



TOWN OF FREEPORT, MAINE

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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, ASSISTANT TO THE TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, APRIL 10, 2019

Casco Bay Ford – Site Plan	
Property Location:	Tax Assessor Map 25, portion of Lot 2
Zoning Information:	Commercial I
Review Type(s):	Site Plan Review
Waivers Requested:	None

Background – The applicant is presenting final site plans for Casco Bay Ford for a new 7,200 s.f. (footprint) building and associated site improvements on Lot 2 of the recently approved CF Cousins River Subdivision on Route One. The applicant is the owner of the property and the application is for the use of a truck facility (see Section 104: Definitions, Freeport Zoning Ordinance).

The applicant was before the Board in both November and March with plans. One sitewalk has already been conducted. Since this parcel is in a Commercial District, Chapter 21: Town of Freeport Zoning Ordinance, Section 527. Performance Standards for Commercial Districts, is applicable. In addition, there are some buffering requirements per Chapter 21: Town of Freeport Zoning Ordinance, Section 409. Commercial District I “C-I”.

At the last meeting, the application was tabled so that additional information could be provided and a peer review of the landscaping, buffering and screening could be completed.

Building – Detailed building renderings have been included in the submission. The location of the building on the site was adjusted since the original presentation of the conceptual plans, however, remains unchanged since the last meeting. The Board will need to consider the design in relation to the visibility, overhead doors and Standards of Section 527. (see additional comments below)

Vehicular Access & Parking – No changes since the last meeting. The applicant is proposing 69 parking spaces; two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District, the “parking requirement shall be based upon a parking analysis submitted by the applicant”. This information is shown on Sheet C-101 of the submitted plan set.

Stormwater – A Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town’s Zoning Ordinance Section 529, and MEDEP Chapter 500 standards. His review comments are included in a memo dated 04/04/19. His

review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town's Zoning Ordinance. It is also recommended that the applicant enters into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds.

Utilities - A capacity letter from Maine Water, dated 03/11/19, was included in the last submission. The applicant did obtain a capacity letter from the Freeport Sewer District, however it was for when the building was proposed for a different lot within the development. Since the development layout has changed and the building is on a different lot, staff has recommended that they obtain an updated written capacity letter from the Freeport Sewer District; this has been added as a condition of approval.

Signage - No signage is has been included with the submission. The applicant was made aware of this and was informed that any future new ground signs will require review and approval by this Board as a separate application.

Solid Waste & Outdoor Storage – There have been no changes since the last meeting. Solid waste will be stored inside the building and there will be no outside dumpsters. No outdoor storage of good or materials other than vehicles is proposed.

Environmental Peer Review – As discussed at the last meeting, due to past concerns raised about potential impacts to the environment, the Town had a peer review. This was completed by Drumlin Environmental. In a letter dated March 19, 2019, Matt Reynolds of Drumlin Environmental provides details of his peer review and concluded “that the proposed development on Lot 2 would not have a detrimental impact on water quantity or quality along Shady Ledge Lane.”

Lighting - A photometrics plan was previously submitted. There have been no changes since the last meeting.

Landscaping & Buffering- A new landscaping narrative and updated landscaping plan are included in the Board's packets. The landscaping plan was prepared by Land Design Solutions, dated January 2019 and revised through 03/25/19, and shows landscaping along the roadway, in the setbacks and throughout the site. Section 409.D.2 of the Freeport Zoning Ordinance includes provisions for landscaping in the setbacks.

As requested at the last meeting, a peer review of the landscaping plan has been completed. This review was done by tdj&a (Terrance DeWan and Associates) from Yarmouth Maine. A letter dated April 3, 2019 from tjd&a was included in the submission. The letter provides guidance on how the proposal complies with the standards of the Ordinance and does include a few minor corrections/suggestions.

Overhead Doors – This item was discussed at the last meeting. An updated building rendering has been included in the submission, and the roof and doors have been changed to a shade of gray to better blend with the color and design of the overall building. The building location was shifted from the first submission but remains unchanged since the last meeting.

Section 409.D.6.a. has a provision regarding overhead doors: “Non-residential uses are allowed one overhead door that will be used for boats, equipment and vehicles of all types and/or storage on a side of the building visible from U.S. Route One. The Project Review Board may approve more than one

overhead door on a side of the building visible from U.S. Route One if the size and shape of the lot are such that no other reasonable alternatives exist, that adequate screening is provided, and that the doors are designed to not visually stand out from the overall façade.”

