



**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, JUNE 19, 2019**

<b>Falcon Way Subdivision – Village Open Space Subdivision – PUBLIC HEARING</b>	
Property Location:	Tax Assessor Map 20, Lot 13E
Zoning Information:	Village I & Freeport Village Overlay District
Review Type(s):	Village Open Space Subdivision
Waivers Requested:	No additional waivers have been requested.

**Background:** The applicant is seeking final Subdivision plan approval for a residential Village Open Space Subdivision on a parcel they own at the end of Falcon Way. The land is located just north of the Village, with access off Main Street via Frost Brook Lane and then to Falcon Way.

Both Frost Brook Lane and Falcon Way are existing, private, gravel roads. A road extension for Falcon Lane is proposed. The parcel is in the Village 1 Zoning District and the Freeport Village Overlay District. There is an area in the gully that is in the floodplain. Four single family house lots in a Village Open Space Subdivision are proposed. Although they have excess net residential acreage, due to the State requirement for a lot with a septic system to have a minimum of 20,000s.f.; the number of lots is limited by that factor. The lots will be served by the public water system. The applicant was before the Board in February with initial conceptual plans and the review of the conceptual plan was deemed complete by the Board on March 20, 2019.

**Process:** This is considered a Subdivision-Minor (per Article III of the Freeport Subdivision Ordinance) and requires two levels of review – conceptual and final. Two waivers were granted during conceptual plan review and the waivers are noted on the recording plat and are as follows:

- 1) Article 11.5.C.2.j.2.c to allow the road to have a gravel surface; and,
- 2) Article 11.5.C.2.i.8 pertaining to connectivity off the end of and the road.

**Open Space:** This is a “Subdivision – Village Open Space” (refer to Article 3 of the Freeport Subdivision Ordinance); 70,313 sf of open space is required. Since only a portion of the requirement is within an identified secondary conservation area, “The Project Review Board may approve a combination of open space land and a fee in lieu of open space when a parcel has significant open space, but not enough to meet the required open space area.” Approximately, 46,317 sf has been identified as being shown in the Secondary Conservation Area on the Village Open Space map, so an additional 23,966 sf could require a fee to be paid in lieu of open space. This has been added as a proposed condition of approval.

**Road:** The applicant is proposing an extension of Falcon Way. The road would be 630 feet; under the 2,500 feet allowed per Article 11.5.C.2.i.8 of the Freeport Subdivision Ordinance. A gravel road is proposed and the waiver to allow gravel was previously granted by the Board. In a memo (dated 03/13/19), the Town of Freeport's Superintendent of Public Works did requested that the portion of Frost Brook Lane that is within the Route One right-of-way be paved and further suggests that an additional 10 feet beyond the right of way be paved to provide safer travel conditions due to the increase in use of the private gravel road. This is something the applicant had previously agreed to; the detail on the plan sheet will need to be corrected. This has been added as a condition of approval.

Adam Bliss, Town Engineer, did review and approve the plans for the reconstruction and extension of Falcon Way. As previously stated, Falcon Way is/was a private road off of Frost Brook Lane which is also a private road. Currently, private roads (outside of a subdivision) do not have any construction standards. Although Falcon Way is being required to meet subdivision standards, since Frost Brook is not a subdivision road, the same standards are not applicable. In his memo however, the Town Engineer, does note that the Board should consider the current conditions of Frost Brook Lane and whether or not it the existing conditions will meet the standards of 11.5.B.1.b and 11.5.B.1.c. of the Freeport Subdivision Ordinance. The applicant did address these concerns in their submission and this is something that could be further discussed at the meeting.

**Utilities:** The development will be served by public water; a capacity to serve letter from Maine Water (dated 05/31/19) has been submitted. Each lot will be served by a private septic system and the location of passing test pits have been shown on the recording plan. There is an existing fire hydrant that will be available to serve the development.

