



TO: PROJECT REVIEW BOARD
FROM: DONNA LARSON, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, MARCH 8, 2017

The Orchard House and Café – 1159 US Route One

The applicant is seeking approval for a Change of Use from residence with art gallery to residence with a hotel/motel and restaurant. Some minor site alterations including parking lot expansion, signage, lighting and stormwater features are proposed. Tax Assessor Map 21, Lot 31A. The Orchard House and Café, LLC, applicant and owner; William Hamlin, representative.

The applicant owns a property on Route One North that is currently used as residential, and was previously used as residential with an art gallery. The proposed change of use would include retaining the residence for the applicant, changing a portion of the building to a four room motel, and adding a small restaurant (serving breakfast and dinner). There would be seats for up to 30 people and 420 s.f. inside and 264 s.f. outside.

The applicant will complete the project in phases, with the first phase being the completion of the four room motel. No exterior building modifications affecting the building footprint are proposed. The existing driveway will be used and there is an existing parking area which will provide parking for six cars (2 for the apartment and 4 for the motel) which meets the requirement of Section 514.B of the Freeport Zoning Ordinance. The current driveway is only 12 feet, and the applicant is not proposing to make any changes at this point.

The second phase will be the completion of the site improvements for the restaurant. The improvements include widening the driveway to 26 feet and installing a parking area with oversized stalls (9' w x 20' l) and an appropriate aisle width of 24 feet. There will be parking for a total of 26 cars, with two of the spaces being ADA compliant. The parking area will be paved and striped. These changes would need to be completed before a certificate of occupancy is issued for the restaurant. A stormwater plan has been submitted and reviewed and approved by the Town Engineer. His comments are included in a memo dated 03/02/17. It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Registry of Deeds.

There are private utilities on site. An expanded septic system has been permitted by the Town of Freeport's Local Plumbing Inspector. There is an existing well. In accordance with Chapter 28, the Town of Freeport Solid Waste Ordinance, the applicant will be required to contract with an approved commercial waste hauler for the removal of solid waste from the site. The Ordinance also requires commercial users sort cardboard from their other waste. No dumpsters are proposed.

No new landscaping is proposed and the existing vegetative buffer will be retained. Information on exterior lighting has been included in the submission and will all be shielded, frosted or downlights.

The applicant is proposing two signs; one building mounted and one ground sign. Details on signage has been included in the submission. The previous ground sign was in the right-of-way and a replacement sign would need to be entirely on the applicant's property unless they are able to get approval from the State for the placement of the sign in the right-of-way. A condition of approval noting such is proposed.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

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

The buildings on the site are existing. Clearing will be minimized and the applicant will retain as much of the existing vegetation/buffer as possible. Parking will be in front of the building, but setback from US Route One. Based upon this information, the Board finds that this standard has been met.

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

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

No new buildings are proposed. This parcel is not within the Design Review District. The proposal complies with the standards of Section 406 of the Freeport Zoning Ordinance: Medium Density District. Based upon this information, the Board finds that this standard has been met.

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

The second phase will be the completion of the site improvements for the restaurant. The improvements include widening the driveway to 26 feet (per Section 512.D.10 of the Freeport Zoning Ordinance) and relocated. A Driveway Entrance Permit from the Freeport Department of Public

Works will be required. Based upon this information, the Board finds that this standard has been met.

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

The applicant will complete the project in phases, with the first phase being the completion of the four room motel. There is an existing parking area which will provide parking for six cars. The second phase will be the completion of the site improvements for the restaurant. The proposal includes installing a parking area with oversized stalls (9' w x 20' l) and an appropriate aisle width of 24 feet. There will be parking for a total of 26 cars, with two of the spaces being ADA compliant. The parking area will be paved and striped. The proposal is compliant with Section 514: Off Street Parking and Loading of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

A stormwater plan has been submitted and reviewed and approved by the Town Engineer. His comments are included in a memo dated 03/02/17 It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Registry of Deeds. The proposal is compliant with Section 529: Stormwater Management of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

There are private utilities on site. An expanded septic system has been permitted by the Town of Freeport's Local Plumbing Inspector. There is an existing well. In accordance with Chapter 28, the Town of Freeport Solid Waste Ordinance, the applicant will be require to contract with an approved

commercial waste hauler for the removal of solid waste from the site. The Ordinance also requires commercial users sort cardboard from their other waste. No dumpsters are proposed. Based upon this information, the Board finds that this standard has been met.

