



TOWN OF FREEPORT, MAINE
 Planning Department
 30 Main Street
 Freeport, ME04032
 Phone: 207-865-4743
www.freeportmaine.com

TO: FREEPORT PROJECT REVIEW BOARD
 FROM: CAROLINE PELLETIER, TOWN PLANNER
 RE: STAFF REPORT
 DATE: WEDNESDAY, FEBRUARY 15, 2023

LLBean (95 Main Street)– Site Plan Amendment and Design Review Certificate	
Property Location:	Tax Assessor Map 11, Lot 64-ETC (95 Main Street)
Zoning Information:	Village Commercial I (VC-I), Design Review District One – Class B & Color Overlay District
Review Type(s):	Design Review Certificate and Site Plan Amendment
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate and Site Plan Amendments for site and building modifications at their building at 95 Main Street. Proposed changes are on the Justin’s Way side of the building and relate to a new employee entrance and changes to utilities on this side of the building. The building is in a Design Review District and changes to the building are on a newer portion of the building; not the portion of the existing structure that is designated at Class B.

Changes to the site include relocation of existing generator and transformer; relocating utilities; new employee entrance; widening sidewalk; lighting; relocation of HVAC equipment; and new landscaping. Some additional work is proposed in the public right-of-way including new sewer pipe, new storm drain, and upgrading panels at an existing crosswalk.

Due to the size and nature of the project, the applicant is submitting notification to the Maine Department of Environmental Protection for an exemption under their Site Law Permit. Grading plans indicate that run-off from the increase in impervious areas (1,650 s.f.) will be collected and treated with the applicant’s existing closed system stormwater facilities. Due to previous changes in the amount of impervious area on the properties, the system should have adequate capacity to manage the additional impervious area and should not increase the quantity of water leaving the applicant’s properties. Final review comments from the Town’s Peer Reviewing engineer have been attached to this staff report (see email from Will Haskell, Gorrill Palmer).

There will be no increase in the square footage of the building and therefore no increase in the amount of required parking. No changes to solid waste are proposed. New landscaping is proposed between the building and Justin’s Way; a landscaping plan has been included in the submission. The only signage proposed will be for wayfinding purposes.

Design Review: The applicant is proposing changes to the exterior building façade and most are related to utility improvements and interior renovations. Façade changes include: installation of temporary doors for construction; removal of bump-out with windows; installation of new windows on second story; removal of second story canvas awning; removal of conduit and in place, installing a solid employee entrance door with roof canopy; installation of two new bump outs to cover conduit; generator replacement; sidewalk widening; and, installation of utility penthouse on third floor.

Proposed Findings of Fact: This project requires a Design Review Certificate and Site Plan Amendment. A draft version of proposed findings for each of those sets of standards is presented here for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate:

Design Review Ordinance: Chapter 22 Section VII.C.

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

The building is existing. Changes to the Justin's Way facing building façade are proposed. Windows will be added to the second story portion of the façade and a new employee entrance and temporary construction entrance will be added. 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 change. A third story penthouse will be added for utilities; the height of this roof will be 44' 7 /12". Based upon this information, the Board finds that this standard has been met.

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

The building is existing. Changes to the Justin's Way facing building façade are proposed. Windows will be added to the second story portion of the façade and a new employee entrance and temporary construction entrance will be added. An existing bump out on the façade will be removed and new smaller bump outs will be added to cover utilities. 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.

Windows will be added to the second story portion of the façade and a new employee entrance and temporary construction entrance will be added. 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.

New doors will be rectangular in shape and new windows will be square. Styles will match those on other portions of the building. Based upon this information, the Board finds that this standard has been met.

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

neighboring buildings.

The main roof is flat. The new roof on the utility penthouse will also be flat. 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.**

Any new windows will match the material of the existing aluminum windows on this façade. The temporary construction doors and employee door will be solid. Any siding repairs will be made with wood materials to match the existing façade. 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 location of the structure on the site will not be altered and the only changes to the footprint will be from changes to the bump outs and new canopy over the employee entrance. 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.**

The site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance. The sidewalk will be widened on the applicant's property to ten feet in the area leading from the parking lots in the rear. The sidewalk will be paved. Some areas of fencing will be replaced, as shown in the drawings. New landscaping is 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 only signage proposed will be for wayfinding as shown in the submission. 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.

