



June 18, 2019
18444

Caroline Pelletier, Interim Town Planner
Town of Freeport
30 Main St.
Freeport, ME 04032

RE: Proposed Commercial IV District amendment - REVISED

Dear Caroline,

On behalf of KGI Properties, we are pleased to submit this revised proposal to amend the Commercial IV District in Freeport. Since the last meeting, the following adjustments have been made to the draft language:

1. A definition for "story" has been added. This definition is from the building code.
2. Commercial uses have been eliminated from the definition of Commercial Open Space Subdivision. Only residential uses are allowed in these subdivisions.
3. References to "high density" have been changed to "higher density".
4. References to the C-4 District have been removed from the definition, and from Sec. F.1 and Sec. 504.D.
5. In Sec. 412.D.3, "height limitation – 3 stories" has been changed to "allowable number of stories – 3 stories",
6. A proposed motion has been added at the end.

The conceptual plan has also been amended to show a minimum of 50 feet of open space where the Commercial District is adjacent to a Rural Residential District. The District will have a 100' buffer requirement when a commercial use is adjacent to a residential property and a 50' open space requirement when a higher density residential use will be adjacent to a lower density residential use. This difference uses the rationale that residential uses next to residential uses don't need the same level of protection as commercial uses next to residential uses.

I look forward to meeting with you and the Board at the public hearing on Wednesday, July 10, 2019. Please don't hesitate to contact me if you have any questions before the meeting.

Sincerely,
SEBAGO TECHNICS, INC.

A handwritten signature in black ink that reads "Kylie S. Mason". The signature is fluid and cursive, with the first name "Kylie" being more prominent.

Kylie S. Mason, RLA, LEED-AP
Maine Licensed Landscape Architect
Vice President, Project Delivery

Add the following definition to Sec. 104 - Definitions, Zoning Ordinance and Art. 3.2 of the Subdivision Ordinance

Story: that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Subdivision – Commercial Open Space: a higher-density residential development in a Commercial Districts that permits higher density residential units with reduced road frontage, setbacks and lot sizes, and that maintains open space. The area of the required open space shall be equal or exceed the sum of the unbuildable land (primary conservation areas) as defined by net residential acreage plus twenty percent (20%) of the net residential acreage. The required open space must meet the standards of Section 504.D of this Ordinance.

Amend Sec. 412 as proposed:

Section 412. Commercial District IV “C-IV”

A. Purpose:

This District is intended to provide suitable locations for a variety of higher density residential and commercial uses which ~~require~~ benefit from nearby major highway connections and existing public utilities ~~services~~. Open space and/or buffers are required to provide a buffer between higher density development and adjacent lower density residential properties and to protect environmentally sensitive areas. ~~Uses are designed to serve both local and regional markets and regulations are included to protect abutting residential uses and districts.~~

B. ~~Permitted Uses:~~

~~—1. One single family dwelling per Lot of Record as of November 1, 1995~~

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

1. Two-Family and Multiple-Family Dwellings

2. Public or Private School
3. Commercial School
4. Outdoor Recreation School
5. Local convenience goods stores accommodating local needs such as but not limited to retail bakeries, delicatessens, candy, nut and fish stores, fruit and vegetable stores, grocery and food stores, 5 & 10 stores, hardware stores, auto parts supply, book stores, branch banks, dry goods stores and florist shops;

6. Personal service stores such as but not limited to beauty and barber shops, laundromats, cleaners, photography studios, shoe, jewelry and household appliance repair services and alterations services;
7. Supermarket
8. Business and Professional Offices
9. Commercial Recreation - Indoor
10. Commercial Recreation - Outdoor
11. Municipal Facilities
12. Public Utilities
13. Warehouse and Storage Facilities
14. Commercial Sales and Service
15. Truck Facility
16. Manufacturing and Processing which does not involve the basic refinement of bulk raw material
17. Hotel/Motel
18. Day Care Center Facilities
19. Convenience Store with Gas Pumps
20. Auto Service Station
21. Auto Repair Service Garage
22. Restaurant
23. Restaurant - Carry Out
24. Restaurant - Drive-up
25. Construction Services
26. Public Assembly
27. Private Assembly
28. Wireless Telecommunication Facility (See Sec. 528)
29. Parking area for open space *{Amended, Effective 12/02/14}*
30. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
31. Medication Assisted Treatment Facility for Opioid Addiction *{Effective 10/04/16}*

C. Space Standards for Lots which are Not Within Subdivisions as Listed in Section D below:

1. Minimum Lot Size:
20,000 s.f. provided curb cuts on Hunter Road or Desert Road are at least 300 feet apart on the relevant side of the road; otherwise the minimum lot size is 1 acre.
The minimum lot size of lots having frontage on roads other than Hunter Road or Desert Road is 20,000 s.f. provided that access to the lot is on a driveway serving 2 or more lots; otherwise the minimum lot size is 1 acre.
2. Maximum Building Height: 35 feet
3. Minimum Road Frontage:
 - a. Minimum Road Frontage for Lots that have one or more access(es) that is not shared with other lots: 100 feet