Section 527. Performance Standards for Commercial Districts – This Section of the Zoning Ordinance applies to properties within the Commercial Districts. The following are the five topics that the section addresses: Signage, Building Design, Vehicular Access, Pedestrian Access and the Front Landscaped Setback. Does the Board feel that these standards have been met?

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 site is currently undeveloped and mostly cleared. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. 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 parcel is not within the Freeport Design Review Districts. The scale of the building has been minimized on the visible facades through the use of architectural features, doors and windows and landscape to soften the appearance. There will be a fire hydrant within the overall development which will serve this building. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regard to signage, building design, vehicular access, pedestrian access and the front landscaped setback. 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 will be from a new entrance off a previously approved private road (that has not yet been constructed). Since the site entrance will be off of a private road, an entrance permit for this driveway will not be required, (Note: Any conditions regarding the subdivision road entrance and any applicable permits would still be valid). The width of the driveway will be 30 feet which is greater than the minimum width requirements of Section 512.D.10 of the Freeport Zoning Ordinance. A driveway entrance permit will not be required for the entrance off of Ford Drive as it is a private road. 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 proposing 69 parking spaces with two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District the "parking requirement shall be based upon a parking analysis submitted by the applicant". This information is shown on Sheet C-101 of the submitted plan set. 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 Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town's Zoning Ordinance Section 529, and MEDEP Chapter 500 standards. His review comments are included in a memo dated 04/04/19. His review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town's Zoning Ordinance. It is also recommended that the

applicant enters into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds.

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 will be served by MaineWater and the Freeport Sewer District. A capacity letter from Maine Water, dated 03/11/19 was submitted. The applicant did obtain a capacity letter from the Freeport Sewer District, however it will need to be updated to reflect the correct lot within the development. 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 signage is has been included with the submission. Any future new ground signs will require review and approval by this Board as a separate application. 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.

Solid waste will be stored inside the building and there will be no outside dumpsters. The applicant is aware that commercial users in Freeport are required to sort their cardboard from other waste per Chapter 28: Town of Freeport Solid Waste Disposal Ordinance. No outdoor storage of good or materials other than vehicles is proposed. 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 lighting has been included with the submission with the location of parking lot fixtures being noted on the plan. Full cut-off fixtures are proposed. A photometrics plan has also been submitted and meets the standards of Section 521.A Lighting of the Freeport Zoning Ordinance. 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.**

The landscaping plan was prepared by Land Design Solutions, dated January 2019 and revised through 03/25/19, and shows landscaping along the roadway, in the setbacks and throughout the site. A peer review of the landscaping plan was done by tdj&a (Terrance DeWan and Associates) from Yarmouth Maine. A letter dated April 3, 2019 from tjd&a provides guidance on how the proposal complies with the standards of the Ordinance and does include a few minor corrections/suggestions. Section 409.D.2 of the Freeport Zoning Ordinance has provisions for landscaping and the Board has reviewed the plans for compliance with that section of the Ordinance. 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. The lot will be connected to the public water and public sewer system. Letters from the Maine Historic Preservation Commission (dated 02/20/18) and Maine Department of Inland Fisheries and Wildlife (dated 05/17/18), Maine Department of Agriculture, Conservation and Forestry (dated

02/13/18) and US Fish and Wildlife (dated May 17, 2018) were obtained and have been submitted.

The applicant has included some basic information in their submission about materials associated with the use and that may be stored inside the building. No exterior fuel operations are proposed. The complete submission was forwarded to the Town's peer reviewer (Drumlin Environmental) so that a peer review of any potential environmental impacts to groundwater from the proposed use and any potential water contaminating materials could be conducted. In a letter dated March 19, 2019, Matt Reynolds of Drumlin Environmental provides details of his peer review and concludes "that the proposed development on Lot 2 would not have a detrimental impact on water quantity or quality along Shady Ledge Lane." The project will be required to file for a Maine Construction General Permit with the Maine Department of Environmental Protection since there will be over one acre of disturbed area. 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 for CF Cousins River LLC, for a new building and associated site improvements for a truck facility (Casco Bay Ford), on US Route One (Tax Assessor Map 25, portion of Lot 2), more specifically referred to as Lot 2 in the recently approved CF Cousins River Subdivision, to be substantially as proposed, site plan dated January February 25, 2019, revised through 03/12/19, 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) Prior to any site work, or a building permit being applied for, 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 the amount of \$454,060.00 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 \$9,081.00, be paid.
 - C. Establish an inspection account, in the amount of \$3,000.00, for inspection of the site improvements by the Town Engineer.
 - D. The developer have a pre-construction meeting with the Town Engineer.
 - E. At the time that a building permit is applied for, the applicant pay a Pavement Maintenance Impact fee to the Town of Freeport based upon the size of the proposed structures and the impact fees effective at such time.