- g. Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

The applicant is proposing two signs; one building mounted and a replacement ground sign. The existing ground sign is in the right-of-way and a replacement sign would need to be entirely on the applicant's property unless they are able to get approval from the State for the placement of the sign in the right-of-way. All signs will comply with Chapter 23: Sign Ordinance, including the dimensional limitations. Based upon this information, the Board finds that this standard has been met.

- h. Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.

- i. Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

Information on exterior lighting has been included in the submission and will all be shielded, frosted or downlights. Illumination is proposed for the signs, landscaping, entrances, walkways, parking areas, and the patio. Due to the limited number of fixtures and the styles, the Board finds that the standards of Section 521: Lighting of the Freeport Zoning Ordinance have been met. Based upon this information, the Board finds that this standard has been met.

- j. Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to

enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

No new landscaping is proposed and existing vegetative buffering will be retained. Based upon this information, the Board finds that this standard has been met.

I. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;**
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
- (3) The project will conserve shoreland vegetation;**
- (4) The project will conserve points of public access to waters;**
- (5) The project will adequately provide for the disposal of all wastewater;**
- (6) The project will protect archaeological and historic resources;**
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Marine Waterfront District or the Shoreland Zone. It is within the Frost Gully Brook Watershed, however based upon the size and nature of the development, the threshold for special permitting has not been met. The building have private utilities and there is a large septic system already permitted for the site. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Change of Use and associated site alterations for the Orchard House and Cafe, at 1159 US Route One, to be substantially as proposed, submission dated 02/15/17, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) The new ground sign would need to be entirely on the applicant's property unless they are able to get approval from the State for the placement of the sign in the right-of-way.
- 4) Prior to any site work, the applicant do the following:

- A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, to be reviewed and approved by the Town Engineer and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.
 - C. Establish an inspection account, in the amount of \$500, for inspection of the site improvements.
 - D. The developer has a pre-construction meeting with the Town Engineer.
- 5) Prior to the installation of the new driveway, the applicant obtain a Driveway Entrance Permit from the Freeport Department of Public Works.

Principal Financial Group – 20 Independence Drive

The applicant is seeking approval of a Design Review Certificate and Site Plan Amendment to convert an existing garage to office space and make exterior alterations to the front façade. A small shed on the rear of the building will also be replaced and slightly expanded. Design Review District I – Class C. Tax Assessor Map 9, Lot 1A. David Spellman, FNT, LLC, applicant; Kenneth Toner, owner.

The existing first level of a garage will be converted to office space. This will add about 600 s.f. of usable space. Based upon the requirements of the Ordinance, this would require an additional two parking spaces (office requires 1 per 300 sf). There are 14 spaces currently on the site; the applicant is showing five additional, but asking that they not be required to build additional spaces at this time. The existing parking area is paved and provides excess parking for the 5 existing offices on the property. There will only be two employees for the new office. The applicant may stripe down the road if needed. There have been some off-site parking issues in this area in the past, however for this property, it appears that the current needs are more than met on the site and any off-site parking is not longer an issue. The applicant has demonstrated that all of the required parking can fit on the site. If in the future the need to construct the additional parking arises, the applicant may need to relocate an existing shed and dumpster. These are things that per the Ordinance could be signed off on as a Staff Approval. No other changes to the site are proposed at this time.

As far as changes to the building, a small shed on the rear will be removed and replaced with a shed of a slightly larger footprint. Design Review is not required for this as it will not be visible from any right of way. On the front façade, the existing two garage doors will be removed. The façade will be filled in, with clapboards to match the existing and two sets of double hung windows. The clapboards will be wood and the windows will be vinyl. The trim will be PVC. All materials will match those existing on the building.

The building is connected to the public sewer system and the applicant will need to submit written approval from the utility noting that they have the capacity to serve the project. This has been added as a condition of approval.

No new signs are proposed at this time.

Design Review Ordinance: Chapter 22 Section VII.C.

- 1. Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

The existing first level of a garage will be converted to office space. On the front façade, the existing two garage doors will be removed. The façade will be filled in, with clapboards to match the existing and two sets of double hung windows. The clapboards will be wood and the windows will be vinyl. The trim will be PVC. All materials will match those existing on the building. Based upon this information, the Board finds that this standard has been met.

- 2. Height.** A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height or buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the overall structure will not be altered. Based upon this information, the Board finds that this standard has been met.