**Stormwater:** Since the Town of Freeport has delegated capacity for stormwater permitting from the DEP, the Town Engineer conducted the review and stormwater permitting for the project. The parcel is within the Frost Gilly Brook watershed, an urban impaired stream, which means that a reduced permitting threshold was applicable. In a memo dated June 11, 2019 (attached to the staff report) the Town Engineer concludes that the Stormwater Management plans meet the standards of the Freeport Subdivision Ordinance and the Maine DEP Chapter 500 Rules. Two conditions of approval are proposed: that the applicant obtain a Maine Construction General Permit and the applicant enter 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.

**Freeport Village Overlay District** (see Village Design Standards, Addendum 1 to the Freeport Zoning Ordinance): Due to the size and nature of the project, per the applicability section on page three of the Freeport Village Overlay District Design Standards, Sections 1 & 2 are applicable (setbacks and building design). No waivers from these standards are requested. The reduced setbacks allowed by the Overlay District are noted on the recording plan. A Design Certificate for building design will need to be issued by the Codes Officer during the building permit application process.

**Waiver Requests:** No additional waivers have been requested.

**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.

*The parcel is located within the watershed of Frost Gully Brook, an Urban Impaired Stream. The brook and its wetlands do abut/are in the parcel and the location is shown on the plan. There is an area of FEMA Zone A flood plain on the property, abutting this area and the boundaries are shown on the plan. There is approximately 46,317 s.f. of open space on the parcel which directly abuts the flood plain, wetlands and brook. This open space will be protected from future development. Each lot will be served by a private wastewater disposal system and each lot meets the required State minimum lot size of 20,000 s.f. for lots with septic systems. 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.

*Each lot will be connected to the public water system. In a letter dated 04/25/19, Aric Odone of MaineWater notes that they have the capacity to serve the project. 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 will be connected to the public water system. In a letter dated 04/25/19, Aric Odone of MaineWater notes that they have the capacity to serve the project. 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.

*Erosion control plans have been reviewed and approved by the Town Engineer (see memo dated 06/11/19). 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.

*The applicant is proposing an extension of Falcon Way. The road would be 630 feet. A gravel road is*

*proposed and the waiver to allow gravel was previously granted by the Board at the 03/20/19 Project Review Board meeting. In a memo (dated 03/13/19), the Town of Freeport's Superintendent of Public Works did request that the portion of Frost Brook Lane that is within the Route One right-of-way be paved and further suggests that an additional 10 feet beyond the right of way be paved to provide safer travel conditions due to the increase in use of the private gravel road. This has been added as a condition of approval. Adam Bliss, Town Engineer, did review and approve the plans for the reconstruction and extension of Falcon Way (06/11/19). 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.

*Each lot will be served by a private wastewater disposal system and each lot meets the required State minimum lot size of 20,000 s.f. for lots with septic systems. 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.

*In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, each lot owner will be required to contract with a private waste hauler for the disposal of solid waste. In a letter dated 04/24/19 from Adrienne Fine, it is stated that during construction the disposal of land clearing and construction debris will be managed by the applicant and stumps and brush will be removed to a licensed facility. Building contractors will handle their own construction debris. 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.

*There are no known historic sites or significant wildlife habitat identified on the site. 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 parcel is in the Village 1 Zoning District and the Freeport Village Overlay District. There is an area in the gully that is in the floodplain and in which no development is proposed. This is a "Subdivision – Village Open Space"; 70,313 sf of open space is required. Approximately, 46,317 sf has been identified as being shown in the Secondary Conservation Area on the Village Open Space map, and the additional 23,966 sf will require a fee to be paid in lieu of open space (based on current fee set by the Freeport Town Council and in effect as such time that the fee is paid). 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 subdivision plan was prepared by Wayne Wood, licensed land surveyor with Wayne T. Wood & Co. In a letter dated 04/24/19, Aaron Cannan from Katahdin Trust states that the applicant has the financial capacity to complete the project. 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-B<sup>1</sup>, 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 nor is it within the Shoreland Zone. 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.

