



May 4, 2017

TO: Peter Joseph, Town Manager

FROM: Donna Larson, Town Planner

RE: Various zoning and subdivision ordinance amendments

The Project Review Board (PRB) proposed the attached recommendations to the Subdivision and Zoning Ordinances. The PRB administers these two Ordinances and during the course of reviews over the years, they identified changes that they thought were necessary. For example, the Site Plan Review section of the Zoning Ordinance suggests that "as built plans" should be submitted when a project is completed, but it doesn't say what those plans should show. The amendment makes it clear that what's most important to show are any changes that happened below the surface and can't be seen, such as underground utilities.

The PRB is asked regularly to waive the dead-end road length of 2,500 feet. What they needed was a clear definition of a dead-end road and how the 2,500' is measured. The definition of a spaghetti lot (long and narrow) also was amended. In this case the change clarifies that shore frontage is based on a straight line rather than a curvy line that follows the shore.

While the Subdivision Ordinance says that an applicant needs to submit two plans for a conceptual project review- a Site Inventory Map and a Conceptual Plan, the practice has been to combine the information onto one plan. Making decisions on a design is much clearer when all of the necessary information is on one plan. The Board also changed the number of plans to be submitted to 12. The extra copies are for staff to give to people who want more information on a project.

All of the items are considered to be "housekeeping" and clarify current practices.

The Planning Board held a public hearing on May 3, 2017.

Approved motion

Be it ordered that the Planning Board recommends that the Town Council adopt the proposed amendments in that they are consistent with the Comprehensive Plan. These amendments provide for flexible development as recommended in the Comprehensive Plan.

ITEMS 2 d, e & f
May 3, 2017 Public Hearing

Ordinance Discussion Possible Amendments

A. Subdivision Ordinance

1. Article 3.2 Definitions

Dead-end road – road with a single common ingress and egress that connects with another major or minor road.

For the purposes of measuring the length of a dead-end road, it is the longest continuous route of travel.

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

Frontage-Shore: The length of a lot bordering on a water body or wetland measured in a straight line, between the intersections of the side lot lines with the shoreline. (Note: This is the same definition that is already in the Freeport Zoning Ordinance).

2. Article 11.17 Spaghetti Lots.

A. *State Standard*

Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

B. *Performance Standards*

Any lot that has shore frontage on a river, stream, brook, or great pond as defined by Title 38 M.R.S.A. §480-B, shall not have a lot depth to shore frontage ratio greater than five (5) to one (1). (See definition of frontage – shore in Article 3.2)

3. Article 5 – Preapplication Procedures

5.1 Purpose.

The purpose of the preapplication process is for the applicant to present general information regarding the proposed subdivision to the staff and Board and receive the staff's and Board's comments prior to the expenditure of substantial sums of money on surveying and engineering by the applicant.

5.2 Procedure.

The preapplication phase consists of the following four activities:

- A. A preapplication conference
- B. Staff site inspection (optional)
- C. The submission and review by the Board of a Site Inventory Map and Site Analysis and Conceptual Sketch Plan
- D. The classification of the project as a Minor or Major Subdivision

5.3 Preapplication Conference, and Staff Site Inspection.

All applicants for subdivision review shall schedule a preapplication conference with the Town Planner prior to scheduling a meeting with the Project Review Board. The purpose of this activity is to familiarize the applicant with the Town's procedures and requirements and the Four-Step Design Process (see Appendix A), and to familiarize the Town's representatives with the nature of the project.

As part of the meeting, the Town representative(s) and the applicant may visit the proposed site. At this meeting, the applicant shall be prepared to discuss his/her plans for the development in a general nature.

Such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302. No decisions relative to the plan, other than the determination of the required contour interval, shall be made at this meeting.

5.4 Submission of combined Site Inventory Map, ~~and~~ Site Analysis and Conceptual Sketch Plan.

After the preapplication conference, the applicant shall submit a combined Site Inventory Map, ~~and a~~ Site Analysis and Conceptual Sketch Plan to the Town Planner.