- 3. Proportion of Building's Front Facade.** The "first impression" a building gives is that of its front facade, the side of the building, which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.

The building is existing and the relationship of the height and width of the façade will not be altered. Based upon this information, the Board finds that this standard has been met.

- 4. Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

No changes to site features impacting the front façade are proposed at this time. Based upon this information, the Board finds that this standard has been met.

- 5. Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

The existing first level of a garage will be converted to office space. On the front façade, the existing two garage doors will be removed. The façade will be filled in, with clapboards to match the existing and two sets of double hung windows. The size of the windows will match the existing windows on

the building. Based upon this information, the Board finds that this standard has been met.

- 6. Roof Shapes.** A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.

The roof shape on the front façade will not be altered. Based upon this information, the Board finds that this standard has been met.

- 7. Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

The existing first level of a garage will be converted to office space. On the front façade, the existing two garage doors will be removed. The façade will be filled in, with clapboards to match the existing and two sets of double hung windows. The clapboards will be wood and the windows will be vinyl. The trim will be PVC. Based upon this information, the Board finds that this standard has been met.

- 8. Rhythm of Spaces to Building on Streets.** The building itself is not the only thing you see when you look at it; you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street (setback).

The rhythm of spaces to building on the streets will not be altered. Based upon this information, the Board finds that this standard has been met.

- 9. Site Features.** The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

There are 14 parking spaces currently on the site; the applicant is showing five additional, but asking that they not be required to build additional spaced at this time. The existing parking area is paved and provides excess parking for the exiting offices on the property. The applicant may stripe down the road if needed. No other changes to the site are proposed at this time. If in the future the need to construct the additional parking arises, the applicant will need to relocate and existing shed and dumpster. Based upon this information, the Board finds that this standard has been met.

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors, lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".**

No new signs are proposed. The applicant may need to return to the Board for review and approval of any new signs, unless they are able to be approved at the staff level. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Design Review Ordinance.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

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

The building is existing and no additional clearing is proposed. With the exception of a small shed on the rear, all work is being performed within the existing footprint. Based upon this information, the Board finds that this standard has been met.

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

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

As far as changes to the building, a small shed will be added on the rear of the building. The building complies with all of the setback requirements for the Village Commercial III Zoning District (Section 415 of the Freeport Zoning Ordinance) and with those for the Freeport Village Overlay District. Based upon this information, the Board finds that this standard has been met.

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

Vehicular access to the site remains unchanged. Based upon this information, the Board finds that this standard has been met.

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

The existing first level of a garage will be converted to office space. This will add about 600 s.f. of usable space. Based upon the requirements of Section 514 of the Freeport Zoning Ordinance, this would require an additional two parking spaces (office requires 1 per 300 sf). There are 14 spaces currently on the site; the applicant is showing five additional, but asking that they not be required to build additional spaces at this time. The existing parking area is paved and provides excess parking for the existing offices on the property. The applicant may stripe down the road if needed. No other changes to the site are proposed at this time. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

Based upon the size and nature of the project, information on stormwater management was not submitted. Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

The building is currently connected to public utilities. The project will require a capacity to serve letter from the Freeport Sewer District; this has been added as a condition of approval. Based upon this information, the Board finds that this standard has been met.

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

No new signs are proposed. The applicant may need to return to the Board for review and approval of any new signs, unless they are able to be approved at the staff level. All signs will need to comply with Chapter 23: Sign Ordinance. Based upon this information, the Board finds that this standard has been met.

- h. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

If in the future the need to construct the additional parking arises, the applicant will need to relocate an existing shed and dumpster. These are things that per the Ordinance could be signed off on as a Staff Approval. Based upon this information, the Board finds that this standard has been met.

- i. Exterior Lighting: All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.**

No new lighting is proposed. Based upon this information, the Board finds that this standard has been met.

- j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.**

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. Landscaping: Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.**

No new landscaping is proposed. Based upon this information, the Board finds that this standard has been met.

I. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;**
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
- (3) The project will conserve shoreland vegetation;**
- (4) The project will conserve points of public access to waters;**
- (5) The project will adequately provide for the disposal of all wastewater;**
- (6) The project will protect archaeological and historic resources;**
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building had have water and sewer connections to the public systems. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design Review Certificate and Site Plan Amendment for FNT LLC, at 20 Independence Drive, to be substantially as proposed, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) The Board is not requiring that at this time the applicant building the five additional parking spaces shown on the plan. In the future, the Town may require the spaces to be constructed if additional parking is needed to correct a parking problem on the site.
- 4) The applicant submit a copy of a written capacity to serve letter from the Freeport Sewer District.