*Passing test pit locations were determined by Mark Hampton Associates, Inc. and the locations have been shown on the plan. Each lot will have a private septic system. The brook and gully will be protected by the abutting required open space which remained undeveloped. 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 developed area is in Zone C, areas of minimal flooding, on the FEMA Flood Insurance Rate Maps (FIRM). The parcel is located within the watershed of Frost Gully Brook, an Urban Impaired Stream. The brook and its wetlands do abut the parcel and the location is shown on the plan. There is an area of FEMA Zone A flood plain on the property and the boundaries are shown on the plan. No development is proposed within the flood plain. 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 by Mark Hampton Associates, Inc. and the location of wetlands are shown on the recording plan. 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.

*The parcel is located within the watershed of Frost Gully Brook, an Urban Impaired Stream. The brook and its wetlands do abut the parcel and the location is shown on the plan. 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.

*The Town Engineer conducted the review and stormwater permitting for the project. The parcel is within the Frost Gully Brook watershed, an urban impaired stream, which means that a reduced permitting threshold was applicable. In a memo dated June 11, 2019 (attached to the staff report) the Town Engineer concludes that the Stormwater Management plans meet the standards of the Freeport Subdivision Ordinance and the Maine DEP Chapter 500 Rules. Two conditions of approval are proposed: that the applicant obtain a Maine Construction General Permit and the applicant enter 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.*

#### **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. 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. 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.

*The parcels do not abut or cross the municipal boundary. 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 plan for John Libby Construction, Inc. for a four lot Village Open Space Subdivision on Falcon Way (Tax Assessor Map 20, Lot 13E), subdivision recording plan dated 12/17/18 and revised through 04/24/19, 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) Prior to any site work, including but not limited to clearing of the site, 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. Pay a Pavement Maintenance Impact Fee to the Town of Freeport, to be based upon the road length and the current impact fee effective at such time that the fee is paid. Applicants for building permits will also be required to pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at such time.
  - C. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in an amount to be reviewed and approved by the Town Engineer, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping

and demarcation of property lines, etc, along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount of \$TBD, be paid.

- D. Establish an inspection account, in the amount of \$2,000.00, for inspection of the site improvements by the Town Engineer.
  - E. The developer have a pre-construction meeting with the Town Engineer.
  - F. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
  - G. Final legal documents be submitted to the Town for review and approval.
  - H. The applicant pay a Village Open Space Fee in lieu of providing the land, based upon the required square footage of 23,966 sf not being provided with land, and the current fee effective at such time that the fee is paid.
- 3) 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.
  - 4) 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.
  - 5) The portion of Frost Brook Lane that is within the Route One right-of-way be paved and an additional 10 feet beyond the right of way be paved to provide safer travel conditions due to the increase in use of the private gravel road

<b><u>Maguire Construction – Approval Extension</u></b>	
Property Location:	Tax Assessor Map 23, Lot 66-1
Zoning Information:	Commercial I (C-I)
Review Type(s):	Extension of Site Plan Approval
Waivers Requested:	None.

**Background:** The applicant is seeking an extension of a previous Site Plan approval for a new 7,493 s.f. building and associated site improvements at their property on US Route One (South). The building will be used for office for a construction company and workshop space. The building will be a barn-like structure. Since the original approval, the plans have been updated and reviewed and approved by the Town Engineer for stormwater management and erosion control. No ordinances affecting the project approval have changed.

During review of the extension request, the issue of the building square footage was raised. Although some of the past documents reference a building that was 6,300 s.f., the actual building square footage per the previously approved plans was 7,493 s.f. This is noted as a proposed condition of approval and does not result in any changes to the previously approved site plan and features.

**Process:** Section 602.C.1.r of the Freeport Zoning Ordinance allows the Board to grant an extension of a past approval if the site improvements are not initiated within two years of the approval. The approval is set to expire on 6/27/2019 and no sitework has been started. The same conditions of approval and previously approved Findings of Fact would be applicable and should be referenced in any action by the Board on the extension request.