Findings of Fact: Section 602.F.1 of the Town of 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 building is existing, and any site changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. New landscaping is proposed. Changes to the building façade are proposed and a Design Review Certificate is required. 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 building is existing, and any site changes have been designed to comply with the space and bulk requirements for the Village Commercial I Zoning District. The overall location of the building will remain the same, with some footprint changes proposed due to changes in bump outs and the addition of a canopy over the new employee entrance. 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

Vehicular access to the site will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

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

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

Stormwater Management and Erosion Control Plans were included in the submission. Grading plans indicate that run-off from the increase in impervious areas (1,650 s.f.) will be collected and treated with the applicant's existing closed system stormwater facilities. Due to previous changes in the amount of impervious area on the properties, the system should have adequate capacity to manage the additional impervious area and should not increase the quantity of water leaving the applicant's properties. Review comments from the Town's peer reviewer (Will Haskell, PE, Gorrill Palmer) are attached in an email dated 02/06/2023. In the email, Mr. Haskell concludes that "We have reviewed the materials for conformance with the technical engineering portions of the Town of Freeport Ordinance and generally accepted civil engineering standards..." The applicant has submitted documentation to show that they have notified the Maine Department of Environmental Protection that they are seeking an exemption under their Site Location of Development Permit due to the proposed square footage changes. 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 is already connected to public utilities. Exterior building modifications are proposed and based upon some changes to the electricity and generators. The applicant is proposing to install a new sewer piper in the Main Street right-of-way; a Street Opening Permit will be required. 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 signs other than wayfinding signs are proposed. Based upon this information, the Board finds that this standard has been met.

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

Changes to the site include relocation of existing generator and transformer; relocating utilities and HVAC equipment; widening sidewalks (on private property) and leading to a new employee entrance; and relocation of HVAC equipment. Fencing, landscaping and bump outs on the building are proposed and will contribute to screening the area. Some additional work is proposed in the public right-of-way including new sewer pipe, new storm drain, upgrading panels at existing crosswalk. Based upon this information, the Board finds that this standard has been met. 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.

A photometrics plan has been included in the submission and lighting has been proposed and updated to comply with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance. All lighting fixtures will be full cut-off. 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 departments 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.

A landscaping plan has been included in the submission and prepared by Sebago Technics. A variety of species have been included in the design and will help soften the appearance of the building. Based upon this information, the Board finds that this standard has been met.

I. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building is connected to public utilities. There are not areas of flood plain identified on the site. Stormwater will be treated with an existing closed stormwater system. No known historic or archaeological resources will be negatively impacted by this project. 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, Design Review Certificate and Site Plan Amendment for LL Bean, Inc for exterior alterations and site changes at the Flagship Store at 95 Main Street, (Tax Assessor Map 11 Lot 64-ETC), to be built substantially as proposed, plan set dated 07/14/2022, revised through 01/25/2023, 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 their 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 associated with this approval, and prior to the issuance of any building permits, the applicant do the following:
 - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the 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, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - b) Establish an escrow account, in the amount of \$TBD to cover the cost of plan review and inspections of the site improvements by the Town.
 - c) The developer have a pre-construction meeting with Town staff.
 - d) The applicant enter into a new Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds.
 - e) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
 - f) The applicant obtain any applicable permits from the Freeport Department of Public Works.

Freeport Village Apartments – Multiple-Family Dwelling	
Property Location:	Tax Assessor Map 11, Lot 132 (22 Main Street)
Zoning Information:	Village Commercial I (VC-I), Design Review District One – Class C & Color Overlay District
Review Type(s):	Design Review, Site Plan Review and Subdivision Review
Waivers Requested:	None

Background: The applicant was last before the Board in November 2022, when they received Preliminary Subdivision Approval and a public hearing was held for a multiple-family dwelling at the site. At the September 2022 meeting, the Board deemed the review of the Site Inventory Map, Site Analysis and Conceptual Plan complete as the Board found that the appropriate areas were determined for development and no open space was required.