Many Moons Psychotherapy Services Inc – 4 Cottage Street

The applicant is seeking approval of a Site Plan Amendment to be able to offer therapy sessions at the existing property for up to 16 Saturday's per calendar year. No physical changes to the building or site features are proposed. Parking would be provided on an abutting property (owned by RSU5 - on the other side of Cottage Street) with a written agreement. Tax Assessor Map 9, Lot 37. Many Moons Psychotherapy Services, Inc, applicant; Solomon Property Management, LLC, owner; Stephanie Cimmet, representative.

The use of the property was approved in September 2015, for 900 s.f. of the building (for office) and with conditions. One of the conditions was that "If at such time the applicant desired to host group sessions at the site for which parking will be required, the applicant would need to return to the Board

and be able to demonstrate that they are able to provide the parking that will required for the use.” The applicant is now seeking approval to use the property for group sessions, for up to 16 Saturdays per calendar year.

The group sessions run for 6-8 consecutive Saturdays, with 4-6 groups per day. Each group has up to 8 participants. Each 6-8 week session would only be held twice per year. The groups would utilize the existing space within the existing building, and no expansions are proposed.

Since adequate parking is not available on-site, the intent of the applicant is to lease parking from the abutting RSU 5 office as they do not utilize their parking lot on the weekends. Access to that parking lot is from West Street. The applicant has a signed parking agreement (a copy of the form has been submitted) with them for eight upcoming Saturdays. The lot would not be available for use in inclement (snow, ice) weather. Any future dates for use of their parking lot would require that the applicant obtain permissions from the RSU. Without such agreement, the group sessions would not be able to be held. A suggested condition of approval is that prior to the start of any group therapy sessions, the applicant submit proof of a parking agreement with the RSU, to the Freeport Codes Enforcement Officer.

Per Section 514.B.8 “Except as otherwise provided in Section 514.B.10.f., off-street parking required to serve non-residential uses shall be located on the same lot as the non-residential use served, or within three hundred (300) feet measured along lines of public access. Such parking areas shall be held under the same ownership as the non-residential use, and evidence of such ownership shall be required. The municipality may provide parking subject to availability and lease it to individual businesses which cannot comply with parking requirements. Parking for A & B buildings as defined in the Freeport Design Review Ordinance in the VC-II District may be provided according to the requirements of Section 413.E.2.” Does the Board feel that the documentation submitted satisfies this requirement?

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

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

No physical changes to the site or building are proposed. Based upon this information, the Board finds that this standard has been met.

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

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

No new buildings are proposed. This parcel is not within the Design Review District. Based upon this information, the Board finds that this standard has been met.

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

Vehicular access to the site remains unchanged. Based upon this information, the Board finds that this standard has been met.

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

The applicant is now seeking approval to use the property for group sessions, for up to 16 Saturdays per calendar year. Since there is not adequate parking on-site, the intent of the applicant is to lease parking from the abutting (other side of Cottage Street) RSU 5 office as they do not utilize their parking lot on the weekends. Access to that parking lot is from West Street. The applicant has a signed parking agreement (a copy of the form has been submitted) with them for eight upcoming Saturdays. The lot would not be available for use in inclement (snow, ice) weather. Any future dates for use of their parking lot would require that the applicant obtain permissions from the RSU. Without such agreement, the group sessions would not be able to be held. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

Based upon the size and nature of the project, information on stormwater management was not submitted. Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

No changes to utilities are proposed. Based upon this information, the Board finds that this standard has been met.

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

No new signs are proposed. Based upon this information, the Board finds that this standard has been met.

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

No new lighting is proposed. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to

enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

No new landscaping is proposed. Based upon this information, the Board finds that this standard has been met.

I. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;**
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
- (3) The project will conserve shoreland vegetation;**
- (4) The project will conserve points of public access to waters;**
- (5) The project will adequately provide for the disposal of all wastewater;**
- (6) The project will protect archaeological and historic resources;**
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Marine Waterfront District or the Shoreland Zone. No new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Change of Use for Many Moons Psychotherapy Services, at 4 Cottage Street, to be used substantially as proposed, application dated 01/17/17, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to the start of any therapy sessions, the applicant submit proof of a parking agreement with the RSU to the Freeport Codes Enforcement Officer.