- b. No Minimum Road Frontage for lots that share an access with one or more other lots.
- 4. Maximum Impervious Surface to Lot Area Ratio: 70%
- 5. Minimum Setback:

front:	25 feet
side:	25 feet
rear:	25 feet
- 6. Maximum Height - Wireless Telecommunication Facility (single user): 75 feet
Wireless Telecommunication Facility, Co-located: 125 feet

D. Space and Bulk Standards for Lots in Open Space Commercial Subdivisions approved after (insert date of adoption)

- 1. Net residential density per dwelling unit; two family and multiple family – 1 unit per 2,904 s.f. (15 units per acre) of net residential acreage
- 2. Maximum impervious surface to lot area excluding designated open space 90%
- 3. Allowable number of stories 3 stories
- 4. Setbacks for developments with property in common ownership

front:	25 feet
rear:	50 feet
side:	25 feet

For developments that will be divided into individual lots:

- 4. Minimum lot area per dwelling unit; two family and multiple family - 4,000 s.f.
- 5. Minimum road frontage 30 ft.
- 6. Minimum setback for commercial open space subdivisions

front:	10 feet
rear:	10 feet
side:	5 feet

~~D~~E.. Prohibited Uses:

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

~~E~~F.. Other Standards:

- 1. For developments that require open space, the open space shall be delineated by using the following priority system:
 - a. first priority – establish buffer of at least 50 feet where the Commercial District is adjacent to the Rural Residential District.

- b. second priority – open space includes primary conservation areas to the greatest extent practical
- c. third priority – at the discretion of the owner

2. If open space is not required, a 25 foot buffer shall be required where the adjacent property within this District is presently used for residential purposes. A 100 foot buffer strip shall be required where it abuts residential districts

23. Landscaping is required in the front setback as per Section 527.E.

34. The Performance Standards of Section 527 are applicable. *{Amended, Effective 01/02/18}*

Add the following to Sec. 504 - Definitions

Section 504D. COMMERCIAL OPEN SPACE SUBDIVISIONS

504D.1 Purpose

The purpose of these provisions is to encourage flexibility in the design of subdivisions in commercial districts, to preserve a buffer where commercial districts are adjacent to residential districts and to protect environmentally sensitive areas.

504D.2 Applicability

1. This Section - 504D shall apply to:
 - a. all applications for approval of subdivisions within the Commercial Districts where allowed submitted after (Insert date of adoption), whether or not any such application would be deemed a “pending proceeding” under 1 M.R.S.A §302.

504D.3 Design and Construction Standards

The Project Review Board shall be authorized to approve Commercial Open Space Subdivisions, which conform to the requirements of this Ordinance, the Subdivision Ordinance of the Town of Freeport, and all other applicable ordinances of the Town of Freeport.

504D.4 Uses Permitted on required Open Space Land

1. Trails for non-motorized uses such as but not limited to pedestrians, bicyclists, skiing, and snowshoeing
2. Controls that are part of the stormwater management system
3. Easements for drainage and or utilities

504D.5 Ownership Options for Open Space

Open space shall meet the ownership options outlined in Section 504A.5

Amend the Subdivision Ordinance as follows:

11.5 Traffic Conditions

i. Street Design Standards.

5. Any subdivision except Commercial Open Space Subdivisions, containing more than fifteen (15) dwelling units or lots, whichever is less, shall have at least two (2) street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. In Village Open Space Subdivisions this section may be met by reserving right-of-way for future connections and offering the right-of-way to the town for acceptance as a public way.

8) Dead-End Streets.

In addition to the design standards in Table 11.5-1, dead-end streets shall be constructed to provide a cul-de-sac turnaround or other turnaround approved by the Director of Public Works. Where a turning circle is used, it shall meet the following requirements for radii:

Property line:	eighty-five (85) feet
Outer edge of pavement:	seventy-five (75) feet
Inner edge of pavement:	fifty (50) feet

