



August 10, 2017 revised 09/05/17 (current definition of road is now correct)

TO: Peter Joseph, Town Manager
FROM: Donna Larson, Town Planner
RE: Recommendation for a Zoning Amendment

On August 2, 2017, The Planning Board held a public hearing to amend the definition of a road. The Board voted unanimously to recommend that the Council approve the amendment. Please see the memo below and the proposed language for more detail.

July 20, 2017

TO: Planning Board
FROM: Donna
RE: Aug. 2, 2017 public hearing

The new Codes Officer reads the Ordinance exactly as it is written, as he should. Those of us that have been here for a long time know the intent and so we don't read certain sections of the Ordinance because we think we know what it says. In practice, lot owners have been able to meet the road frontage requirement in one of 4 ways, on a public road, a private way that is 50' wide, an approved subdivision road, or on a private way that is 30' wide if the way serves 1 or 2 lots. The last option, the 30' wide private way was added in 2006. It was done to provide flexibility by having another option in certain circumstances. When the change was made, a comma and an "or" were eliminated. By doing that, it is no longer clear that the road frontage requirement can be met with a 50' wide private way. The proposed changes make that clear. It also seemed clearer to list the ways that the requirement can be met, so the bullets have been added. These changes bring the Ordinance into compliance with the practice of the former Codes Officer. With a positive recommendation to the Council that the proposed amendments should be adopted, building permits that have been held up will be issued.

Current definition of a road Section 104-Freeport Zoning Ordinance

Road: For the purposes of this Ordinance and for determining minimum road frontage requirements, a road is considered to be any public way maintained by public authority, except a limited access highway, or in subdivisions a private way fifty (50) feet in width, or if 2 or fewer lots are created a private way of thirty (30) feet in width provided all of the road or driveway and associated drainage and utilities can be placed within the private way and the Fire Chief determines that the private way is adequate for public safety vehicles. Construction of a private way or minimum road frontage requirements shall in no way be construed to imply acceptance by the Town of Freeport for purposes of maintenance, improvements or other Town services.

Proposed definition of a road Section 104-Freeport Zoning Ordinance

Road: For the purposes of this Ordinance and for determining minimum road frontage requirements, a road is considered to be any one of the following:

- any public way maintained by public authority, except a limited access highway, or
- in a public or private way in an approved subdivisions, or
- a private way fifty (50) feet in width, or
- a private way of thirty (30) feet in width ~~servicing~~ 2 or fewer lots ~~are created~~ provided all of the road or driveway and associated drainage and utilities ~~can~~ will be placed contained within the private way and the Fire Chief determines that the private way is adequate for public safety vehicles.

Construction of a private way or minimum road frontage requirements shall in no way be construed to imply acceptance by the Town of Freeport for purposes of maintenance, improvements or other Town services.

Motion:

Be it ordered that the Freeport Planning Board recommends that the Town Council amend the definition of road as proposed (or with changes if they are made) as this corrects a previous error and clarifies longtime practices. Therefore, this change is consistent with the Comprehensive Plan

Vote: unam