Regional School Unit #5 – Holbrook Street / Morse Street

The applicant is presenting final plans for a Site Plan Amendment at Freeport High School. The applicant is proposing a track and turf field sports complex with associated site improvements, parking lot reconfiguration and the relocation of the softball field. Lighting is not part of the application at this time.

Tax Assessor Map 11, Lot 24. Regional School Unit #5, applicant and owner; Pat Carroll, Carroll Associates, representative.

The applicant is presenting final plans for a site plan amendment at Freeport High School for the redevelopment of the existing fields into the Joan Benoit-Samuelson Track and Field complex. A track with turf field and associated amenities are proposed. Plans include bleachers, some storage buildings, a 3 bay garage, ticket stands, scoreboard and a new softball field in the location of an existing field hockey field. The complex will include a chain link fence around the perimeter of the track and incorporate some areas (along Snow Road) of retaining wall. The end of the track along Snow Road with the retaining wall will be quite tall due to the grade, with a maximum of about 10 feet in height. There will also be some reconfiguration of existing parking areas. Some existing features on the Morse Street School section of the property will need to be removed/relocated such as swings, climbing structure and memorial bench and stone, they will basically be shifted over slightly from their current locations.

There have been some changes to the plans since the last meeting, with the biggest change being that lighting is no longer part of the submission. Other components that are not going to be part of this review/possible approval include: the visitor bleachers on the north side of the field (which are no longer shown on the plan); concession stand; water or sewer connections as they are not needed at this time; signage; and, new PA system as they will continue to use the portable PA system which is currently being used at the property. All of the track and field amenities have been brought together in one area on the site and now only the parking and softball field are on the south side of the property.

Facility Use - The applicant has submitted a revised draft with the guidelines for field use which addresses concerns such as timing, schedule, use of the PA system etc. Submission of a copy of the final document has been added as a condition of approval.

Seating - Bleachers are shown on the plan. About 750 seats are proposed. All seating is now shown on the south side of the field.

Parking and Circulation– The complex is considered an accessory use to the existing school, and therefore additional parking is not required at this time. In addition, a lot of the facility use will be after school hours, which will allow for a majority of the on-site parking to be available for use. Combined, there are about 202 (16 of which are ADA) existing parking spaces on the site. Two new ADA spaces are shown on the Morse Street School side of the plan and closest to the gated entrance on that side of the complex. This is in addition to the existing ADA compliant spaces on the site. In addition, the applicant is proposing to reconfigure an existing parking lot on the property. The applicant did request a waiver in their submission, however a waiver is not actually required as reductions for the space standards in this lot were previously approved.

General internal vehicular circulation on the site remains unchanged. Pedestrian paths are shown on the plan and will tie into the existing sidewalk system.

As requested at the last meeting, the applicant is working with the Traffic and Parking Committee on off-site parking and circulation. One of the things the applicant and the Committee will be looking at is an Event Management Plan to address parking and circulation for some of their larger events. The applicant will also need to comply with the Town's Chapter 10 – Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People (which is enforced by the Police Department). The

applicant is also talking to nearby commercial property owners about using existing nearby parking for overflow parking for large events.

The applicant will continue to work with the Traffic and Parking Committee on these issues, and doing so has been added as a condition of approval.

Signs - Wayfinding Signs for parking were brought up with the Traffic and Parking Committee and the applicant will continue to work with them on this issue. No other general project signs are proposed at this time.

Stormwater – Stormwater improvements will include a stormwater bioretention pond and some rain gardens. The applicant will need to amend their existing Site Location of Development Permit with the Maine DEP; this has been added as a condition of approval. The project will need to comply with the DEP Chapter 500 Rules and the Town Of Freeport’s Chapter 53, Post-Construction Stormwater Management Ordinance. The parcel is within the regulated urban area, but not within the watershed of any of Freeport’s Urban Impaired Streams. The Town Engineer has reviewed and approved the stormwater management and erosion control plans. His comments are included in a review memo dated 03/02/17. The applicant has already received approval from the Army Corps of Engineers (dated 02/14/17).

