done by a geologist or engineer, the area within the boundaries shall be labeled by a descriptive name, sufficient to delineate soil groups in terms of general origin, stratification, drainage, size distribution, depth to bedrock, depth to seasonal high water table, and other properties conducive to a division similar to the U.S. Department of Agriculture Soil Series.

## PROPOSED TO VACATE

- b. High Intensity Soil Survey. A plan that displays all of the individual soil types as they exist on the land of the proposed subdivision with an accuracy such that inclusions of a different soil type of over 1/8 acre in size shall not exist within the boundaries of one individual soil type. The soil boundaries shall divide the land into soil types as described under definition of "Medium Intensity Soil Survey", except for the specified accuracy.
17. Conditional Use. Any uses which because of their inherent characteristics may not be allowable within the intent of this Ordinance, but which may, with proper consideration given to design and construction, be allowed after review by the Planning Board.
18. Street. A road or way established, adopted, or built to the minimum standard established by the municipal authorities for the use of the general public, and over which every person has a right to pass and to use for all purposes of travel or transportation to which it is adapted and devoted. This does not include service entrances or driveways leading from another street onto adjoining premises. See also, driveways.
19. Subdivision. For the purposes of this Ordinance, a subdivision shall be defined by Title 30 M.R.S.A. 4956 (1) as amended. The term "subdivision" shall include any resubdivision of any lot in an existing subdivision.
20. Subdivision, Major. Any subdivision containing more than five (5) lots, or any subdivision requiring any new public street, extension, or the extension of municipal facilities.
21. Subdivision, Minor. A subdivision containing not more than five (5) lots.

### ARTICLE IV PREAPPLICATION

#### Section 25-401

1. The Subdivider, or a designated representative, shall arrange for a meeting with the Freeport Town Planner to discuss the proposed plan and to review in detail the applicable provisions of this Ordinance.
2. In order that the Planning Board may be fully informed about the site and in a knowledgeable position to prescribe the contour interval to be employed on topographic maps and grading plans for the subdivision, the subdivider shall next arrange for a joint inspection of the site with the Planning Board or a committee, member or individual appointed by the Chairman to act as the Board's representative for such inspection.
3. At the time of the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its initial determinations.

## **PROPOSED TO VACATE**

4. After such preliminary inspection, the Planning Board shall within 15 days inform a subdivider in writing of the classification of the Sketch Plan into either a Minor or Major Subdivision and of the contour intervals which will be required for the Preliminary Plan and any other information which may be required by the Planning Board.
5. If classified as a Minor Subdivision, the Subdivider shall then comply with the procedure outlined in Article V of these standards. If classified as a Major Subdivision, the subdivider shall comply with procedures outlined in Article VI and Article VII of these standards.
6. The Planning Board shall determine whether the Sketch Plan complies with these standards and shall, where it deems necessary, make specified suggestions in writing to be incorporated by the applicant in his subsequent submissions.

### **Section 25-402 Submissions**

1. The Sketch Plan shall be submitted to the Planning Board at the time of or prior to the on-site inspection, showing in simple sketch form on a topographic map the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan should also include the date listed in Section 20-503 or such of it as the Planning Board determines is necessary for its consideration of the proposed Sketch Plan.
2. General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above. This information shall include data on at the least the following:
  - a. Existing deed covenants;
  - b. Medium intensity soil survey and soil interpretation sheets (see definitions);
  - c. Available continuous community facilities and utilities;
  - d. Proposed number of lots;
  - e. Typical lot width, depth and area;
  - f. Proposed business areas;
  - g. Proposed playgrounds, parks or other public areas;
  - h. Proposed protective covenants;
  - i. Proposed methods of providing utilities, including sewer and water;
  - j. Proposed street improvements;
  - k. Right, title or interest in the property to be subdivided.
3. The Planning Board may request that the subdivider provide a sketch of a cluster subdivision which conforms to the requirements of Sec. 504, Planned Unit Development, of the Freeport Zoning Ordinance.

# **PROPOSED TO VACATE**

## **ARTICLE V REVIEW AND APPROVAL OF MINOR SUBDIVISION**

### **Section 25-501 General**

The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions under Articles VI, VII and IX of this Ordinance.

### **Section 25-502**

1. Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan at least five (5) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
2. All applications for Final Plan approval for Minor Subdivisions shall be accompanied by a fee of \$50.00 per lot payable to the Town of Freeport, Maine, stating the specified purpose of the fee, which shall be delivered directly to the Town Treasurer.
3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
4. Within thirty (30) days from the date of submission of the Final Plan, the Planning Board shall approve, shall approve with conditions, or disapprove said plan. The Board shall specify in writing its reasons for any such conditions or disapproval.

### **Section 25-503 Submissions**

1. The Final Subdivision Plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced on mylar or clearly drawn in India ink on linen. One of these copies shall be distributed to the Town Manager, one to the Conservation Commission and one to the Planning Board. The original of the final plan shall be recorded at the Cumberland County Registry of Deeds, at the subdivider's expense within 7 days of approval.
2. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:
  - a. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract;

- PROPOSED TO VACATE**
- b. An actual field survey of the lines of the tract, giving complete descriptive data by bearing and distances and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan;
  - c. Proposed name of the subdivision or identifying title, tax map number and the name of the Municipality;
  - d. The date, true north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners;
  - e. A medium intensity soils report identifying the soils, boundaries and names in the proposed development with the soils information superimposed upon the plot plan with at least one test pit per lot at the proposed location of any leach field or; if public sewerage is proposed, a medium intensity soils report only;
  - f. All on-site sewerage and water supply facilities shall be shown designed to meet the minimum specifications of these standards as cited in Section 20-701.3 and 4, and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed civil engineer.
  - g. A soil erosion and sediment control plan where applicable containing the endorsement of the Cumberland County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

## **ARTICLE VI PRELIMINARY PLAN FOR MAJOR SUBDIVISION**

### **Section 25-601 Procedure**

1. Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for a Major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board for reclassification. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board under the provision set forth in Article IX, General Requirements.
2. The application for conditional approval for the Preliminary Plan shall be accompanied by a fee of \$50.00 per lot or unit shown and payable to the Town of Freeport, Maine stating the specific purpose of the fee, which shall be delivered directly to the Town Treasurer.

## PROPOSED TO VACATE

3. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
4. Within thirty (30) days after formal submission of a Preliminary Plan, the Planning Board shall take action to give preliminary approval, with or without conditions or disapprove such Preliminary Plan. The reasons for any conditions required or the grounds for disapproval shall be stated upon the record of the Planning Board.
5. A public hearing may be held by the Planning Board within thirty (30) days after the time of submission of the Final Plan for approval. The Town shall advertise this hearing in a newspaper of local circulation at least seven (7) days before such hearing.
6. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to: (1) the specific changes which it will require in the Final Plan; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; (3) the improvements that may be required by Section 20-909 and the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on or attached to four (4) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board, one forwarded to Municipal Officers, and one to the Conservation Commission.
7. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form.

### Section 25-602 Submission

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over five hundred (500) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The location map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision. Within such area the Location Map shall show:
  - a. All existing subdivisions together with the names of the record owners of all adjacent parcels of land; namely, those directly abutting or directly across any street adjoining the proposed subdivision.

## PROPOSED TO VACATE

- b. Locations, widths and names of existing, filed or proposed streets, easements building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in the above Subsection.
  - c. An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdividers entire holding.
  - d. The boundaries and designations of zoning districts, school districts and parks or other public spaces.
2. Preliminary Plan. The preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:
- a. Proposed subdivision name or identifying title, and the name of the Municipality and the tax map, page and lot number.
  - b. Name and address of record owner, subdivider and designer of preliminary Plan.
  - c. Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses, natural drainage course and other significant existing physical features.
  - d. The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
  - e. The provisions of the Zoning Ordinance applicable to the area to be subdivided any zoning district boundaries affecting the subdivision.
  - f. The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
  - g. Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces.
  - h. The width and locaion of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and profiles of all streets, roadways, sidewalks, or other public ways proposed by the subdivider.
  - i. Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require.
  - j. Also high intensity soils survey identifying the soils

boundaries and proposed development with the soils information superimposed upon the plot and plan.

- PROPOSED TO REPEAL**
- k. Date, true north point and graphic scale.
  - l. Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
  - m. Connection with existing water supply or alternative means of providing water supply to the proposed subdivision.
  - n. Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.
  - o. Provisions for collecting and discharging storm drainage after the proposed landscape modifications take place, in the form of a drainage plan.
  - p. Preliminary designs of any bridges or culverts which may be required.
  - q. The proposed lot lines with approximate dimensions and suggested locations of buildings, and leach fields, if applicable. The proposed leach fields are to be located so as to demonstrate that a site of suitable size may be safely installed on the land.
  - r. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - s. The location of all natural features or site elements to be preserved.
  - t. A soil erosion and sediment control plan where applicable containing the endorsement of the Cumberland County Soil and Water Conservation Commission or the Maine Soil and Water Conservation Commission.

#### ARTICLE VII FINAL PLAN FOR MAJOR SUBDIVISION

##### Section 25-701

1. The subdivider shall, within six months after approval of the Preliminary Plan, file with Planning Board an application for approval of the Final Subdivision Plan in the form described herein. The application for Final Plan shall be accompanied by a fee of \$50.00 per lot or unit.  
  
If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the application shall be deemed withdrawn.
2. If the proposed subdivision:
  - a. occupies a land area in excess of 20 acres, or



## PROPOSED TO VACATE

- b. involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
  - c. required a license from the Department of Environmental Protection (DEP) under some other regulation such as waste discharge, air quality, wetland, or
  - d. in any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection, then:  
The approval of, or letter of non-action from, the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.
3. Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:
- a. The servicing Water Utility if existing public water service to be used, or
  - b. The State of Maine, Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or
  - c. If individual wells serving each building site are to be used, the subdivider shall provide a deed covenant guaranteeing that a sufficient supply of potable water is available. The board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare. Such approval shall be secured before official submission of the Final Plan.
4. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:
- a. The Freeport Sewer District if existing public disposal systems are to be used, or
  - b. The State of Maine, Department of Health and Welfare if a separate central sewage collection and treatment system is to be utilized, or if individual treatment facilities are to be installed by the developer, or
  - c. The Maine Department of Environmental Protection if the municipal system to be utilized is inadequate by State Standards and the waste generated is of a "significant" nature, or if the waste is to be discharged, treated or untreated, into any body of water. Such approval shall be secured before official submission of the Final Plan.
5. Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Municipal Treasurer evidence of a certified check or a performance bond to cover the full cost of required public improvements, or any equivalent assurance which is mutually

## PROPOSED TO VACATE

agreed upon. Any such bond or equivalent surety shall be satisfactory to the Municipal Officers, or their appointed designee, as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate) shall be set forth in the bond time within which required improvements must be completed.

6. Within thirty (30) days of submission of the Final Plan, the Planning Board shall approve, approve with condition or disapprove such Plan. The reasons for any conditions or the grounds for disapproval shall be stated upon the records of the Planning Board.

### Section 25-702 Inspection of Required Improvements

1. At least five (5) working days prior to commencing construction of required improvements, the subdivider shall:
  - a. pay an inspection fee equal to two (2) percent of the cost of the required improvements; or
  - b. pay an inspection fee equal to the estimated cost of inspection by the Municipal Engineer, if any; or
  - c. pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Planning Board, payable by check to the Town of Freeport stating the purpose of the fee. The subdivider shall notify the Municipal Officers or their appointed designee, in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers or their appointed designee can cause inspection to be made to assure 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 Planning Board.
2. If the Municipal Engineer or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Municipal Officers or their appointed designee. The Municipal Officers shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No new plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.
3. If at any time before or during the construction of the required improvements, it is demonstrated to the satisfaction of the Municipal Engineer or appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Municipal Engineer or appointed engineer may authorize modifications provided these modifications are within the spirit and intent of the Planning

## **PROPOSED TO VACATE**

Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board and provided further that the performance bond or other assurances required by this Ordinance are not affected thereby. The Municipal Engineer or appointed engineer shall issue an authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

4. The applicant shall be required to make provisions to maintain all improvements and provide snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

### **Section 25-703 Submissions**

1. The Final Plan shall be submitted and distributed in accordance with the provisions of Section 20-503.
  - a. All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
  - b. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
  - c. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
  - d. Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.
  - e. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
  - f. By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
  - g. Lots and blocks within the subdivision numbered in accordance with local practice.
  - h. Permanent reference monuments shown thus: ". ". They shall be located in accordance with specifications herein and their location noted and referenced upon the Final Plan.

## **PROPOSED TO VACATE**

2. There shall be submitted to the Board with the Final Plan:
  - a. Written offers of cession to the Municipality of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
  - b. Written evidence that the Municipal Officers are satisfied with the legal sufficiency of the documents referred to in the above Paragraph (a). Such written evidence shall not constitute an acceptance by the Municipality of any public open space referred to in Paragraph (a) above.
  - c. A performance bond, certified check, or equivalent surety to secure completion of all improvements required by the Board and written evidence that the Municipal Officers are satisfied with the sufficiency of such bond.

