



**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, MARCH 20, 2019**

<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:	Article 11.5.C.2.j.2.c and Article 11.5.C.2.i.8 of the Freeport Subdivision Ordinance

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

**Process** –This is considered a Subdivision-Minor (per Article III of the Freeport Subdivision Ordinance) and would involve two levels of review – conceptual and 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. 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.

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

**Road** - The applicant is proposing an extension of Falcon Way. The road would be 630 feet; under the 2,500 feet allowed per Article 11.5.C.2.i.8 of the Freeport Subdivision Ordinance. A gravel road is proposed (see waiver requests below). There is a memo (dated 03/13/19) attached to the Staff Report from the Town of Freeport's Superintendent of Public Works. He is requesting that that the portion of Frost Brook Lane that is within the Route One right-of-way be paved and further suggests that an additional 10 feet beyond the right of way be paved to provide safer travel conditions due to the increase in use of the private gravel road. Does the Board have thoughts on this recommendation?

**Utilities** – The development will be served by public water; a capacity to serve letter from Maine Water will be required. Each lot will be served by a private septic system. The location of passing test pits have been shown on the plan. The Fire Chief has reviewed the plan and will need additional information about the hydrant before he can comment as to whether or not that will provide adequate fire protection or if he will recommend private sprinkler systems in the residences.

**Stormwater** – 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. Prior to submitting stormwater plans for review, a pre-application meeting with the Town Engineer will be required.

**Freeport Village Overlay District** (see Village Design Standards, Addendum 1 to the Freeport Zoning Ordinance) – There was discussion at the last meeting about the standards of the Freeport Village Overlay District. After additional review, it has been determined that the project is subject to those standards, but per the applicability section on page three of the Freeport Village Overlay District Design Standards, only Sections 1 & 2 are applicable (setbacks and building design). No waivers from these standards are requested.

**Waiver Requests** – The applicant is requesting two waivers; both from standards of the Freeport Subdivision Ordinance. Per Article 5 of the Freeport Subdivision Ordinance, the Board shall also act on any requests for waivers at conceptual review; unless it is determined that additional information is needed. Article 13.2 of the Freeport Subdivision Ordinance gives the Board the authorization to grant waivers in certain cases. If the Board decides that they are willing to grant a waiver, they would need to make a finding as to why, in accordance with Article 13.2.

The first waiver the applicant is requesting is a waiver of Article 11.5.C.2.j.2.c to allow the road to have a gravel surface. Falcon Way is an existing, private, gravel road which is off another existing, private, gravel road. They are proposing to rebuild the existing portion of road and then extend it.

The second waiver requested is a waiver of Article 11.5.C.2.i.8 pertaining to connectivity off the end of and the road. "The Board shall require the reservation of a twenty- (20-) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty (50-) foot easement in line with the street to provide continuation of the road where future subdivision is possible." On one side of this parcel is the railroad and the other side is the required open space which abuts the gully which contains the floodplain and the stream.

Proposed Waivers: Be it ordered that the Freeport Project Review Board approve a waiver of Article 11.5.C.2.j.2.c of the Freeport Subdivision Ordinance to allow the subdivision road to have a gravel surface, as in due to the nature and size of the proposed development, the fact that the road is existing

and accessed via another private gravel road, the plans include road improvements and an extension, the road will be maintained as a private road with a private maintenance agreement, the Board finds that the proposed road should provide safe and adequate access to the development.

Be it further ordered that the Freeport Project Review Board approve a waiver of Article 11.5.C.2.i.8 pertaining to connectivity off the end of the road as the Board finds that due to the proximity of the parcel to the railroad and Frost Gully Brook, and the area that contains steep slopes, wetlands, and a flood plain, the Board finds that future subdivision of the abutting land is unlikely and a future road connection or continuation of pedestrian traffic or utilities to the abutting street is unlikely.