PA System / Noise – The existing portable PA system will still be used for some events. No new PA system is being proposed at this time. If a new system is proposed, the applicant will have to submit an application for an amended site plan. The use of the PA system will be regulated by the facilities’ use guidelines. Section 515 of the Freeport Zoning Ordinance addresses noise regulation. Spectator notice at Freeport’s existing facilities has always been viewed as a temporary activity and therefore exempt from the standards. In addition, noise of this nature is also exempt from DEP regulations. Since concerns about noise have been raised by abutters, specifically in regards to timing, a suggested condition of approval is that there shall be no amplified sound after 10pm such as, but not limited to, music and announcements.

Vegetation/landscaping – The applicant is proposing to retain as much of the existing vegetation as possible. There are many mature trees on the property which will help to buffer the impacts of the increase facility use on nearby properties. They did have an arborist come to the site and advise them on the condition of the existing trees. A buffer abutting nearby residential properties is shown on the plan and a portion of the area will incorporate a solid stockade fence. The applicant continues to work with abutters on the buffer details, and a detail plan is expected prior to the meeting. If the applicant does not get a response from some abutters, they will design the buffer to meet the requirements. A general site landscaping plan was also included with the submission.

Lighting – No lighting is proposed at this time for the field, on the pedestrian paths, or on the site in general. This will most likely be brought back to the Board as a separate application at a later date.

Utilities – no new water or sewer connections are proposed at this time. Restroom facilities will be provided in the high school building during events and through the use of portable toilet facilities which would be located on the south side of the complex where the future restroom/concession building would be located.

Solid Waste – Will be provided through the use of existing dumpsters on the site.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

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

The applicant is presenting final plans for a site plan amendment at Freeport High School for the redevelopment of the existing fields into the Joan Benoit-Samuelson Track and Field complex. A track with turf field and associated amenities are proposed. The complex will include a chain link fence around the perimeter of the track and incorporate some areas (along Snow Road) of retaining wall. The end of the track along Snow Road with the retaining wall will be quite tall due to the grade, with a maximum of about 10 feet in height. All structures comply with the spaces standards for the Village I Zone (Section 407 of the Freeport Zoning Ordinance) and the standards of the Freeport Village Overlay District. Landscaping and buffer plans have been included with the submission. Based upon this information, the Board finds that this standard has been met.

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

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

This parcel is not within the Design Review District. Plans include bleachers, some storage buildings, a 3 bay garage, ticket stands, scoreboard and a new softball field in the location of an existing field hockey field. The complex will include a chain link fence around the perimeter of the track All structures comply with the spaces standards for the Village I Zone (Section 407 of the Freeport Zoning Ordinance) and the standards of the Freeport Village Overlay District. Based upon this information, the Board finds that this standard has been met.

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

Vehicular access to the site is via Holbrook Street and Snow Roads and is existing with no changes proposed. The applicant will continue to work with the Traffic and Parking Committee on on off-site traffic and parking issues including access to the site. Based upon this information, the Board finds that this standard has been met.

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

The complex is considered an accessory use to the existing school, and therefore additional parking is not required at this time. In addition, a lot of the facility use will be after school hours, which will allow for a majority of the on-site parking to be available for use. Combined, there are about 202 (16 of which are ADA) existing parking spaces on the site. Two new ADA spaces are shown on the Morse Street School side of the plan and closest to the gated entrance on that side of the complex. This is in addition to the existing ADA compliant spaces on the site. In addition, the applicant is proposing to reconfigure an existing parking lot on the property. The applicant did request a waiver in their submission, however a waiver is not actually required as reductions for the space standards (Section 514: Off Street Parking and Loading of the Freeport Zoning Ordinance) in this lot were previously approved. General internal vehicular circulation on the site remains unchanged. Pedestrian paths are shown on the plan and will tie into the existing sidewalk system. As requested at the last meeting, the applicant is working with the Traffic and Parking Committee on off-site parking and circulation. One of the things the applicant and the Committee will be looking at is an Event Management Plan to address parking and circulation for some of their larger events. The applicant will also need to comply with the Town's Chapter 10 – Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People (which is enforced by the Police Department). The applicant is also talking to nearby commercial property owners about using existing nearby parking for overflow parking for large events. The applicant will continue to work with the Traffic and Parking Committee on these issues, and doing so has been added as a condition of approval. Based upon this information, the Board finds that this standard has been met.