### **Section 25-704 Final Approval and Filing**

1. Upon completion of the requirements in Articles VI and VII above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal Officers. The Plan shall then be recorded in the Cumberland County Registry of Deeds at the subdivider's expense. Any subdivision plan not so filed and recorded within seven (7) days of the date upon which such plan is approved and signed by the Planning Board as herein provided shall become null and void.
2. At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.

### **Section 25-705 Plan Revisions After Approval**

1. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirements, the same shall be considered null and void, and the Town may institute proceedings to ensure compliance with the provisions of this Ordinance.

# **PROPOSED TO VACATE**

## **Section 25-706**

1. The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, open space, or other proposed public improvement on such plan.
2. When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Municipality of such areas. The Planning Board shall require the Plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

## **ARTICLE VIII ENFORCEMENT**

### **Section 25-801**

No plan of a subdivision of land within the municipal boundaries which would constitute a subdivision as defined here shall hereafter be filed or recorded in the Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in these standards, nor until such approval shall have been entered on such Final Plan by the Planning Board.

### **Section 25-802**

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.

### **Section 25-803**

Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$100.00 for each such conveyance, offering or agreement. The Attorney General, the Municipality or the appropriate Municipal Officers may institute proceedings to enjoin the violation of this section.

### **Section 25-804**

No public utility, water district or sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a Final Plan has not been approved by the Planning Board.

# **PROPOSED TO VACATE**

## **Section 25-805**

Grading or construction of roads, grading of land or lots, construction of buildings shall not take place until such time as the Final Plan of the subdivision shall have been duly prepared, submitted, reviewed, approved, and endorsed as provided in these standards, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Cumberland Registry of Deeds, is a violation of the law.

## **ARTICLE IX GENERAL REQUIREMENTS**

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

### **Section 25-902 Subdivision Plan Shall Conform to Comprehensive Plan**

Any proposed subdivision shall be in conformity with the provisions of all pertinent state and local codes and ordinances.

### **Section 25-903 Relationship of Subdivision to Community Services**

Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which include, but not be limited to:

- schools, including busing
- police and fire protection
- road maintenance and snow removal
- solid waste disposal
- recreation facilities
- runoff water disposal drainage ways and/or
- storm sewer enlargement and sediment traps.

### **Section 25-904 Retention of Proposed Public Sites and Open Spaces**

1. Depending on the size and location of the subdivision, the Board may require the developer to provide up to 10% of his total area for recreation unless said area will comprise less than one (1) acre.
2. Land reserved for park, open space and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended.
3. Where the proposed subdivision is located on a lake, pond, river or stream (or the seacoast), a portion of the waterfront area, when feasible, shall be included in the reserved land.

# **PROPOSED TO VACATE**

## **Section 25-905 Preservation of Natural and Historic Features**

The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

## **Section 25-906 Lots**

1. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the Zoning Ordinance.
2. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
3. The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage in accordance with the Zoning Ordinance.

## **Section 25-907 Utilities**

1. The size, type and location of public utilities, such as street lights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.
2. Utilities shall be installed underground except as otherwise approved by the Board.

## **Section 25-908 Additional Requirements**

1. Street trees and open green spaces may be required at the discretion of the Planning Board.
2. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least 20 feet wide between abutting properties that are so endangered.

## **Section 25-909 Required Public Improvements**

The following improvements may be required to be installed by the developer: monuments, street signs, streets, sidewalks, public or privately owned central water and sewerage facilities serving the lots in the subdivision and storm drainage; except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

# PROPOSED TO VACATE

## ARTICLE X DESIGN STANDARDS

### Section 25-1001 Monuments

1. Granite or other suitable permanent monuments shall be set at all corners and angle points of the subdivision boundaries and all street intersections and points of curvature.
2. Iron pins shall be set at all lot corners

### Section 25-1002 Street Signs

Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the name of existing streets within the municipality.

### Section 25-1003 Streets

1. Classification. In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, streets are classified by function as follows:
  - a. Major Streets. The term "major streets" includes arterial streets which serve primarily as major traffic ways for travel between and through towns; and collector streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.
  - b. Minor streets. Local streets which are used primarily for access to abutting residential, commercial or industrial properties.
2. Layout
  - a. Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.
  - b. All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel while discouraging movement of through traffic.
  - c. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography.



## PROPOSED TO VACATE

- d. In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
  - e. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.
  - f. Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
  - g. Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
  - h. Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.
  - i. Entrances onto existing or proposed collector streets shall not exceed a frequency of one per 400 feet of street frontage. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one per 1000 feet of street frontage.
  - j. Minor streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.
3. Design and Construction Standards. All streets in a subdivision shall be designed and constructed to meet the applicable Ordinance standards for streets according to their classification as determined by the Planning Board.

### Section 25-1004 Sidewalks

Sidewalks may be required to be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

### Section 25-1005 Water Supply

1. A central water supply system shall be installed at the expense of the subdivider or, if in the opinion of the Board, service to each lot by a central water system is not feasible, the Board may allow individual wells to be used.

## PROPOSED TO VACATE

2. The subdivider shall demonstrate by actual test or by a signed affidavit from an authorized representative of the servicing water company that water meeting Public Health Service, Drinking Standards, 1962, can be supplied to the subdivision at the rate of at least 350 gallons per day per dwelling unit and with adequate pressure and storage for domestic purposes.
3. The subdivider shall demonstrate in the form of signed affidavits from the servicing water company or by engineering reports prepared by a civil engineer or other qualified professional, registered in the State of Maine, that the proposed subdivision will not result in an undue burden on the source, treatment facilities or distribution system involved, or provide adequate assurance that such source, treatment facility or distribution system will be modified to meet the expanded needs.
4. The minimum water-main permitted shall be installed in accordance with the provision of the Town of Freeport Water Main Extension Policy.
5. The water supply system shall be designed and installed in accordance with requirements of the Maine Department of Health and Welfare.
6. Because they are difficult to maintain in a sanitary condition, wells less than ten (10) feet deep shall be permitted only if it is not economically or technically feasible to develop other ground water sources.
7. If a central water supply system is provided by the subdivider, location and protection of the source, and design, construction, and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the Manual for Evaluating Public Drinking Water Supplies, Public Health Service No. 1180 (1969).

### Section 25-1006 Sewage Disposal

1. A sanitary sewer system shall be installed at the expense of the subdivider, or in accordance with Policies of the Freeport Sewer District, or, if in the opinion of the Board, service to each lot by a sanitary sewer system is not feasible, the Board may allow individual septic tanks to be used.
2. A developer shall submit plans for sewage disposal designed in full compliance with the requirements of the State of Maine Plumbing Code and/or DEP.
3. Where a public sanitary sewer line is located within 1500 feet of a proposed subdivision at its nearest point, the subdivider shall connect with such sanitary sewer line with a main not less than 8 inches in diameter, provided the appropriate municipal agencies certify that extending the services will not be a burden on the system.

# **PROPOSED TO VACATE**

## **Section 25-1007 Surface Drainage**

1. Where a subdivision is traversed by a watercourse, drainage or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channelling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as the Board of Municipal Engineer deems adequate.
2. The developer shall provide a statement with supporting evidence from a civil engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The developer shall submit a surface drainage plan showing ditching, culverts, easements and other proposed improvements.
3. Top soil shall be considered part of the subdivision. Except for surplus top soil for roads, parking areas and building excavations, it is not to be removed from the site.
4. Where applicable, except for normal thinning and landscaping, existing vegetations shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.

## **Section 25-1008 Land Not Suitable for Development**

1. The Board shall not approve for building or development such portions of any proposed subdivision that:
  - a. Are situated below sea level;
  - b. Are located within the 100 year frequency flood plain as identified by an authorized Federal or State agency, or when such identification is not available, are located on flood plain soils identified and described in the Standard Soil Survey.
  - c. Are located on land which must be substantially filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled tidal wetlands or filled or drained Great Ponds (natural body of water 10 acres or more in size).

# PROPOSED TO VACATE

## Section 25-1009 Maximum Densities

1. The maximum densities for planned unit developments shall be determined as required by the provisions of Section 504 of the Freeport Zoning Ordinance.
2. The maximum number of lots in any subdivision which is not a planned unit development shall be determined as follows:
  - a. Determine the Net Residential Acreage of the parcel pursuant to Section 25-301;
  - b. Divide the Net Residential Acreage by the minimum lot size required by the Freeport Zoning Ordinance for the zoning district in which the subdivision is located to determine the maximum number of lots permissible in the subdivision.
3. The maximum number of dwelling units in any subdivision which is not a planned unit development shall be determined as follows:
  - a. Determine the Net Residential Acreage of the parcel pursuant to Section 25-301;
  - b. Divide the Net Residential Acreage by the minimum land area per dwelling unit required by the Freeport Zoning Ordinance for the zoning district in which the subdivision is located to determine the maximum number of dwelling units permissible in the subdivision.
4. Land area in excess of the Net Residential Density may be incorporated into individual lots which exceed the minimum lot size required by the Freeport Zoning Ordinance or may be reserved as common open space, including residual open space for a planned unit development pursuant to Section 504(b)(4) of the Freeport Zoning Ordinance.
5. If a subdivision lies within more than one zoning district, the maximum densities prescribed by this Section 25-1009 shall be computed and shall apply separately to the land within each zoning district, as if the land in each zoning district were a separate subdivision.

## ARTICLE XI RELEASE OF GUARANTY CHECK OR BOND

### Section 25-1101

Before a subdivider may be released from any obligation required by his guarantee of performance, the Board will require certification from the Municipal Engineer or appointed engineer and whatever other agencies and department that may be involved to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

# **PROPOSED TO VACATE**

## **ARTICLE XII WAIVERS**

### **Section 25-1201**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may grant waivers from these standards so that substantial justice may be done and the public interest secure; provided that such waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance.

### **Section 25-1202**

Where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

### **Section 25-1203**

In granting waivers, the Planning Board shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied or modified.

## **ARTICLE XIII APPEALS**

### **Section 25-1301**

An appeal from a decision of the Planning Board may be taken to the Board of Appeals in accordance with Title 30, M.R.S.A., Section 2411.

## **ARTICLE XIV SEPARABILITY AND EFFECTIVE DATE**

### **Section 25-1401**

The invalidity of any provision of these standards shall not invalidate any other part.

The provisions of this section were adopted as an Ordinance October 1, 1974.

## **ZONING ORDINANCE AMENDMENTS REGARDING SUBDIVISIONS**

### **Sec. 104, Article IV, Sec. 504A**

#### **Section 104 Definitions – add or amend the following definitions**

**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 indicated in the Town of Freeport Shoreland Zone; 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

**Conservation Land:** For Open Space Subdivisions, conservation land is land area equal to 50% of the net residential acreage of a tract or parcel of land. For Expanded Open Space Subdivisions, conservation land is land area equal to 65% of the net residential acreage of a tract or parcel.

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

- (1) Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic;
  - (i) For multi-family planned unit developments: 15% of the acreage remaining after deducting the unbuildable land (primary conservation areas) as listed below of the tract or parcel as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than or less than 15%.
  - (ii) For any other subdivisions: Total acreage used for street right-of-way.
- (2) 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.
  - (a) 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,  
February, 1988.**

- (b) 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.
- (c) Portions of the tract or parcel containing slopes over 20% which, because of unstable soils, would be subject to erosion if development were to be located on them.
- (d) Portions of the tract or parcel in the 100 year flood plain, 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
- (e) Portions of the tract or parcel below high water elevation (non-tidal) and below 10% exceedance high water (tidal) as defined in Section 104;
- (f) 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:

- (i) 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;
- (ii) 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.

**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 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 Planning Board.

**Setback:** A line that is a required minimum distance from the road right-of-way line or any other lot line that establishes the area within which principal and accessory buildings or structures must be erected or placed.

**Front Setback:** Setback between the front lot line and front line of a building extended to the side lot lines of the lot. The depth of the front setback shall be measured from the front lot line to the front line of the building.

**Side Setback:** Setback between the side lot line and side line of a building extended to the front and rear lot lines of the lot. The depth of the side setback shall be measured from the side lot line to the side line of a building. A combined side setback is the total of both side setbacks.

**Rear Setback:** Setback between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear setback shall be measured from the rear lot line to the rear line of the building.

**Shore Setback:** Setback between the normal high water elevation of a shoreline, including tidal waters, rivers, upland edge of wetlands and streams in the Shoreland Zone, and the side and/or rear line of a building, structure or other regulated use, object or area. The depth of the shore setback shall be measured from the normal high water elevation of a shore to the side and/or rear line of a building, structure or other regulated use, object or area. For shorelines with tidal marsh, the 10% exceedance high water definition shall be used.

**Subdivision – Open Space:** a residential development design that permits reduced lot sizes, road frontage requirements, and setback requirements, 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 50% of the net residential acreage.

**Subdivision – Expanded Open Space:** a residential development design that is connected to the public water system and that permits reduced lots sizes, road frontage requirements, and setback requirements, 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 65% of the net residential acreage.



**Subdivision – Large Lot:** a residential development design that requires lot sizes to 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 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 traditional subdivision can be met must be provided.

