

**TOWN OF FREEPORT, MAINE**

Planning Department

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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, APRIL 22, 2020

Thos Moser Building – Main Street	
Property Location:	Tax Assessor Map 12, Lot 28
Zoning Information:	Village Commercial II (VC-II), Design Review District I – Class B Building, & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for exterior alterations including new replacement windows and replacement doors at 149 Main Street. The replacement doors and windows will only be on the portions of the building, as reflected in the submission. The building currently has a variety of door and windows and includes a combination of wood, vinyl and aluminum materials. The windows proposed for replacement are currently wood; vinyl is proposed. Existing window sizes will be retained. Three of the new windows will be on the front façade of the garage and two will be on the southern side. The remaining windows and two patio doors are on the rear façade and since they are not visible from a right-of-way, are not subject to Design Review.

Documentation regarding the historic details of the property are included with the supporting documents for 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.

The scale of the building will not be altered. 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 of buildings should be visually compatible with the heights of the buildings in the neighborhood.

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

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

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

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

The rhythm of solids to voids in the front façade will be retained as windows will be replaced in their existing locations. 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.

Proportions of openings within the facility will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

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

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

The building currently has a variety of doors and windows and includes a combination of wood, vinyl and aluminum materials. The windows proposed for replacement are currently wood; vinyl is 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).

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

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

No changes to any site features 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".

No new signage is 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 Design Review Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Maine Windows and Doors, representing the Urban Trust, for exterior building alterations at 149 Main Street (Tax Assessor Map 12, Lot 28), to be built substantially as proposed, application dated 02/24/2020, finding that it meets the standards of 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.

Fairhurst Residence – Main Street	
Property Location:	Tax Assessor Map 12, Lot 53
Zoning Information:	Village I (V-I), Design Review District I – Class B Building, Color Overlay District and Freeport Village Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for exterior alterations including the removal and replacement of an existing covered porch on the front and side of the existing dwelling at 195 Main Street.

Procedure: Since the applicant is proposing to remove the front porch and replace it with something similar, there appear to be a few things for the Board to consider:

The first question is; would the Board considers this an application for reconstruction as opposed to an application for demolition?

Section II of the Freeport Design Review Ordinance has the following definitions:

“Reconstruction

The rebuilding, or constructing again, of a building or part of a building. The reconstruction may or may not be a return to the original design of the building.

Demolition

The permanent removal, dismantling or destruction of all or any portion of an existing building or structure or any related attachment, appurtenance or accessory to that building.”

If the Board thinks the application meets the definition of a reconstruction, Section V.A.3 of the Design Review Ordinance would require that a Design Review Certificate be issued for “3. Any material change in the exterior appearance of existing buildings classified as A or B by additions, reconstruction or alteration;”

If the Board thinks the application meets the definition of a demolition, Section VII of the Freeport Design Review Ordinance has the following Design Guidelines for buildings Classified as A or B, with number 2 pertaining to the requirement for the four-month notice period for demolition:

“Section VIII Design Guidelines

A. Buildings Classified as A or B

1. A or B Buildings: Any building classified as A or B, or any part of appurtenance thereof, including but not limited to walls, fences, light fixtures, steps, driveways, parking areas and paving shall only be moved, reconstructed, altered or maintained in a manner that will preserve its historical, architectural and neighborhood significance. When making that determination, recognition shall be given to the design and placement of buildings previously on the site and their past relationship with surrounding buildings.

2. Demolition or Removal of A or B Buildings: Should a property owner want to demolish or remove all or any portion of a building classified A or B, a four (4) month notice of the proposed demolition or removal shall be given before a demolition or removal permit is issued. The owner of the affected building shall cause notice to be published in a newspaper of general circulation at least three (3) times prior to demolition or removal. The first notice shall be published no later than fifteen (15) days after the application for a permit for demolition or removal is filed and the final notice shall be published approximately fifteen (15) days prior to the date of the Project Review Board meeting where action on

the application is expected. The purpose of this section is to further the purposes of this Ordinance by preserving buildings classified A or B which are important to the architectural, historical and neighborhood significance of the Town, and to afford the Town, interested persons, historical societies or organizations the opportunity to acquire or to arrange for preservation of such buildings. The notice of the proposed removal shall be forwarded to the Freeport Historical Society, the Freeport Town Council and the Freeport Planning Board. The Project Review Board shall conduct a public 7 hearing prior to its vote on an application to provide an opportunity for public comment of the proposed demolition or removal.

In addition, the property owner shall also submit a statement to the Board describing the need for demolition and why the building can't be saved or renovated for another use.

