



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

<u>LLBean (95 Main Street)– Design Review Certificate</u>	
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 for building modifications (utility penthouse) at their building at 95 Main Street. The remainder of the project was approved at the February Project Review Board meeting and the applicant is now returning only for review and possible action on the proposed utility penthouse.

Proposed changes are on the Justin’s Way side of the building. The proposed utility penthouse is located on a newer portion of the building; not the portion of the existing structure that is designated at Class B. The addition appears to be in compliance with the story and height requirements of the underlying zoning district (3 stories and up to 45 feet).

At the last meeting the Board took action on some additional site and building alterations. They set a date for a sitewalk and a sitewalk of the property was held on 02/27/23. At the sitewalk the Board viewed the area of the proposed utility penthouse and height in relation to the surrounding area and properties.

Based upon the comments made at the last meeting and the sitewalk, the applicant has provided supplemental information about the utility penthouse including a narrative giving some explanation for the selected location and updating renderings. The utility penthouse remains in the same location as previously proposed, however based upon feedback the color has been updated to match that of the existing building and the material of the façade has been updated to still be metal however replicate the appearance of clapboard style with addition trim detail also being added.

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. The applicant is proposing an enclosed utility penthouse which would create a third story and has been designed to comply with the height of the underlying zoning district. The location has been purposefully set back from Main Street and set back from the edge of the existing building façade. The color and style have been updated to blend with the existing structure. 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 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. The applicant is proposing an enclosed utility penthouse which would create a third story. The location has been purposefully set back from Main Street and set back from the edge of the existing building façade. The color and style have been updated to blend with the existing structure. The length and height of the penthouse will be smaller and shorter than other portions of the existing 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 utility penthouse façade has been updated to still be metal however replicate the appearance of clapboard style with addition trim detail also being added. There will be no openings in the exterior façade. 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.

No openings are shown on the penthouse façade. 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.

The color of the utility penthouse has been updated to match that of the existing building and the material of the façade has been updated to still be metal however replicate the appearance of clapboard style with addition trim detail also being added. 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 footprint of the existing structure and areas of open space around it will not be altered with this change. Based upon this information, the Board finds that this standard has been met.

- 9. Site Features.** The size, placement and materials of walks, walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

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

- 10. In addition to the requirements of the Freeport Sign Ordinance, signs in the Freeport Design Review District shall be reviewed for the following: materials, illumination, colors,**

lettering style, location on site or building, size and scale. Minor changes that do not alter the dimensions or lettering style of an existing sign need not be reviewed, i.e. personal name changes for professional offices, or changes in hours of operation. See Special Publication: "Sign Application Requirements".

No signage is 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.

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 Design Review Certificate for LL Bean, Inc for exterior alterations including a utility penthouse at the Flagship Store at 95 Main Street, (Tax Assessor Map 11 Lot 64-ETC), to be built substantially as proposed, with the supplemental submission dated 03/09/2023, finding that it meets the standards of the Freeport Design Review Ordinance with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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 the start of construction of the utility penthouse, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) At the last meeting the Board took action on some additional site and building alterations that are associated with this project. The conditions of the approval from the February 15, 2023 Project Review Board meeting are still applicable.

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 February 2022 at which time the Board reviewed the final submission, heard public comment and then acted to table the application for additional information including more information on landscaping and building details and clarification of the ownership type of the units (ie: apartments vs condos).

Prior to that meeting, in November 2022, the applicant 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.

Overall, although supplemental information on landscaping and building design details has been submitted at the request of the Board, the plan set has only had minor modifications to reflect the changes in landscaping. As explained in the 2/17/23 memo from Cowles Studio, the proposed Red Maple Trees along West Street have been increased in caliper size and therefore will achieve mature growth faster. The type and number of trees along Main Street has also been changed. This did also result in some changes to the stone wall. The renderings of the building have also been updated so show the relationship between the building itself and the proposed updated landscaping plan.

Additional information on building materials and appearance of details has been included in the submission. The proposal includes: simulated divided lite windows with flat casing and a sill; Hardie Plank siding in a clapboard style; fiberglass doors with paneling, glass and sidelites as shown; aluminum railings with square balusters; PVC trim and corner boards with details and dimensions as shown; and, PVC bay panels.