Plans remain relatively similar to the last presentation, and the applicant is proposing two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements. The proposed unit types remain unchanged; with fourteen (14) one-bedroom units and sixteen (16) two-bedroom units.

Since this parcel is in the Village Commercial I Zoning District, and based upon the location and the proposed multiple-family dwelling use; Design Review, Site Plan Review and Subdivision Review are all required. Although Subdivision Review is required, in this District, an applicant is not required to provide any open space. The submission does include a net residential acreage calculation (shown on the recording plat); there are 0.40 acres of net residential acreage on the site. There is no land per dwelling unit requirement in this zoning district.

With regards to Site Plan Review, the space and bulk standards for the Zoning District (ie: building

height, lot coverage, setbacks...) are contained in Section 413. Village Commercial "VC-I" of the Freeport Zoning Ordinance.

Utilities: There are public utilities in this area and the applicant does intend to connect to the utilities. Capacity to serve letters from the applicable utilities are included in the submission; a letter from MaineWater (dated 01/24/23) and a letter from the Freeport Sewer District (dated 01/05/23). Per the Freeport Subdivision Ordinance, utilities serving subdivisions shall be installed underground; underground electrical service to the building is shown on Sheet C101.

Lighting: Lighting cut-sheets were included in the submission and all fixtures are required to be full cut-off. A final photometrics plan has also been included in the submission and has been designed to be in compliance with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance.

Stormwater Management: The project is located in an Urban Impaired Watershed. Stormwater Management and Erosion Control Plans were included in the submission and there will be an increase in the amount of impervious area on the site. Stormwater will be detained and treated on-site with an above-ground system. There will also be underground storage chambers to hold and slowly release the water and there will be an outlet control structure. Review comments from the Town Engineer are included in a memo dated 02/09/23 and he feels the standards of the applicable ordinances have been met. No permits from the Maine Department of Environmental Protection are required.

Access & Circulation: Vehicular access to the site will be off a new entrance on West Street and the existing vehicular access from Main Street will be removed. The access will be one-way and 16 feet in width, proposing to exit over the Town Hall site. There is an existing agreement in place that allows this, and the applicant went to the Town Council (02/07/2023) and was granted a conditional easement for continued use of an exit over the Town Hall property; this easement will need to be executed before a certificate of occupancy is issued for the buildings. Based upon the use and the number of units, the project will not meet the threshold for a Maine Department of Transportation Traffic Movement Permit. A Traffic Impact Study, prepared by Barton & Loguidice (dated 01/23/23) was included in the packet. The Town Engineer has reviewed this information and his comments are included in an email dated 02/09/23 attached, and conclude that "...traffic generated from the development has no measurable effect on the street and intersection."

A Driveway Entrance Permit from the Freeport Department of Public Works will be required. In addition, the Superintendent of Public Works has included some comments regarding maintenance of the easement area, snow removal, signage and striping in a memo dated 02/08/23 (attached); complying with the items noted in the memo will be a suggested condition of approval.

Pedestrian connections to the building will be provided through walkways leading to entrances on multiple facades of the buildings. These walkways will tie-into the existing sidewalks on both Main Street and West Street. If any work is proposed in the public right of way, it will need to be coordinated with the Town and approval from the Town Council could be required depending on the scope of work.

Parking: The applicant is proposing 33 on-site parking spaces. Since the property is in the Village Commercial I Zoning District, they have the option to provide shared or non-shared parking. The parking calculation would be based upon which type of parking they choose to meet the parking requirement of Section 514. Off-street Parking of the Freeport Zoning Ordinance with; in this case they are proposing to meet the off-street parking requirement for non-shared parking on-site.

Building Design: Overall, the general building design remains similar to that presented at the preliminary review meeting. Building renderings have been included in the submission including photo renderings (as requested) depicting how the building will relate to the environment and downtown area. Two buildings are proposed, reducing the overall size of the building and footprint and the length of façades along the road. Overall, the building façades have been designed to incorporate the style and details of more traditional New England architecture.