- F. The applicant obtain an updated written capacity letter from the Freeport Sewer District with a copy being forwarded to the Freeport Planning Department.
 - G. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
- 4) The conditions of approval from the October 17, 2018 Project Review Board approval for the CF Cousins River Subdivision are still applicable.

DotCom Comics –Signage	
Property Location:	Tax Assessor Map 13, Lot 19
Zoning Information:	Village Commercial I (VC-I)
Review Type(s):	Design Review
Waivers Requested:	None

Background: The applicant currently has a lease for a lower level retail space in the building at 140 Main Street. The landlord has signed-off on the sign proposal before the Board. There is an existing ground sign located on the front of the property abutting Main Street. The applicant is proposing a new sign panel on the existing ground sign which is two sided. Each sign face will be about 1’x10’ and made of aluminum with printed vinyl graphics and letters, as shown in the submission. A building mounted sign of a slightly different design is proposed and will be about 1’6” x 8’. This sign will be mostly visible to pedestrian traffic. There are a few other “signs” that will be located on the property (lower level and rear), however since they are not visible from a right-of-way, are not technically considered signs and therefore not subject to review.

The proposal has been reviewed for its compliance with the Freeport Sign Ordinance. The signs are before the Board for a Design Review Certificate, since staff determined that they did not meet the threshold for staff approval as outlined by the Freeport Design Review Ordinance. There are no outstanding items with this application.

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.

No changes to the building are proposed. 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.

No changes to the building are proposed. 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.

No changes to the building are proposed. 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 the building are proposed. 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.

No changes to the building are proposed. 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.

No changes to the building are proposed. 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.

No changes to the building are proposed. 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).

No changes to the building are proposed. 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.

No changes to the building are proposed. 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".

There is an existing ground sign located on the front of the property abutting Main Street. The applicant is proposing a new sign panel on the existing ground sign which is two sided. Each sign face will be about 1’x10’ and made of aluminum with printed vinyl graphics and letters, as shown in the submission. A building mounted sign of a slightly different design is proposed and will be about 1’6” x 8’. This sign will be mostly visible to pedestrian traffic. 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 Motion: Be it ordered that the Freeport Project Review Board approve the Findings of Fact and a Design Review Certificate for Sean Goodrich, for new signs for DotCom Comics at 140 Main Street (Tax Assessor Map 13, Lot 19), to be built substantially as proposed, submission dated 03/25/2019, finding that it meets the standards of the Freeport Design Review 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 installation, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.

Arrowhead Ridge – Subdivision Amendment	
Property Location:	Tax Assessor Map 19, Lots 24-8 and 24-COM
Zoning Information:	Rural Residential I (RR-I)
Review Type(s):	Subdivision - Amendment
Waivers Requested:	None

Background: The plan was amended in 2011 for an after the fact, two lot amendment in the previously approved Arrowhead II Subdivision on Arrowhead Ridge Road. The plan was again amended in 2016, when the Board approved a partial land swap between Lot 8 and the open space lot to reduce wetland impact for driveway installation. The driveway was then installed, however during a recent survey it was discovered that the driveway straddles the property line between lot 8 and the open space. The applicant is now proposing to alter the property line between those two lots, so that the driveway will

be entirely on lot 8. The open space is currently owned in common by the owners of lots 7 & 8. There is no change in the overall acreage to either lot and no additional lots are being created.

Process: Since the lots are part of a previously approved subdivision, any changes to the previously approved plan require review and approval from the Project Review Board. If approved, a mylar will need to be signed by the Board and then recorded in the Cumberland County Registry of Deeds by the applicant.

Proposed Findings of Fact:

11.1 Pollution

A. State Standard

Pollution. The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

This parcel is not within the Shoreland Zone. No streams have been identified on the plan. The proposed amendment only involves alteration of the lot line between lot 8 and the open space and no new development is proposed. Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

A. State Standard

Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

No additional building lots are being created by this amendment. Based upon this information, the Board finds that this standard has been met.

