



**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, AUGUST 21, 2019**

<b>CVS Pharmacy – Signage and lighting</b>	
Property Location:	Tax Assessor Map 13, Lot 33
Zoning Information:	Village Commercial I (VC-1), Design Review District I – Class C
Review Type(s):	Design Review Certificate
Waivers Requested:	No additional waivers have been requested.

**Background:** The applicant is seeking approval of a Design Review Certificate for replacement signage and add additional lighting at their existing location at 10 Middle Street. A cut sheet of the shielded LED fixture and the replacement gooseneck fixtures have been included in the submission.

There are five existing signs on the property; one ground sign and four building mounted signs. All signs will be replaced with the applicant's new logo and colors. Although the total number of signs will remain unchanged, the actual square footage of all signage will be decreased from 176 sf to 128.75 sf. The building mounted signs will be aluminum channel letters which will be attached from the rear. They will be externally illuminated. The brick building façade in the sign locations will be repaired as needed and will match the existing materials. The building signs will be either red or white in color, as shown in the submission. The ground sign will have an aluminum sign face with acrylic graphics applied. No other changes are proposed.

Final sign-off from the property owner should be added as a condition of approval if it is not obtained prior to the meeting date.

**Procedure:** Although the signs could have possibly been approved as an administrative review per Section V.B of the Design Review Ordinance, Section V.A.6 of the Design Review Ordinance has the following standard for review by the Board "6. Any proposed new, or material change of any type of lighting if subject to view from a public street or public right of way within the Districts;" this is why the entire application is before the Board at this time.

**Design Review Ordinance: Chapter 22 Section VII.C.**

- 1. Scale of the Building.** The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, porches and balconies. The scale gives a building "presence"; that is, it makes it seem big or small, awkward or

graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

*No changes to the scale of the building are proposed. Based upon this information, the Board finds that this standard has been met.*

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

*The height of the overall structure 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.

*No changes to the proportion of the building's front façade are proposed. Based upon this information, the Board finds that this standard has been met.*

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

*The rhythm of solids to voids in the front façade will not be altered. 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.

*The proportions of openings within the facility will not be altered. Based upon this information, the Board finds that this standard has been met.*

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

*No changes to the roof shape are proposed. Based upon this information, the Board finds that this standard has been met.*

7. **Relationship of Facade Materials.** The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. In

Freeport, many different materials are used on facades - clapboards, shingles, patterned shingles, brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.

*No changes to the building façade are proposed. Based upon this information, the Board finds that this standard has been met.*

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

*The rhythm of spaces to building on the streets 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".**

*The applicant is seeking approval of a Design Review Certificate for replacement signage and to add additional lighting. Cut sheets of the shielded LED fixture and the replacement gooseneck fixtures have been included in the submission. There are five existing signs on the property; one ground sign and four building mounted signs. All signs will be replaced with the applicant's new logo and colors. The total square footage of all signage will be decreased from 176 sf to 128.75 sf. The building mounted signs will be aluminum channel letters which will be attached from the rear and externally illuminated. The brick building façade in the sign locations will be repaired as needed and will match the existing materials. The building signs will be either red or white in color, as shown in the submission. The ground sign will have an aluminum sign face with acrylic graphics applied. 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 Poyant Signs (Tax Assessor Map 13, Lot 33), for replacement signage and new lighting at CVS at 10 Middle Street, to be substantially as proposed, application dated

07/24/19, finding that it meets the standards of the Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) The applicant provide written approval from the property owner for the proposed changes.

<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. They were last before the Board in June, and the plan has since been revised so that the carwash would be in the front of the site and the second building, which is now proposed to be an office, would be located in the rear. The size of the office building has been increased to 48'x70' (3,360 sf). The structure is now proposed to be stick built; renderings have been included in the submission. The three bay carwash will be 2,560 s.f. , of metal construction and with overhead doors. The Town Council recently amended the Freeport Zoning Ordinance (Section 409.D) to remove the limitation on the number of overhead doors facing Route One and change the standard regarding visibility. Section 527.B.1.f now includes the following performance standard: "f. For buildings with overhead doors, the overhead doors should be designed to not unreasonably stand out; this may be accomplished through the use of color, material and/or form. Except if the overhead door is a prominent feature of the building, in which case the design must include architectural features such as trim or type of glass." It would be helpful if the Board could give the applicant feedback on this standard regarding the updated proposal.