3. Negotiation to Avoid Demolition: During this four (4) month period, the Board may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, recommendation for a historic easement pursuant to Section XI of this Ordinance, adaptive re-use of the structure, or inducements to interested third parties to purchase the property for the purpose of preserving it. The Project Review Board may issue a permit to remove a building prior to the expiration of the four month notice period if adequate provisions are made to move the building for the purpose of preserving it."

If the Board determines that this is an application for demolition, the applicant will need to adhere to the notice requirements outlined in the Ordinance and the Board will need to hold a public hearing prior to taking action on the request. If this is the case, the only action for the Board to take at this meeting, would be to table to the review until the requirements of the four month notice period have been completed. They could also give the applicant some feedback on the design of the replacement porch.

The applicant has requested that if the Board does consider this an application for a demolition request, if the Board would be open to considering the start of the four month notice period to be the 03/18/2020 advertised meeting (which was subsequently tabled due to the current COVID-19 pandemic). An email pertaining to this has been included in the packet.

Additional Information: The applicant's submission does include details on the replacement porch. The replacement porch will include adding a second stairway leading to the rear of the property. A patio may be added at the bottom of the second stairway, however, is not subject to Design Review since it will not be visible from the right of way. The roofline of the new porch will more closely match the original. The overall footprint will be slightly smaller, as there will be an increase in the space between the windows on the front façade, and the start of the new porch. The new guard and railing system will use balusters and lattice will be used to cover the area below the porch. Trim details and the porch roof overhang will be retained.

This property is also located in the Freeport Village Overlay District. Section I of the Standards for the Freeport Village Overlay District has the following standard: "In order to encourage the use of open or screened porches in the District, open or screened porches may be built in the front setback, up to a distance of 3' from the edge of sidewalk. Occupied space on an upper floor over the porch may not sit within the front setback." Based upon the plot plan included in the submission, the proposal appears to comply with this standard.

Documentation regarding the historic details of the property are included in the supporting documents for this application.

Proposed Motion (Demolition): Be it ordered that the Freeport Project Review Board table the review of a request from John and Christina Fairhurst for a Design Review Certificate for the demolition of a portion of a Class A building and construction of a new porch, at 195 Main Street (Tax Assessor Map 12, Lot 53), until the requirements of the four month notice period have been met. Furthermore, the Board finds, that due to the ongoing COVID-19 pandemic, the start date for the four month notice period began on 03/18/2020 which was the original date the applicant was schedule to appear before the Board at a publicly noticed meeting.

Proposed Findings of Fact and Motion (Reconstruction):

Design Review Ordinance: Chapter 22 Section VII.C.

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

The scale of the building will not be altered as the proposal includes removing and replacing an existing porch, in the same approximate location, of similar size and scale, and to be more historically accurate in regards to the compatibility of the front façade. Based upon this information, the Board finds that this standard has been met.

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

The height of the building will not be altered. The height of the reconstructed porch will be the same as the existing. Based upon this information, the Board finds that this standard has been met.

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

The proportions of the front façade will not be altered. The proposal includes removing and replacing an existing porch, in the same approximate location, of similar size and scale, and to be more historically accurate in regards to the compatibility of the front façade. There will be more space between the porch and the existing window on the front façade. 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.

The rhythm of solids to voids in the front façade will be retained. 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.

Proportions of openings within the facility will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

The roof shape of the building will not be altered. The roofline of the new porch will closely match the original porch. There will be an increase in the space between the windows on the front façade, and the start of the new covered porch. Trim details and the porch roof overhang will be retained. Based upon this information, the Board finds that this standard has been met.

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

The materials of the reconstructed porch will be wood with architectural asphalt shingles on the roof. Any areas of pressure treated wood will be not visible or will be painted. IPE decking will be used for the porch. The new guard and railing system will use balusters and lattice will be used to cover the area below the porch. Based upon this information, the Board finds that this standard has been met.

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

The rhythm of spaces to building on the street will not be altered as the reconstructed porch will be in the same approximate location. Based upon the plot plan included in the submission, the proposal appears to comply with this space and bulk standards of the underlying zoning district and the Freeport Village Overlay District. 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 visible changes to any site features are proposed. There is a patio proposed off the rear of the porch, however since it will not be visible from any right-of-way, it is not subject to Design Review. Based upon this information, the Board finds that this standard has been met.

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

No new signage is 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 Design Review Ordinance.

Proposed Motion (Reconstruction): Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for John and Christina Fairhurst, for the reconstruction of a porch at 195 Main Street (Tax Assessor Map 12, Lot 53), to be built substantially as proposed, application dated 02/25/2020, finding that it meets the standards of 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) The Board finds that this is an application for reconstruction, as the applicant will be removing and replacing an existing porch, in the same approximate location, of similar size and scale, and to be more historically accurate in regards to the compatibility with the front façade.
- 3) Prior to the start of any construction, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.