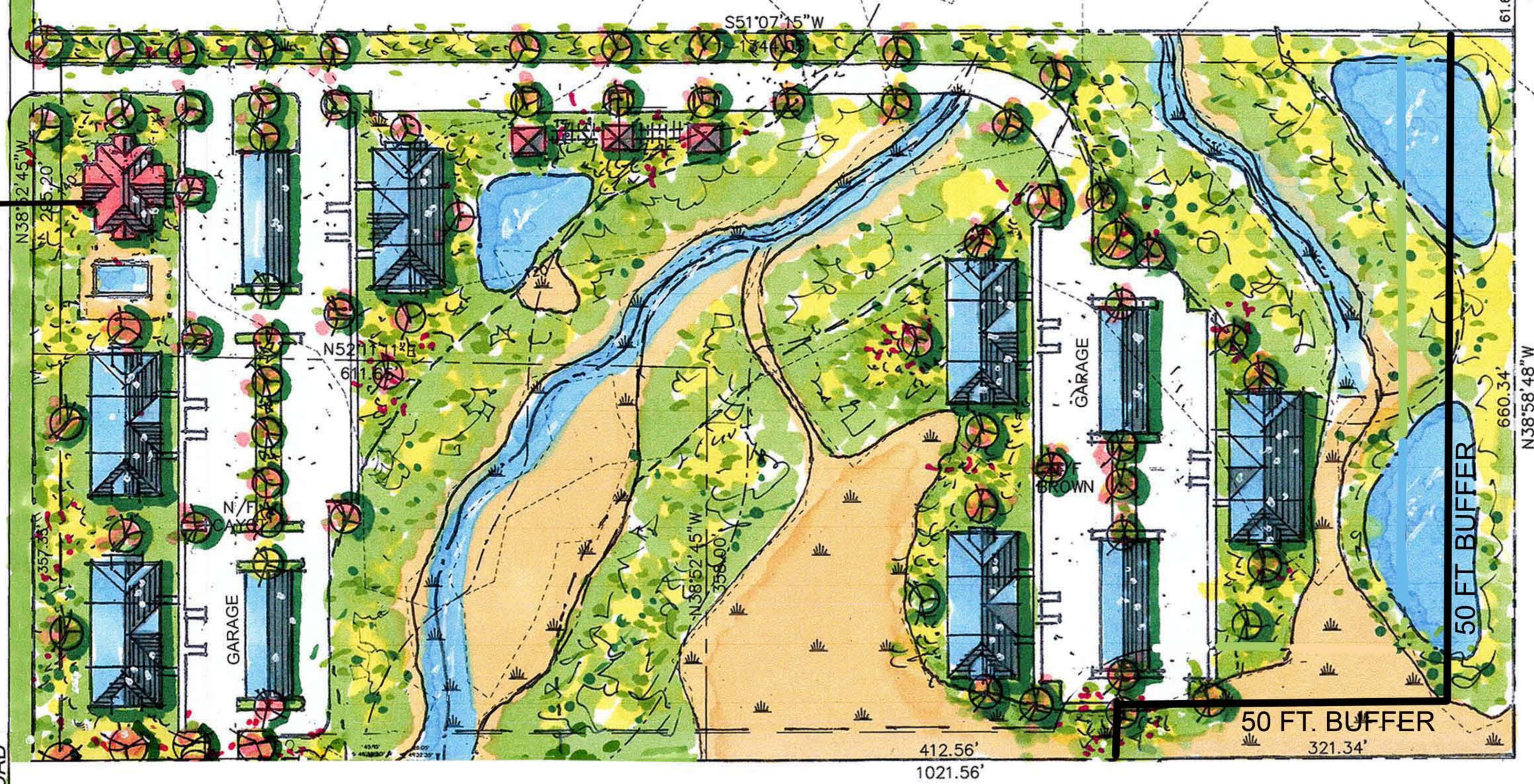
The Project Review Board may require larger radii for turning circles on a commercial street. The island in the circle shall be landscaped in a manner requiring low maintenance. Where the turning circle is in a wooded area prior to development, a stand of trees shall be maintained within the center of the circle if possible. The Board shall require the reservation of a twenty- (20-) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty- (50-) foot easement in line with the street to provide continuation of the road where future subdivision is possible. If a hammerhead or T-turnaround is approved, no driveways shall enter onto the turnaround. In all subdivisions except Commercial Open Space Subdivisions, A-a dead-end street shall be limited to a maximum of fifteen (15) dwelling units (not including corner lots that gain their access from another street). The length of a dead-end shall not exceed two thousand five hundred (2,500) feet.

Proposed Motion:

Be it ordered that the Freeport Planning Board recommends that the Town Council adopts this proposal as presented. The Board further finds that the proposal is consistent with the Vision of the Comprehensive Plan in that the amendment will allow development so that Freeport can continue to be a desirable place to live by allowing a variety of neighborhoods and housing types, at a variety of prices.

CLUB-
HOUSE

DESERT ROAD



SITE PLAN

Development Summary :

- * 144 Apartments / 6 Buildings / 24 Per Building
- * 325 Parking Spaces / 80 Garage Spaces + 245 Surface Spaces/ 2.25 Spaces Per Apartment

1"=100'
APRIL 18 2018
©2018 - GATE 17 ARCHITECTURE LLC

FREEPORT APARTMENTS

FREEPORT, MAINE

GATE
architecture

35 Grove Street
Haddonfield, New Jersey, 08033
856.429.2001