**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.

Access within the site has been updated to reflect the new site layout. The one-way drive to the rear of the carwash will need to be updated to comply with the dimensional requirements for one-way non-residential driveways in accordance with Section 512.D.10 of the Freeport Zoning Ordinance. Although the plan does show one-way arrows, the flow of traffic through and around the carwash and vacuum area is not clear and it appears there could be some congestion on the site; this is something the applicant should be prepared to address at the meeting.

**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.” The parking for the office shows 21 spaces; two of which will be ADA compliant. All parking stall dimensions will need to be corrected to comply with Section 514.D.9 Off-street Parking and Loading of the Freeport Zoning Ordinance. Other than the parking for the vacuum stations, no parking is proposed near the car wash building.

**Stormwater:** The project site is not located in an urban impaired stream watershed but is located in the MS4 regulated area. 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 has communicated with the Town Engineer in regard to stormwater treatment and should obtain approval of stormwater management and erosion control plans before returning for final approval. Preliminary comments from the Town Engineer are included in a memo dated 08/15/19 and are attached to this document. In the final submission, the applicant should include information on the percentage of impervious covers to show that the standards of the Ordinance have been met.

**Utilities:** Capacity letters from the Freeport Sewer District and MaineWater will need to be included with the final submission. The location of a dumpster has been shown on the plan. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. It is not clear how many dumpsters are actually proposed for both uses on the site and how the dumpsters will be screened (the dumpster location is currently shown on the front of the property).

**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; a landscaping plan has been included in the submission. Does the Board feel that the proposal is adequate?

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. Some of the landscaping is shown over the property line; this will need to be corrected as plantings will need to be entirely on the applicant’s property. Does the Board feel that the standards of Section 527 have been addressed based upon the site plan and proposed building design?

The plan does indicate pedestrian access connecting to abutting properties, but details on the path are not included in the submission. In addition, this path should be located on the property and out of the right-of-way.

**Setbacks:** The way the site plan is drawn, it appears that the overhang of the rear building may encroach into the required setbacks. If this is the case, this would not be permitted and should be corrected on the final drawings.

<b>Denney Block Freeport, LLC – Site Re-development</b>	
Property Location:	Tax Assessor Map 11, Lots 110 & 111
Zoning Information:	Village Commercial I (VC-I), Design Review District I – Class B & C properties
Review Type(s):	Site Plan Approval and Design Review Certificate
Waivers Requested:	None.

**Background:** The applicant is presenting plans for a redevelopment project at 56 & 58 Main Street. A new structure (approx. 6,000 s.f.) between the two existing structures is proposed. Site Plan Review and Design Review are required. The proposal includes a request to demolish a portion of an existing Class B building. The applicant received approval from the Freeport Town Council in May 2015 for a Contract Zone for the property. In addition to the standard zoning regulations of the Village Commercial I, the project is also governed by the details of Contract Zoning Agreement and any standards contained within that document.

**History:** The applicant worked with the Town of Freeport in 2015 regarding the contract zone agreement for a multiple story, in-fill building, up to 43 feet in height and about approximately 16,300 sf. The main purpose for the agreement was that due to the significant grade change on the property, the building would not meet the height restrictions (per Section 413) on all sides. They also presented conceptual site plans to the Project Review Board and made application for a Design Review Certificate for the proposed demolition of a portion of a Class B structure. Although the contract zoning process (refer to Section 204 of the Freeport Zoning Ordinance) was complete and an agreement was executed, the applicant never obtained approval for the demolition of the portion of the structure nor did they obtain approvals for the new structure.