11.3 Impact on Existing Water Supplies

A. State Standard

Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

Each lot in the development is currently served by a private well. Based upon this information, the Board finds that this standard has been met.

11.4 Soil Erosion.

A. State Standard

Erosion. The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

An erosion control plan was not submitted, however the driveway is existing and no new development is proposed at this time. The amendments only pertains to the alteration of a lot line. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

A. State Standards

Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

No additional building lots are proposed at this time. Based upon this information, the Board finds that this standard has been met.

11.6 Sewage Disposal

A. State Standards

Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.7 Solid Waste

A. State Standard

Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline

A. State Standard

Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

The site is already within a developed subdivision and appropriate setbacks to the wetlands will be maintained. The applicant previously obtained approval (dated 11/12/10) from the Maine Historic Preservation Commission and no historic or archaeological sites have been identified on the property. The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

A. State Standard

Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

The proposed subdivision amendment complies with space and bulk standards of the Freeport Zoning Ordinance and the open space requirements of the Freeport Subdivision Ordinance. Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

A. State Standard

Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section.

The amendment only pertains to alteration of a lot line and no additional building lots are being created. The plan was prepared by Hugh Gilman, Professional Land Surveyor. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

A. State Standard

Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B¹, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

This parcel is not located within the watershed of a great pond or lake. The location of wetlands have been shown on the plans. Wetlands were delineated in 2010 by Albert Frick Associates. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

A. State Standard

Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

A. State Standard

Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps, Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

The land is in Zone C (areas of minimal flooding) on the Flood Insurance Rate Maps (FIRM). The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.14 Identification of Freshwater Wetlands

A. State Standard

Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Wetlands were delineated in 2010 by Albert Frick Associates and the locations are shown on the recording plan. The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. State Standard

River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

No rivers, streams, or brooks have been identified on the plan. The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

A. State Standard

Storm water. The proposed subdivision will provide for adequate storm water management.

Based upon the size and nature of the development, information on stormwater management was not submitted. The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

A. State Standard

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

No spaghetti lots are proposed with this development. The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.18 Phosphorus Impacts on Great Ponds

A. State Standard

Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

The development is not within the watershed of a great pond. The amendment only pertains to alteration of a lot line and no additional building lots are being created. Based upon this information, the Board finds that this standard has been met.

11.19 Impacts on Adjoining Municipalities

A. State Standard

Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

This development is not within or does not border an adjoining municipality. 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 Subdivision Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision amendment, for Michael Barry and Holly Doherty, for a lot line amendment between Lot 8 and the open space lot (Tax Assessor Map 19, Lots 24-8 and 24-COM), in the previously approved Arrowhead II Subdivision, plan dated March 31, 2019, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision 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. The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
3. Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

Regional School Unit #5 – Holbrook Street / Morse Street	
Property Location:	Tax Assessor Map 11, Lot 24
Zoning Information:	Village I (V-I)
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

Background: The applicant obtained approval from the Board for a Site Plan Amendment for the Joan Benoit Samuelson Track and Field in March 2017. The approval was subsequently amended to include lighting for the field. There was significant review, discussion and public comment with the past

approvals and the project was approved with many conditions. The past approvals did not include a permanent PA system and it was clear that should one be proposed, the applicant would need to return to the Board. This new PA system will replace the portable PA system currently used on the site.

Among the previous conditions, were the following, all of which specifically relate to this current application under review by the Board:

- “4) Submit a copy of the final Field Use Guidelines to the Freeport Planning Department.
- 8) No athletic event shall begin later than 6:00 p.m.
- 9) The applicant will not permit non-school officials from using artificial noisemakers, including but not limited to, air horns, blow horns, sirens, cow bells and other artificial means of noise generation.
- 10) The applicant in use of the portable PA system, direct the speakers towards the bleachers and the existing school buildings.”

