



**TOWN OF FREEPORT, MAINE**

Planning Department

30 Main Street

Freeport, ME 04032

Phone: 207-865-4743

[www.freeportmaine.com](http://www.freeportmaine.com)

**TO: FREEPORT PROJECT REVIEW BOARD**  
**FROM: CAROLINE PELLETIER, TOWN PLANNER**  
**RE: STAFF REPORT**  
**DATE: WEDNESDAY, JUNE 24, 2020**

Hanscome Woods Subdivision – Pownal Road	
Property Location:	Tax Assessor Map 22, Lot 63
Zoning Information:	Rural Residential I (RR-I)
Review Type(s):	Residential Open Space Subdivision
Waivers Requested:	None

**Background:** The applicant recently purchased a vacant piece of land on Pownal Road and is presenting conceptual plans for a six-lot residential open-space subdivision. The plan remains unchanged since the initial presentation.

The site is mostly wooded, with a small area of overgrown field. The parcel does contain areas of forested wetlands and a small area of steep slopes. There are some existing tote roads and trails on the property. Although the trails will be interrupted by the proposed development, there is the opportunity for them to be relocated into the proposed open space. No vernal pools have been identified on the site, although additional investigation will be conducted in the Spring.

Access to the lots will be from driveways on Pownal Road. Entrance permits from the Maine Department of Transportation would be required. The submission indicates that the entrances would have the required site distance (per the Freeport Subdivision Ordinance) of 450 feet in each direction. A separation waiver may be required; additional information will be forthcoming.

Each lot will be served by a well and septic system. The location of passing test pits have been shown on the plan.

Approximately 10.86 acres of open space is proposed, which is the amount required by the Ordinance. Most of the wetlands identified on the property have been incorporated into the open space. The area of open space includes access from Murch Road, an old Range Road and from Pownal Road.

The proposed open space abuts municipal property (Hedgehog Mountain). There is an existing trail on this property which users of Hedgehog currently utilized. This trail will be incorporated into the open space. The intent of the applicant is to donate the open space to the Town of Freeport to be incorporated into the abutting Hedgehog Mountain property. This is something that the applicant would need to coordinate with the Town Manager and Town Council on, however upon initial discussion with the Town Manager, it is something that the Town would most likely be interested in acquiring. The applicant should present the idea of the land transfer to the Council to see that there is support, prior to

returning to the Board. The applicant has met with the Freeport Conservation Commission to discuss his intent; a letter of support was previously submitted.

**Process:** This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance) and process would involve three levels of review – conceptual, preliminary and final. The Board conducted an initial review of the application at the 5/6/20 Project Review Board meeting and held a sitewalk on 6/10/20. Since this is conceptual review, the Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development (refer to Article 5 of the Freeport Subdivision Ordinance). The Board shall also act on any requests for waivers at this time. Review of the Site Inventory Map and the Site Analysis and Conceptual Plan shall be considered complete upon a finding by the Project Review Board that the appropriate areas have been determined for development and for conservation or open space.

**Proposed Motion:** Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for Warren Gerow for the Hanscome Woods Subdivision (Tax Assessor Map 22, Lot 63) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space.

Habitat for Humanity Subdivision – US Route One / Old Brunswick Road	
Property Location:	Tax Assessor Map 18, Lot 15
Zoning Information:	Medium Density A (MD-A)
Review Type(s):	Residential Open Space Subdivision
Waivers Requested:	Underground Utilities, Stormwater Management

**Background:** The applicant recently purchased a vacant piece of land on Old Brunswick Road / US Route One and is presenting conceptual plans for a three-lot residential open-space subdivision. The parcel is 4.9 acres and is currently vacant and forested. Approximately three acres of open space is proposed. The applicant is proposing that access to the site would be from private individual driveways off Old Brunswick Road. Driveway Entrance Permits from the Freeport Department of Public Works Would be required.

The plan has been adjusted since this initial presentation: all lots now appear to meet the lot width requirements; driveways have been relocated to allow for the required site distance and steep slopes have been removed as they have been identified as steep, but not unstable and therefore do not need to be deducted for purposes of calculating the net residential acreage.

Wetland and vernal pool studies were completed by Albert Frick Associates, Inc.; a copy of this information will need to be submitted. Lots would be served by individual wells and septic systems. The location of passing test pits have been shown on the plan; test pit information would need to be submitted. Some of the test pit locations seem to be located far away from the proposed house locations; this is something the applicant might want to take another look before the return for final review.

The lots have been arranged to avoid wetland areas and minimize wetland impact.

The applicant has modified the waiver request and is only requesting a waiver to allow overhead utilities. Article 11.5.C.2K of the Freeport Subdivision Ordinance has the following standard: “k. Utilities. Utilities serving subdivisions shall be installed underground. The Board may approve overhead utilities when the applicant provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the market in that location. When utilities are installed underground, the subdivider shall install appropriate signs indicating the location of such utilities.”

