

**TOWN OF FREEPORT, MAINE**

Planning Department

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**TO: FREEPORT PROJECT REVIEW BOARD**  
**FROM: CAROLINE PELLETIER, ASSISTANT TO THE TOWN PLANNER**  
**RE: STAFF REPORT**  
**DATE: WEDNESDAY, FEBRUARY 20, 2019**

<b><u>Two Stonewood, LLC – Subdivision Amendment</u></b>	
Property Location:	Tax Assessor Map 23, Lot 70B
Zoning Information:	Commercial I
Review Type(s):	Subdivision - Minor
Waivers Requested:	None

The applicant is seeking approval of minor lot line amendments and note updates for the previously approved Stonewood Subdivision Plan off Stonewood Drive. The application would amend the plan previously approved by the Board in November 2018; no additional lots are proposed. Even though the amendments are relatively minor, since this is an approved subdivision, any changes to the plan require review and approval from the Project Review Board (Article 9 Freeport Subdivision Ordinance). The general layout of the development remains unchanged and since the parcel is located in the Commercial I District, open space is not required.

The ownership of the property and all of the other documents that were recently submitted remain unchanged. Since the meeting, the applicant has applied to the Maine Department of Environmental Protection (DEP) for an amendment to their Site Location of Development Permit (SLOD). In addition, they did receive approval from the DEP for a stream setback to allow a portion of the stream setback on Lot 4 to be reduced from 100 feet down to 75 feet.

Proposed amendments to the plan can be summarized as follows:

- Lot line adjustments between lots 2 & 3 ,to the line between lots 4&5 and to the length of the rear lot line of lots 4 & 5;
- Revision to the amendment note;
- Updated Net Residential Acreage Calculation;
- Clean up to a few labels; and,
- Drainage easements.

The proposed Findings of Fact have been updated as noted below and the same conditions of approval are proposed.

**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 entire parcel is in Flood Zone C – Area of Minimal Flooding based upon the most current FEMA Flood Insurance Rate Maps. The building will be connected to the public water and public sewer system. A stream has been identified on the plan and Department of Environmental Setbacks will be maintained with the exception of the trail for which an NRPA Permit will need to be obtained. 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 development will be connected to the public water system. A capacity letter from MaineWater (dated 9/26/18) has been included in the submission. 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 development will be connected to the public water system. A capacity letter from MaineWater (dated 9/26/18) has been included in the submission. 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 applicant did submit stormwater management and erosion control plans. The Town Engineer has reviewed and approved the plans for the stormwater improvements associated with the road. His comments are included in a memo dated November 20, 2018. It is his recommendation that 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. This has been added as a proposed condition of approval. In addition, the parcel is subject to an existing Department of Environmental Protection Site Location of Development Permit and an amendment will be required; this has been added as a condition of approval and the submission has been made. The amendment will be for the potential buildout*

*of the entire development; treatment will be comprehensively designed for a pre-determined amount of impervious area on each lot. 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 existing road will be improved and extended. Due to the number of parcels with access off of the road, a road name is required. The road name of "Lighthouse Road" has been reviewed and approved by the Town of Freeport's E-911 Addressing Officer. The new length of road will be subject to a Pavement Maintenance Impact Fee; this has been added as a condition of approval.*

*A draft road maintenance agreement has been included in the submission. Submitting final legal documents to the Town of Freeport for review and approval has been added as a condition of approval.*

*In addition, the applicant has been working with the Maine Department of Transportation regarding a Traffic Movement Permit for the project. This subdivision is not triggering the need for the permit, however the applicant is planning ahead as it is anticipated that the complete buildout would trigger the need for this.*

*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 parcels will be connected to the public sewer system. A capacity letter from the Freeport Sewer District (dated 10/09/18) has been included with the submission. 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 the Freeport Solid Waste Disposal Ordinance, each lot owner will need to either contract with a private waste hauler or bring household waste to the landfill. 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.