## ARTICLE IV ZONING DISTRICT REGULATIONS

### Section 402. Rural Residential District I "RR-I" and Rural Residential District IA "RR-IA"

#### I. RR-I

A. Purpose: The Rural Residential District I is the most open and rural area in town and extends generally beyond the area of Freeport that is serviced by public water and sewer. It is intended that open space, agricultural and low-density residential uses be encouraged, in that they tend to enhance, reinforce, and protect the rural, open space atmosphere now characterizing much of the Town.

B. The following are permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. General Agriculture
5. Animal Husbandry and Animal Feedlots
6. Timber Harvesting

The following uses are subject to subdivision review

7. Open Space Subdivisions for single family and two family dwellings
8. Expanded Open Space Subdivisions for single family and two family dwellings
9. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

10. Municipal Facility
11. Commercial Recreation, Outdoor
12. Public Utilities
13. Campgrounds
14. Religious Institution
15. School
16. Cemeteries
17. Nursing Homes which may include congregate care multi-family units
18. Private Assembly
19. Bed and Breakfast Inn
20. Day Care Center Facilities
21. Wireless Telecommunication Facility only if the base of any on-site tower is located at or above elevation 240 feet above mean sea level (See Sec. 528).

The following use is subject to a Planning Board permit as described in Section 507.R.

**22. Aquaculture**

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

- |   |  |
|---|--|
| 1. Minimum lot size:                    | 2.5 acres  |
| 2. Minimum road frontage:               | 200 feet   |
| 3. Maximum building height:             | 35 feet  |
| 4. Minimum setback                      | front: 50 feet   |
|   | side: 50 feet  |
|   | rear: 75 feet  |
|   | shore: 75 feet   |
| 5. Minimum land area per dwelling unit: | 1.5 acres  |
| 6. Minimum shore frontage:              | See Section 507  |
| 7. Minimum lot width:                   | 150 feet   |
| 8. Maximum Height -                     | Wireless Telecommunication Facility (single user): 100 feet. |
|   | Wireless Telecommunication Facility (co-located) 150feet.    |

**D. Space Standards for Lot in Subdivisions approved after April 9, 2002**

**1. Open Space Subdivisions requirements**

- |   |   |
|---|---|
| A. Net residential density, single family:                          | 1 unit per 2.5 acres of net residential acreage |
| B. Net residential density, per dwelling unit, two-family dwelling: | 1 unit per 1.5 acres of net residential acreage |
| C. Minimum lot size, single family                                  | 1 acre  |
| D. Minimum lot area per dwelling unit, two-family square feet       | 30,000  |

**2. Expanded Open Space Subdivisions requirements**

- |  |  |
|--|--|
| A. Net residential density, single family:                         | 1 unit per 2.1 acres of net residential acreage  |
| B. Net residential density per dwelling unit, two-family dwelling: | 1 unit per 1.25 acres of net residential acreage |
| C. Minimum lot size, single family                                 | 25,000 square feet                               |
| D. Minimum lot area per dwelling unit, two-family dwelling:        | 15,000 square feet                               |

**3. Large Lot Subdivisions requirements**

- |  |   |
|--|---|
| A. Net residential density, single family:                         | 1 unit per 5 acres of net residential acreage |
| B. Net residential density per dwelling unit, two-family dwelling: | 1 unit per 3 acres of net residential acreage |

- C. Large lot subdivision minimum lot size, single family 5 acres
- D. Large lot subdivision minimum lot size per dwelling unit,  
two-family dwelling: 3 acres

**E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]**

- 1. Minimum road frontage and lot width, open space and expanded open space Subdivisions 100 feet
- 2. Minimum road frontage large lot subdivisions 200 feet
- 3. Minimum lot width large lot subdivisions 150 feet
- 4. Minimum setback for open space and expanded open space subdivisions
  - front 25 feet
  - rear 40 feet
  - side 10 feet
  - combined side 40 feet
- 5. Minimum setback for large lot subdivisions
  - front: 50 feet
  - rear: 75 feet
  - side: 50 feet
- 6. Maximum building height: 35 feet
- 7. Minimum shore frontage: See Section 507

**F. Other Standards:**

- 1. Parcels within the Shoreland Zone shall meet the requirements of Section 507

**II. RR-IA**

- A. Purpose: The Rural Residential District I has in it, in limited areas along well-traveled roads or at intersections, areas where historically and traditionally dispersed small businesses have been located on property which is also the primary residence of the business owner. These rural uses are more intense than Home Occupations but less intense and limited than other commercial and industrial uses. They are a part of the rural character and diversity of housing types which the Comprehensive Plan seeks to protect. These areas are sub-districts of RR-I and are Rural Residential District IA or "RR-IA". Except as provided herein, RR-IA shall in all other respects be treated as RR-I.

The purpose is to restrict the RR-IA Zone to areas of the Town of Freeport in which a number of businesses, not home occupations, had been and were in existence on the well-traveled ways for which the zone has been established.

**B. Permitted Uses:**

1. All uses listed in Section 402.I.B. as permitted and all permitted uses subject to site plan review regardless of size;
2. In addition, the following uses are permitted and subject to site plan review regardless of size:

- a. The following uses are permitted only when the owner of the property on which the use is located uses the property as the owner's primary residence and is also the majority owner of the following permitted small business use located on the property:

- (1) Auto repair service garage;
    - (2) Auto sales, used;
    - (3) Landscaping;
    - (4) Arboriculture.

**C. Space Standards:**

Space standards shall be the same as those required for the RR-I District (Sec. 402.I.C. and 402.I.D) except that the minimum lot size shall be the total of the minimum required for the residential use of the property plus a minimum of one acre for the uses listed in Sec. 402.II.B. above.

**D. Other Standards Applicable only to uses listed in Sec. 402.II.B.2. above.**

1. **Non-Conformance** As used in this Subsection 1 and except as otherwise indicated, the words "existing", "non-conforming", "legally", "illegal" and "illegally" shall be applied as of August 21, 1991, and the word "use" shall mean any of the uses listed in Section 402.II.B.2. An existing legally non-conforming use shall not require site plan review in order to continue. An existing legally non-conforming use which is proposed to expand shall require site plan review only for the expansion. An existing use, a portion of which is legally non-conforming and a portion of which has expanded illegally prior to August 21, 1991, shall require site plan review only for the illegal expansion. An illegally existing use shall require site plan review for the entire existing use as well as the any proposed expansion.
2. Except for non-conforming uses or expansions which are exempt from site plan review under Subsection 1 above, all uses listed in Section 402.II.B.2. are subject to the following standards:
  - a. **Setbacks:** No exterior storage of materials, commercial vehicles used by the business, parking areas or any other exterior indications of the business use shall be permitted in any setback except that plantings rooted in the ground shall be permitted in the side and rear setbacks. In the front setback, in a strip extending

- along the entire frontage, for a depth of a minimum of fifty (50) feet, except for accessways, landscaping is required.
- b. **Buffering:** Buffers shall be provided in the setbacks at the district boundaries, where required. In addition, except as permitted in Section 402.II.D.2.a., buffers are required in the side and rear setbacks of each lot and shall meet the standards listed in Sec. 506.A, B, C and D.
  - c. The performance standards of Article V, where applicable, shall be met. Objectionable conditions such as, but not limited to, noise, smoke, dust, odors or glare shall not be generated by any use, including those otherwise exempt from these standards under Subsection 1 above.
  - d. In addition to the residents of the dwelling unit, no more than two full-time employees or combination of full-time and part-time employees or a number of part-time employees equivalent to the time worked by two full-time employees (a maximum of 80 hours per week) may be employed by the business use and no more than a total of five employees shall be on the site at any one time.
  - e. **Size Limitations:** The area used by the business shall not occupy more than fifty percent (50%) or 20,000 square feet of the land area of the parcel, whichever is less. Included in this business occupancy area calculation shall be all the primary, accessory, and secondary structures, storage areas, display areas, parking areas and accessory uses areas related to the business activity. Excluded from this business occupancy area calculation shall be all of the residential uses and uses accessory to the residential uses, open space, personal use areas, and all setbacks except for business use accessways.
  - f. The owner of any existing use as defined in Section 402.II.D.1. must register with the Code Enforcement Officer (CEO) within sixty (60) days of the effective date of the RR-IA zoning of the parcel on which the use is located. The registration shall describe and calculate the existing business occupancy area as defined in Section 402.II.D.2.e. The CEO shall verify the calculation within thirty (30) days of the registration. This calculation shall be used thereafter for determining the extent of any expansion. Failure to register shall cause any existing use to become a new use and it must receive Planning Board site review and approval in order to continue.

### **Section 403. Rural Residential District II "RR-II"**

#### **A. Purpose:**

The Rural Residential District II is similar to the RR-I District. It is generally rural and underdeveloped and contains poor soils and some steep slopes which

are constraints on development. Its unique characteristic is that it comprises most of the Harraseeket Historic District. The uses permitted within it are, therefore, limited to those which are compatible with its historic and rural qualities.

**B. The following are permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. General Agriculture
4. Animal Husbandry and Animal Feedlots
5. Timber Harvesting

The following uses are subject to subdivision review

6. Open Space Subdivisions for single family and two family dwellings,
7. Expanded Open Space Subdivisions for single family and two family dwellings
8. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

9. Municipal Facility
10. Public Utilities
11. Campgrounds
12. Religious Institution
13. School
14. Cemeteries
15. Nursing Home with a maximum of 20 beds
16. Private Assembly
17. Bed and Breakfast Inn

The following use is subject to a Planning Board permit as described in Section 507.R.

18. Aquaculture

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

- |   |                 |
|---|-----------------|
| 1. Minimum lot size:                    | 2.5 acres       |
| 2. Minimum road frontage:               | 200 feet        |
| 3. Maximum building height:             | 35 feet         |
| 4. Minimum setback -                    |                 |
| front:                                  | 50 feet         |
| side:                                   | 50 feet         |
| rear:                                   | 75 feet         |
| shore:                                  | 75 feet         |
| 5. Minimum land area per dwelling unit: | 2 acres         |
| 6. Minimum shore frontage:              | See Section 507 |

7. Minimum lot width: 150 feet

**D. Space Standards for Lot in Subdivisions approved after April 9, 2002**

**1. Open Space Subdivisions requirements**

**A. Net residential density, single family:**

1 unit per 2.5 acres of net residential acreage

**B. Net residential density per dwelling unit, two-family dwelling:**

1 unit per 2 acres of net residential acreage

**C. Minimum lot size, single family**

1 acre

**D. Minimum lot area per dwelling unit, two-family dwelling:**

30,000 square feet

**2. Expanded Open Space Subdivisions requirements**

**A. Net residential density, single family:**

1 unit per 2.1 acres of net residential acreage

**B. Net residential density per dwelling unit, two-family dwelling:**

1 unit per 1.75 acres of net residential acreage

**C. Minimum lot size, single family**

25,000 square feet

**D. Minimum lot area per dwelling unit, two-family dwelling:**

20,000 square feet

**3. Large Lot Subdivisions requirements**

**A. Net residential density, single family:**

1 unit per 5 acres of net residential acreage

**B. Net residential density per dwelling unit, two-family dwelling:**

1 unit per 4 acres of net residential acreage

**C. Large lot subdivision minimum lot size, single family**

5 acres

**D. Large lot subdivision minimum lot size per dwelling unit,**

two-family dwelling: 4 acres

**E. Bulk Standards for Lot in Subdivisions approved after April 9, 2002**

**1. Minimum road frontage and lot width, open space and expanded open space subdivisions**

100 feet

**2. Minimum road frontage large lot subdivisions**

200 feet

**3. Minimum lot width large lot subdivisions**

150 feet

**4. Minimum setback for open space and expanded open space subdivisions**

front 25 feet

rear 40 feet

side 10 feet

combined side 40 feet

**5. Minimum setback for large lot subdivisions**

front: 50 feet

rear: 75 feet

side: 50 feet

**6. Maximum building height:**

35 feet

**7. Minimum shore frontage:**

See Section 507



**F. Other Standards:**

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507

**Section 404. Medium Density Residential District I "MDR-I"**

**A. Purpose:**

It is the intent of this district to provide for locations where a diversity of residential housing types is permitted at a higher density than in the rural districts. Since public water and sewer are not available, densities are set at the maximum which would be compatible with on-site facilities.

**B. The following are permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. General Agriculture
5. Timber Harvesting

The following uses are subject to subdivision review

6. Open Space Subdivisions for single dwellings, two family, and multiple family dwellings
7. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings
8. Large Lot Subdivisions for single family, two family, and multiple family dwellings;

The following uses are subject to site review regardless of size:

9. Municipal Facility
10. Multiple Family Dwelling - Maximum of 6 units per building
11. Public Utilities
12. Religious Institution
13. School
14. Bed and Breakfast Inn
15. Expansion of existing mobile home park subject to the requirements of Article V, Sec. 524.
16. Wireless Telecommunication Facility (See Sec. 528)

**C. Space Standards Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

1. Minimum lot size: 50,000s.f.

- 2. Minimum road frontage: 150 feet
- 3. Maximum building height: 35 feet
- 4. Minimum setback front: 30 feet
  - side: 20 feet
  - rear: 30 feet
  - shore: 75 feet
- 5. Minimum land area per dwelling unit: 30,000 s.f.
- 6. Minimum shore frontage: See Section 507
- 7. Minimum lot width: 100 feet
- 8. Maximum Height B Wireless Telecommunication Facility (single user): 100 feet.
- Wireless Telecommunication Facility, Co-located: 150 feet.