Proposed Motion: Be it order that the Freeport Project Review Board finds that the review of the Site Inventory Map and Conceptual Plan for the Falcon Way Subdivision (Tax Assessor Map 20, Lot 13E), is complete, as based upon plans dated 12/17/18 and revised through 2/28/19, the Board finds that the appropriate areas have been determined for development and for open space as the open space will be provided with the land area on the parcel that is shown as a Secondary conservation area on the “Village Open Space Map dated 08/03/05 included as Addendum 2” to the Zoning Ordinance and the remainder will be provided with a fee in lieu of open space.

<b>Bristol Subdivision Amendment - PUBLIC HEARING</b>	
Property Location:	Tax Assessor Map 23, Lot 87-4
Zoning Information:	Medium Density Residential II (MDR-II)
Review Type(s):	Subdivision Amendment
Waivers Requested:	Article 5.6 of the Freeport Subdivision Ordinance

**Background** – The applicants recently purchased a piece of developed land at the end of Bristol Road in the previously approved Bristol Subdivision. The applicant is proposing to split the lot (lot 4) into two; the existing house and outbuildings would remain on one lot and a vacant lot would be created. Since the lot is located in a previously approved subdivision, any changes to the plan require review and approval from the Project Review Board (Article 9 Freeport Subdivision Ordinance). The development was originally a five lot subdivision approved in 1998. The plan was later amended when lots 3 & 4 were combined into one lot (by a former owner) and then further amended when lots 3 & 4 were separated back out. The subdivision was previously built out and the private road is existing. The road right-of-way would be extended to provide proper frontage to lots four and six, however the applicant is proposing to only construct the driveway to lot six within this area.

**Process** –This is considered a revision to an approved plan and therefore Article 9 of the Freeport Subdivision provides some guidance on process. If the Board feels that they have the information needed to take action on the plan at the meeting, they could take action and if not they could table the review and let the applicant know what additional information would be required. Since a new lot is being created, this has been advertised as a public hearing and abutters within 500 feet have been notified.

This is an application to amend a lot in a subdivision approved prior to April 9, 2002, and therefore per Section 504.A.2.2 of the Freeport Zoning Ordinance, since the amendment will not create two or more additional lots, open space is not required and the space and bulk standards of the Medium Density Residential II (MDR-II) Zoning District (Section 405 of the Freeport Zoning Ordinance) would apply. What this means, is the applicant calculates the net residential acreage as with other subdivisions, however

the lot requirements would be based upon those for lots not in subdivision, or specifically a minimum lot size of 50,000 s.f.

**Sign-offs from Outside Agencies** - There was no record of a previous determination from the Maine Historic Preservation Commission, the Department of Inland Fisheries and Wildlife, or the Maine Department of Agriculture, Conservation and Forestry regarding the potential of any resources on the site. Since there is no record, we are not sure if this was or was not previously completed. Although the remainder of the development has been built out, since this is a new lot within a subdivision, a proposed condition is that prior to the sale of the lot, these reviews and approvals be obtained with written copies to be forwarded to the Freeport Planning Department

**Utilities** – The lot will be served by a private well and septic system. A passing test pit is shown on the new lot six and the soils work was completed by Mark Cenci Geologic. A copy of his Preliminary Wastewater Disposal Investigation, dated 03/07/19 has been included in the submission.

**Road** - The private road was previously approved and constructed. The road is maintained per the provisions included in the existing association documents which appear to include any numbered lots in the development. No changes to this document are proposed. Although the applicant will extend the right of way for frontage, only the driveway for lot six will be contained within this area and will be maintained individually by the owners of the lot.

**Waivers** – A waiver of Article 5.6 of the Freeport Subdivision is required. This requires “a conceptual sketch plan prepared by a landscape architect or a professional engineer with expertise in civil/site engineering shall also be submitted.” In this case, the plan was prepared by John Schwanda a State of Maine Professional Land Surveyor with Owen Haskell Inc. Due to the size and nature of the project, and the fact that the previous versions of the plan were also prepared by a PLS, is this something the Board is okay with?