*A vernal pool study was conducted in April 2018 by Sebago Technics; no significant vernal pools have been identified on the site (see memorandum dated 07/05/18). The Maine Historic Preservation Commission did sign-off on the project (dated 09/19/18) and noted that no historic resources will be affected by the project. The applicant also obtained a letter from the Department of Inland Fisheries and Wildlife (dated 10/03/18) in there they state that there is no known critical habitat on the property. A letter from the Maine Department of Agriculture, Conservation and Forestry regarding the potential of any natural resources on the site has been included in the submission (dated 10/03/18) and notes that there are no rare botanical features within the project area. 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 located in the Commercial I (C-I) Zoning District. No open space is required. The plan complies with the space standards and open space requirements of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.*

## **11.10 Financial and Technical Capacity**

### **A. State Standard**

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

*The recording plat and submission was prepared by Sebago Technics. The recording plan was stamped by a land surveyor. A letter from Gorham Savings Bank (dated 10/31/18) noting financial capacity to complete the project was included in the submission. Prior to any work beginning on the project, the applicant will need to establish a performance guarantee to cover the cost of all site work. 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. The locations of wetlands have been shown on the plan. NRPA Permits for wetland filling and proximity of work to the stream will be required. The applicant did receive approval from the DEP for a stream setback reduction to allow a portion of the setback on Lot 4 to be reduced from 100 feet down to 75 feet; this is reflected on the plan. An amendment to the existing Site Location of Development Permit from the Maine Department of Environmental Protection is required and the submission has been made. 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 parcels will be connected to the public water system and public sewer system. 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 Flood way 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.

*All of 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 locations of wetlands have been shown on the plan. Wetlands were delineated by Mike Jakubowski of Sebago Technics, Inc (see memorandum dated 7/5/18). An NRPA Permit from the DEP will be required for some filling of wetlands. 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 location of an un-named stream has been identified on the plan. An NRPA Permit from the DEP will be required for the proximity of some work to the stream. The applicant did receive approval from the DEP for a reduction in the setback to the stream to allow a portion of the setback on Lot 4 to be reduced from 100 feet down to 75 feet; this is reflected 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 applicant did submit stormwater management and erosion control plans. The Town Engineer has reviewed and approved the plans for the stormwater improvements associated with the road. His comments are included in a memo dated November 20, 2018. It is his recommendation that 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. This has been added as a proposed condition of approval. In addition, the parcel is subject to an existing Department of Environmental Protection Site Location of Development Permit and an amendment will be required; this has been added as a condition of approval and the submission has been made. The amendment will be for the potential buildout of the entire development; treatment will be comprehensively designed for a pre-determined amount of impervious area on each lot. 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 development is entirely within the boundaries of the Town of Freeport and does not cross any municipal boundaries. 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 Two Stonewood, LLC, for a subdivision amendment on Lighthouse Road, subdivision recording plan dated ~~TBD~~01/30/19, 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 length of the new section of the road 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 of \$258,362.00, 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 \$5,167.00, be paid.
  - D. Establish an inspection account, in the amount of \$3,000, 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. The applicant obtain approval from the Maine Department of Environmental Protection for an amendment to the existing Site Location of Development Permit.

- H. Final legal documents be submitted to the Town for review and approval including association documents, road maintenance provisions and the draft easement language for public access to and over the proposed trail connection.
- 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.

<b>Fletcher Property Group – Residential Subdivision</b>	
Property Location:	Tax Assessor Map 26, Lot 4A
Zoning Information:	Rural Residential I (RR-I), Resource Protection II (RP-II) & Stream Protection (SP)
Review Type(s):	Open Space Residential Subdivision
Waivers Requested:	None

**Background Information** – The applicant was before the Board in November and again in January with conceptual plans. The Board has also already done a sitewalk. The layout of the plan remains relatively unchanged since the last meeting, with three single family house lots and one larger lot containing four duplexes and three single family dwellings.

At the last meeting, the Board gave the applicant directive as to what additional items would be needed to consider taking action on the Site Inventory Map and the Site Analysis and Conceptual Plan. These items included a written determination from the Maine Department of Environmental Protection (DEP) regarding a Site Location Permit; an updated letter from a traffic engineer addressing the sight distance; potential realignment of the road; information on buffering; clarification on lot boundaries; and, correcting the net residential acreage calculation.

**Procedure**– This is considered a Subdivision-Major (Article 3 of the Subdivision Ordinance) and the procedure would involve three levels of review – conceptual, preliminary, and then final. This is conceptual review so the Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development (Article 5 of the Subdivision Ordinance). The Board shall also act on any requests for waivers at this time; none have been requested. Review of the Site Inventory Map and the Site Analysis and Conceptual Plan shall be considered complete upon a finding by the Project Review Board that the appropriate areas have been determined for development and for conservation or open space.