**D. Space Standards for Lot in Subdivisions approved after April 9, 2002**

**1. Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 50,000 square feet of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 30,000 square feet of net residential acreage
- C. Minimum lot size, single family 25,000 square feet
- D. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 15,000 square feet

**2. Expanded Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 1 acre of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 25,500 square feet of net residential acreage
- C. Minimum lot size, single family, if connected to public sewer 17,000 square feet
- D. Minimum lot size, single family, if not connected to public sewer 20,000 square feet
- E. Minimum lot area per dwelling unit, two family, and multiple family dwellings 10,000 square feet

**3. Large Lot Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 100,000 square feet of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 60,000 square feet of net residential acreage
- C. Large lot subdivision minimum lot size, single family 100,000 square feet

- D. Large lot subdivision minimum lot size per dwelling unit, two family,  
and multiple family dwellings 60,000 square feet

E. Bulk Standards for Lot in Subdivisions approved after April 9, 2002

1. Minimum road frontage and lot width, open space and expanded open space subdivisions 75 feet
2. Minimum road frontage, large lot subdivisions 150 feet
3. Minimum lot width, large lot subdivisions 100 feet
4. Minimum setback for open space and expanded open space subdivisions
  - front 20 feet
  - rear 25 feet
  - side 10 feet
  - combined side 30 feet
5. Minimum setback for large lot subdivisions
  - front: 30 feet
  - rear: 30 feet
  - side: 20 feet
6. Maximum building height: 35 feet
7. Minimum shore frontage: See Section 507

F. Other Standards:

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507

**Section 405. Medium Density Residential District II "MDR-II"**

A. Purpose:

It is the intent of this District to permit a denser pattern of residential development than in the rural district. Because of the historic nature of some of the areas located in this District, mobile homes are not permitted. Large road frontages along major roads are required in order to limit the number of access points and retain a more rural atmosphere.

B. Permitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. General Agriculture
4. Timber Harvesting

The following uses are subject to subdivision review

5. Open Space Subdivisions for single family, two family, and multiple family dwellings. Two family and multiple family dwelling units must be connected to the public water system.

6. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings,
7. Large Lot Subdivisions for single family, two family, and multiple family dwellings;

The following uses are subject to site review regardless of size:

8. Municipal Facility
9. Multiple Family Dwelling - Maximum of 6 units per building
10. Public Utilities
11. Religious Institution
12. Bed & Breakfast Inn
13. School
14. Wireless Telecommunication Facility (see Sec. 528)

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

- |   |                 |
|---|-----------------|
| 1. Minimum lot size:                      | 50,000 s.f.     |
| 2. Minimum road frontage:                 | 150 feet        |
| 3. Maximum building height:               | 35 feet         |
| 4. Minimum setback                        |                 |
| front:                                    | 30 feet         |
| side:                                     | 20 feet         |
| rear:                                     | 30 feet         |
| shore:                                    | 75 feet         |
| 5. Minimum land area per dwelling unit:   | 30,000 s.f.     |
| 6. Minimum shore frontage:                | See Section 507 |
| 7. Minimum lot width:                     | 100 feet        |
| 8. Maximum Height B Wireless              |                 |
| Telecommunication Facility (single user): | 100 feet        |
| Wireless Telecommunication Facility,      |                 |
| Co-located:                               | 150 feet.       |

**D. Space Standards for Lot in Subdivisions approved after April 9, 2002**

1. Open Space Subdivisions requirements
  - A. Net residential density, single family:
 

1 unit per 50,000 square feet of net residential acreage
  - B. Net residential density, per dwelling unit, two family, and multiple family dwellings:
 

1 unit per 30,000 square feet of net residential acreage
  - C. Minimum lot size, single family
 

25,000 square feet
  - D. Minimum lot area per dwelling unit, two family, and multiple family dwellings:
 

15,000 square feet
2. Expanded Open Space Subdivisions requirements
  - A. Net residential density, single family:
 

1 unit per 1 acre of net residential acreage

- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 25,000 square feet of net residential acreage
- C. Minimum lot size, single family, if connected to public sewer 17,000 square feet
- D. Minimum lot size, single family, if not connected to public sewer 20,000 square feet
- E. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 10,000 square feet
- 3. Large Lot Subdivisions requirements
  - A. Net residential density, single family: 1 unit per 100,000 square feet of net residential acreage
  - B. Net residential density, per unit, two family, and multiple family dwellings: 1 unit per 60,000 square feet
  - C. Large Lot subdivision minimum lot size, single family: 100,000 square feet
  - D. Large Lot subdivision minimum lot size per dwelling unit, two family, and multiple family dwellings 60,000 square feet
- E. Bulk Standards for Lot in Subdivisions approved after April 9, 2002
  - 1. Minimum road frontage and lot width, open space and expanded open space subdivisions 75 feet
  - 2. Minimum road frontage, traditional subdivisions 150 feet
  - 3. Minimum lot width, traditional subdivisions 100 feet
  - 4. Minimum setback for open space and expanded open space subdivisions
    - front 20 feet
    - rear 25 feet
    - side 10 feet
    - combined side 30 feet
  - 5. Minimum setback for large lot subdivisions
    - front: 30 feet
    - rear: 30 feet
    - side: 20 feet
  - 6. Maximum building height: 35 feet
  - 7. Minimum shore frontage: See Section 507
- F. Other Standards:
  - 1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.

#### **Section 406. Medium Density Districts - "MD-A and MD-B"**

##### **A. Purpose:**

It is the intent of this District to maintain the present balance between residential and limited business uses in an area which includes some moderately densely developed areas containing structures of historical significance in

sections which are more rural in nature. Route 1 is the major roadway in this District and extends from the Village to the Town of Brunswick border. Provisions below are intended to encourage a more limited commercial development pattern than is planned for or exists in the rest of Route 1.

**B. Permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. General Agriculture
5. Timber Harvesting
6. Peddler on Private Property subject to the requirements of Section 526.

The following uses are subject to subdivision review

7. Open Space Subdivisions for single family, two family dwellings, and multiple family dwelling,
8. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings,
9. Large Lot Subdivisions for single family, two family, and multiple family dwellings;

The following uses are subject to site review regardless of size:

10. Municipal Facility
11. Multiple Family Dwelling
12. Hotel/Motel - Maximum of 30 units including retail trade as an accessory use up to 1,000 square feet of gross floor area.
13. Commercial Recreation - Outdoor
14. Commercial Recreation - Indoor
15. Public Utilities
16. Business and Professional Office
17. Hospital
18. Nursing Home
19. Religious Institution
20. School
21. Cemeteries
22. Private Assembly
23. Animal Husbandry and Animal Feedlots
24. Bed and Breakfast Inn
25. Convenience Store limited to a maximum of 2500 sq. ft. of gross floor area
26. Junkyard existing as of May 11, 1999
27. Mobile Home Park subject to the requirements of Article V, Sec. 524
28. Day Care Center Facilities
29. Wireless Telecommunication Facility(see Sec 528)

30. **Auto Repair Service Garage** up to 2,500 square feet of building footprint and up to 5,000 square feet of outdoor vehicle storage area. Auto sales may occur on the premises with no limitation on the percentage of the above building and storage area used as long as an auto repair service garage is operated on the premises within the enclosed building.
31. **Campgrounds**
32. **Art Gallery/Museum** up to 2,500 square feet of building footprint
33. **Manufacturing and processing** up to 10,000 square feet of gross floor area of building with up to 5,000 square feet of outdoor storage area. The type of items to be stored outdoors must be approved by the Planning Board.
34. **Restaurant** limited to a maximum of fifty (50) seats.
35. **Retail trade** up to 1,000 square feet of gross floor area
36. **Warehouse and Storage Facility**, subject to the following limitations:
  - (a) On a lot less than three acres, a warehouse and storage facility may contain:
    - 1) No more than one principal building
    - 2) No more than 2,500 square feet of gross floor area
    - 3) No more than 5,000 square feet of outdoor storage area, except that total outdoor storage area may be increased to no more than 10,000 square feet when the storage includes at least 5,000 square feet of lumber and wood products.
    - 4) No outdoor storage of any items other than the types of items approved by the Planning Board.
  - (b) On a lot of three acres or more, a warehouse and storage facility may contain:
    - 1) In the MD-A District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 50,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
    - 2) In the MD-B District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 40,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
    - 3) No more than 2,500 square feet of gross floor area in any single building.
    - 4) No greater than 40 feet of separation between any two buildings on the lot.
    - 5) No more than 10,000 square feet of outdoor storage area.

- 6) No outdoor storage of any items other than the types of items approved by the Planning Board.

The following use is subject to a Planning Board permit as described in Section 507.R.

35. Aquaculture

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

1. Minimum lot size:

MD-A - 50,000 s.f.

MD-B - 40,000 s.f. without public water & sewer  
20,000 s.f. with public water & sewer

2. Minimum road frontage:

Route 1: 200 feet

All other roads: 100 feet

3. Maximum building height: 35 feet

4. Minimum setbacks

Minor Street:

front: 60 feet

side: 40 feet

rear: 40 feet

U.S. Route 1:

Front: 50 feet

Side: 50 feet

Rear: 50 feet

Permitted uses 28, 31, 32, 34 for Buildings and Storage Areas:

Front: 100 feet

Side: 100 feet

Rear: 100 feet

5. Minimum land area per dwelling unit: 20,000 feet

6. Maximum impervious surface to lot area: 50%

7. Minimum lot width: 75 feet

8. Maximum Height B

Wireless Telecommunication Facility (single user): 100 feet

Wireless Telecommunication Facility, Co-located: 150 feet

D. Space Standards for Lot in Subdivisions approved after April 9, 2002

1. Open Space Subdivisions requirements

A. MD-A net residential density, single family:



- 1 unit per 50,000 square feet of net residential acreage
  - B. MD-B net residential density without public water and sewer, single family: 1 unit per 40,000 square feet of net residential acreage
  - C. MD-B net residential density with public water and sewer, single family: 1 unit per 20,000 square feet of net residential acreage
  - D. MD-A and MD-B net residential density, per dwelling unit, two family and multiple family: 1 unit per 20,000 square feet
  - E. MD-A minimum lot size, single family 25,000 square feet
  - F. MD-B minimum lot size, single family if not connected to public water and sewer 20,000 square feet
  - G. MD-B minimum lot size, single family if connected to public water and sewer 10,000 square feet
  - H. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 10,000 square feet
2. Expanded Open Space Subdivisions requirements
- A. MD-A net residential density, single family: 1 unit per 41,500 square feet of net residential acreage
  - B. MD-B net residential density without public water and sewer, single family: 1 unit per 33,000 square feet of net residential acreage
  - C. MD-B net residential density with public water and sewer, single family: 1 unit per 17,000 square feet of net residential acreage
  - D. MD-A and MD-B net residential density, per dwelling unit, two family and multiple family: 1 unit per 17,000 square feet
  - E. MD-A minimum lot size, single family 20,000 square feet
  - F. MD-B minimum lot size, single family if not connected to public water and sewer 20,000 square feet
  - G. MD-B minimum lot size, single family if connected to public water and sewer 7,000 square feet
  - H. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 7,000 square feet
3. Large Lot Subdivisions requirements
- A. MD-A net residential density, single family: 1 unit per 100,000 square feet of net residential acreage
  - B. MD-A net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 40,000 square feet of net residential acreage
  - C. MD-B net residential density without public water and sewer, single family: 1 unit per 80,000 square feet of net residential acreage
  - D. MD-B net residential density without public water and sewer, per dwelling unit, two family, and multiple family dwellings: 1 unit per 40,000 square feet of net residential acreage
  - E. MD-B net residential density with public water and sewer, single family and per dwelling unit, two family, and multiple family dwellings: 1 unit per 40,000 square feet of net residential acreage
  - F. MD-A minimum lot size, single family 100,000 square feet

- G. MD-B minimum lot size without public water and sewer, single family:  
80,000 square feet
- H. MD-B minimum lot size with public water and sewer, single family  
40,000 square feet
- I. Minimum land area per dwelling unit, two family, and multiple family  
dwellings 40,000 square feet

**E. Bulk Standards for Lot in Subdivisions approved after April 9, 2002**

- 1. Minimum road frontage and lot width, open space and expanded open space subdivisions 75 feet
- 2. Minimum road frontage, large lot subdivisions 100 feet
- 3. Minimum lot width, large lot subdivisions 75 feet
- 4. Minimum setback for open space and expanded open space subdivisions
  - front 30 feet
  - rear 25 feet
  - side 10 feet
  - combined side 30 feet
- 5. Minimum setback for large lot subdivisions
  - front: 60 feet
  - rear: 40 feet
  - side: 40 feet
- 6. Maximum building height: 35 feet
- 7. Minimum shore frontage: See Section 507

**F. Prohibited Uses:**

Specifically include, but are not limited to, the following:

- 1. Manufacture, fabrication, disposal or any use of asbestos products
- 2. Paper Manufacturing
- 3. Petroleum and petrochemical refining and reprocessing
- 4. Production of lubrication oils and grease
- 5. Manufacture of explosives including, but not limited to, ammunition and fireworks
- 6. Offal or dead animal disposal and reprocessing
- 7. Abattoirs and slaughterhouses

**G. Other Standards:**

- 1. Outdoor storage for home occupation uses is prohibited in the front setback.
- 2. For all lots other than those with single and two-family uses, the following buffer requirements shall apply:  
Landscaping is required in all front, side and rear setbacks for a minimum depth of 25 feet. The purpose of the landscaping is to provide a buffer between low density residential uses and commercial/industrial uses.