**Proposed Motion:** Be it ordered that the Freeport Project Review Board grant an extension of the previously approved Site Plan for the proposed Maguire Construction Project on US Route One (Tax



Assessor Map 23, Lot 66-1), to be built substantially as proposed, plan dated April 2, 2019, finding that no municipal ordinances affecting the approvals have changed and therefore the application would still 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) The Findings of Fact and conditions of approval related to the Board's 06-28-17 approval are still applicable with the exception of condition 3.g, as the plans have since been reviewed and approved by the Town Engineer is regards to stormwater management and erosion control.
- 3) The building square footage previously referenced as 6,300 sf, is correctly noted as 7,493 s.f.

<b><u>Doten's Construction – New Buildings</u></b>	
Property Location:	Tax Assessor Map 26, Lot 41
Zoning Information:	Commercial I (C-I)
Review Type(s):	Site Plan Approval
Waivers Requested:	None.

**Background:** The site (392 US Route One) is currently developed with an existing house that is used as the office for Doten's Construction Company. There is also a garage on the rear of the property. The remainder of the property is a gravel parking lot.

The applicant is proposing to split the property into two parcels; one with the existing structures and the second parcel which is the application before the Board. A 2,400 s.f. building for retail/office, a 2,560 s.f. 3-bay car wash and associated site improvements are proposed. There will be three overhead doors on the car wash building. Both buildings will be constructed of metal.

There is currently a proposed Zoning Ordinance Amendment that was recommended by the Planning Board and is before the Town Council. If approved as recommended, the amendments would remove the limitation on the number of overhead doors facing Route One and change the standard regarding visibility. If the amendments are not approved, the applicant will be return at a future meeting requesting to allow more than one overhead door facing Route One. *(Note: The amendment will be on the Council agenda for 6-18-19; more information on the applicable standard will be available at the meeting).*

**Access:** Two existing curb cuts will remain and continue to provide access to the site. One entrance will be reduced from 110 feet in width to 40 feet in width. This may require an Entrance Permit and the applicant should consult with Earl Gibson, Superintendent of Public Works, prior to returning for final approval. The entrances and parking lot will be paved and striped. The Town Engineer does recommend that the applicant consider one curb cut and a shared driveway for the proposed 2-lot development.

**Parking:** Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which "shall be based upon a parking analysis submitted by the applicant."

**Stormwater:** The project site is not located in an urban impaired stream watershed but is located in the MS4 regulated area, so low impact development design techniques are encouraged. The site is not

subject to the Town's Chapter 53 Post-Construction Stormwater Management Ordinance because the total disturbed area does not exceed the 1-acre threshold. The applicant will be required to sign a stormwater maintenance agreement; this would be a recommended condition of the approval. The applicant should have a pre-application meeting with the Town Engineer in regard to stormwater management and obtain approval of stormwater management and erosion control plans before returning for final approval.

**Utilities:** Capacity letters from the Freeport Sewer District and MaineWater will need to be included with the final submission. The applicant should consider solid waste disposal and if there are going to be dumpsters, the location should be reflected on the plan.

**Signs:** Information on signage should be included with the final submission.

**Lighting:** The applicant will need to provide information for the Board to determine if the lighting standards have been met. All lighting fixtures are required to be full cut-off.

**Other Standards:** Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. The site plan shows the area of the 15-foot setback and a list of proposed site plantings has been included in the submission. It would be helpful for the Board to review this standard and give the applicant some feedback if what is proposed is appropriate.

Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. This Section does contain standards for building design, signage, access and landscaping. Conceptual building design information was included in the packets. In addition, there is a standard for pedestrian access; a question for the applicant would be how do they intend to meet this standard?

**Sitewalk:** Does the Board want to schedule a sitewalk?

<b>LL Bean - Outsider Building Renovations</b>	
Property Location:	Tax Assessor Map 20, Lots 98-ETC & 101
Zoning Information:	Commercial III (C-III), Industrial I (I-I), and Design Review District I – Class C
Review Type(s):	Design Review Certificate & Site Plan Amendment
Waivers Requested:	None

**Background:** The applicant is seeking approval for site alterations and exterior building alterations at their property on Casco Street. The building is currently used for office and storage and the proposal would convert some of the existing storage space into additional office space (with other employee amenities), all within the existing building footprint. This change will increase capacity of 300 employees working at the site. The existing loading dock areas will be converted into an outdoor terrace and a new main entrance.