The façade has been broken up with building projections, openings, entrances and trim details all which help to minimize the expanse of the building façades. Details on building materials are noted on the renderings. The parcel is in the Color Overlay District so the applicant can use any paint colors from any paint manufacturer's historic color palette without needing approval from the Board.

The plan still shows a pocket park on the corner of West and Main Streets, space between the buildings and green space on the sides of the buildings. An entrance with wall (and railing) is still shown along the rear building façade (facing Depot Street) providing a connection between the parking areas and buildings.

Process: This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance) and process includes three levels of review – conceptual, preliminary and final. At the September 21, 2022 meeting, the Board deemed the review of the Site Inventory Map, Site Analysis and Conceptual Plan complete as the Board found that the appropriate areas were determined for development and no open space was required. Approval of the Preliminary Subdivision Plan was granted, and a public hearing was held by the Board at the November 16, 2022 meeting. The applicant is now returning for review and approval of the final plan. No waivers have been requested by the applicant.

Other: A letter from the Maine Historic Preservation Commission (12/12/22) was included in the submission and states that "The proposed undertaking will have no effect upon historic properties...".

The plan is to retain and repair much of the existing stone wall on the property. As requested by the Board, the submission did include a letter from Davey Tree Company regarding the large oak tree on the West Street side of the property. In the letter, it is explained that the project, as proposed, would cause the tree to decline and in 3-5 years would likely need to be removed. It was noted that the tree could be pruned, but that would accelerate the loss of the crown. The suggestion was made that the tree should be removed prior to construction and a suggestion was made that a red maple be planted as that would do well in the site conditions (ie: road salt, does not attract Browntail Moth). The final landscaping plan is included in the submission.

Proposed Findings of Fact: This project requires a Design Review Certificate, Site Plan Review and Subdivision Review. A draft version of proposed findings for each of those sets of standards is presented here for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate:

Design Review Ordinance: Chapter 22 Section VII.C.

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

its site and with its neighborhood.

The applicant has updated the design from the original proposal and is now proposing two smaller three-story buildings that complies with the space and bulk requirements of the underlying zoning district. The building catalog included in the submission includes lengths and heights of nearby structures for comparison. The building design details incorporate design features such as bays, entrances, trim and variations in the façade setback through the incorporation of bays. Based upon this information, the Board finds that this standard has been met.

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

The height of the building complies with the space and bulk requirements of the underlying zoning district. The new building will be below about 31 feet in height. The building catalog included in the submission includes heights of nearby structures for comparison. The submission demonstrates that many nearby structures have heights between 20 and 42 feet. Based upon this information, the Board finds that this standard has been met.

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

The applicant is proposing two three-story buildings that have facades on two streets. The building catalog included in the submission includes heights and lengths of nearby structures for comparison. The submission demonstrates that many nearby structures have heights between 20 and 42 feet and façade lengths between 45 and 130 feet. The design incorporates features such as bays, entrances, trim in variations in the façade setback to help minimize the scale of the structure. 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 facades had been designed to incorporate the patterns seen on nearby Class A and B structure as shown on the building catalogs included in the submission. The locations of windows, doors and balconies with railings are depicted in the submission. The drawings note a relation of the larger building entries with trim and bays with pitched roofs as shown on nearby structures. 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.**

All windows and doors will be rectangular in shape and have been designed to be an appropriate scale based upon the size and use of the building. The drawings note a relation of the larger building entries with trim and bays in relation to window sizes. Based upon this information, the Board finds that this standard has been met.

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

The overall roof of the building will be flat. In the submission, the building catalog depicts other buildings in the downtown that also have flat roofs. Also as depicted in the building catalog of nearby structures, the roofs of the bays are shown with a pitched roof. Based upon this information, the Board finds that this standard has been met.