5.5 Submission Completeness.

Upon receipt of ~~a the~~ combined Site Inventory Map, ~~and the~~ Site Analysis and Conceptual Sketch Plan, the Town Planner shall give the applicant a dated receipt. Within ten (10) days of the receipt of a site inventory and analysis submission, the Town Planner shall review the material and determine whether the submission is complete. If the submission is determined to be incomplete, the Planner shall notify the applicant in writing of this finding, shall specify the additional material required to make the submission complete, 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. Appeals shall lie from the decision of the Town Planner to the Freeport Project Review Board. When the submission is determined to be complete, the Town Planner shall place the item on the agenda for review by the Project Review Board, and distribute copies of the submission to the Town Engineer, Code Enforcement Officer, Public Works Director, Police Chief, and Fire Chief.

5.6 Site Inventory ~~and~~ Analysis and Conceptual Sketch Plan Procedures.

The site inventory and analysis phase is intended to provide the applicant, the Project Review Board, and the staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environments. It is anticipated that this analysis will result in a subdivision plan that reflects the conditions of the site; those areas most suitable for conservation and open space will be preserved to the maximum extent possible, those areas most suitable for the proposed use will be utilized. Therefore, the submission requirements provide that the applicant submit basic information about the site. In addition, an analysis of that information, and a conceptual sketch plan ~~in the form of an overlay sheet,~~ prepared by a landscape architect or a professional engineer with expertise in civil/site

engineering shall also be submitted. ~~The Project Review Board's focus during this phase will be primarily on the location of open space.~~

The combined Site Inventory Map and ~~the~~ Site Analysis and Conceptual Sketch Plan and a fully executed and signed copy of the Project Review Board application (on form provided by the Town) along with the appropriate application fee shall be submitted to the Town Planner. The Town Planner shall schedule the review by the Project Review Board at the next available meeting. The submission must contain, at a minimum, the required information included in Appendix B. The Project Review Board may waive this requirement or reduce the amount of information required for the revision of previously approved plans and for Minor Subdivisions, upon a finding that the analysis provided by this process is not necessary due to the scale of the project and the absence of any significant natural resources or development constraints on the site. Requests for waivers from a submission requirement must be submitted in writing by the applicant. Unless waived by the Board, this review must be completed prior to the preparation and submission of a subdivision application and supporting documentation. The Board shall review the combined Site Inventory Map and ~~the~~ Site Analysis and Conceptual Sketch Plan with the applicant and shall authorize the submission of the formal application when the site analysis phase is complete.

The Town Planner shall notify all property owners within five hundred (500) feet of the property to be subdivided of the pending application and the date, time, and place of the meeting at which the Project Review Board will review the Site Inventory Map, ~~and the~~ Site Analysis and Conceptual Sketch Plan.

The Town Planner shall prepare a vertical aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, to show the relationship of the proposed subdivision to adjacent properties. The aerial photograph shall include property boundaries in the area, locations and names of existing streets, boundaries and designations of zoning districts, mapped wetlands, public land, and land protected under conservation easements.

Within 45 days of the first Project Review Board meeting at which the combined site inventory, ~~and site~~ analysis and conceptual site plan application is discussed or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall complete a finding of fact that the appropriate areas have been determined for development and for conservation or open space.

The Project Review Board may schedule an on-site inspection of the site to review the existing conditions, field verify the information submitted, and investigate the development proposal. If a review is pending during a period when there is snow cover, the deadline by which the Project Review Board shall take final action on the site inventory and analysis may be extended, which extension shall not exceed thirty (30) days after the Board is able to conduct an on-site inspection.

The Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development. The Board shall also consider any input received from members of the staff. The outcome of the review process shall be the identification by the Board of the issues and constraints that must be addressed in the formal subdivision application and the classification by the Board of the project as a Major or Minor Subdivision (which classification may later be revised if the scope of the project changes). The Board shall also act on any requests for waivers at this time, except that the Board may postpone action on a request for a waiver if the Board has determined that additional information is needed. Review of the Site Inventory Map, ~~and the~~ Site Analysis and Conceptual Plan shall be considered complete upon a finding by the Project Review Board that the appropriate areas have been determined for development and for conservation or open space.