**Access:** No changes to the existing site entrances from Route One are proposed. One question for the applicant, is how does this change impact any past/future traffic permitting from the State. There will be some alterations within the site to the parking and loading areas which will allow for better truck circulation within the site. The applicant did include a copy of a traffic study with their submission. The traffic study notes that although there is a proposed increase to the number of employees on the site,

the overall number will still be lower than what the site and original traffic improvements were designed for as the employee capacity was actually higher in the past.

**Parking:** This change will increase capacity of 300 employees working at the site, for a total of 1,200. The proposed site changes include adding an additional 41 parking spaces. The applicant will need to demonstrate how they are meeting the parking requirements of Section 514 of the Freeport Zoning Ordinance.

**Stormwater:** The site is within the watershed of Concord Gully, which is an Urban Impaired Stream. The site is subject to an existing Site Location of Development Permit from the Maine Department of Environmental Protection (DEP) and the applicant is already seeking an amendment to this permit. The applicant is requesting that obtaining the amendment from the DEP be a condition of this approval, so that if this application is approved, they can move forward with the building improvements while they are awaiting the amended permit from the DEP.

Although a majority of the stormwater review and permitting will be completed at the DEP level, the Town Engineer will still review the project and comment in regard to Section 529. Stormwater Management (Freeport Zoning Ordinance) and the Town of Freeport – Chapter 53 Post-Construction Stormwater Management Ordinance. The final submission should also include a calculation to reflect the impervious surface to lot area ratio to demonstrate that the requirements of the Ordinance have been met.

**Utilities:** The building will remain connected to public utilities. The submission did include a capacity letter from the Freeport Sewer District (dated May 7, 2019). A capacity letter from MaineWater will need to be included in the final submission.

**Signs:** No new signs are proposed.

**Lighting:** A cut-sheet and photometrics plan have been included in the submission. The lighting plan will have to comply with Section 521.A of the Freeport Zoning Ordinance.

**Special Standards:** Much of the existing landscaping in the front setback from Lower Main Street will be retained and additional plantings for the site are proposed. Most of the site improvements are in the portion of the site zoned Industrial I and Section 421.E of the Freeport Zoning Ordinance does have some standards regarding buffering and landscaping in the front setback.

Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable for any areas in which changes are proposed. Does the Board have any feedback for the applicant?

**Design Review:** The building is partially within Freeport Design Review District I (the district boundary extends 600 feet from the centerline of Lower Main Street) and partially within the Color Overlay District. The project includes removing and replacing some siding and installing a “treehouse” on the Lower Main Street façade. A sitewalk is being held prior to the meeting to view the existing conditions from the right-of-way.

Bristol Subdivision Amendment - PUBLIC HEARING	
Property Location:	Tax Assessor Map 23, Lots 87-4 & 32
Zoning Information:	Medium Density Residential II (MDR-II)
Review Type(s):	Subdivision Amendment
Waivers Requested:	None.

**Background:** The applicants recently purchased a piece of developed land at the end of Bristol Road in the previously approved Bristol Subdivision. In March they were before the Project Review Board to split the purchased lot into two lots and extend the right-of-way; that amendment was approved. The remainder of the subdivision was previously built out and the private road is existing. No changes to access, the road, or utilities are proposed and no waivers have been requested.

The applicant is now before the Board to add a piece of an abutting lot to their Lot 4 in the existing Bristol Subdivision. The land would be added to the rear of the existing lot as excess land. No additional building lots within the subdivision are being created and therefore the applicant did not conduct the net residential acreage for the new land area. If at some time the applicant wanted to split this lot, they would be required to return to the Board, calculate the net residential acreage and comply with the standards that are in place at that time.

**Process:** Since the lot is located in a previously approved subdivision, any changes to the plan require review and approval from the Project Review Board (Article 9 Freeport Subdivision Ordinance). This has been advertised as a public hearing and abutters within 500 feet have been notified.