**Net Residential Acreage (NRA)** – Per the definition of “Net Residential Acreage” (Article 3 of the Subdivision Ordinance), the applicant has updated the calculation to show that they have 34.2 acres of NRA (refer to the calculation on the Site Analysis and Conceptual Plan sheet). The updated calculation takes into account the combination of the “multi unit development” and the “single family” lots. Based upon the space and bulk standards of Section 402.I.D of the Freeport Zoning Ordinance, 27 acres of net residential acreage are required for the 6 single family units (2.5 acres of NRA each) and the 8 duplex units (1.5 acres of NRA each).



**Slopes** - The materials submitted by the applicant include a plan sheet with the location of the buildings with the overlay of the steep slopes. The applicant was advised that they need to take another look at one of the duplexes as it is shown in the slope area and these areas should be protected.

**Update on permitting from the Department of Environmental Protection-** Since the last meeting, the applicant has contacted the Freeport Conservation Trust (FCT) and the two parties have come to an agreement for the FCT to take the open space. This is allowable ownership option for open space per Section 504.A of the Freeport Zoning Ordinance and would be done if/when the project receives final approval from the Board. As noted in the letter from the DEP (dated 01/30/19), the number of lots and what happens to the open space both come in to play with how they view the project. Basically, either the number of lots and/or the lot area could trigger Site Law permitting. In this case, giving the open space to the Conservation Trust would exempt the project from Site Law and DEP would consider it a "non-jurisdictional subdivision with conservation easement." Essentially, they look at the entire area of the parcel (49 acres) and subtract the area of the open space (34 acres) to be given to the FCT and if the remaining area is less than 20 acres (in this case it would be 14 acres), then they do not consider it a subdivision for Site Law purposes only. The project is still subject to subdivision review by the Town of Freeport and the net residential acreage calculation remains unaffected. Even though the application was determined to not meet the threshold for a Site Location Permit, they will still require a DEP Chapter 500 Stormwater Permit (because the project will most likely result in more than one acre of impervious area).

**Road** – The applicant has taken another look at the road and it remains as shown in part due to constraints of the site and for stormwater treatment. There are no required setbacks for a road from lot lines. Ideally, it would be designed to be centered in the middle of the right-of-way to the greatest extent possible.

In regards to the road entrance, since the use is changing, the road would need to meet the standards of the Freeport Subdivision Ordinance. Article 11.5.C.2.b of the Subdivision Ordinance does have a standard which requires 10 feet of sight distance for each posted mile of the speed limit. In this case, the speed limit on Sequoia is 25, so 250 feet of sight distance in either direction would be required.

Article 11.5.C.2.b (Freeport Subdivision Ordinance) states that "The Project Review Board may require a more or less stringent standard for sight distances depending on the condition of the road, the volume of traffic on a road or other circumstances unique to the property. A more or less stringent standard may be allowed or required only if recommended by a traffic engineer or other qualified professional."

The applicant cannot meet the requirement in one direction and has requested that the Board allow a less stringent standard. An updated letter (dated January 22, 2019) from the applicant's traffic engineer, William Bray, has been included in their submission. The letter reviews what the site distance would be with some noted improvements. With the improvements, the applicant will meet the site distance in one direction but to the "right" will be below the 250 feet required by the Ordinance. Mr. Bray recommends that the Board allow this standard, with the proposed improvements of roadway grading changes and installation of traffic warning signs on Sequoia Drive. This is a standard that the Board would need to make a finding on during final approval, however, it would be helpful if the Board could give the applicant feedback on this standard and the proposed improvements, and if it is something they would allow with and/or without the proposed improvements.

**Property Line Boundary** - The issue of the rear property line was brought up by an abutter at the last meeting. The applicant's submission does include a copy of an approved and recorded amended plan for the Granite Farm Subdivision. Based upon records, it appears that originally this line was shown as being straight, but the plan was later amended to reflect the "jog" in the property line as the two parties had a lot line agreement. A copy of the applicant's property survey has also been included in the submission.

**Wells / Septics** – The location of test pits have been shown on the plan. The applicant has agreed to conduct a hydrogeologic assessment for the project once the layout is finalized (which is when it is typically completed). For septic systems and wells, setbacks from lot lines, wells, and other septic systems are regulated by the State of Maine Subsurface Wastewater Disposal Rules and the State of Maine Well Drilling Rules. The Town does not further regulate this. A septic system disposal field only has a minimum setback of 10 feet from a lot line. State rules also require a 100 foot setback between wells and a septic system. This is regardless of whether or not a property is in a subdivision.