The Planning Board shall determine the type of landscaping to be required and may use the applicable standards listed in Section 506 (Buffer Zones) below.

3. Minimum outdoor storage standards for non-residential uses are:
  - a. The storage area shall be fully fenced with an opaque material 5 to 6 feet high.
  - b. Only materials and/or equipment used in the business shall be stored.
  - c. Stored materials shall be no higher than the height of the fence.
  - d. No outdoor storage shall be allowed in any setback areas.

## **Section 422. Resource Protection II "RP-II"**

### **A. Purpose:**

It is the intent of this District to protect the quality and quantity of the groundwater resources of Freeport.

This zone applies to all lands identified as aquifer recharge protection zones on the Town of Freeport, Maine Zoning Map. Recharge areas are defined by the extent of sand and gravel deposits associated with aquifers and wetlands within them that drain into the aquifer, together with:

1. an appropriate protective strip so drawn that its bounds can be definitely established upon the site;
2. the shorelands around any stream, including an appropriate protective strip, that flows into the recharge area.

Where bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the Town.

### **B. The following are permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. Timber Harvesting
5. General Agriculture

The following uses are subject to subdivision review

6. Open Space Subdivisions for single family and two family dwellings;
7. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

**g. Municipal Facilities**

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

- |   |                 |
|---|-----------------|
| 1. Minimum lot size:                              | 2 ½ acres       |
| 2. Minimum road frontage:                         | 200 feet        |
| 3. Maximum building height:                       | 35 feet         |
| 4. Minimum setback-front:                         | 50 feet         |
| side:   | 50 feet         |
| rear:   | 75 feet         |
| shore:  | 100 feet        |
| 5. Minimum land area per dwelling unit:           | 2 ½ acres       |
| 6. Minimum shore frontage:                        | See Section 507 |
| 7. Maximum lot coverage with impervious surfaces: | 10%             |
| 8. Minimum lot width:                             | 150 feet        |

**D. Space Standards for Lot in Subdivisions approved after April 9, 2002**

1. Open Space Subdivisions requirements
  - A. Net residential density, single family and per dwelling unit, two-family :  
1 unit per 2.5 acres of net residential acreage
  - B. Minimum lot size, single family and per dwelling unit, two-family  
1 acre
2. Large Lot Subdivisions requirements
  - A. Net residential density, single family and per dwelling unit, two-family:  
1 unit per 5 acres of net residential acreage
  - B. Large lot subdivision minimum lot size, single family and per dwelling unit, two-family:  
5 acres

**E. Bulk Standards for Lot in Subdivisions approved after April 9, 2002**

1. Minimum road frontage and lot width, Open Space Subdivisions  
100 feet
2. Minimum road frontage large lot subdivisions  
200 feet
3. Minimum lot width large lot subdivisions:  
150 feet
4. Minimum setback for open space subdivisions
 

front	25 feet
rear	40 feet
side	10 feet
combined side	40 feet
5. Minimum setback for large lot subdivisions
 

front:	50 feet
rear:	75 feet
side:	50 feet

6. Maximum building height:

35 feet

7. Minimum shore frontage:

See Section 507

**F. Prohibited Activities: (not to imply that such activities are permitted elsewhere)**

1. Disposal of solid waste (except brush and stumps), leachable wastes (except subsurface disposal of domestic sewage) and sludge;
2. Storage of petroleum or gasoline;
3. Storage of leachable wastes or solid wastes;
4. Mining or excavation in excess of 10 cubic yards other than excavation for permitted uses or approved uses and within public rights-of-way and as otherwise permitted in Section 509;
5. Application of de-icing chemicals except sand with a salt content of no more than 10% can be used on public rights of way. Herbicides, pesticides and fertilizers shall be applied in accordance with manufacturer's specifications and direction; No more than 3,000 sq. ft. of lawn area cultivated by means of fertilization shall be permitted per acre of residential use;
6. Animal Feedlots;
7. Use and storage of hazardous materials as de-fined in Chapter 14 of Title 38 of the Maine Revised Statutes and hazardous wastes as de-fined in Chapter 13 of Title 38 of the Maine Revised Statutes;
8. Stormwater detention and retention ponds from parking lots for municipal facilities;
9. Overnight storage and maintenance of vehicles in municipal facilities.

**G.. Other Standards:**

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.
2. Roof drainage from municipal facilities shall be designed to maximize recharge to the District.

## **Sec. 504A OPEN SPACE, EXPANDED OPEN SPACE, AND LARGE LOT RESIDENTIAL DEVELOPMENTS**

### **504A.1 Purpose**

The purpose of these provisions is to encourage flexibility in the design of residential development, encourage creative development that preserves fields, forests, farmland, shoreland and related scenic vistas and protects the most significant natural, historic and archaeological resources, to conserve open land, to create good neighborhood development, to minimize the cost of constructing and maintaining utilities and streets, and to protect and preserve sensitive wildlife habitats and other natural areas.

### **504A.2 Applicability**

1. This section 504A shall apply to:
  - a. all applications for approval of new subdivisions and
  - b. any application to amend a previously approved subdivision, except as provided in subsection (2) below.
2. This section 504A shall not apply to an application to amend a subdivision approved prior to April 9, 2002 if such amendment would not create two or more additional lots. Any such amendment is subject to those space and bulk standards which the applicable zoning district regulations require for lots within subdivisions approved prior to April 9, 2002.

### **504A.3 Design and Construction Standards**

The Planning Board shall be authorized to approve Open Space Subdivisions, Expanded Open Space Subdivisions, and Large Lot Subdivisions which conform to the requirements of this Ordinance, the Subdivision Ordinance of the Town of Freeport, and all other applicable ordinances of the Town of Freeport.

### **504A.4. Uses Permitted on Required Open Space Lands**

1. Non-commercial recreation which does not require permanent structures
2. Up to 10% of the land may be used for non-commercial recreation which requires permanent structures
3. General agricultural, animal husbandry and feedlots
4. Neighborhood open spaces such as village greens, commons, picnic areas and other similar passive recreation uses
5. Timber harvesting provided a forest management and harvest plan as defined by Title 36 M.R.S.A. § 573.3-A is submitted prior to the commencement of any timber harvesting. This plan must be prepared by a licensed professional forester or a landowner and be reviewed and certified by a licensed professional forester.
6. Access to sewer or water lines, or other public utility purposes, but excluding wireless telecommunications facilities

7. Water supply and sewage disposal systems for subdivision lots provided the appropriate easements are in place
8. Easements for drainage
9. Unpaved, unlighted parking for subdivision residents

**504A.5. Ownership Options for Open Space**

1. Some or all of the required open space may be dedicated to the Town of Freeport, subject to acceptance by the Town Council. All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. Any such dedication shall be accomplished by deeds or other appropriate legal instruments acceptable to the town attorney.
2. Some or all of the required open space may be conveyed to a non-profit tax exempt land trust or similar organization for conservation, passive recreation, or active recreational purposes. All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. Any such conveyance shall be accomplished by deeds or other appropriate legal instruments acceptable to the town attorney.
3. Some or all of the required open space may be held in common by the individual lot owners of the proposed residential development. All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. The developer shall be required to establish a homeowner's association consisting of individual lot owners which shall include the following:
  - a. Covenants shall be included in each deed from the developer to an individual lot owner which shall require mandatory membership in the association and shall set forth the owner's rights, interests, privileges, and obligations in the association and in the common open space including the association's responsibility and obligation to maintain the common open space and any recreational facilities located therein
  - b. The association shall develop a system to levy and collect annual charges against any and all lot owners to defray expenses connected with the maintenance of common open space and recreational facilities located therein and this system shall be set forth in the deed covenants or other legal instrument binding upon the lot owner and running with the land.
  - c. The developer shall be responsible for its maintenance until at least 75% of the lots have been sold to individual lot owners after which time the association shall be responsible for such maintenance and this requirement shall be set forth in the deed covenants or other legal instrument binding upon the lot owner and running with the land.

- d. All proposed deed covenants and legal documents relating to such common open space shall be reviewed by the town attorney and the planning board and, if approved, shall be recorded in the Cumberland County Registry of Deeds and included or referred to in the deed of each lot.
4. Some or all of the required open space may be held in "non-common private ownership" provided the land is permanently restricted from future development through a conservation easement or other mechanism acceptable to the Planning Board, except for those uses listed in Section 504A.4 above. The Town of Freeport has the ability to enforce the restrictions of land in "non-common private ownership". This requirement shall be set forth in deed covenants or other legal instrument binding upon the lot owner and running with the land. All open space held in "non-common private ownership" shall be held in the same ownership. When the non-common open land is attached to a homestead on the property being developed, the required open space land shall be in addition to the minimum permitted lot size.



4/2  
#2

**Zoning Ordinance Amendments  
Regarding Subdivisions**

**February 5, 2002**

**ZONING ORDINANCE AMENDMENTS, Sec. 104, Article IV, Sec. 504A**

**Section 104 Definitions – add or amend the following definitions (additions are underlined, deletions are struck through):**

**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: 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.**

**Conservation Land: For Open Space Subdivisions, conservation land is land area equal to 50% of the net residential acreage of a tract or parcel of land. For Expanded Open Space Subdivisions, conservation land is land area equal to 65% of the net residential acreage of a tract or parcel.**

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

**(1) Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic;**

**(i) For multi-family planned unit developments: 15% of the acreage remaining after deducting the unbuildable land (primary conservation areas) as listed below of the tract or parcel as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than or less than 15%.**

**(ii) For any other subdivisions: Total acreage used for street right-of-way.**

**a) Portions of the tract or parcel in the 100-year flood plain, 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;**

**b) Portions of the tract or parcel subject to rights-of-way and easements for vehicular traffic;**

**eb) Portions of the tract or parcel below high water elevation (non-tidal) and below 10% exceedance high water (tidal) as defined in Section 104;**

~~dg) Portions of the tract or parcel covered by surface water bodies that cover 25% or more of any subdivision lot or that cover 25% or more of a parcel on which a PUD will be located;~~

~~e)d(2)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. Only where an interpretation of the geographical boundaries of the unbuildable land is necessary, the Planning Board shall be guided by the following standards:~~

~~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;~~

~~Whether the environmentally sensitive land is adequately protected from disturbance or degradation.~~

~~(a+) 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, February, 1988.~~

~~(b) 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.~~

~~All land area having slopes of zero to two percent and which are identified in the U.S. Department of Agriculture, Soils Conservation Service, Hydric Soils of the United States, 1985 and subsequent amendments, as soil that is very poorly drained, such as, but not limited to, Saco, Sebago, Biddeford, Chocorua, Tidal Marsh, Whately, Searborn and Whitman. Construction or development shall not occur on these soils. However, if it is proved that a specific site improvement(s), such as roads and utilities, and excluding buildings, cannot be reasonably located elsewhere, they may be located on this soil but only to the extent necessary and such improvements shall be engineered to adequately relieve the very poorly drained condition and to minimize the soil disturbances. Proposed engineering shall be approved by the Planning Board.~~

~~(3)(c) Portions of the tract or parcel containing slopes over 20% which, because of unstable soils, would be subject to erosion if development were to be located on them.~~

(d) Portions of the tract or parcel in the 100 year flood plain, 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

(e) Portions of the tract or parcel below high water elevation (non-tidal) and below 10% exceedance high water (tidal) as defined in Section 104:

(f) 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:

(i) 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;

(ii) Whether the environmentally sensitive land is adequately protected from disturbance or degradation.

~~e) Portions of the tract or parcel subject to rights of way and easements for vehicular traffic:~~

~~(f)(i) For multi-family planned unit developments: 15% of the remaining acreage of the tract or parcel as an allowance for roads and parking, whether or not the actual area devoted to roads and parking is greater than or less than 15%.~~

~~(ii) For any other subdivisions: Total acreage used for street right of way.~~

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

**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 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 Planning Board.

**Setback:** A line that is a required minimum distance from the road right-of-way line or any other lot line that establishes the area within which principal and accessory buildings or structures must be erected or placed.

**Front Setback:** Setback between the front lot line and front line of a building extended to the side lot lines of the lot. The depth of the front setback shall be measured from the front lot line to the front line of the building.

**Side Setback:** Setback between the side lot line and side line of a building extended to the front and rear lot lines of the lot. The depth of the side setback shall be measured from the side lot line to the side line of a building. A combined side setback is the total of both side setbacks.