**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.

*The proposal includes adding approximately 1.4 acres from an abutting parcel to the exiting lot four in the previously approved Bristol Subdivision. No additional lots or units are being created. 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.

*The plan involves adding additional land to an existing parcel. No additional building lots are being created and no new utility connections are proposed. 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.

*The plan involves adding additional land to an existing parcel. No additional building lots are being created and no new utility connections are proposed. 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.

*The plan involves adding additional land to an existing parcel. No additional building lots are being created. 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.

*The plan involves adding additional land to an existing parcel. No additional building lots are being created. 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 plan involves adding additional land to an existing parcel. 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.

*No changes affecting this standard are proposed. 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 plan involves adding additional land to an existing parcel. 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 plan involves adding additional land to an existing parcel. No additional building lots are being created. Since there will be no additional lots or units created, the Net Residential Acreage was not calculated nor is any open space required. The new lot will conform to the space and bulk standards for the Medium Density Residential II District. 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 subdivision plan was prepared by John Schwanda, licensed land surveyor with Owen Haskell. Based upon the size and nature of the development, information on financial capacity was not required. 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-B<sup>1</sup>, 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 nor is it within the Shoreland Zone. 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 plan involves adding additional land to an existing parcel. 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 FEMA Flood Insurance Rate Maps (FIRM). 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.

*The plan involves adding additional land to an existing parcel. Based upon the size and nature of the proposal, information on wetlands was not submitted. 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.

*The plan involves adding additional land to an existing parcel. No additional lots or units are being created. No rivers, streams or brooks are shown on lot 4. 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.

*The plan involves adding additional land to an existing parcel. No additional lots or units are being created. Based upon the size and nature of the proposal, information on stormwater management was not submitted. 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. 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. 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.

*The parcels do not abut or cross the municipal boundary. 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 Aaron and Christine Francis, for a one lot amendment in the previously approved Bristol Subdivision (Tax Assessor Map 23, Lot 87-4), to add additional land area from an abutting parcel (Tax Assessor Map 23, Lot 32) to lot 4, subdivision recording plan dated 05/29/19, 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.

Change of Use – 48 West Street	
Property Location:	Tax Assessor Map 11, Lot 5
Zoning Information:	Village Commercial I (VC-I) and Design Review District I – Class B
Review Type(s):	Design Review Certificate, Change of Use and Site Plan Amendment
Waivers Requested:	None

**Background:** The applicant is seeking approval of a Design Review Certificate, Change of Use and Site Plan Amendment at an existing property on West Street. The building is currently used for all retail; 2,500 s.f will be changed to daycare. A new fence and landscaping is proposed along the side property line. A parking recalculation is also requested. No changes to the building are proposed.



**Parking:** There are currently 26 paved and striped parking spaces on the property. The parking requirement in the Village Commercial I district recently changed and property owners have the ability to request a recalculation. Although this can be done at the Staff Approval level, since the applicant was coming before the Board, the request was included with the application. The remaining retail space of 2,500 s.f will require 7.5 parking spaces (3 spaces per 1,000 sf for shared parking) and the daycare will require 5 parking spaces (1 for each teacher/aid, non-shared parking). The applicant will now have surplus parking on the site.

**Utilities:** The applicant did submit a letter from the Freeport Sewer District (dated 05/31/19) stating that they have the capacity to serve the project.

**Buffer Zone:** Since this parcel is in the Village Commercial I Zone and the abutting parcel (Holbrook Street side) is in the Village I Zone, a buffer zone was required during the past site plan approval. In the side setback were two existing ash trees and four new pine trees. Over the years, all of the vegetation has been removed, however the applicant is proposing to replace the previously approved four white pine trees. They are also proposing a 4' PVC picket style fence.

Per Section 413.D.2 of the Freeport Zoning Ordinance, "A Buffer Zone as required by Article V, Section 506 shall be at least 20 feet in depth, and shall be required whenever new construction or renovation requiring a building permit is applied for. Where existing structures are within the 20-foot area, no further encroachment shall be permitted." Does the Board feel that replacing the four white pines and adding a fence will provide an adequate buffer in this area? The intent of the applicant is for this area to be used as outdoor space for the daycare. No structures are proposed for this area.