APPENDIX B

Site Inventory Map, and Site Analysis and Conceptual Sketch Plan Submission Requirements

The submission must contain, at a minimum, the following information:

- A. A completed application form (on forms provided by the Town).
- B. ~~Nine (9)~~ Twelve (12) copies of an accurate scale combined Site Inventory Map, Site Analysis and Conceptual Plan of the parcel at a scale of not more detailed than 1" = 50 feet, showing as a minimum:
 - 1. The proposed name of the development, north arrow, date, and scale.
 - 2. The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
 - 3. The topography of the site at a contour interval of either 2 or 5 feet depending on the nature of the use and character of the site as determined by the Town Planner.
 - 4. The major natural features of the site, including wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, or other important natural features.
 - 5. The soils on the site through a class C medium intensity soil survey.
 - 6. Vegetative cover conditions on the property according to general cover type.
 - 7. Ridgelines and watershed boundaries.
 - 8. Geologic formations including rock outcrops, cliffs, etc., based upon published data or more detailed on-site analysis.
 - 9. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, etc. (if none, so state).
 - 10. Locations of all historically or archaeologically significant building or sites.
 - 11. Existing restrictions or easements on the site (if none, so state).
 - 12. The location and size of existing utilities or improvements servicing the site (if none, so state).
 - 13. Any potential sources of fire protection water supply within one-half mile of the site including public water mains, existing fire ponds, or possible sources of water supply.
 - 14. Acceptable septic system location for each lot or unit if applicable.
- C. ~~Nine (9)~~ Twelve (12) copies of a brief-detailed narrative describing the existing conditions of the site, the required open space potential of the site, the proposed development, and the constraints and opportunities created by the site. This submission should include a narrative description of the existing

road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations, together with any preliminary studies done relative to the site including wetland delineations, traffic studies, market studies, or other information that will help the Board understand the project.

- D. ~~Nine (9) copies of a Site Inventory Map, highlighting~~ The Site Inventory, Site Analysis and Conceptual Sketch Plan at the same scale as the Site Inventory Map, highlighting should highlight the opportunities and constraints of the site. This plan shall be prepared by a landscape architect or a professional engineer with expertise in civil/site engineering and should enable the Project Review Board to determine: which areas are well suited for proposed use and which are unsuitable; where the property is unsuitable for on-site sewage disposal if public sewerage is not available; primary and secondary conservation areas; which areas have potential open space value (scenic areas, aquifers, streambed corridors, wildlife habitat, natural drainage courses, farmland, significant forest stands, and land abutting existing public open spaces, etc.); and which areas may be subject to off-site conflicts or concerns (noise, lighting, traffic, etc.). In addition, this plan shall show a conceptual rendering of the layout of lots and roads in accordance with the Four-Step Design Process described in Appendix A. For greater clarity, the Project Review Board may request that the Site Analysis and Conceptual Sketch be presented in two (2) separate plans.
- E. Written requests for any waivers from the Minor Subdivision or preliminary Major Subdivision submission requirements or development standards of Article 12.

B. Freeport Zoning Ordinance

1. Section 602.C.1.m

m. As-built plans. The Project Review Board, Planning Staff or Codes Enforcement Officer may require that as a condition of approval, or for an occupancy permit, that upon completion of construction, the owner shall present to the Town a set of reproducible Mylar as-built drawings indicating facilities as constructed. The as-built drawings shall bear the professional seal of the licensed engineer. The purpose of a final as-built plan is to show the location of underground utilities. The purpose of a final as-built plan is to show the location of underground utilities on the developed site and in all abutting roads and easements/right of ways. These "as-built" plans shall be submitted in both paper and electronic copies (including a pdf copy) prior to the issuance of a Certificate of Occupancy for the project or occupancy of the building.

2. Section 602.D.4.

3. 4. Plans: At least twelve (12) copies of a site plan drawn at a scale sufficient to allow review under the Criteria and Standards of section (G) of this Section, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development and twelve (12) copies of the plan on 11 X 17" size sheets. All plan sheets must also be submitted electronically in a pdf format. All plans shall include the following information:

PROPOSED MOTION: Be it ordered that the Planning Board recommends that the Town Council adopt the proposed amendments in that it is consistent with the Comprehensive Plan. These amendments provide for flexible development as recommended in the Comprehensive Plan.