**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 lot will have a private septic system. A passing test pit is shown on the new lot six and the soils work was completed by Mark Cenci Geologic. A copy of his Preliminary Wastewater Disposal Investigation, dated 03/07/19 has been included in the submission. A brook has been identified on the plan and Department of Environmental Setbacks will be maintained. This lot previously reflected 150 setback from the brook which has been maintained on the new lot 6. 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 lot will be served by a private well. All of the other lots in the development are existing and have private wells. A note stating “within one year of the date of purchase, each lot owner shall be guaranteed by the subdivider access to a supply of portable water of at least 350 gallons/day, or the purchase price will be refunded” is on the final plan. 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 lot will be served by a private well and will not be connected to the public water system and therefore have no burden on the public utility. 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.

*Based upon the size and nature of the development, information on stormwater management was not submitted. The applicant should follow the Department of Environmental Protection’s Best Management Practices for Erosion Control during construction. 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 private road was previously approved and constructed. The road is maintained per the provisions included in the existing association documents which appear to include any numbered lots in the development. No changes to this document are proposed. Although the applicant will extend the right of way for frontage, only the driveway for lot six will be contained within this area and will be maintained individually by the owner(s) of the lot. 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 lot will have a private septic system. A passing test pit is shown on the new lot six and the soils work was completed by Mark Cenci Geologic. A copy of his Preliminary Wastewater Disposal Investigation, dated 03/07/19 has been included in 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.

*There was no record of a previous determination from the Maine Historic Preservation Commission about historic resources on the site. The applicant has contacted them for review and approval and this is a condition of approval. Obtaining letters from the Department of Inland Fisheries and Wildlife and the Maine Department of Agriculture, Conservation and Forestry regarding the potential of any resources on the site have also been requested and added as conditions of approval. The subdivision is existing and therefore the new lot will not adversely affect the scenic or natural beauty of the 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 Medium Density Residential II (MDR-II) Zoning District. This is an application to amend a lot in a subdivision approved prior to April 9, 2002, and therefore per Section 504.A.2.2 of the Freeport Zoning Ordinance, since the amendment will not create two or more additional lots, open space is not required and the space and bulk standards of the Medium Density Residential II (MDR-II) Zoning District (Section 405 of the Freeport Zoning Ordinance) would apply. 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 John Schwanda a State of Maine Professional Land Surveyor with Owen Haskell Inc. Based upon the size and nature of the development, and the fact that no new no shared/public improvements proposed, information on financial capacity was not required. Based upon this information, the Board finds that this standard has been met.*

**11.11 Impact on Water Quality or Shoreline**

**A. State Standard**

**Surface waters; outstanding river segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B<sup>1</sup>, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

*This parcel is not located within the watershed of a great pond or lake, nor is it within the Shoreland Zone. The locations of wetlands have been shown on the plan. A brook has been identified on the plan. This brook serves as one of the property lines for lot six. The building envelope for lot six has a 150-foot setback from the brook. 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 with the previous applications. 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.

*A brook has been identified on the plan and Department of Environmental Protection setbacks will be maintained. This lot previously reflected a 150 foot setback from the brook which has been maintained on the new lot 6. 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.

*Based upon the size and nature of the development, information on stormwater management was not submitted. The applicant should follow the Department of Environmental Protection’s Best Management Practices for Erosion Control during construction. 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.*

**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 Waiver: Be it ordered that the Freeport Project Review Board approve a waiver of Article 5.6 of the Freeport Subdivision Ordinance to allow the conceptual sketch plan to be prepared by a professional land surveyor, in that the plan was prepared by John Schwanda a State of Maine Professional Land Surveyor with Owen Haskell Inc., the fact that the previous versions of the plan were also prepared by a PLS, and due to the size and nature of the project, the Board feels that it has the information required to be able to adequately review the application for its compliance with the standards of the Freeport Subdivision Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision amendment for Aaron and Christine Francis, for a one lot amendment in the previously approved Bristol Subdivision (Tax Assessor Map 23, Lot 87-4), subdivision recording plan dated 03/13/19, to be built substantially as proposed, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
- 3) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- 4) The applicant obtain copies of written sign-offs from the Maine Historic Preservation Commission, the Department of Inland Fisheries and Wildlife and the Maine Department of Agriculture, Conservation and Forestry, with copies to be submitted to the Freeport Planning Department prior to the sale of the new lot six.