**Rear Setback:** Setback between the rear lot line and the rear line of a building extended to the side lot lines of the lot. The depth of the rear setback shall be measured from the rear lot line to the rear line of the building.

**Shore Setback:** Setback between the normal high water elevation of a shoreline, including tidal waters, rivers, upland edge of wetlands and streams in the Shoreland Zone, and the side and/or rear line of a building, structure or other regulated use, object or area. The depth of the shore setback shall be measured from the normal high water elevation of a shore to the side and/or rear line of a building, structure or other regulated use, object or area. For shorelines with tidal marsh, the 10% exceedance high water definition shall be used.

**Subdivision – Open Space:** a residential development design that permits reduced lot sizes, road frontage requirements, and setback requirements, 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 50% of the net residential acreage.

**Subdivision – Expanded Open Space:** a residential development design that is connected to the public water system and that permits reduced lots sizes, road frontage requirements, and setback requirements, 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 65% of the net residential acreage.

**Subdivision – Large Lot:** a residential development design that requires lot sizes to 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 traditional subdivision shall be 50% less than an open space conservation subdivision. A note on the plan and a deed restriction forbidding further subdivision of these lots unless the appropriate density requirement for a traditional subdivision can be met must be provided.

**ARTICLE IV ZONING DISTRICT REGULATIONS add or delete the following  
(additions are underlined, deletions are struck through)**

**Section 402. Rural Residential District I "RR-I" and Rural Residential District IA  
"RR-IA"**

**I. RR-I**

**A. Purpose:** The Rural Residential District I is the most open and rural area in town and extends generally beyond the area of Freeport that is serviced by public water and sewer. It is intended that open space, agricultural and low-density residential uses be encouraged, in that they tend to enhance, reinforce, and protect the rural, open space atmosphere now characterizing much of the Town.

**B. The following are Pepermitted Uses:**

- 1. Single Family Dwelling**
- 2. Two-Family Dwelling**
- 3. Mobile Home**
- 4. General Agriculture**
- 5. Animal Husbandry and Animal Feedlotss**
- 6. Timber Harvesting**

**The following uses are subject to subdivision review**

- 7. Open Space Subdivisions for single family and two family dwellings**
- 8. Expanded Open Space Subdivisions for single family and two family dwellings**
- 9. Large Lot Subdivisions for single family and two family dwellings;**

**The following uses are subject to site review regardless of size:**

- 107. Municipal Facility**
- 8. Planned Unit Development (subject to provisions of Article V, Section 504) for single and two family dwellings on a minimum 15 acre site.**
- 119. Commercial Recreation, Outdoor**
- 120. Public Utilities**
- 131. Campgrounds**
- 142. Religious Institution**
- 153. School**
- 164. Cemeteries**
- 175. Nursing Homes which may include congregate care multi-family units**
- 186. Private Assembly**
- 197. Bed and Breakfast Inn**
- 2018. Day Care Center Facilities**

2149. Wireless Telecommunication Facility only if the base of any on-site tower is located at or above elevation 240 feet above mean sea level (See Sec. 528). The following use is subject to a Planning Board permit as described in Section 507.R.

20. Aquiculture

C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

1. Minimum lot size:	2.5 acres
22. Minimum road frontage:	200 feet
33. Maximum building height:	35 feet
4. Minimum setback front:	50 feet
side:	50 feet
rear:	75 feet
shore:	75 feet
55. Minimum land area per dwelling unit:	1.5 acres
66. Minimum shore frontage:	See Section 507
77. Minimum lot width:	150 feet
8. Maximum Height - Wireless Telecommunication Facility (single user):	100 feet.
Wireless Telecommunication Facility (co-located)	150-feet.

D. Space Standards for Lot in Subdivisions approved after [effective date of amendment]

1. Open Space Subdivisions requirements

A. Net residential density, single family:	1 unit per 2.5 acres of net residential acreage
B. Net residential density, per dwelling unit, two-family dwelling:	1 unit per 1.5 acres of net residential acreage
C. Minimum lot size, single family	1 acre
D. Minimum lot area per dwelling unit, two-family	30,000 square feet

2. Expanded Open Space Subdivisions requirements

A. Net residential density, single family:	1 unit per 2.1 acres of net residential acreage
B. Net residential density per dwelling unit, two-family dwelling:	1 unit per 1.25 acres of net residential acreage
C. Minimum lot size, single family	25,000 square feet
D. Minimum lot area per dwelling unit, two-family dwelling:	15,000 square feet

3. Large Lot Subdivisions requirements



- A. Net residential density, single family: 1 unit per 5 acres of net residential acreage
- B. Net residential density per dwelling unit, two-family dwelling. 1 unit per 3 acres of net residential acreage
- C. Large lot subdivision minimum lot size, single family 5 acres
- D. Large lot subdivision minimum lot size per dwelling unit, two-family dwelling: 3 acres
- E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]
- |  |                 |
|--|-----------------|
| 1. <u>Minimum road frontage and lot width, open space and expanded open space Subdivisions</u> | 100 feet        |
| 2. <u>Minimum road frontage large lot subdivisions</u>   | 200 feet        |
| 3. <u>Minimum lot width large lot subdivisions</u>   | 150 feet        |
| 4. <u>Minimum setback for open space and expanded open space subdivisions</u>                  |                 |
| front  | 25 feet         |
| rear   | 40 feet         |
| side   | 10 feet         |
| combined side  | 40 feet         |
| 5. <u>Minimum setback for large lot subdivisions</u>   |                 |
| front:   | 50 feet         |
| rear:  | 75 feet         |
| side:  | 50 feet         |
| 6. <u>Maximum building height:</u>   | 35 feet         |
| 7. <u>Minimum shore frontage:</u>  | See Section 507 |

**DE. Other Standards:**

1. **Parcels within the Shoreland Zone shall meet the requirements of Section 507**

**II. RR-IA**

- A. **Purpose: The Rural Residential District I has in it, in limited areas along well-traveled roads or at intersections, areas where historically and traditionally dispersed small businesses have been located on property which is also the primary residence of the business owner. These rural uses are more intense than Home Occupations but less intense and limited than other commercial and industrial uses. They are a part of the rural character and diversity of housing types which the Comprehensive Plan seeks to protect. These areas are sub-districts of RR-I and are Rural Residential District IA or "RR-IA". Except as provided herein, RR-IA shall in all other respects be treated as RR-I**

The purpose is to restrict the RR-1A Zone to areas of the Town of Freeport in which a number of businesses, not home occupations, had been and were in existence on the well-traveled ways for which the zone has been established.

**B. Permitted Uses:**

1. All uses listed in Section 402.I.B. as permitted and all permitted uses subject to site plan review regardless of size;
2. In addition, the following uses are permitted and subject to site plan review regardless of size:
  - a. The following uses are permitted only when the owner of the property on which the use is located uses the property as the owner's primary residence and is also the majority owner of the following permitted small business use located on the property:
    - (1) Auto repair service garage;
    - (2) Auto sales, used;
    - (3) Landscaping;
    - (4) Arboriculture.

**C. Space Standards:**

Space standards shall be the same as those required for the RR-I District (Sec. 402.I.C.) except that the minimum lot size shall be the total of the minimum required for the residential use of the property plus a minimum of one acre for the uses listed in Sec. 402.II.B. above.

**D. Other Standards Applicable only to uses listed in Sec. 402.II.B.2. above.**

1. **Non-Conformance** As used in this Subsection 1 and except as otherwise indicated, the words "existing", "non-conforming", "legally", "illegal" and "illegally" shall be applied as of August 21, 1991, and the word "use" shall mean any of the uses listed in Section 402.II.B.2. An existing legally non-conforming use shall not require site plan review in order to continue. An existing legally non-conforming use which is proposed to expand shall require site plan review only for the expansion. An existing use, a portion of which is legally non-conforming and a portion of which has expanded illegally prior to August 21, 1991, shall require site plan review only for the illegal expansion. An illegally existing use shall require site plan review for the entire existing use as well as the any proposed expansion.
2. Except for non-conforming uses or expansions which are exempt from site plan review under Subsection 1 above, all uses listed in Section 402.II.B.2. are subject to the following standards:

- a. **Setbacks:** No exterior storage of materials, commercial vehicles used by the business, parking areas or any other exterior indications of the business use shall be permitted in any setback except that plantings rooted in the ground shall be permitted in the side and rear setbacks. In the front setback, in a strip extending along the entire frontage, for a depth of a minimum of fifty (50) feet, except for accessways, landscaping is required.
- b. **Buffering:** Buffers shall be provided in the setbacks at the district boundaries, where required. In addition, except as permitted in Section 402.II.D.2.a., buffers are required in the side and rear setbacks of each lot and shall meet the standards listed in Sec. 506.A, B, C and D.
- c. The performance standards of Article V, where applicable, shall be met. Objectionable conditions such as, but not limited to, noise, smoke, dust, odors or glare shall not be generated by any use, including those otherwise exempt from these standards under Subsection 1 above.
- d. In addition to the residents of the dwelling unit, no more than two full-time employees or combination of full-time and part-time employees or a number of part-time employees equivalent to the time worked by two full-time employees (a maximum of 80 hours per week) may be employed by the business use and no more than a total of five employees shall be on the site at any one time.
- e. **Size Limitations:** The area used by the business shall not occupy more than fifty percent (50%) or 20,000 square feet of the land area of the parcel, whichever is less. Included in this business occupancy area calculation shall be all the primary, accessory, and secondary structures, storage areas, display areas, parking areas and accessory uses areas related to the business activity. Excluded from this business occupancy area calculation shall be all of the residential uses and uses accessory to the residential uses, open space, personal use areas, and all setbacks except for business use accessways.
- f. The owner of any existing use as defined in Section 402.II.D.1. must register with the Code Enforcement Officer (CEO) within sixty (60) days of the effective date of the RR-IA zoning of the parcel on which the use is located. The registration shall describe and calculate the existing business occupancy area as defined in Section 402.II.D.2.e. The CEO shall verify the calculation within thirty (30) days of the registration. This calculation shall be used thereafter for determining the extent of any expansion. Failure to register shall cause any existing use to become a new use and it must receive Planning Board site review and approval in order to continue.

## Section 403. Rural Residential District II "RR-II"

### A. Purpose:

The Rural Residential District II is similar to the RR-I District. It is generally rural and underdeveloped and contains poor soils and some steep slopes which are constraints on development. Its unique characteristic is that it comprises most of the Harraseeket Historic District. The uses permitted within it are, therefore, limited to those which are compatible with its historic and rural qualities.

### B. The following are pPermitted Uses:

1. Single Family Dwelling
2. Two-Family Dwelling
3. General Agriculture
4. Animal Husbandry and Animal Feedlots
5. Timber Harvesting

The following uses are subject to subdivision review

6. Open Space Subdivisions for single family and two family dwellings
7. Expanded Open Space Subdivisions for single family and two family dwellings
8. Large Lot Subdivisions for single family and two family dwellings.

The following uses are subject to site review regardless of size:

96. Municipal Facility
- ~~7.~~ ~~Planned Unit Development (Subject to provisions of Article V, Section 504 for single and two family dwellings on a minimum 15 acre site)~~
- ~~8~~10. Public Utilities
- ~~9~~11. Campgrounds
- ~~10~~12. Religious Institution
- ~~11~~13. School
- ~~12~~14. Cemeteries
- ~~13~~15. Nursing Home with a maximum of 20 beds
- ~~14~~16. Private Assembly
- ~~15~~17. Bed and Breakfast Inn

The following use is subject to a Planning Board permit as described in Section 507.R.

- ~~16~~18. Aquaculture

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

1. Minimum lot size: \_\_\_\_\_ 2.5 acres
2. Minimum road frontage: \_\_\_\_\_ 200 feet
3. Maximum building height: \_\_\_\_\_ 35 feet
4. Minimum setback - front: \_\_\_\_\_ 50 feet
  - side: \_\_\_\_\_ 50 feet
  - rear: \_\_\_\_\_ 75 feet
  - shore: \_\_\_\_\_ 75 feet
5. Minimum land area per dwelling unit: \_\_\_\_\_ 2 acres
6. Minimum shore frontage: \_\_\_\_\_ See Section 507
7. Minimum lot width: \_\_\_\_\_ 150 feet

**E-D. - Space Standards for Lot in Subdivisions approved after [effective date of amendment]**

**1. Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 2.5 acres of net residential acreage
- B. Net residential density per dwelling unit, two-family dwelling: 1 unit per 2 acres of net residential acreage
- C. Minimum lot size, single family \_\_\_\_\_ 1 acre
- D. Minimum lot area per dwelling unit, two-family dwelling: 30,000 square feet

**2. Expanded Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 2.1 acres of net residential acreage
- B. Net residential density per dwelling unit, two-family dwelling: 1 unit per 1.75 acres of net residential acreage
- C. Minimum lot size, single family \_\_\_\_\_ 25,000 square feet
- D. Minimum lot area per dwelling unit, two-family dwelling: 20,000 square feet

**3. Large Lot Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 5 acres of net residential acreage
- B. Net residential density per dwelling unit, two-family dwelling: 1 unit per 4 acres of net residential acreage
- C. Large lot subdivision minimum lot size, single family \_\_\_\_\_ 5 acres
- D. Large lot subdivision minimum lot size per dwelling unit, two-family dwelling: \_\_\_\_\_ 4 acres

**E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]**

1. Minimum road frontage and lot width, open space and expanded open space subdivisions	100 feet
2. Minimum road frontage large lot subdivisions	200 feet
3. Minimum lot width large lot subdivisions	150 feet
4. Minimum setback for open space and expanded open space subdivisions	
front	25 feet
rear	40 feet
side	10 feet
combined side	40 feet
5. Minimum setback for large lot subdivisions	
front:	50 feet
rear:	75 feet
side:	50 feet
6. Maximum building height:	35 feet
7. Minimum shore frontage:	See Section 507

**DE. Other Standards:**

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507

**Section 404. Medium Density Residential District I "MDR-I"****A. Purpose:**

It is the intent of this district to provide for locations where a diversity of residential housing types is permitted at a higher density than in the rural districts. Since public water and sewer are not available, densities are set at the maximum which would be compatible with on-site facilities.