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

The bay windows will be created with the use of cementitious panels. The areas of hipped roofs will have architectural asphalt shingles. Windows will be double hung, vinyl windows with simulated divided lites. Siding will be cementitious clapboard style with the exception of some areas of the first level which will be cementitious shiplap style. Trim will be PVC. Railings on outdoor balconies and railings on the top of the retaining wall will be metal. Balconies will be divided with wood partitions screens for separations between the units. 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 site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance and is similar in layout to other nearby properties. The site features incorporate a stonewall and trees in the open space, as shown in the building catalog included in the submission as also being features of other nearby properties. 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.**

The site has been designed to comply with the space and bulk standards of the Freeport Zoning Ordinance and is similar in layout to other nearby commercial properties. The site features incorporate

a stonewall and trees in the open space, as shown in the building catalog included in the submission as also being features of other nearby properties. Landscaping has been incorporated into the setbacks and parking is located in the rear. 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 location of a project sign is shown near the West Street entrance. 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.

Findings of Fact: Section 602.F.1 of the Town of 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 applicant is proposing two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements. The site has been designed to comply with the with the space and bulk requirements for the Village Commercial I Zoning District. The building has been designed to comply with the standards of the Freeport Design Review District. 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 applicant is proposing two new, three-story, multiple-family dwellings (approximately 4,620 sf footprint each) with a total of 30 residential dwelling units and associated site improvements. The building has been designed to comply with the standards of the Freeport Design Review District while providing pedestrian and vehicular connections to the nearby streets. 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

Vehicular access to the site will be off a new entrance on West Street and the existing vehicular access from Main Street will be removed. The access will be one-way and 16 feet in width, proposing to exit over the Town Hall site. There is an existing agreement in place that allows this, and the applicant went to the Town Council (02/07/2023) and was granted a conditional easement for exit over the Town Hall property. Based upon the use and the number of units, the project will not meet the threshold for a Maine Department of Transportation Traffic Movement Permit. A Traffic Impact Study, prepared by Barton & Loguidice (dated 01/23/23) was included in the packet. The Town Engineer has reviewed this information and his comments are included in an email dated 02/09/23 and conclude that "...traffic generated from the development has no measurable effect on the street and intersection."

A Driveway Entrance Permit from the Freeport Department of Public Works will be required. In addition, the Superintendent of Public Works has included some comments regarding maintenance of the easement area, snow removal, signage and striping in a memo dated 02/08/23; complying with the items noted in the memo will be a suggested condition of approval. 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 33 on-site parking spaces. Since the property is in the Village Commercial I Zoning District, they have the option to provide shared or non-shared parking. The parking calculation would be based upon which type of parking they choose to meet the parking requirement of Section 514. Off-street Parking of the Freeport Zoning Ordinance with; in this case they are proposing to meet the off-street parking requirement for non-shared parking on-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.

The project is located in an Urban Impaired Watershed. Stormwater Management and Erosion Control Plans were included in the submission and there will be an increase in the amount of impervious area on the site. Stormwater will be detained and treated on-site with an above-ground system. There will also be underground storage chambers to hold and slowly release the water and there will be an outlet control structure. Review comments from the Town Engineer are included in a memo dated 02/09/23 and he feels the standards of the applicable ordinances have been met. No permits from the Maine Department of Environmental Protection are required. 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.

There are public utilities in this area and the applicant does intend to connect to the utilities. Capacity to serve letters from the applicable utilities are included in the submission; a letter from MaineWater (dated 01/24/23) and a letter from the Freeport Sewer District (dated 01/05/23). Per the Freeport Subdivision Ordinance, utilities serving subdivisions shall be installed underground; underground electrical service to the building is shown on Sheet C101. 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.

The location of a project sign is shown near the West Street entrance. 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.

In accordance with Town of Freeport Chapter 28: Solid Waste Disposal Ordinance, the owner will be required to contract with a private waste hauler for the disposal of solid waste. The location of proposed dumpsters is shown on the plan. 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.

Lighting has been proposed to comply with Section 521.A Exterior Lighting of the Freeport Zoning Ordinance. All lighting fixtures will be full cut-off. 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 departments heads have reviewed the plans. The applicant did submit a plan sheet to demonstrate that fire apparatus should be able to maneuver the site. Based upon this information, the Board finds that this standard has been met.