- e. Surface Water Drainage: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two year, ten year and twenty-five year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.**

Stormwater improvements will include a stormwater bioretention pond and some rain gardens. The applicant will need to amend their existing Site Location of Development Permit with the Maine DEP; this has been added as a condition of approval. The project will need to comply with the DEP Chapter

500 Rules and the Town Of Freeport's Chapter 53, Post-Construction Stormwater Management Ordinance. The parcel is within the regulated urban area, but not within the watershed of any of Freeport's Urban Impaired Streams. The Town Engineer has reviewed and approved the stormwater management and erosion control plans. His comments are included in a review memo dated 03/02/17. It is his recommendation that the applicant enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, and to be recorded in the Registry of Deeds. The proposal is compliant with Section 529: Stormwater Management of the Freeport Zoning Ordinance. The applicant has already received approval from the Army Corps of Engineers (dated 02/14/17). Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

No new water or sewer connections are proposed at this time. Restroom facilities will be provided in the high school building during events and through the use of portable toilet facilities which would be located on the south side of the complex where the future restroom/concession building would be located. Based upon this information, the Board finds that this standard has been met.

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

Wayfinding Signs for parking were brought up with the Traffic and Parking Committee and the applicant will continue to work with them on this issue. No other general project signs are proposed at this time. Based upon this information, the Board finds that this standard has been met.

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

A buffer abutting nearby residential properties is shown on the plan and a portion of the area will incorporate a solid stockade fence. The applicant continues to work with abutters on the buffer details, and a detail plan is expected prior to the meeting. If the applicant does not get a response from some abutters, they will design the buffer to meet the requirements. The location of a transformer has been shown on the plan and it will be screened with landscaping. The location of a scoreboard is shown on the plan. There will be a donor recognition area near the entrance to the complex. The existing portable PA system will still be used for some events. No new PA system is being proposed at this time. If a new system is proposed, the applicant will have to submit an application for an amended site plan. Since concerns about noise have been raised by abutters, specifically in regards to timing, a suggested condition of approval is that there shall be no amplified

sound after 10pm such as, but not limited to, music and announcements. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

No lighting is proposed at this time for the field, on the pedestrian paths, or on the site in general. This will most likely be brought back to the Board as a separate application at a later date. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety department heads have reviewed the plans. There are gates around the complex which can be opened if needed to provide vehicular access for emergency vehicles. Emergency vehicles will be able to drive into the complex and over the surfaces in emergency situations. Based upon this information, the Board finds that this standard has been met.

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

The applicant is proposing to retain as much of the existing vegetation as possible. There are many mature trees on the property which will help to buffer the impacts of the increase facility use on nearby properties. They did have an arborist come to the site and advise them on the condition of the existing trees. A buffer abutting nearby residential properties is shown on the plan and a portion of the area will incorporate a solid stockade fence. The applicant continues to work with abutters on the buffer details, and a detail plan is expected prior to the meeting. If the applicant does not get a response from some abutters, they will design the buffer to meet the requirements. A general site landscaping plan was also included with the submission. Based upon this information, the Board finds that this standard has been met.

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (3) The project will conserve shoreland vegetation;
- (4) The project will conserve points of public access to waters;
- (5) The project will adequately provide for the disposal of all wastewater;
- (6) The project will protect archaeological and historic resources;
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. No new utility connections are proposed. The applicant will need to amend their existing Site Location of Development Permit with the Maine DEP; this has been added as a condition of approval. The parcel is within the regulated urban area, but not within the watershed of any of Freeport's Urban Impaired Streams. The applicant has already received approval from the Army Corps of Engineers (dated 02/14/17). Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Freeport Zoning Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for RSU 5, for the Joan Benoit-Samuelson Track and Field complex and associated site improvements, at Freeport High School on Holbrook/Morse Streets, to be substantially as proposed, plans dated 7/1/16, revised through 3/1/17, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on any structures on the site, including, but not limited to the bleachers, score board, garage and other outbuildings, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in an amount to be reviewed and approved by the Town Engineer, in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.
 - C. Establish an inspection account, in the amount of \$4,200 for inspection of the site improvements.
 - D. The developer have a pre-construction meeting with the Town Engineer.
 - E. The applicant submit a copy of the written approval from the DEP.
- 4) Submit a copy of the final Field Use Guideline to the Freeport Planning Department.

- 5) There shall be no amplified sound after 10pm such as, but not limited to, music and announcements.
- 6) The applicant continue to work with the Traffic and Parking Options to resolve off-site traffic, parking, circulation and wayfinding sign issues.
- 7) The following items are not part of this approval: any lighting; the visitor bleachers on the north side of the field; concession stand; water or sewer connections; signage; and, new PA system.