**Other Site Features:** No changes to lighting, entrances and/or parking lot layout and circulation are proposed. No signage is proposed at this time and may be subject to review and approval for a Design Review Certificate and/or Site Plan Amendment by the Project Review Board in the future. No dumpsters are shown on the plan, so the assumption is that solid waste will be stored inside the building.

**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 parcel is already developed with a structure and parking lot. Some previously removed vegetation will be restored within the side setback buffer where a fence is also 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 located in the Village Commercial I (VC-I) Zoning District and is in Design Review District I – Class B. No changes to the building footprint or façade 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

*No changes to the existing entrance from West Street 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.

*There are currently 26 paved and striped parking spaces on the property. The remaining retail space of 2,500 s.f will require 7.5 parking spaces (3 spaces per 1,000 sf for shared parking) and the daycare will require 5 parking spaces (1 for each teacher/aid, non-shared parking). The applicant will now have surplus parking on the site. Based upon this information, the Board finds that this standard has been met.*

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

*Based upon the size and nature of the development, information on surface water drainage was not included with the submission. 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 applicant did submit a letter from the Freeport Sewer District (dated 05/31/19) stating that they have the capacity to serve the project. No dumpsters are shown on the plan, so the assumption is that solid waste will be stored inside the building. 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 has been included with the submission. Any proposed signage may be subject to review and approval for a Design Review Certificate and Site Plan Amendment by the Project Review Board. 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 parcel is in the Village Commercial I Zone and the abutting parcel (Holbrook Street side) is in the Village I Zone, a buffer zone was required during the past site plan approval. Over the years, all of the vegetation has been removed, however the applicant is proposing to replace the previously approved four white pine trees. They are also proposing a 4' PVC picket style fence. The intent of the applicant is for this area to be used as outdoor space for the daycare. No structures are proposed for this area. Based upon this information, the Board finds that this standard has been met.*

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

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

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

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

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

*Since this parcel is in the Village Commercial I Zone and the abutting parcel (Holbrook Street side) is in the Village I Zone, a buffer zone was required during the past site plan approval. Over the years, all of the vegetation has been removed, however the applicant is proposing to replace the previously approved four white pine trees. Based upon this information, the Board finds that this standard has been met.*

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

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

**Proposed Motion:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Change of Use, Site Plan Amendment and parking recalculation for Joseph and Jennifer Yilmaz at 48 West Street (Tax Assessor Map 11, Lot 5), application 05/29/19, for a change of use for a portion of the building from retail to daycare, to be substantially as proposed, finding that it meets the standards of the Freeport Design Review Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review

Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.

- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Any proposed signage may be subject to review and approval for a Design Review Certificate and Site Plan Amendment by the Project Review Board.



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## PROJECT REVIEW MEMORANDUM

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**TO:** Caroline Pelletier, Assistant Town Planner  
**FROM:** Adam S. Bliss, P.E., Town Engineer *ASB*  
**DATE:** June 11, 2019  
**SUBJECT:** Falcon Way Subdivision: Map 20, Lot 13E  
Falcon Way

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### Introduction

Terradyne Consultants submitted application materials and plans on behalf of John Libby Construction, Inc. The application and plans were well presented and professionally developed allowing for efficient review. I have reviewed the application information and subdivision plans dated May 28, 2019, and the following information summarizes the results of my review.

The project is located on Falcon Way, an existing private driveway off Frost Brook Lane, which is also a private driveway/ access road. The applicant proposes a 6-lot subdivision which abuts Frost Gully Brook, Pan Am Railway, and a residential neighborhood. The lots are proposed to be sold as house-lot packages and with the access road will create approximately 21,000 square feet of impervious area and 93,000 square feet of developed area.