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

The plan is to retain and repair much of the existing stone wall on the property. As requested by the Board, the submission did include a letter from Davey Tree Company regarding the large oak tree on the West Street side of the property. In the letter, it was noted that the tree could be pruned, but that would accelerate the loss of the crown. The suggestion was made that the tree should be removed prior to construction and a suggestion was made that a red maple be planted as that would do well in the site conditions (ie: road salt, does not attract Browntail Moth). A final landscaping plan was included in the submission. 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:
 - a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;

- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- h. Will avoid problems associated with floodplain development and use; and
- i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The building will be connected to public utilities. There are not areas of flood plain identified on the site. A stormwater management and erosion control plan has been submitted and reviewed and approved by the Town Engineer. No known historic or archaeological resources will be negatively impacted by this project. 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.

Findings of Fact – Freeport Subdivision Ordinance:

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 floodplains;
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 an Urban Impaired Stream. Wetlands were identified on the site and are shown on the recording plan. A wetlands report, dated 11/17/22, prepared by Mark Cenci Geologic, Inc. was included in the submission. No streams or vernal pools have been identified on the site. Due to the size and nature of the project, review and approval from the Maine Department of Environmental Protection (DEP) will not be required. Stormwater Management and Erosion Control Plans were included in the submission and there will be an increase in the amount of impervious area on the site. Stormwater will be detained and treated on-site with an above-ground system. There will also be underground storage chambers to hold and slowly release the water and there will be an outlet control structure. Review comments from the Town Engineer are included in a memo dated 02/09/23 and he feels the standards of the applicable ordinances have been met. The applicant has obtained a capacity letter from the Freeport Sewer District (dated 07/12/2022). 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.

Capacity to serve letters from the applicable utilities were included in the submission including a letter from MaineWater (dated 01/24/23). 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. MaineWater did issue a capacity to serve letter dated 01/24/2023. 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 included in the submission. Due to the size and nature of the project, a Site Location of Development (SLODA) Permit from the Maine Department of Environmental Protection (DEP) was not required. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater management and erosion control. His comments are included in a memo dated 02/09/23. A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval. 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.

Vehicular access to the site will be off a new entrance on West Street and the existing vehicular access from Main Street will be removed. The access will be one-way and 16 feet in width, existing over the Town Hall site. The applicant went to the Town Council (02/07/2023) and was granted a conditional easement for exit over the Town Hall property. Based upon the use and the number of units, the project will not meet the threshold for a Maine Department of Transportation Traffic Movement Permit. A Traffic Impact Study, prepared by Barton & Loguidice (dated 01/23/23) was included in the packet. The Town Engineer has reviewed this information and his comments are included in an email dated 02/09/23 and conclude that "...traffic generated from the development has no measurable effect on the street and intersection." A Driveway Entrance Permit from the Freeport Department of Public Works will be required. 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 project will utilize the public sewer system. The Freeport Sewer District did issue a capacity to serve letter dated 07/12/22. 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, the owner will be required to contract with a private waste hauler for the disposal of solid waste. The location of dumpsters has been shown on the plan. 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 letter from the Maine Historic Preservation Commission (12/12/22) was included in the submission. In the letter, the Maine Historic Preservation Commission notes that "The proposed undertaking will have no effect upon historic properties..."

Wetlands were identified on the site and are shown on the recording plan. A wetlands report, dated 11/17/22, prepared by Mark Cenci Geologic, Inc. was included in the submission. 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 project requires a Design Review Certificate, Site Plan Review and Subdivision Review. The parcel is in the Village Commercial I (VC-1) Zoning District. The submission does include a net

residential acreage calculation and there is 0.40 acres of net residential acreage. A total of 30 residential dwelling units are proposed. There is no land per dwelling unit requirement in this zoning district. This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance). The Board deemed the review of the Site Inventory Map, Site Analysis and Conceptual Plan complete at the September 2022 Project Review Board meeting. A public hearing was held and preliminary subdivision approval was granted on November 2022. 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 submission and recording plat were prepared by Trillium Engineering Group. A landscaping plan was prepared by Cowles Studio Landscape Architecture. Building renderings were developed by CJS – Caleb Johnson Studio.