The applicant is still proposing apartments. Due to discussion at the last Board meeting, if the Board decides to take action on the application, a suggested condition of approval would be: "This application is approved to include two multiple-family dwellings and for the units to be operated as apartments. If in the future this ownership of the units is changed to a condominium, the applicant will be required to submit the required legal documents per the Freeport Subdivision Ordinance, to be reviewed and approved by the Town Attorney and subject to Town Planner approval." It has also been requested that this note be added to the recording plat.

Background information from the last staff report on 02/15/22:

"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 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 structures 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. The proposal includes: simulated divided lite windows with flat casing and sill; Hardie Plank siding in a clapboard style; fiberglass doors with paneling, glass and sidelites as shown; aluminum railings with square balusters; PVC trim and corner boards with details and dimensions as shown; and, PVC bay panels. 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 has been update at the request of the Board and now includes additional trees and tress planting that will have a larger caliper at planting. Parking will be located in the rear of the site. 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.

Proposed 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 and 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. Landscaping has been incorporated into the setbacks and has been update at the request of the Board and now includes additional trees and tress planting that will have a larger caliper at planting. 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.

Proposed Motions:

Design Review:

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for LWS Development, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential development in two structures, application dated 01/25/23, to be built substantially as proposed.

Site Plan Review:

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan for LWS Development, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential development in two structures, application dated 01/25/23, to be built substantially as proposed, 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 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, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.

- C. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
- D. The developer have a pre-construction meeting with the Town Engineer.
- 3) Pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at suchtime.
- 4) Prior to construction, the applicant obtain any applicable permits from the Freeport Department of Public Works and coordinate any proposed improvements in the public right of way with them.
- 5) Prior to a Certificate of Occupancy, the applicant execute and record the easement agreed to with the Town for vehicular access over the Town Hall property.

Subdivision Review:

Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Subdivision Plan for LWS Development, LLC., for the proposed Freeport Village Apartments (Tax Assessor Map 11, Lot 132) for a 30-unit multi-family residential subdivision in two structures, recording plat dated TBD, 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 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, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, in accordance with Article 12.9 of the Freeport Subdivision Ordinance, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - C. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
 - D. The developer have a pre-construction meeting with the Town Engineer.
- 3) Pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at suchtime.
- 4) The final signed copy 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.
- 5) 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.
- 6) The applicant shall provide the Town with digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan.

- 7) Prior to construction, the applicant obtain any applicable permits from the Freeport Department of Public Works and coordinate any proposed improvements in the public right of way with them.
- 8) Prior to a Certificate of Occupancy, the applicant execute and record the easement agreed to with the Town for vehicular access over the Town Hall property.
- 9) This application is approved to include two multiple-family dwellings and for the units to be operated as apartments. If in the future this ownership of the units is changed to a condominium, the applicant will be required to submit the required legal documents per the Freeport Subdivision Ordinance, to be reviewed and approved by the Town Attorney and subject to Town Planner approval.

Love Point Oysters, LLC – Site Plan Review	
Property Location:	Tax Assessor Map 25, Lot 11 (43 Old South Freeport Road)
Zoning Information:	Commercial I (C-I)
Review Type(s):	Site Plan Review – Change of Use
Waivers Requested:	Section 527.D.1 – Pedestrian Access

Background: The applicant is seeking approval for a Change of Use and Site Plan Review from a residential use to Commercial Sales and Service at 43 Old South Freeport Road. The applicant owns an in water oyster farm and is seeking approval to use the property for the land operations of their oyster farming. This would include cold storage, packing, retail and wholesale sales, and the storing of equipment used for the business.

The property was previously used as a residential use with a home occupation. There are existing structures on the property for which the existing residence, garage and shed will be demolished. The house foundation will be filled in; part to be grass and part to be a gravel pad. The area of the garage will be graded and graveled. One of the existing structures will be retained and renovated for the new use of Commercial Sales and Service. Interior alterations to that structure are proposed however exterior alterations will be limited to repair, such as the replacement of rotten shingles and trim.

There are areas of gravel access and parking existing on the site. The access points will be retained and the applicant is proposing to pave the entrance aprons and install signage. The Superintendent of Public Works has reviewed the submission; his comments are included in a memo dated 03/07/23. A Driveway Entrance Permit for the Change of Use will be required to be issued from the Public Works Department.