<b>Casco Bay Ford – Site Plan</b>	
Property Location:	Tax Assessor Map 25, portion of Lot 2
Zoning Information:	Commercial I
Review Type(s):	Site Plan Review
Waivers Requested:	None

**Background** – The applicant is presenting final site plans for Casco Bay Ford for a new 7,200 s.f. (footprint) building and associated site improvements on Lot 2 of the recently approved CF Cousins River Subdivision on Route One. The applicant was last before the Board in November with conceptual plans and the Board has conducted a sitewalk. The applicant is the owner of the property. Since this parcel is in a Commercial District, Chapter 21: Town of Freeport Zoning Ordinance, Section 527. Performance Standards for Commercial Districts, is applicable. In addition, there are some buffering requirements per Chapter 21: Town of Freeport Zoning Ordinance, Section 409. Commercial District I “C-I”.

The application is for the use of a truck facility. Per Section 104: Definitions of the Freeport Zoning Ordinance, a truck facility is defined as “ Any building, premises or land in which or upon which a business, service or industry involving the sale, maintenance, servicing, storage or repair of commercial vehicles, including heavy machinery, is conducted or rendered as a principal use. The sale of motor fuel and accessories or equipment for trucks and similar commercial vehicles is permitted as an accessory use.”

**Building** – Detailed building renderings have been included in the submission. The location of the building on the site has been adjusted based upon comments made at the previous sitewalk. The Board will need to consider the design in relation to the visibility, overhead doors and Standards of Section 527. (see additional comments below)

**Vehicular Access & Parking** – Access to the site will be from a new entrance off a previously approved private road (that has not yet been constructed). Since the site entrance will be off of a private road, an entrance permit for this driveway will not be required. (Note: Any conditions regarding the subdivision road entrance would still be valid).

The applicant is proposing 69 parking spaces; two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District, the “parking requirement shall be based upon a parking analysis submitted by the applicant”. This information is shown on Sheet C-101 of the submitted plan set.

**Stormwater** – A Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town’s Zoning Ordinance Section 529, and MEDEP Chapter 500 standards. His review comments are included in a memo dated 03/14/19. His review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town’s Zoning Ordinance. There are construction-specific notes and details that will require further review but these can be addressed between the Town Engineer and consultant. Any necessary revisions can be addressed between the permitting and construction phases. 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.

**Utilities** - The building will be served by MaineWater and the Freeport Sewer District. A capacity letter from Maine Water, dated 03/11/19, has been included in the submission. The applicant did obtain a capacity letter from the Freeport Sewer District, however it was for when the building was proposed for a different lot within the development. Since the development layout has changed and the building is on a different lot and plans have been updated, staff has recommended that they also obtain an updated written capacity letter from the Freeport Sewer District; this has been added as a condition of approval.

**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** – Solid waste will be stored inside the building and there will be no outside dumpsters. The applicant is aware that commercial users in Freeport are required to sort their cardboard from other waste per Chapter 28: Town of Freeport Solid Waste Disposal Ordinance. No outdoor storage of good or materials other than vehicles is proposed.

**Peer Review** - When the subdivision plan was recently before the Board, concerns were raised about potential impacts to the environment. The applicant has included some basic information in their submission about materials associated with the use and that may be stored inside the building. No exterior fuel operations are proposed. The complete submission has been forwarded to the Town’s peer reviewer (Drumlin Environmental) so that a peer review of any potential environmental impacts to groundwater from the proposed used and any potential water contaminating materials can be conducted. These review comments are forthcoming.