A letter dated 06/22/22 was submitted from Robert C. Harville at Norway Savings Bank indicating that he feels that applicant "...is financially capable of completing the subject purchase and construction project at 22 Main Street..."

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

11.11 Impact on Water Quality or Shoreline

A. State Standard

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

This parcel is not located within the watershed of a great pond or lake 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

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

The development will be connected to the public water 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 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 parcels are 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.

A wetlands report, dated 11/17/22, prepared by Mark Cenci Geologic, Inc. was included in the submission. No streams or vernal pools have been identified on the site. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. *State Standard*

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

No rivers, streams or brooks have been identified on the site. 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.

Due to the size and nature of the project, a Site Location of Development (SLODA) Permit from the Maine Department of Environmental Protection (DEP) was not required. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regards to stormwater management and erosion control. His comments are included in a memo dated 02/09/23. A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval. Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

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.

Motions: Draft motions will be available at the meeting.

12 Maple Avenue – Design Review Certificate	
Property Location:	Tax Assessor Map 12, Lot 44 (12 Maple Avenue)
Zoning Information:	Village I (V-I), Design Review District One – Class C, & Freeport Village Overlay District
Review Type(s):	Design Review
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate to add roof mounted solar panels at a residential property at 12 Maple Avenue. The building is currently classified as Class C in Design Review District I and per Section V.A of the Freeport Design Review Ordinance, a Design Review Certificate is required for the proposed changes: “7. Any material change in the exterior appearance of existing Class C buildings by addition, reconstruction or alteration, if subject to view from a public street or public right of way within the Districts;”

The roof mounted solar panels are proposed on two portions of the roof of the existing structure and will be visible from the road. Currently, the Design Review Ordinance does not contain a specific reference to solar panels, however per Section V.A.7, is before the Board as a material change. There are other properties within the Design Review District that have roof mounted solar panels.

Proposed Findings of Fact: This project requires a Design Review Certificate and Site Plan

Amendment. A draft version of proposed findings for each of those sets of standards is presented here for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate:

Design Review Ordinance: Chapter 22 Section VII.C.

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

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

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

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

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

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

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

The rhythm of solids to voids in the front facades 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.

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

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

The applicant is proposing roof mounted solar panels on an existing structure. The solar panels will be installed on two sections of the roof, with varying visibility. 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).

Rhythm of spaces to buildings on the streets are not being 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 change to any site features are proposed. Based upon this information, the Board finds that this standard has been met.

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

No new signs are proposed. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the Design Review Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Rose Mary Burwell for exterior alterations at 12 Maple Avenue (Tax Assessor Map 12, Lot 44), to be substantially as proposed, application dated 02/03/2023, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and their 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 construction, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.

From: [Will Haskell](#)
To: [Caroline Pelletier](#)
Cc: kmason@sebagotechnics.com
Subject: 4080 LL Bean Employee Entrance - Final Peer Review
Date: Monday, February 6, 2023 9:51:35 AM
Attachments: [image001.png](#)

**** CAUTION EXTERNAL EMAIL ****

Hi Caroline,

We reviewed the following submitted by the Applicant.

- Justin's Way plan set, prepared by Sebago Technics, dated 1/25/23
- MDEP Exemption Letter, prepared by Sebago Technics, dated 1/25/23
- Peer Review Comment Response, prepared by Sebago Technics, dated 1/25/23
- Email response from MDEP acknowledging receipt of exemption request, dated 1/25/23

We have reviewed the materials for conformance with the technical engineering portions of the Town of Freeport Ordinance and generally accepted civil engineering standards and offer the following comments:

1. The Applicant has addressed our previous comments. We have no further comments.

Thank you,

William C. Haskell | Principal



300 Southborough Drive, Suite 200 | South Portland, ME 04106
207.772.2515 x235 (office) | 207.800.4511 (direct) | 207.318.7052 (mobile)
www.gorrillpalmer.com