In addition, some new areas of paving and gravel are proposed. There is an area of existing concrete pavers which will be relocated and repurposed on the site. Existing and proposed impervious areas are shown on the plan and overall there will be an increase in impervious area of less than 1,000 square feet. Due to the minimal increase in impervious area information on stormwater treatment was not included in the submission. Since some areas of impervious surface are being relocated to new areas on the site; information on stormwater management has been requested and will be forthcoming. For erosion control, silt fence will be installed during construction.

Outdoor storage is proposed including in some of the areas as shown as lawn. Storage includes oyster cages and bags and boat and motors. The outdoor storage area is proposed to be screened by the

existing vegetation and supplemental flowering shrubs. Section 409.D.1 does require that outdoor storage be fenced.

The property is served by private utilities and the existing well and septic will be utilized. Trash will be stored inside the building and the applicant will contract with a private waste hauler for the disposal of solid waste.

The proposed parking area will remain gravel and the location is shown on the plan. Five parking spaces are proposed and is based upon the number of employees and expected customer needs. One full-cutoff LED lighting fixture is proposed and the location is shown on the plan. The area in front of the remaining structure is shown to be paved and provide an ADA parking space. The design of the space will need to be revised to comply with the dimensional requirements of Section 514.B.10 as the space will be required to be designed and signed to be van accessible.

This parcel is in the Commercial I Zoning District and therefore the standards of Section 527. Performance Standards for Commercial Districts is applicable. With regards to those standards, no new buildings, signage or new vehicular access are proposed. Does the Board feel that the retention of the existing vegetation will meet the standard for the front landscaped setback?

Section 527 does have a requirement for a pedestrian access: “ 1. A pedestrian access at least 5 feet wide connecting abutting parcels shall be constructed on each parcel where development is proposed. If the adjoining parcel is developed, the access should be designed to relate to existing facilities on the abutting lot. Materials might be asphalt, stone dust or wood, as examples. If the abutting lot is not developed, the plan shall contain a statement that says that continuous and consistent access will be - 182 - created when the abutting lot is developed. The Project Review Board may waive this requirement if no reasonable access is available due to, for example the presence of wetlands, and/or steep slopes.” The applicant has requested a waiver of this standard as there are not sidewalks or trail connections in the areas, abutters do not have or desire the connection and the topography would make the connection difficult. The Board would need to take action on the waiver request.

Proposed Findings of Fact: This project requires a Change of Use and Site Plan Approval. A draft version of proposed findings for the 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:

Proposed 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 property was previously used as a residential use with a home occupation. There are existing structures on the property for which the existing residence, garage and shed will be demolished. The house foundation will be filled in; part to be grass and part to be a gravel pad.

The area of the garage will be graded and graveled. One of the existing structures will be retained and renovated for the new use of Commercial Sales and Service. Interior alterations to that structure are proposed however exterior alterations will be limited to repair, such as the replacement of rotten shingles and trim. No new structures are proposed. Existing vegetation will be retained and supplemented. 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 of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

There are existing structures on the property for which the existing residence, garage and shed will be demolished. The house foundation will be filled in; part to be grass and part to be a gravel pad. The area of the garage will be graded and graveled. One of the existing structures will be retained and renovated for the new use of Commercial Sales and Service. Interior alterations to that structure are proposed however exterior alterations will be limited to repair, such as the replacement of rotten shingles and trim. No new structures are proposed. Based upon this information, the Board finds that this standard has been met.

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and-pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according any applicable State or municipal standards.

Other than paved driveway aprons and some directional signage, no changes to vehicular access are proposed. Based upon this information, the Board finds that this standard has been met.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and

neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

There are areas of gravel access and parking existing on the site. The access points will be retained and the applicant is proposing to pave the entrance aprons and install signage. The Superintendent of Public Work has reviewed the submission; his comments are included in a memo dated 03/07/23. A Driveway Entrance Permit for the Change of Use will be required to be issued from the Public Works Department. The proposed parking area will remain gravel and the location is shown on the plan. Five parking spaces are proposed and it based upon the number of employees and expected customer needs. 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 of this Ordinance. 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.

Information on stormwater management will be forthcoming.