**Contract Zone Agreement (CZA):** There are many items for consideration with this application, however the first step will be for the Project Review Board to consider is if the project will meet the requirements of the Contract Zoning Agreement (attached). The applicant will need to address how the project is going to meet the components of the project description (page 2 of the agreement). One of the items is regarding the building and that it “shall be substantially as depicted” on the previously endorsed building elevations (included in the packet). In addition, there may be some changes, regarding the area in front of the building, that are no longer possible due to the location of an ADA ramp that has since been installed. This is something that the applicant will need to address. Does the Board feel that based upon the information submitted by the applicant this is a determination they can make and if not, what additional information will be required?

**Design Review Certificate (demolition of a portion of a Class B building):** The plans include the demolition of a portion of a Class B building. The area is a two-story portion of the Vineyard Vines building that appears to have been added sometime in the 1980’s. The Historical Society previously provided information that this portion of the building was not original, added in 1983 and the removal would not alter the historic nature of the structure. During the past review process, the Project Review Board did determine that since this is a portion of a Class B building, it is subject to the four month notice period. The standards of the Design Review Ordinance are as follows:

Section VIII.A of the Freeport Design Review Ordinance has the following standards regarding 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 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 4 month notice period if adequate provisions are made to move the building for the purpose of preserving it.”

The Project Review Board did previously hold a public hearing on the demolition request and the applicant did run two ads in the Brunswick Times Record, however the applicant never returned to the Board for final approval and no final action was taken by the Board.

Since the applicant did initiate the demolition request in the past, and did already run two hearing ads, does the Board feel that the four month notice period for demolition is still applicable, or do they feel that “adequate provisions are made to move the building for the purpose of preserving it” and therefore the Board would be willing to issue a permit for demolition prior to the expiration of the 4 month notice period? This is important for the applicant to know, as they will need to follow the advertising procedure if they still need to comply with the 4 month notice process.

**Conceptual Reviews:** The project will also require Site Plan Review and Design Review. There is a very conceptual site plan included in the submission, however the Board will most likely need more details before they can give the applicant a lot of feedback. The building will also require a Design Review Certificate; does the Board have any additional comments for the applicant on the building design. Does the Board feel the need to schedule a sitewalk?



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## INTEROFFICE MEMORANDUM

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**TO:** Eric Dube, P.E., Casco Bay Engineers

**CC:** Caroline Pelletier, Acting Town Planner

**FROM:** Adam S. Bliss, P.E., Town Engineer *ASB*

**DATE:** August 15, 2019

**SUBJECT:** 392 U.S. Route One, LLC  
392 U.S. Route One  
Map 26, Lot 41

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Casco Bay Engineering submitted application materials and plans on behalf of 392 U.S. Route One, LLC. I have reviewed the application materials and the following information summarizes the results of my review.

The project is a proposed carwash and commercial office building. The proposed developed area will be greater than one acre and is required to obtain a stormwater management permit-by-rule from the Maine DEP. The project is not located within Concord Gully Brook or Frost Gully Brook, which are Urban Impaired Stream watersheds, and will not apply to the Maine DEP's Chapter 502 stormwater rules. The project is required to obtain municipal stormwater discharge approval for the facility. No wetland fill permit are applicable to the site.

The development proposes a stormwater Bioretention Pond. This stormwater quality and quantity treatment BMP will be required to meet the Maine DEP Technical Design standards. An Erosion and Sedimentation Control Plan, an Inspection and Maintenance Plan, and a Good Housekeeping Plan are required for the project. The applicant has supplied these materials and they will be reviewed in greater detail after the Project Review Board meeting for Concept Plan approval.

### Comments

1. Additional spot grades and 1-foot contours are requested on the grading plan to ensure flows are directed to catch basins and the Bioretention Pond.
2. I recommend a berm and swale along the side property line to ensure drainage does not flow onto the abutting property to the north.
3. It appears at least half of the rear parking lot and office building will not be directed to the pond. More detail is needed to ensure the areas are directed to the pond.
4. Please add more detail and respond how road drainage will be managed.
5. The Bioretention Pond is shown on two lots: the proposed developed lot and the lot retained by Doten's Construction. I recommend an easement and maintenance agreement be entered into for by parties.
6. The proposed underground electric utility encroaches onto the property to the north.
7. The parking stall lengths should measure 18.5 feet.
8. Please provide a water quality treatment table in the Stormwater Management Report.
9. Material specifications should be provided for the pond.