**Lighting** - Information on lighting has been included with the submission with the location of parking lot fixtures being noted on the plan. Full cut-off fixtures are proposed. A photometrics plan has also been included in the submission.

**Landscaping & Buffering**- A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 02/25/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site. Section 409.D.2 of the Freeport Zoning Ordinance has the following provision for landscaping “In the front setback, in a strip extending along the entire frontage of Route One, except for driveways, for a depth of 15 feet, landscaping is required. Landscaping is also required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side landscaped setbacks.” Does the Board feel that this requirement has been met?

**Overhead Doors** - Section 409.D.6.a. has the following provision regarding overhead doors: “Non-residential uses are allowed one overhead door that will be used for boats, equipment and vehicles of all types and/or storage on a side of the building visible from U.S. Route One. The Project Review Board may approve more than one overhead door on a side of the building visible from U.S. Route One if the size and shape of the lot are such that no other reasonable alternatives exist, that adequate screening is provided, and that the doors are designed to not visually stand out from the overall façade.” Based upon

the information submitted by the applicant and discussed at the sitewalk, the first thing for the Board to determine is whether or not the overhead doors will be visible from Route One. If not, then this item is not an issue. If the Board does feel that they will be visible, they will need to determine if the proposal meets the threshold in the standard to allow more than one door that is visible. The applicant has included photos of the view from an abutting property in their submission, and also explains how they feel the shifting of the building on the site will reduce the visibility of the structure from Route One.

**Section 527. Performance Standards for Commercial Districts** – This Section of the Zoning Ordinance applies to properties within the Commercial Districts. The following are the five topics that the Sections addresses:

- A. Signage - No signs are proposed at this time.
- B. Building Design – This section has different standards for building facades based on visibility of those facades. The Board will need to discuss the visibility and whether or not the standards have been met.
- C. Vehicular Access - primarily pertains to access off of Route One and in this case access to the site is via a private road off of Route One
- D. Pedestrian Access – As part of the previously approved subdivision plan, there will be a pedestrian way constructed along Route One (with proper review and approvals from the Town) and sidewalks internally throughout the development.
- E. Front landscaped setback – A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 02/25/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site.

**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 mostly cleared. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. Based upon this information, the Board finds that this standard has been met.*

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity

which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.

*The parcel is not within the Freeport Design Review Districts. The scale of the building has been minimized on the visible facades through the use of architectural features, doors and windows and landscape to soften the appearance. There will be a fire hydrant within the overall development and which will serve this building. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. 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

*Access to the site will be from a new entrance off a previously approved private road (that has not yet been constructed). Since the site entrance will be off of a private road, an entrance permit for this driveway will not be required, (Note: Any conditions regarding the subdivision road entrance and any applicable permits would still be valid). The width of the driveway will be 30 feet which is greater than the minimum width requirements of Section 512.D.10 of the Freeport Zoning Ordinance. A driveway entrance permit will not be required for the entrance off of Ford Drive as it is a private road. 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 69 parking spaces with two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District the "parking requirement shall be based upon a parking analysis submitted by the applicant". This information is shown on Sheet C-101 of the submitted plan set. 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. A Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town's Zoning Ordinance Section 529 and MEDEP Chapter 500 standards. His review comments are included in a memo dated 03/14/19. His review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town's Zoning Ordinance. There are construction-specific notes and details that will require further review but these can be addressed between the Town Engineer and consultant. Any necessary revisions can be addressed between the permitting and construction phases. This has been added as a proposed condition 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 MaineWater and the Freeport Sewer District. A capacity letter from Maine Water, dated 03/11/19 was submitted. The applicant did obtain a capacity letter from the Freeport Sewer District, however it will need to be updated to reflect the correct lot within the development. This has been added as a condition of approval. 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.

*Solid waste will be stored inside the building and there will be no outside dumpsters. The applicant is aware that commercial users in Freeport are required to sort their cardboard from other waste per Chapter 28: Town of Freeport Solid Waste Disposal Ordinance. No outdoor storage of good or materials other than vehicles 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 parking lot fixtures being noted on the plan. Full cut-off fixtures are proposed. A photometrics plan has also been submitted and meets the standards of Section 521.A Lighting of the Freeport Zoning Ordinance. 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.