- 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 property is served by private utilities and the existing well and septic will be utilized. Trash will be stored inside the building and the applicant will contract with a private waste hauler for the disposal of solid waste. 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 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.

Outdoor storage is proposed including in some of the areas as shown as lawn. Storage includes oyster cages and bags and boat and motors. The outdoor storage area is proposed to be screened by the existing vegetation and supplemental flowering shrubs. 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.

One full-cutoff LED lighting fixture is proposed and the location is shown on the plan. 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.

Emergency vehicle access to the site will not be altered. 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 applicant is proposing to retain the existing vegetation and supplement with some flowering shrubs for additional screening. 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. There are no known areas of floodplain, archaeological and historic resources, or wildlife habitat that will be impacted by the 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 Section 602. Site Plan Review of the Freeport Zoning Ordinance.

Proposed Waiver: Be it ordered that the Freeport Project Review Board waive the requirement of Section 527.D.1 of the Freeport Zoning Ordinance requiring a five foot pedestrian access in that due to the location of the property, the last of existing connections on abutting properties, and the topography of the site, there is no reasonable access that should be provided to meet this standard.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Change of Use and Site Plan for 43 Old South Freeport, LLC, for a Change of Use from residential to Commercial Sales and Service and associated site improvements at 43 Old South Freeport Road (Tax Assessor Map 25, Lot 11), application dated 02/15/23, to be built substantially as proposed, 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 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, including but not limited to clearing of the site, 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 amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-

- refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
- B. Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
 - C. The developer have a pre-construction meeting with the Town Engineer.
 - D. Obtain any applicable permits from the Freeport Codes Enforcement Officer
 - E. Obtain any applicable permits from the Freeport Department of Public Works
- 3) The design of the space will need to be revised to comply with the dimensional requirements of Section 514.B.10 as the space will be required to be designed and signed to be van accessible.

Maine Optometry – Site Plan Amendment	
Property Location:	Tax Assessor Map 23, Lot 66 (407 US Route One)
Zoning Information:	Commercial I (C-I)
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

Background: The applicant is seeking approval for a Site Plan Amendment at an existing business at 407 US Route One. The proposal includes adding a 4,500 s.f. parking lot expansion and associated stormwater improvements. There are currently 17 spaces on site; 19 are proposed and one of the existing 17 will be converted to a second accessible space. The spaces have been designed to be dimensionally compliant with Section 514 of the Freeport Zoning Ordinance. The spaces will be paved (with some areas of pervious pavers in the stalls) and striped, and an area of pervious sidewalk will be added to connect some of the new parking spaces with the existing sidewalk system.

Some of the area where the parking is proposed is already being used for parking and there was some wetland impact. The applicant has applied to the Maine Department of Environmental Protection for a Tier I Wetlands Alteration Permit.

Stormwater will be managed through the use of pervious pavers in the areas as shown on the plan. This will help to slow the water which will go to the wetlands for further quality and quantity control. The Town Engineer has reviewed the stormwater management and erosion control plans; his comments are included in an email dated 03/08/23 (attached).

No changes to the building, utilities, lighting, solid waste, signage, and landscaping are proposed.

Proposed Findings of Fact: This project requires Site Plan Amendment. A draft version of proposed findings for the 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:

Proposed 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 site it already developed with a use of business and professional office and associated site improvement. The installation of the additional parking lot area does not required the removal of existing landscaping or buffering and it will connect to the existing developed area. No new structures are proposed. Based upon this information, the Board finds that this standard has been met.

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

If the structure is in the Design Review District, the Project Review Board shall incorporate the findings of the standards of Chapter 22 - Design Review Ordinance in its Site Plan Review findings.

If the structure is located in a Commercial District (Commercial I, Commercial III and/or Commercial IV), the Staff Review and/or Project Review Board shall incorporate the findings of the standards of Section 527. Performance Standards for Commercial Districts in its Site Plan Review findings.

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

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and-pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according any applicable State or municipal standards.

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

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

parking areas shall be considered.