The circles shown on the plan as "well exclusion zones" indicate this 100 foot setback. Since concerns were raised at the last meeting regarding the circles crossing over the abutting property lines, they have been updated to stop at the external property lines. The Board does not have the authority to regulate the "well exclusion zones" as the setbacks are regulated by State law. In addition, although they are shown as exclusion zones, the State does allow for variances in certain conditions, which could allow wells or septic systems within these areas with proper review and permitting.

**Buffering** - The areas of proposed buffering have been updated on the plan. Details on the exact types and locations of plantings will be added as the applicant proceeds with the development of the plan. The road grading and final design will not be developed until after the conceptual phase so it would make more sense to select plantings once the design details for the road and grading are known, so the appropriate areas would be screened. The Board indicated at the last meeting, that once developed, they would like a peer review of the buffer plan. This is something that would be arranged through the Planning Department and done at the expense of the applicant.

**Other issues** – As designed, this project would trigger the need for a DEP Chapter 500 Stormwater Permit. This review is typically conducted by the Town Engineer as the Town of Freeport has municipal capacity for stormwater permit review on behalf of the DEP. In this case, due to a potential staff conflict, the DEP has agreed to conduct the review and permitting for the project. In addition, any engineered portions of the plan that would typically be reviewed by the Town Engineer will be reviewed by an outside reviewer. The Planning Department will work with the applicant to coordinate this.

Proposed Motion: Be it order that the Freeport Project Review Board finds that the review of the Site Inventory Map and Conceptual Plan is complete, as based upon plans dated September 2018 and revised through 2/12/19, the Board finds that the appropriate areas have been determined for development and for open space.

<b>Dog House Energy Services – Site Plan</b>	
Property Location:	Tax Assessor Map 18, Lot 59-1
Zoning Information:	Medium Density B
Review Type(s):	Site Plan
Waivers Requested:	None

**Background** - The applicant has the property under contract to purchase. They last were before the Board with conceptual site plans in November and are now returning seeking final approval. The plans include a new two-story 2,800 s.f. building to be use as office and warehouse/storage for their business. The project is in the Medium Density B (MD-B) District and it is important to note that in addition to the standards for Site Plan Review (Section 602 of the Freeport Zoning Ordinance), there are some other standards in Section 406.C and 406.G (Freeport Zoning Ordinance – Medium Density Districts) for the Board to also consider. In regards to the use, there are some size limitations for warehouse and storage facility, however based on the proposal there will be 1,528 sf of office/common area and 1,344 sf of warehouse and storage which will be for the business and accessory to the use.

**Building** - The structure will be two stories and sided with vinyl clapboards and shakes with asphalt shingles on the roof. An overhead door will be on the rear. Section 406.G (5 & 6) of the Freeport Zoning Ordinance provides some standards regarding the building and/or entrance depending on the visibility of the building from Route One. In this case, the building will be screened from the road partially from existing vegetation within the setbacks. The site plan does show a lawn area with three proposed maple trees near the entrance to enhance the existing conditions.

**Vehicular Access & Parking** - An entrance permit from the Maine Department of Transportation (dated 01/16/19) was included with the submission and approves the new entrance on to Route One which will provide access to the site. The driveway will have a paved apron near the entrance. The remainder of the driveway and parking lot will be gravel. Prior to starting work on the proposed entrance, the applicant's contractor will need to a contractor's license from the Freeport Department of Public Works Department; this has been added as a proposed condition of approval.

**Stormwater** - The property is not within a watershed of an Urban Impaired Stream, has less than one acre of disturbed area and less than one acre of impervious area, and therefore does not trigger any DEP stormwater permitting. It was reviewed by the Town Engineer for its compliance with Section 529 Stormwater Management (of the Freeport Zoning Ordinance). His review comments are included in a memo dated 02/14/19 and attached to this staff report. He has recommended that some details be included or clarified on the plan (as noted in the memo). He suggests that this could be done as a condition of approval. It is also recommended that the applicant enters into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds. Both items have been added as proposed conditions of approval.

The location of wetlands and a stream are shown on the plan. Some of the stormwater treatment facilities do encroach in the 75 foot no disturbance zone from the stream. An NRPA Permit by Rule notification will need to be filed with the Maine Department of Environmental Protection (DEP).