**B. The following are Permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. General Agriculture
5. Timber Harvesting

The following uses are subject to subdivision review

6. Open Space Subdivisions for single dwellings, two family, and multiple family dwellings
7. Expanded Open Space Subdivisions for single family, two family and multiple family dwellings

8. Large Lot Subdivisions for single family, two family, and multiple family dwellings:

The following uses are subject to site review regardless of size:

- ~~9.6.~~ Municipal Facility
- ~~7.~~ Planned Unit Development (subject to provisions of Article V, Section 504)
- ~~10.8.~~ Multiple Family Dwelling - Maximum of 6 units per building
- ~~11.9.~~ Public Utilities
- ~~12.10.~~ Religious Institution
- ~~13.11.~~ School
- ~~14.12.~~ Bed and Breakfast Inn
- ~~15.13.~~ Expansion of existing mobile home park subject to the requirements of Article V, Sec. 524.
- ~~16.14.~~ Wireless Telecommunication Facility (See Sec. 528)

C. Space Standards Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

- 1. Minimum lot size: 50,000 s.f.
- 2. Minimum road frontage: 150 feet
- 3. Maximum building height: 35 feet
- 4. Minimum setback front: 30 feet
  - side: 20 feet
  - rear: 30 feet
  - shore: 75 feet
- 5. Minimum land area per dwelling unit: 30,000 s.f.
- 6. Minimum shore frontage: See Section 507
- 7. Minimum lot width: 100 feet
- 8. Maximum Height B Wireless Telecommunication Facility (single user): 100 feet.
- Wireless Telecommunication Facility, Co-located: 150 feet.

G. D. Space Standards for Lot in Subdivisions approved after [effective date of amendment]

1. Open Space Subdivisions requirements

- A.- Net residential density, single family: 1 unit per 50,000 square feet of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 30,000 square feet of net residential acreage
- C.—Minimum lot size, single family 25,000 square feet
- D. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 15,000 square feet

**2. Expanded Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 1 acre of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 25,500 square feet of net residential acreage
- C. Minimum lot size, single family, if connected to public sewer 17,000 square feet
- D. Minimum lot size, single family, if not connected to public sewer 20,000 square feet
- E. Minimum lot area per dwelling unit, two family, and multiple family dwellings 10,000 square feet

**3. Large Lot Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 100,000 square feet of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 60,000 square feet
- C. Large lot subdivision minimum lot size, single family 100,000 square feet
- D. Large lot subdivision minimum lot size per dwelling unit, two family, and multiple family dwellings 60,000 square feet

**E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]**

- 1. Minimum road frontage and lot width, open space and expanded open space subdivisions 75 feet
- 2. Minimum road frontage, large lot subdivisions 150 feet
- 3. Minimum lot width, large lot subdivisions 100 feet
- 4. Minimum setback for open space and expanded open space subdivisions
  - front 20 feet
  - rear 25 feet
  - side 10 feet
  - combined side 30 feet
- 5. Minimum setback for large lot subdivisions
  - front: 30 feet
  - rear: 30 feet
  - side: 20 feet
- 6. Maximum building height: 35 feet
- 7. Minimum shore frontage: See Section 507

**E. Other Standards:**

- 1. Parcels within the Shoreland Zone shall meet the requirements of Section 507



**Section 405. Medium Density Residential District II "MDR-II"****A. Purpose:**

It is the intent of this District to permit a denser pattern of residential development than in the rural district. Because of the historic nature of some of the areas located in this District, mobile homes are not permitted. Large road frontages along major roads are required in order to limit the number of access points and retain a more rural atmosphere.

**B. Permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. General Agriculture
4. Timber Harvesting

The following uses are subject to subdivision review

5. Open Space Subdivisions for single family, two family, and multiple family dwellings. Two family and multiple family dwelling units must be connected to the public water system.
6. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings.
7. Large Lot Subdivisions for single family, two family, and multiple family dwellings.

The following uses are subject to site review regardless of size:

85. Municipal Facility
6. Planned Unit Development (subject to provisions of Article V, Section 504)
97. Multiple Family Dwelling - Maximum of 6 units per building
108. Public Utilities
119. Religious Institution
124. Bed & Breakfast Inn
134. School
142. Wireless Telecommunication Facility (see Sec. 528)

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

- |                           |             |
|---------------------------|-------------|
| 1. Minimum lot size:      | 50,000 s.f. |
| 2. Minimum road frontage: | 150 feet    |

- 3. Maximum building height: 35 feet
- 4. Minimum setback front: 30 feet
  - side: 20 feet
  - rear: 30 feet
  - shore: 75 feet
- 5. Minimum land area per dwelling unit: 30,000 s.f.
- 6. Minimum shore frontage: See Section 507
- 7. Minimum lot width: 100 feet
- 8. Maximum Height B Wireless
  - Telecommunication Facility (single user): 100 feet
  - Wireless Telecommunication Facility, Co-located: 150 feet.

**D. Space Standards for Lot in Subdivisions approved after [effective date of amendment]**

**1. Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 50,000 square feet of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 30,000 square feet of net residential acreage
- C. Minimum lot size, single family 25,000 square feet
- D. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 15,000 square feet

**2. Expanded Open Space Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 1 acre of net residential acreage
- B. Net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 25,000 square feet of net residential acreage
- C. Minimum lot size, single family, if connected to public sewer 17,000 square feet
- D. Minimum lot size, single family, if not connected to public sewer 20,000 square feet
- D. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 10,000 square feet

**3. Large Lot Subdivisions requirements**

- A. Net residential density, single family: 1 unit per 100,000 square feet of net residential acreage
- B. Net residential density, per unit, two family, and multiple family dwellings: 1 unit per 60,000 square feet
- C. Large Lot subdivision minimum lot size, single family: 100,000 square feet
- D. Large Lot subdivision minimum lot size per dwelling unit, two family, and multiple family dwellings 60,000 square feet

**E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]**

1. Minimum road frontage and lot width, open space and expanded open space subdivisions	75 feet
2. Minimum road frontage, traditional subdivisions	150 feet
3. Minimum lot width, traditional subdivisions	100 feet
4. Minimum setback for open space and expanded open space subdivisions	
front	20 feet
rear	25 feet
side	10 feet
combined side	30 feet
5. Minimum setback for large lot subdivisions	
front:	30 feet
rear:	30 feet
side:	20 feet
6. Maximum building height:	35 feet
7. Minimum shore frontage:	See Section 507

**E.D. Other Standards:**

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.

**Section 406. Medium Density Districts - "MD-A and MD-B"****A. Purpose:**

It is the intent of this District to maintain the present balance between residential and limited business uses in an area which includes some moderately densely developed areas containing structures of historical significance in sections which are more rural in nature. Route 1 is the major roadway in this District and extends from the Village to the Town of Brunswick border. Provisions below are intended to encourage a more limited commercial development pattern than is planned for or exists in the rest of Route 1.

**B. Permitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. General Agriculture
5. Timber Harvesting
6. Peddler on Private Property subject to the requirements of Section 526.

The following uses are subject to subdivision review

7. Open Space Subdivisions for single family, two family dwellings, and multiple family dwelling.
8. Expanded Open Space Subdivisions for single family, two family, and multiple family dwellings.
9. Large Lot Subdivisions for single family, two family, and multiple family dwellings.

The following uses are subject to site review regardless of size:

- ~~10.7.~~ Municipal Facility
- ~~11.8.~~ Planned Unit Development (subject to provisions of Article V, Section 504)
- ~~12.9.~~ Multiple Family Dwelling
- ~~13.10.~~ Hotel/Motel - Maximum of 30 units including retail trade as an accessory use up to 1,000 square feet of gross floor area.
- ~~14.11.~~ Commercial Recreation - Outdoor
- ~~15.12.~~ Commercial Recreation - Indoor
- ~~16.13.~~ Public Utilities
- ~~17.14.~~ Business and Professional Office
- ~~18.15.~~ Hospital
- ~~19.16.~~ Nursing Home
- ~~20.17.~~ Religious Institution
- ~~21.18.~~ School
- ~~22.19.~~ Cemeteries
- ~~23.20.~~ Private Assembly
- ~~24.21.~~ Animal Husbandry and Animal Feedlots
- ~~25.22.~~ Bed and Breakfast Inn
- ~~26.23.~~ Convenience Store limited to a maximum of 2500 sq. ft. of gross floor area
- ~~27.24.~~ Junkyard existing as of May 11, 1999
- ~~28.25.~~ Mobile Home Park subject to the requirements of Article V, Sec. 524
- ~~29.26.~~ Day Care Center Facilities
- ~~30.27.~~ Wireless Telecommunication Facility(see Sec 528)
- ~~31.28.~~ Auto Repair Service Garage up to 2,500 square feet of building footprint and up to 5,000 square feet of outdoor vehicle storage area. Auto sales may occur on the premises with no limitation on the percentage of the above building and storage area used as long as an auto repair service garage is operated on the premises within the enclosed building.
- ~~32.29.~~ Campgrounds
- ~~33.30.~~ Art Gallery/Museum up to 2,500 square feet of building footprint
- ~~34.31.~~ Manufacturing and processing up to 10,000 square feet of gross floor area of building with up to 5,000 square feet of outdoor

storage area. The type of items to be stored outdoors must be approved by the Planning Board.

~~35.32.~~ Restaurant limited to a maximum of fifty (50) seats.

~~36.33.~~ Retail trade up to 1,000 square feet of gross floor area

~~37.34.~~ Warehouse and Storage Facility, subject to the following limitations:

(a) On a lot less than three acres, a warehouse and storage facility may contain:

- 1) No more than one principal building
- 2) No more than 2,500 square feet of gross floor area
- 3) No more than 5,000 square feet of outdoor storage area, except that total outdoor storage area may be increased to no more than 10,000 square feet when the storage includes at least 5,000 square feet of lumber and wood products.
- 4) No outdoor storage of any items other than the types of items approved by the Planning Board.

(b) On a lot of three acres or more, a warehouse and storage facility may contain:

- 1) In the MD-A District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 50,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
- 2) In the MD-B District, one or more principal buildings with a total gross floor area of no more than 2,500 square feet for the first three acres plus an additional 2,500 square feet for each additional 40,000 square feet of land area over three acres, up to a total of no more than 10,000 square feet of gross floor area per lot.
- 3) No more than 2,500 square feet of gross floor area in any single building.
- 4) No greater than 40 feet of separation between any two buildings on the lot.
- 5) No more than 10,000 square feet of outdoor storage area.
- 6) No outdoor storage of any items other than the types of items approved by the Planning Board.

The following use is subject to a Planning Board permit as described in Section 507.R.