In an email dated 06/05/20, Travis Letellier provided information on the additional cost required for underground utilities.

**Process:** This is considered a Subdivision-Minor (per Article III of the Freeport Subdivision Ordinance) and process would involve two levels of review – conceptual and final. The Board conducted an initial review of the application at the 5/20/20 Project Review Board meeting and held a sitewalk on 6/10/20. Since this is conceptual review, the Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development (refer to Article 5 of the Freeport Subdivision Ordinance). The Board shall also act on any requests for waivers at this time. Review of the Site Inventory Map and the Site Analysis and Conceptual Plan shall be considered complete upon a finding by the Project Review Board that the appropriate areas have been determined for development and for conservation or open space.

**Proposed Waiver:** Be it ordered that the Freeport Project Review Board grant a waiver of Article 11.5.C.2.k of the Freeport Subdivision Ordinance to allow for overhead utilities, as based upon the information provided by the applicant, the Board finds that the increased costs of underground utilities will raise the costs of the housing beyond the market in this location.

**Proposed Motion:** Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for Habitat for Humanity for a three lot residential open space subdivision on Old Brunswick Road / Route One (Tax Assessor Map 18, Lot 15) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space.

Hal and Mark LLC – US Route One	
Property Location:	Tax Assessor Map 23, Lot 60-1
Zoning Information:	Commercial I (C-I)
Review Type(s):	Change of Use
Waivers Requested:	None

**Background:** The applicant owns an existing commercial property on US Route One that was previously approved for office/retail uses. They are now seeking approval for a change of use to add two residential units. One of the units is after the fact and the other will be new. The multiple uses in one building are permitted under the new use of Mixed Use Development. Both units would be located on the second floor of one of the buildings and are one-bedroom units. An existing office space is also being expanded but does not actually require a change of use from this Board since that use was previously approved. Floor plans showing the uses in the building have been included in the submission.

Access to the site is existing from US Route One and is a shared access point with the abutting property. There was a second entrance (previously staff approved) to the site from Pine Street, however that entrance has not yet been installed. There are currently 55 existing paved/striped parking spaces on the site. Since this parcel is in the Commercial I (C-I) Zoning District, the parking requirement is based upon a parking analysis submitted by the applicant. An analysis was included in the submission, and the applicant has indicated that all of the uses on the site would require 54.4 parking spaces.

The building is already connected to public utilities. The applicant has contacted the Freeport Sewer District and Maine Water for capacity letters. Those are forthcoming and obtaining the capacity letters has been added as a condition of approval.

No site changes are proposed and impervious areas, access and circulation, lighting, landscaping and stormwater management will remain unchanged.

The change of use and interior alterations will require that the applicant obtain a building permit from the Codes Enforcement Officer. In addition, based upon the site and nature of the use, review and approval from the State Fire Marshal's office will also be required.

Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) is applicable. Since the site plan was previously approved by the Project Review Board, it was previously found to be in compliance with this section. Again, no site changes or exterior building changes are proposed.

- 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 site is already developed and no 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.

*The property is in the Commercial I (C-I) Zoning District. No exterior changes to the building are proposed. 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

*Access to the site is existing from US Route One and is a shared access point with the abutting property. There was a second entrance (previously staff approved) to the site from Pine Street, however that entrance has not yet been installed. No changes to vehicular access to the site are proposed. 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.

*No changes to parking and circulation are proposed. There are currently 55 existing paved/striped parking spaces on the site. Since this parcel is in the Commercial I (C-I) Zoning District, the parking requirement is based upon a parking analysis submitted by the applicant. An analysis was included in the submission, and the applicant has indicated that all of the uses on the site would require 54.4 parking spaces. 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.

*No changes to surface water drainage is proposed. 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 already connected to public utilities. The applicant has contacted the Freeport Sewer District and Maine Water for capacity letters. Those are forthcoming and obtaining the capacity letters 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 signage is 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.

*Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. Section 527 contains standards for building design, signage, access and landscaping. Since the site plan was previously approved by the Project Review Board, it was previously found to be in compliance with this section. 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. There is existing lighting near points of egress on the building. 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 changes to landscaping are proposed. The applicant has an approved landscaping plan that was previously approved by the Freeport Project Review Board. 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 surfacewaters;
- (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.

*The parcel is not within the Shoreland Zone or the Marine Waterfront District. No site changes 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 Hal and Mark LLC at 541 US Route One (Tax Assessor Map 23, Lot 60-1), to allow for two residential units in an existing commercial building, to be built substantially as proposed, application dated 06/11/20, finding that it meets the standards of the Section 602 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 construction, the applicant obtain a building permit from the Freeport Codes Enforcement Officer for the change of use and interior alterations.
- 3) Prior to obtaining a building permit from the Town of Freeport for the changes, the applicant obtain approval from the State Fire Marshal's.
- 4) The applicant obtain written capacity to serve letters from the Freeport Sewer District and Maine Water Company, with copies to be submitted to the Freeport Planning Department.