**Utilities** - The building will be served by a private well and septic system. A copy of the septic design (form HHE-200) has been included in the submission. The system has not yet been permitted. All septic systems are required to be reviewed and permitted by the Local Plumbing Inspector prior to installation.

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

**Solid Waste & Outdoor Storage** - There will be a dumpster and outdoor scrap metal storage area to the rear of the structure. Both areas will be screened with fencing. Section 406.G.3 of the Freeport Zoning

Ordinance does have some requirements for outdoor storage with one of the requirements being that the "area be fully fenced with an opaque material 5 to 6 feet high." In this case, the applicant is proposing a 6 foot high chain link fence with PVC slats.

**Lighting** - Information on lighting has been included with the submission with the location of any parking lot fixtures being noted on the plan. A shielded, down light fixture is proposed. A photometrics plan has also been included.

**Landscaping & Buffering** - There is some natural vegetation on the property which the applicant will retain to provide a buffer. The applicant has included a landscaping plan with additional plantings to supplement the front buffer and plantings near the building. Section 406.G.2 of the Freeport Zoning Ordinance has the following provision for buffering: "Landscaping is required in all front, side and rear setbacks for a minimum depth of 25 feet. The purpose of the landscaping is to provide a buffer between low density residential uses and commercial/industrial uses. The Project Review Board shall determine the type of landscaping to be required and may use the applicable standards listed in Section 506 (Buffer Zones) below." Does the Board feel that this requirement has been met?

**Proposed Findings of Fact:** (Section 602.F. of the Freeport Zoning Ordinance)

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

*The site is currently undeveloped and the plans include a new two-story 2,800 s.f. building to be use as office and warehouse/storage for their business. The project is in the Medium Density B (MD-B) District and complies with the space and bulk standards of Section 406 of the Freeport Zoning Ordinance. 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 structure will be two stories and sided with vinyl clapboards and shakes with asphalt shingles on the roof. An overhead door will be on the rear. Section 406.G (5 & 6) of the Freeport Zoning Ordinance provides some standards regarding the building and/or entrance depending on the visibility of the building from Route One. In this case, the building will be screened from the road*

*partially from existing vegetation within the setbacks. The site plan does show a lawn area with three proposed maple trees near the entrance to enhance the existing conditions. The parcel is not within the Freeport Design Review Districts. 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

*An entrance permit from the Maine Department of Transportation (dated 01/16/19) was included with the submission and approves the new entrance on to Route One. The driveway will have a paved apron near the entrance. The remainder of the driveway will be gravel. The width of the driveway will be 24 feet in accordance with Section 512.D.10 of the Freeport Zoning Ordinance. Prior to starting work on the proposed entrance, the applicant's contractor will need to a contractor's license from the Freeport Department of Public Works Department. Based upon this information, the Board finds that this standard has been met.*

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

*The applicant is proposing 15 parking spaces with one being ADA and which will be striped and signed accordingly. The parking calculation, as shown on sheet C-101 of the site plan requires 8 parking spaces. The parking area and the number of spaces has been designed with the requirements of Section 514.B (8 & 9) of the Freeport Zoning Ordinance. 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.

*The property is not within a watershed of an Urban Impaired Stream, has less than one acre of disturbed area and less than one acre of impervious area, and therefore does not trigger any DEP stormwater permitting. It was reviewed by the Town Engineer for its compliance with Section 529*

*Stormwater Management (of the Freeport Zoning Ordinance). His review comments are included in a memo dated 02/14/19. He has recommended that some details be included or clarified on the plan and suggests that this could be done as a condition of approval. It is also recommended that the applicant enters into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport and to be recorded in the Cumberland County Registry of Deeds. Both items have been added as conditions of approval. Based upon this information, the Board finds that this standard has been met.*

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

*The building will be served by a private well and septic system. A copy of the septic design (form HHE-200) has been included in the submission. The system has not yet been permitted. All septic systems are required to be reviewed and permitted by the Local Plumbing Inspector prior to installation. Based upon this information, the Board finds that this standard has been met.*

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

*No signage is has been included with the submission. Any future new ground signs will require review and approval by this Board as a separate application. Based upon this information, the Board finds that this standard has been met.*

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

*There will be a dumpster and outdoor scrap metal storage area to the rear of the structure. Both areas will be screened with fencing. Section 406.G.3 of the Freeport Zoning Ordinance requires that outdoor storage "area be fully fenced with an opaque material 5 to 6 feet high." A 6 foot high chain link fence with PVC slats is proposed. Based upon this information, the Board finds that this standard has been met.*

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground,

except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

*Information on lighting has been included with the submission with the location of any parking lot fixtures being noted on the plan. A shielded, down light fixture is proposed. A photometrics plan has also been included. 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.