*A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 02/25/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site. Section 409.D.2 of the Freeport Zoning Ordinance has provisions for landscaping and the Board has reviewed the plans for compliance with that section of the Ordinance. 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) 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 lot will be connected to the public water and public sewer system. Letters from the Maine Historic Preservation Commission (dated 02/20/18) and Maine Department of Inland Fisheries and Wildlife (dated 05/17/18), Maine Department of Agriculture, Conservation and Forestry (dated 02/13/18) and US Fish and Wildlife (dated May 17, 2018) were obtained and have been submitted.*

*The applicant has included some basic information in their submission about materials associated with the use and that may be stored inside the building. No exterior fuel operations are proposed. The complete submission has been forwarded to the Town's peer reviewer (Drumlin Environmental) so that a peer review of any potential environmental impacts to groundwater from the proposed used and any potential water contaminating materials can be conducted. These review comments are forthcoming. The project will be required to file for a Maine Construction General Permit with the Maine Department of Environmental Protection since there will be over one acre of disturbed area. 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 CF Cousins River LLC, for a new building and associated site improvements for a truck facility (Casco Bay Ford), on US Route One (Tax Assessor Map 25, portion of Lot 2), more specifically referred to as Lot 2 in the recently approved CF Cousins River Subdivision, to be substantially as proposed, site plan dated January February 25, 2019, revised through 03/12/19, 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 pertaining to construction notes on the plan, included in a memo dated March 13, 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. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$454,060.00 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 \$9,081.00, be paid.
  - D. Establish an inspection account, in the amount of \$3,000.00, for inspection of the site improvements by the Town Engineer.
  - E. The developer have a pre-construction meeting with the Town Engineer.
  - F. 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.
  - G. The applicant obtain an updated written capacity letter from the Freeport Sewer District with a copy being forwarded to the Freeport Planning Department.
  - H. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
- 4) The conditions of approval from the October 17, 2018 Project Review Board approval for the CF Cousins River Subdivision are still applicable.

<b>HopeWell Health Services – Site Plan</b>	
Property Location:	Tax Assessor Map 25, portion of Lot 2
Zoning Information:	Commercial I
Review Type(s):	Site Plan Review
Waivers Requested:	None

**Background** – The applicant is presenting conceptual site plans for HopeWell Health Services for a new 8,540 s.f. (footprint) building and associated site improvements on Lot 4 of the recently approved CF Cousins River Subdivision on Route One. The building will be used a medical office which is considered a “business and professional office.” The applicant was last before the Board in November with conceptual plans and the Board has conducted a sitewalk. The applicant is the owner of the property.

Since this parcel is in a Commercial District, Chapter 21: Town of Freeport Zoning Ordinance, Section 527. Performance Standards for Commercial Districts, is applicable. In addition, there are some buffering requirements per Chapter 21: Town of Freeport Zoning Ordinance, Section 409. Commercial District I “C-1”.

**Building** – Detailed building renderings have been included in the submission. Based upon comments at the sidewalk, the building design has been modified to include more windows along the Route One façade and alterations were made to the roofline. The Board will need to consider the design in relation to the Standards of Section 527 (see additional comments below.)

**Vehicular Access & Parking** – Access to the site will be from a new entrance off a previously approved private road (that has not yet been constructed) and will be named Headwater Drive. Since the site

entrance will be off of a private road, an entrance permit for this driveway will not be required, (Note: Any conditions regarding the subdivision road entrance would still be valid).

The applicant is proposing 37 parking spaces; two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District the “parking requirement shall be based upon a parking analysis submitted by the applicant”. This information is shown on Sheet C-101 of the submitted plan set.