### 35. Aquaculture

#### C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:

1. Minimum lot size:
  - MD-A - 50,000 s.f.
  - MD-B - 40,000 s.f. without public water & sewer
  - 20,000 s.f. with public water & sewer
2. Minimum road frontage:
  - Route 1: 200 feet
  - All other roads: 100 feet
3. Maximum building height: 35 feet
4. Minimum setbacks
  - Minor Street:
    - front: 60 feet
    - side: 40 feet
    - rear: 40 feet
  - U.S. Route 1:
    - Front: 50 feet
    - Side: 50 feet
    - Rear: 50 feet

#### Permitted uses 28, 31, 32, 34 for Buildings and Storage Areas:

- Front: 100 feet
- Side: 100 feet
- Rear: 100 feet
- 5. Minimum land area per dwelling unit: 20,000 feet
- 6. Maximum impervious surface to lot area: 50%
- 7. Minimum lot width: 75 feet
- 8. Maximum Height B
  - Wireless Telecommunication Facility (single user): 100 feet
  - Wireless Telecommunication Facility, Co-located: 150 feet

#### D. Space Standards for Lot in Subdivisions approved after [effective date of amendment]

##### 1. Open Space Subdivisions requirements

- A. MD-A net residential density, single family: 1 unit per 50,000 square feet of net residential acreage
- B. MD-B net residential density without public water and sewer, single family: 1 unit per 40,000 square feet of net residential acreage
- C. MD-B net residential density with public water and sewer, single family: 1 unit per 20,000 square feet of net residential acreage

- D. MD-A and MD-B net residential density, per dwelling unit, two family and multiple family: 1 unit per 20,000 square feet:
- E. MD-A minimum lot size, single family 25,000 square feet
- F. MD-B minimum lot size, single family if not connected to public water and sewer 20,000 square feet
- G. MD-B minimum lot size, single family if connected to public water and sewer 10,000 square feet
- H. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 10,000 square feet

## 2. Expanded Open Space Subdivisions requirements

- A. MD-A net residential density, single family: 1 unit per 41,500 square feet of net residential acreage
- B. MD-B net residential density without public water and sewer, single family: 1 unit per 33,000 square feet of net residential acreage
- C. MD-B net residential density with public water and sewer, single family: 1 unit per 17,000 square feet of net residential acreage
- D. MD-A and MD-B net residential density, per dwelling unit, two family and multiple family: 1 unit per 17,000 square feet
- E. MD-A minimum lot size, single family 20,000 square feet
- F. MD-B minimum lot size, single family if not connected to public water and sewer 20,000 square feet
- G. MD-B minimum lot size, single family if connected to public water and sewer 7,000 square feet
- H. Minimum lot area per dwelling unit, two family, and multiple family dwellings: 7,000 square feet

## 3. Large Lot Subdivisions requirements

- A. MD-A net residential density, single family: 1 unit per 100,000 square feet of net residential acreage
- B. MD-A net residential density, per dwelling unit, two family, and multiple family dwellings: 1 unit per 40,000 square feet of net residential acreage
- C. MD-B net residential density without public water and sewer, single family: 1 unit per 80,000 square feet of net residential acreage
- D. MD-B net residential density without public water and sewer, per dwelling unit, two family, and multiple family dwellings: 1 unit per 40,000 square feet of net residential acreage
- E. MD-B net residential density with public water and sewer, single family and per dwelling unit, two family, and multiple family dwellings: 1 unit per 40,000 square feet of net residential acreage
- F. MD-A minimum lot size, single family 100,000 square feet
- G. MD-B minimum lot size without public water and sewer, single family: 80,000 square feet
- H. MD-B minimum lot size with public water and sewer, single family 40,000 square feet

- I. Minimum land area per dwelling unit, two family, and multiple family dwellings** 40,000 square feet

**E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]**

- |   |                        |
|---|------------------------|
| <b><u>1. Minimum road frontage and lot width, open space and expanded open space subdivisions</u></b> | <b>75 feet</b>         |
| <b><u>2. Minimum road frontage, large lot subdivisions</u></b>  | <b>100 feet</b>        |
| <b><u>3. Minimum lot width, large lot subdivisions</u></b>  | <b>75 feet</b>         |
| <b><u>4. Minimum setback for open space and expanded open space subdivisions</u></b>                  |                        |
| front   | 30 feet                |
| rear  | 25 feet                |
| side  | 10 feet                |
| combined side   | 30 feet                |
| <b><u>5. Minimum setback for large lot subdivisions</u></b>   |                        |
| front:  | 60 feet                |
| rear:   | 40 feet                |
| side:   | 40 feet                |
| <b><u>6. Maximum building height:</u></b>   | <b>35 feet</b>         |
| <b><u>7. Minimum shore frontage:</u></b>  | <b>See Section 507</b> |

**F. Prohibited Uses:**

Specifically include, but are not limited to, the following:

1. Manufacture, fabrication, disposal or any use of asbestos products
2. Paper Manufacturing
3. Petroleum and petrochemical refining and reprocessing
4. Production of lubrication oils and grease
5. Manufacture of explosives including, but not limited to, ammunition and fireworks
6. Offal or dead animal disposal and reprocessing
7. Abattoirs and slaughterhouses

**GE-Other Standards:**

1. Outdoor storage for home occupation uses is prohibited in the front setback.
2. For all lots other than those with single and two-family uses, the following buffer requirements shall apply:  
Landscaping is required in all front, side and rear setbacks for a minimum depth of 25 feet. The purpose of the landscaping is to provide a buffer between low density residential uses and commercial/industrial uses. The Planning Board shall determine the type of



- landscaping to be required and may use the applicable standards listed in Section 506 (Buffer Zones) below.
3. Minimum outdoor storage standards for non-residential uses are:
    - a. The storage area shall be fully fenced with an opaque material 5 to 6 feet high.
    - b. Only materials and/or equipment used in the business shall be stored.
    - c. Stored materials shall be no higher than the height of the fence.
    - d. No outdoor storage shall be allowed in any setback areas.

## **Section 422. Resource Protection II "RP-II"**

### **A. Purpose:**

It is the intent of this District to protect the quality and quantity of the groundwater resources of Freeport.

This zone applies to all lands identified as aquifer recharge protection zones on the Town of Freeport, Maine Zoning Map. Recharge areas are defined by the extent of sand and gravel deposits associated with aquifers and wetlands within them that drain into the aquifer, together with:

1. an appropriate protective strip so drawn that its bounds can be definitely established upon the site;
2. the shorelands around any stream, including an appropriate protective strip, that flows into the recharge area.

Where bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the Town.

### **B. The following are pPermitted Uses:**

1. Single Family Dwelling
2. Two-Family Dwelling
3. Mobile Home
4. Timber Harvesting
5. General Agriculture

The following uses are subject to subdivision review

5. Open Space Subdivisions for single family and two family dwellings;
6. Large Lot Subdivisions for single family and two family dwellings;

The following uses are subject to site review regardless of size:

**84. Municipal Facilities**

**C. Space Standards for Lots Which Are Not Within Subdivisions as Listed in D Below:**

- |   |                 |
|---|-----------------|
| 1. Minimum lot size:                              | 2 ½ acres       |
| 2. Minimum road frontage:                         | 200 feet        |
| 3. Maximum building height:                       | 35 feet         |
| 4. Minimum setback-front:                         | 50 feet         |
| side:   | 50 feet         |
| rear:   | 75 feet         |
| shore:  | 100 feet        |
| 5. Minimum land area per dwelling unit:           | 2 ½ acres       |
| 6. Minimum shore frontage:                        | See Section 507 |
| 7. Maximum lot coverage with impervious surfaces: | 10%             |
| 8. Minimum lot width:                             | 150 feet        |

**D. Space Standards for Lot in Subdivisions approved after [effective date of amendment]**

**1. Open Space Subdivisions requirements**

- A. Net residential density, single family and per dwelling unit, two-family:  
unit per 2.5 acres of net residential acreage
- B. Minimum lot size, single family and per dwelling unit, two-family  
1 acre

**2. Large Lot Subdivisions requirements**

- A. Net residential density, single family and per dwelling unit, two-family:  
unit per 5 acres of net residential acreage
- B. Large lot subdivision minimum lot size, single family and per dwelling  
unit, two-family: 5 acres

**E. Bulk Standards for Lot in Subdivisions approved after [effective date of amendment]**

**1. Minimum road frontage and lot width, Open Space Subdivisions**

100 feet

2. Minimum road frontage large lot subdivisions 200 feet

3. Minimum lot width large lot subdivisions: 150 feet

**4. Minimum setback for open space subdivisions**

front	25 feet
rear	40 feet
side	10 feet
combined side	40 feet

**5- Minimum setback for large lot subdivisions**

front:	50 feet
rear:	75 feet
side:	50 feet

**6. Maximum building height:** 35 feet

**7. Minimum shore frontage:** See Section 507

**E.D. Prohibited Activities: (not to imply that such activities are permitted elsewhere)**

1. Disposal of solid waste (except brush and stumps), leachable wastes (except subsurface disposal of domestic sewage) and sludge;
2. Storage of petroleum or gasoline;
3. Storage of leachable wastes or solid wastes;
4. Mining or excavation in excess of 10 cubic yards other than excavation for permitted uses or approved uses and within public rights-of-way and as otherwise permitted in Section 509;
5. Application of de-icing chemicals except sand with a salt content of no more than 10% can be used on public rights of way. Herbicides, pesticides and fertilizers shall be applied in accordance with manufacturer's specifications and direction; No more than 3,000 sq. ft. of lawn area cultivated by means of fertilization shall be per-mitted per acre of residential use;
6. Animal Feedlots;
7. Use and storage of hazardous materials as de-fined in Chapter 14 of Title 38 of the Maine Revised Statutes and hazardous wastes as de-fined in Chapter 13 of Title 38 of the Maine Revised Statutes;
8. Stormwater detention and retention ponds from parking lots for municipal facilities;
9. Overnight storage and maintenance of vehicles in municipal facilities.

**G.E. Other Standards:**

1. Parcels within the Shoreland Zone shall meet the requirements of Section 507.
2. Roof drainage from municipal facilities shall be designed to maximize recharge to the District.

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**Sec. 504A OPEN SPACE, EXPANDED OPEN SPACE, AND LARGE LOT RESIDENTIAL DEVELOPMENTS**

**504A.1 Purpose**

The purpose of these provisions is to encourage flexibility in the design of residential development, encourage creative development that preserves fields, forests, farmland, shoreland and related scenic vistas and protects the most significant natural, historic and archaeological resources, to conserve open land, to create good neighborhood development, to minimize the cost of constructing and maintaining utilities and streets, and to protect and preserve sensitive wildlife habitats and other natural areas.

**504A.2 Applicability**

1. This section 504A shall apply to:
  - a. all applications for approval of new subdivisions and
  - b. any application to amend a previously approved subdivision, except as provided in subsection (2) below.
2. This section 504A shall not apply to an application to amend a subdivision approved prior to (effective date of ordinance) if such amendment would not create two or more additional lots. Any such amendment is subject to those space and bulk standards which the applicable zoning district regulations require for lots within subdivisions approved prior to (effective date of ordinance).

**504A.3 Design and Construction Standards**

The Planning Board shall be authorized to approve Open Space Subdivisions, Expanded Open Space Subdivisions, and Large Lot Subdivisions which conform to the requirements of this Ordinance, the Subdivision Ordinance of the Town of Freeport, and all other applicable ordinances of the Town of Freeport.

**504A.4. Uses Permitted on Required Open Space Lands**

1. Non-commercial recreation which does not require permanent structures
2. Up to 10% of the land may be used for non-commercial recreation which requires permanent structures
3. General agricultural, animal husbandry and feedlots
4. Neighborhood open spaces such as village greens, commons, picnic areas and other similar passive recreation uses
5. Timber harvesting provided a forest management and harvest plan as defined by Title 36 M.R.S.A. § 573.3-A is submitted prior to the commencement of any timber harvesting. This plan must be prepared by a licensed professional forester or a landowner and be reviewed and certified by a licensed professional forester.
6. Access to sewer or water lines, or other public utility purposes, but excluding wireless

telecommunications facilities

7. Water supply and sewage disposal systems for subdivision lots provided the appropriate easements are in place
8. Easements for drainage
9. Unpaved, unlighted parking for subdivision residents

**504A.5. Ownership Options for Open Space**

1. Some or all of the required open space may be dedicated to the Town of Freeport, subject to acceptance by the Town Council. All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. Any such dedication shall be accomplished by deeds or other appropriate legal instruments acceptable to the town attorney.
2. Some or all of the required open space may be conveyed to a non-profit tax exempt land trust or similar organization for conservation, passive recreation, or active recreational purposes. All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. Any such conveyance shall be accomplished by deeds or other appropriate legal instruments acceptable to the town attorney.
3. All open space lands shall be permanently protected from development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in Sec. 504A.4. Some or all of the required open space may, be held in common by the individual lot owners of the proposed residential development and in such cases the developer shall be required to establish a homeowner's association consisting of individual lot owners which shall include the following:
  - a. Covenants shall be included in each deed from the developer to an individual lot owner which shall require mandatory membership in the association and shall set forth the owner's rights, interests, privileges, and obligations in the association and in the common open space including the association's responsibility and obligation to maintain the common open space and any recreational facilities located therein.
  - b. The association shall develop a system to levy and collect annual charges against any and all lot owners to defray expenses connected with the maintenance of common open space and recreational facilities located therein and this system shall be set forth in the deed covenants or other legal instrument binding upon the lot owner and running with the land.
  - c. The developer shall be responsible for its maintenance until at least 75% of the lots have been sold to individual lot owners after which time the association shall be responsible for such maintenance and this requirement shall be set forth in the deed covenants or other

legal instrument binding upon the lot owner and running with the land.

- d. All proposed deed covenants and legal documents relating to such common open space shall be reviewed by the town attorney and the planning board and, if approved, shall be recorded in the Cumberland County Registry of Deeds and included or referred to in the deed of each lot.
4. Some or all of the required open space may be held in "non-common private ownership" provided the land is permanently restricted from future development through a conservation easement or other mechanism acceptable to the Planning Board, except for those uses listed in Section 504A.4 above. The Town of Freeport has the ability to enforce the restrictions of land in "non-common private ownership". This requirement shall be set forth in deed covenants or other legal instrument binding upon the lot owner and running with the land. No less than 20% of the required open space must be accessible to the residents of the subdivision. Open space held in "non-common private ownership" is limited to one lot per development. When the non-common open land is attached to a homestead on the property being developed, the required open space land shall be in addition to the minimum permitted lot size