Site Changes – There are no proposed changes to any site features such as parking and circulation, signage, landscaping and buffering, stormwater management, utilities and/or solid waste. The changes before the Board tonight, relate to “Special Features” (Section 602.F.1.f) and are regulated by Section 515. “Noise Regulation” of the Freeport Zoning Ordinance. This section sets average decibel levels for various zoning districts. The decibel levels would be measured on or beyond the property line over a 24-hour period. In the Village I Zone, the daytime average is 70 dba, and the night time average is 55 dba. The Ordinance further states “During the peak activity of 60 minutes in a 24-hour period, a noise may not exceed these average dba counts by more than 15 dba in any zone.” In addition, “Athletic events in the Village 1 (V-1) District shall not use amplification for any reason after 10PM, except as allowed in Sec. 515. E below.” (without a special permit from the Codes Enforcement Officer).

After installation of the PA system, the installer will test the decibel levels at the property line. A suggested condition of approval is that “Upon installation, but prior to use during an allowable athletic event, the applicant shall submit verification from a qualified professional that the system has been installed and complies with the applicable decibel levels as presented in the submission and in accordance with the current standards of the Freeport Zoning Ordinance.”

RSU 5 Guidelines for Use of the Joan Benoit-Samuels Track and Field - Part of the past review and approval, was discussion about the “RSU 5 Guidelines for Use of the Joan Benoit-Samuels Track and Field.” This was a document developed and approved by the RSU regarding the use and restrictions for the facility. The document did address many concerns identified during the review process, and any applicable conditions of approval by this Board were incorporated. Although this is a document of the RSU, as a condition of approval, the applicant was required to submit a copy of the final document to the Planning Department. An amended copy of the document was included in this submission, with the proposed changes noted. The document itself is not something regulated by the Board, however we want to ensure that any conditions of approval are appropriately incorporated.

One of the proposed changes would allow a triple header soccer game (when the use of field lights is required) to start no later than 7:00pm. This is a change from the Board’s previous approval of “No athletic event shall begin later than 6:00 p.m.” With the change, these specified games are expected to end by 9:00 p.m. The later start time would be for this one type of event only (see page 6, items 2 & 4 of the Use Guidelines).

The document still contains restrictions per the condition of approval regarding noise makers; no changes are proposed.

Section VII of the Use Guidelines (page 6) addresses the use of a public address system. The change to this section would strike language that states “The speakers shall be aimed away from the adjoining neighborhood.” This was something discussed during the review process and addressed with the condition of approval about how the speakers are to be directed. Based upon the information included in the applicant’s submission about the sound system, the graphics show that the decibel levels will actually be higher directly where the speakers are located. Rather than locate the speakers on the far side of the field and directing across the field to the bleachers, the applicant is proposing to install them above the bleachers and then directed down and onto the field. The plan submitted by the applicant reflect that this would result in a lower decibel level at the property line along the abutting residences.

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 site is currently developed and used by Regional School Unit 5 for the Morse Street School, Freeport High School and the Joan Benoit Samuelson Track and Field. The project is in the Village I District (V-1). The parcel abuts the Village Commercial I (VC-I) District and 295 on one side. The amendment only pertains to installing a public address system and no other site changes or structures 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 parcel is not within the Freeport Design Review Districts. No new buildings are proposed at this time. 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

No changes to vehicular access 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. 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 affecting surface water drainage are 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.

No changes to utility connections 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 changes to any signage 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.**

The applicant is proposing a PA system which has been designed to work in accordance with Section 515. "Noise Regulation" of the Freeport Zoning Ordinance. After installation of the PA system, the installer will test the decibel levels at the property line. The RSU 5 Guidelines for Use of the Joan Benoit-Samuels Track and Field have been updated to reflect the conditions of this approval. The 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 changes to any exterior lighting are 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 changes to any landscaping are proposed. Existing landscaping and 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. The lot will be connected to the public water and public sewer system. There is an existing Site Location of Development Permit from the Maine Department of Environmental Protection for this property. 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 Regional School Unit # 5, to allow the installation and use of a public address (PA) system at the Joan Benoit-Samuelson Track and Field (Tax Assessor Map 11, Lot 24), submission dated 03/20/2019, to be built substantially as proposed, 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. Upon installation, but prior to use during an allowable athletic event, the applicant shall submit verification from a qualified professional that the system has been installed and complies with the applicable decibel levels as presented in the submission and in accordance with the current standards of the Freeport Zoning Ordinance.
3. No athletic event shall begin later than 6:00 p.m., with the exception of Freeport High School triple-header soccer games which shall start no later than 7:00 p.m.
4. The applicant will not permit non-school officials from using artificial noisemakers, including but not limited to, air horns, blow horns, sirens, cow bells and other artificial means of noise generation.