**Stormwater** –A Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town’s Zoning Ordinance Section 529, and MEDEP Chapter 500 standards. His review comments are included in a memo dated 03/14/19. His review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town’s Zoning Ordinance. There are construction-specific notes and details that will require further review but these can be addressed between the Town Engineer and consultant. Any necessary revisions can be addressed between the permitting and construction phases. 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.

**Utilities** - The building will be served by MaineWater and the Freeport Sewer District. A capacity letter from Maine Water, dated 03/11/19, has been included in the submission. The applicant did obtain a capacity letter from the Freeport Sewer District, however it was for when the building was proposed for a different lot within the development. Since the development layout has changed and the building is on a different lot and plans have been updated, staff has recommended that they also obtain an updated written capacity letter from the Freeport Sewer District; this has been added as a condition of approval. In reviewing the plan with the Freeport Fire Chief, it appear that the hydrants previously approved as part of the subdivision plan set were omitted from this plan set. Installing the hydrants as previously approved has been added as a condition of approval.

**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** – Solid waste will be stored inside the building and there will be no outside dumpsters. The applicant is aware that commercial users in Freeport are required to sort their cardboard from other waste per Chapter 28: Town of Freeport Solid Waste Disposal Ordinance.

**Lighting** - Information on lighting has been included with the submission with the location of any parking lot fixtures being noted on the plan. Full cut-off fixtures are proposed. A photometrics plan has also been included in the submission.

**Landscaping & Buffering**- A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 03/12/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site. Section 409.D.2 of the Freeport Zoning Ordinance has the following provision for landscaping “In the front setback, in a strip extending along the entire frontage of Route One, except for driveways, for a depth of 15 feet, landscaping is required. Landscaping

is also required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side landscaped setbacks.” Does the Board feel that this requirement has been met?

**Permits from Outside Agencies** – The project will be required to file for a Maine Construction General Permit with the Maine Department of Environmental Protection since there will be over one acre of disturbed area. This has been added as a suggested condition of approval. They will also be required to file for a Natural Resources Protection Act Permit with the Maine Department of Environmental Protection and the Army Corps of Engineers due to wetland fill. This has also been added as a condition of approval.

**Section 527. Performance Standards for Commercial Districts** – This Section of the Zoning Ordinance applies to properties within the Commercial Districts. The following are the five topics that the Sections addresses:

- A. Signage - No signs are proposed at this time.
- B. Building Design – This section has different standards for building facades based on visibility of those facades. The Board will need to discuss the visibility and whether or not the standards have been met.
- C. Vehicular Access - primarily pertains to access off of Route One and in this case access to the site is via a private road off of Route One
- D. Pedestrian Access – As part of the previously approved subdivision plan, there will be a pedestrian way constructed along Route One (with proper review and approvals from the Town) and sidewalks internally throughout the development.
- E. Front landscaped setback – A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 03/12/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site.

**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 mostly cleared. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial*

*Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. Based upon this information, the Board finds that this standard has been met.*

- b. Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

**If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards or the Design Review Ordinance in its Site Plan Review findings.**

*The parcel is not within the Freeport Design Review Districts. The scale of the building has been minimized on the visible facades through the use of architectural features, doors and windows and landscape to soften the appearance. Additional windows have been added along the Route One façade and the roof line has been altered to address previous feedback given by the Board. There will be a fire hydrant within the overall development and which will serve this building. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. The project also complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) in regards to signage, building design, vehicular access, pedestrian access and the front landscaped setback. 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