### Stormwater Management

The project is located in the Frost Gully Brook watershed, an urban stream identified by the Maine DEP as impaired by runoff and erosion from impervious cover; bacteria; and, chloride from deicing materials. The impairment means projects located within the watershed have a reduced stormwater permit threshold from 1 acre to 20,000 square feet as regulated by the Maine DEP. The Town of Freeport has authorization to review and permit Chapter 500 Stormwater Permit applications on behalf of the Maine DEP under their Municipal Capacity program delegated in 1999. The Town Engineer has reviewed the application at both the state and municipal level using applicable design criteria.

Chapter 500 stormwater management law requires that this project meet the Basic and General standards. The Basic Standards require an erosion and sedimentation control plan, an inspection and maintenance plan, and a good housekeeping plan. The applicant has addressed the Basic Standards as provided on the Erosion Control Plan and Details (drawings C-4.1 and C-5.1); Maintenance Plan of Stormwater Management Facilities (Appendix 10); and, Housekeeping Performance Standards Plan (Appendix 11).

The applicant proposes three stormwater filter BMPs (i.e. water quality ponds) to meet the General Standards for treating stormwater runoff from the site. This BMP type is highly effective at treating the impervious and landscaped areas because the filter system captures and retains suspended solids, phosphorus, nitrogen, metals, hydrocarbons, and dissolved nutrients associated with stormwater runoff. The filter system also reduces thermal impacts and minimizes downstream channel erosion by slowly releasing stormwater runoff through the underdrain piping system. The proposed design meets the Maine DEP's design standards and will exceed the treatment requirements of 95 percent of impervious area and 80 percent of developed area.

Article 11.16 of the Town's Subdivision Ordinance requires that the post development rate of stormwater runoff from the site not exceed the pre-development rate. The applicant has addressed this requirement for the 2-, 10-, and 25-year storm events.

In lieu of the Maine DEP requirement for 5-year recertification of the stormwater BMPs, the applicant will be required to annually certify the stormwater BMPs in a Stormwater Maintenance Agreement executed with the Town and recorded in the Cumberland County Registry of Deeds.

My review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and complies with those rules and the Town's Subdivision Ordinance. This memorandum authorizes a Maine DEP stormwater permit under the Town's stormwater review capacity as allowed by the Maine DEP permitting program.

As noted above, the proposed project will have over one acre of developed area, so a Maine Construction General Permit (MCGP) is required. The applicant will submit the required Notice of Intent form to the Maine DEP a minimum of 14 days prior to the start of site construction.

### **Road Access**

I recommend the Project Review Board discuss the width of Frost Brook Lane because it does not meet the private road standards described in the Subdivision Ordinance. Frost Brook Lane will serve two neighborhoods or 12 homes since Falcon Way is located approximately 700 feet down Frost Brook Lane. While the proposed project will result in low traffic volumes on the roadway and is unlikely to create conflicts at intersections, at issue is potential congestion along Frost Brook Lane, a gravel access drive that measures 13 feet in travel width at its narrowest point. The shoulders at the narrowest point are each about 3 feet in width for a total of 19 to 20 feet if leaves and grass were removed and the existing surface were rehabilitated.

The Town's private road standards require an 18-foot-wide road with 2-foot shoulders, or total of 22 feet. The narrow width will inevitably create conflicts with two-way traffic, larger service vehicles, and pedestrians (e.g. dog walkers). The applicant is upgrading Falcon Way to meet the private road standards; the Board should determine whether the applicant should do the same for Frost Brook Lane. Frost Brook Lane has insufficient gravel material and roadway width; however, there is a proposed road maintenance agreement between both the Frost Brook Lane residents and Falcon Way residents. The Board should carefully evaluate any waiver or compromise on the applicable standards listed below since future applicants could request a similar reduced standard.

- 11.5.B.1.b: At a minimum, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to avoid traffic congestion on any street.
- 11.5.B.1.c: At a minimum, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to provide safe and convenient circulation on adjacent public streets and within the subdivision.

I would conclude that widening Frost Brook Lane by 4 feet would be a nominal cost but rehabilitating the roadway by providing quality gravel to 12 inches of depth may be cost prohibitive for the applicant.