MEMORANDUM

TO: Caroline Pelletier, Town Planner
CC: Cecilia Smith, Assistant Planner
FROM: Earl Gibson, Public Works Superintendent
DATE: February 8, 2023
SUBJECT: LL BEAN 95 MAIN STREET

Caroline

After reviewing the plans for this project, I have the following request and comments

- 1 The applicant will need 2 Highway Opening permits (Main Street and Justin Way) from the Public Works Departments
- 2 Any request for road closure shall first approve Freeport Public Works Superintendent.
- 3 On Sheet 12 Under Minor Street Paving Section will change from 2 ½” hot bituminous pavement to 3” hot bituminous pavement as required by the Town under Street Regulation Ordinance Chapter 15 Article 3, E
- 4 All granite curbs shall be reinstalled in their current location.

Earl



MEMORANDUM

TO: Caroline Pelletier, Town Planner
FROM: Adam S. Bliss, P.E., Town Engineer *ASB*
DATE: February 9, 2023
SUBJECT: Freeport Village Apartments, LWS Development
22 Main Street and West Street
Map 11, Lot 132
VC-1 District

I received the following information for review from the Applicant and their consultant, Trillium Engineering Group.

- Response letter dated February 9, 2023
- Site Plans (drawings) provided February 9, 2023
- Traffic Analysis
- Cost Estimate
- Stormwater Management Plan

I have reviewed the technical engineering components of the project for compliance with Town Ordinances and generally accepted engineering standards. The materials submitted to the Town comply with its Ordinances, and I recommend approval for stormwater, traffic, and other technical components. The following comments summarize my review.

Technical Engineering Review

1. The Applicant's response to comments dated February 9, 2023, has addressed the Town Engineer's previous comments.
2. The Erosion Control Plan complies with Section 602 of the Zoning Ordinance. Town Ordinances refer to the Maine DEP's Erosion Control standards. Their latest manual published for Contractors shall govern where standards may (or may not) be consistent with the Applicant's Site Plans.
3. The stormwater design for the project complies with Section 529 of the Zoning Ordinance and Article 11.16 of the Subdivision Ordinance.
4. This review relates to the application and plans submitted through the Town's Project Review Board (PRB) application process. The Applicant is responsible for communicating all changes to plans and supplemental materials that may occur after PRB approval.

Performance Guarantee

The Applicant submitted the required cost estimate according to the Town's Ordinances. I find the amount acceptable for establishing the performance guarantee and escrow inspection amounts.

Stormwater Maintenance Agreement

I recommend the Applicant record a local stormwater maintenance agreement at the Cumberland County Registry of Deeds.

Traffic Analysis

The Applicant's Traffic Engineer provided a Traffic Impact Study for the proposed project. The study and supporting appendices demonstrate traffic generated from the development has no measurable effect on the street and intersection.

Pre-construction Meeting

The Town requires a pre-construction meeting between the Contractor, Owner (or Consultant), and Town Engineer before the start of demolition or construction. I request a minimum 72-hour notification period.



MEMORANDUM

TO: Caroline Pelletier, Town Planner

CC: Cecilia Smith, Assistant Planner

FROM: Earl Gibson, Public Works Superintendent

DATE: February 8, 2023

SUBJECT: Freeport Village Apartments.

Caroline.

After reviewing the plans for this project, I have the following requests.

- 1 A Street Opening Permit will be required from the Public Works Department for utility connections conn. A consultation with the Town Engineer and Public Works Department is requested.
- 2 The Applicant will need to consult with the Town Manager and the Public Works Department concerning the request for an easement across the Town Hall property and snow removal responsibility
- 3 One-way signs are to be installed where agreed to with the Town Engineer and Public Works Department. Should be noted on the site plan
- 4 2 Don't Enter signs are to be installed where agreed to with the Town Engineer and Public Works Department. Should be noted on the Site plan.
- 5 All snow removal of the driveway and walkways will be the responsibility of the applicant.
- 6 Any signs, pavement striping, and painted wording within the Town ROW or Roadway must be approved by Public Works. All maintenance to included repainting will be the applicant's responsibility (signs, pavement striping, and painted wording).

Earl