*Access to the site will be from a new entrance off a previously approved private road (that has not yet been constructed) and will be named Headwater Drive. Since the site entrance will be off of a private road, an entrance permit for this driveway will not be required, (Note: Any conditions regarding the subdivision road entrance would still be valid). The width of the driveway entrances will be 25 feet meeting the minimum width requirements of Section 512.D.10 of the Freeport Zoning Ordinance. 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 37 parking spaces; two being ADA and which will be striped and signed accordingly. Per Section 514.B.8 of the Freeport Zoning Ordinance, in the Commercial I District the "parking requirement shall be based upon a parking analysis submitted by the applicant". This information is shown on Sheet C-101 of the submitted plan set. 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. A Chapter 500 stormwater permit from the Maine DEP is required since the proposed site improvements will create more than 1 acre (43,560 square feet) of impervious area. The submission was reviewed by the Town Engineer for its compliance with the Town's municipal Zoning Ordinance, Chapter 529, and MEDEP Chapter 500 standards. His review comments are included in a memo dated 03/14/19. His review of the project design confirms that the stormwater management system has been designed under the Maine DEP Chapter 500 rules and is generally in compliance with those rules and the Town's Zoning Ordinance. There are construction-specific notes and details that will require further review but these can be addressed between the Town Engineer and consultant. Any necessary revisions can be addressed between the permitting and construction phases. This has been added as a proposed condition 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 MaineWater and the Freeport Sewer District. A capacity letter from Maine Water, dated 03/11/19 was submitted. The applicant did obtain a capacity letter from the Freeport Sewer District, however it will need to be updated to reflect the correct lot within the development. This has been added as a condition of approval. 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.**

*Solid waste will be stored inside the building and there will be no outside dumpsters. The applicant is aware that commercial users in Freeport are required to sort their cardboard from other waste per Chapter 28: Town of Freeport Solid Waste Disposal Ordinance. 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 parking lot fixtures being noted on the plan. Full cut-off fixtures are proposed. A photometrics plan has also been submitted and meets the standards of Section 521.A Lighting of the Freeport Zoning Ordinance. 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.**

*A landscaping plan prepared by Land Design Solutions, dated January 2019 and revised through 03/12/19, has been included in the submission and shows landscaping along the roadway, in the setbacks and throughout the site. Section 409.D.2 of the Freeport Zoning Ordinance has provisions for landscaping and the Board has reviewed the plans for compliance with that section of the Ordinance. 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) 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 lot will be connected to the public water and public sewer system. This parcel is not within the Marine Waterfront District or the Shoreland Zone. Letters from the Maine Historic Preservation Commission (dated 02/20/18) and Maine Department of Inland Fisheries and Wildlife (dated 05/17/18), Maine Department of Agriculture, Conservation and Forestry (dated 02/13/18) and US Fish and Wildlife (dated May 17, 2018) were obtained and have been submitted.*

*The project will be required to file for a Maine Construction General Permit with the Maine Department of Environmental Protection since there will be over one acre of disturbed area. They will also be required to file for a Natural Resources Protection Act Permit with the Maine Department of Environmental Protection and the Army Corps of Engineers due to wetland fill. Obtaining these permits are both conditions of this approval. Based upon this information, the Board finds that this standard has been met.*

**Proposed Motion:** Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan for CF Cousins River LLC, for a new building and associated site improvements for a HopeWell Health Services (business and professional office), on US Route One (Tax Assessor Map 25, portion of Lot 2 ), more specifically referred to as Lot 4 in the recently approved CF Cousins River Subdivision, to be substantially as proposed, site plan dated January February 25, 2019, revised through 03/13/19, 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 pertaining to construction notes on the plan, included in a memo dated March 13, 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. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$360,917.00 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 \$7,218.00, be paid.
  - d. Establish an inspection account, in the amount of \$3,000.00, for inspection of the site improvements by the Town Engineer.
  - e. The developer have a pre-construction meeting with the Town Engineer.
  - f. 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.
  - g. The applicant obtain an updated written capacity letter from the Freeport Sewer District with a copy being forwarded to the Freeport Planning Department.
  - h. The applicant file for a Maine Construction General Permit with the Maine Department of Environmental Protection.
  - i. The applicant obtain approval for a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection and the Army Corps of Engineers due to wetland fill.
- 4) The conditions of approval from the October 17, 2018 Project Review Board approval for the CF Cousins River Subdivision are still applicable.
  - 5) Fire hydrants be installed as previously approved and shown on the approved plan set for the CF Cousins River Subdivision, approved by the Freeport Project Review Board on October 17, 2018.