There is some natural vegetation on the property which the applicant will retain to provide a buffer. The applicant has included a landscaping plan with additional plantings to supplement the front buffer and plantings near the building. Section 406.G.2 of the Freeport Zoning Ordinance requires landscaping "...in all front, side and rear setbacks for a minimum depth of 25 feet." Based upon this information, the Board finds that this standard has been met.

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
  - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
  - (3) The project will conserve shoreland vegetation;
  - (4) The project will conserve points of public access to waters;
  - (5) The project will adequately provide for the disposal of all wastewater;
  - (6) The project will protect archaeological and historic resources;
  - (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

*This parcel is not within the Marine Waterfront District or the Shoreland Zone. The location of wetlands and a stream are shown on the plan. Some of the stormwater treatment facilities do encroach in the 75 foot no disturbance zone from the stream. An NRPA Permit by Rule notification will need to be filed with the Maine Department of Environmental Protection (DEP).*

*The lot will have a private subsurface wastewater disposal system. Based upon this information, the Board finds that this standard has been met.*

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan for Dog House Energy Services on US Route One (Tax Assessor Map 18, Lot 59-1), for a new building and associated site improvements, to be substantially as proposed, site plan dated January 2019, revised through 2/14/19, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) Prior to any site work, or a building permit being applied for, the applicant do the following:
  - A. Plans be revised and reviewed and approved by the Town Engineer specifically addressing his comments included in a memo dated February 14, 2019.
  - B. 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.
  - C. The applicant obtain approval from the Maine Department of Environmental Protection for the NRPA Permit by Rule for the work in proximity to the stream.
  - D. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, to be reviewed and approved by the Town Engineer and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.
  - E. Establish an inspection account, in the amount of \$1,500, for inspection of the site improvements by the Town Engineer.
  - F. The developer have a pre-construction meeting with the Town Engineer.
  - G. At the time that a building permit is applied for, the applicant pay a Pavement Maintenance Impact fee to the Town of Freeport based upon the size of the proposed structures and the impact fees effective at such time (est.\$1,800.00) .
- 4) Prior to starting work on the proposed entrance, the applicant's contractor obtain a valid contractor's license from the Freeport Department of Public Works Department.

<b>Falcon Way Subdivision – Village Open Space Subdivision</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:	To be determined.



**Background-** The applicant recently purchased a parcel at the end of Falcon Way. The parcel is located just north of the Village, with access off of Main Street via Frost Brook Lane and then to Falcon Way. (A Google Earth map of the area will be provided at the meeting.) 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 is in the Freeport Village Overlay District. There is an area in the gully that is in the floodplain; this is noted in the plan set. Four single family house lots in a Village Open Space Subdivision are proposed.

**Process** –This is considered a Subdivision-Minor (per Article III of the Freeport Subdivision Ordinance) and process would involve two levels of review – conceptual and then final. Since this is conceptual review, the Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development (refer to Article 5 of the Freeport Subdivision Ordinance). The Board shall also act on any requests for waivers at this time. This step is often completed in multiple meetings. Review of the Site Inventory Map and the Site Analysis and Conceptual Plan shall be considered complete upon a finding by the Project Review Board that the appropriate areas have been determined for development and for conservation or open space. Staff would recommend that the Board consider a sitewalk prior to action on the conceptual plan or acting on any waiver requests.

**Density and Open Space** - Per the definition of “Net Residential Acreage” (NRA) in Article 3 of the Freeport Subdivision Ordinance, the applicant has calculated the NRA as 79,988 sf. Each single family unit requires 12,000 sf of NRA. The total NRA required for the proposal is 48,000 sf; therefore the applicant has excess. The property is served by public water however no public sewer is available and therefore each lot would require a private septic system. Although zoning standards for this District allow a small lot size of 3,000 s.f., per State law, the minimum lot size for lots with septic systems is 20,000 s.f. and therefore the lot sizes are designed to reflect the greater of the two.

Since this is a “Subdivision – Village Open Space” (refer to Article 3 of the Freeport Subdivision Ordinance), to determine the amount of open space required, thirty percent of the NRA is added to the land area of the primary conservation areas; in this case 70,313 sf is required.

Section 504B. Village Open Space Residential Developments, of the Town of Freeport Zoning Ordinance provides standards for Village Open Space Subdivisions. The open space requirement works differently than standard open space subdivisions as the requirement is only met with land if the parcel contains “Secondary conservation areas are shown on the Village Open Space Map dated 08/03/05 included as Addendum 2” to the Zoning Ordinance. 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 referenced map, so an additional 23,966 sf could be required to pay a fee in lieu of open space. *(Note: The fee is set by the Town Council and would be at the applicable rate at the time of approval. The rate is currently 80 cents per square foot of required open space not met with land).*

**Road** - The applicant is proposing an extension Falcon Way. The road standards of the Freeport Subdivision Ordinance and of the Freeport Village Overlay District apply. In this case, the standards of the Overlay District are more stringent. 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. Both the Freeport Subdivision Ordinance and the Freeport Village Overlay District Standards require the road to be paved; the applicant is proposing a gravel road. This is something the Board would need to discuss.

**Stormwater** – Based upon the conceptual layout, this project would require a stormwater permit due to the amount of disturbed area, the amount of proposed impervious area and the fact that the property is located within the watershed of an urban impaired stream. Since the Town of Freeport has delegated capacity for stormwater permitting from the DEP, the Town Engineer would do the review and stormwater permitting for the project.

**Freeport Village Overlay District** (see Village Design Standards, Addendum 1 to the Freeport Zoning Ordinance) – In addition to some of the standards referenced above, the Overlay District has additional standards, some of which include provisions for plantings, sidewalks and connectivity. These specific requirements are included in Section 3A of the Freeport Village Design Standards. These are standards for the Board to be aware of and that will need be discussed once the Board is familiar with the project and the site.



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## INTEROFFICE MEMORANDUM

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**TO:** Caroline Pelletier, Assistant Town Planner  
**FROM:** Adam Bliss, P.E., Town Engineer  
**DATE:** February 14, 2019  
**SUBJECT:** Doghouse Energy; 1208 U.S. Route 1; Map 18, Lot 59-1

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I have reviewed the application and plans submitted February 14, 2019. The following comments summarize the results of my review.

The project is not located in an urban impaired stream and the proposed impervious area is less than 1 acre so a Maine DEP Chapter 500 Stormwater Permit is not required. The total developed area will be less than 1 acre and is therefore not subject to a Maine DEP Stormwater Permit-by-Rule. Local approval is required by the Project Review Board and the applicant has designed a stormwater management system in compliance with Section 529 of the Town's Zoning Ordinance.

The project specifies a Bioretention Pond to treat 0.67" of stormwater runoff volume associated with the parking lot and building. The Zoning Ordinance specifies 0.5" of treatment, the standard has been met. The pond is also designed to detain the 2-, 10-, and 25-year post development runoff rates below the pre-development runoff rates. An underdrained grassed swale has also been specified along the driveway to treat the quality of stormwater runoff from the entrance drive.

An Inspection and Maintenance Plan for Stormwater Management Facilities has been prepared for this project. Erosion and Sediment Control notes and details were also provided on Drawings C-102 and C-300. The proposed pond will need to be maintained annually by the property owner in accordance with the maintenance plan. The project is not located in the Urbanized Area and therefore is not subject to Chapter 53, Post-Construction Stormwater Management Ordinance. I recommend that a Stormwater Maintenance Agreement be executed with the Town and recorded in the Cumberland County Registry of Deeds.

The proposed project will not result in greater than 1 acre of disturbed area so a Maine Construction General Permit will not be required through the Maine DEP. The contractor should implement and maintain erosion and sediment control measures during construction as specified in the notes and on the plans. The contractor will need to coordinate with the Town Engineer for a pre-construction meeting.

I recommend the following details be included, or clarified, as necessary.

- The gravel build-up section for the parking lot and driveway should match the pavement build-up section.
- The berm on the backside of the driveway ditch should extend about 15 feet farther down.
- The riprap inlet protection should be specified as a plunge pool detail unless the culvert entrance is regraded to conform to the detail provided on the plans.
- The culvert inlet should be graded at a 3:1 slope with a minimum 2-foot driveway shoulder.
- I recommend a bee hive grate be specified as the trash rack on the catch basin associated with the pond.
- I recommend a detail be included that shows the outlet structure in the pond. The detail should show pipe connections and elevations.

The applicant has met the regulatory and design aspects of the project. I recommend final approval with the conditions stated above.