The proposal includes adding a 4,500 s.f. parking lot expansion and associated stormwater improvements. There are currently 17 spaces on site; 19 are proposed and one of the existing 17 will be converted to a second accessible space. The spaces have been designed to be dimensionally compliant with Section 514 of the Freeport Zoning Ordinance. The spaces will be paved (with some areas of pervious pavers in the stalls) and striped, and an area of pervious sidewalk will be added to connect some of the new parking spaces with the existing sidewalk system. 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 of this Ordinance. 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 will be managed through the use of pervious pavers in the areas as shown on the plan. This will help to slow the water which will go to the wetlands for further quality and quantity control. The Town Engineer has reviewed the stormwater management and erosion control plans; his comments are included in an email dated 03/08/23. 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.

No changes to utilities are proposed. 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 changes to utilities 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.

No special features are proposed with this project. Based upon this information, the Board finds that this standard has been met.

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

No lighting is proposed with this project. 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.

Emergency vehicle access to the site will not be altered. 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.

Other than areas of grass, no vegetation removal is proposed. Existing landscaping and buffering will be retained as previously approved. Based upon this information, the Board finds that this standard has been met.

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

- (1) 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. There are no known areas of floodplain, archaeological and historic resources, or wildlife habitat that will be impacted by the 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 Section 602. Site Plan Review 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 407 US Route 1, LLC., for a Site Plan Amendment for the expansion of a parking lot and associated site improvements at 407 US Route One (Tax Assessor Map 23, Lot 66), application dated 02/22/23, to be built substantially as proposed, 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 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, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
- 3) Enter into an update 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.
- 4) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$TBD, in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
- 5) Establish an inspection account, in the amount to be determined by the Town Engineer, to cover the cost of site for inspection of the site improvements by the Town Engineer.
- 6) The developer have a pre-construction meeting with the Town Engineer.



MEMORANDUM

TO: Caroline Pelletier, Town Planner

CC: Cecilia Smith, Assistant Planner

FROM: Earl Gibson, Public Works Superintendent

DATE: March 7, 2023

SUBJECT: Love Point Oysters, LLC

Caroline.

After reviewing this project, please see my notes below.

The two exiting gravel driveways shall be paved with-in the ROW as noted on plans.

A no entrance exit only sign shall be install on the east driveway. As noted on plans.

Earl

From: [Adam Bliss](#)
To: [Tori Wilson](#); [Caroline Pelletier](#)
Subject: RE: Maine Optometry: Site Plan Review
Date: Wednesday, March 8, 2023 10:07:56 AM
Attachments: [image001.png](#)

Hi Tori and Caroline: I have reviewed the plans and application and can sign off on the proposal.

Tori: would you please drop off the revised plan sets and application? We will need (10) sets printed on 11x17 and (2) full-size sets. Please provide one new .pdf and (12) paper copies of the revised application.

Thank you,

Adam

Adam S. Bliss, P.E.
Freeport Town Engineer / Public Works Director
abliss@freeportmaine.com
207.865.4743 x106

Freeport Town Hall
30 Main Street
Freeport, Maine 04032

From: Tori Wilson <Tori@arc-maine.com>
Sent: Wednesday, March 8, 2023 9:01 AM
To: Caroline Pelletier <CPelletier@freeportmaine.com>; Adam Bliss <abliss@freeportmaine.com>
Subject: RE: Maine Optometry: Site Plan Review

**** CAUTION EXTERNAL EMAIL ****

Adam & Caroline,

Apologies for the delay. Below are my responses (**Bold**) to your comments (*Italics*) from March 1st, 2023.

- 1. Are there any permitting requirements for the additional wetland fill with the Maine DEP or Army Corp of Engineers?*
Response: Yes, A NRPA Tier I Application for the previous additional fill has been submitted to Maine DEP. A copy will be dropped off at the Town Today (3/8/2023).
- 2. Please show the ADA signage for the existing and proposed ADA spaces on the Site Plan.*
Please see attached Site Plan.
- 3. The ADA striping detail should match the Site Plan dimensions.*
Please see attached Site Plan.
- 4. Please confirm the parking spaces measure 18.5 feet long by 9' wide.*

Please see attached Site Plan.

5. *Please show the locations of erosion and sediment control BMPs on the Site Plan.*

Please see attached Site Plan.

Thank you!

Victoria Faulkingham, EI
Atlantic Resource Consultants, LLC
541 US Route One Suite 21
Freeport, Maine 04032
www.arc-maine.com



From: Caroline Pelletier <CPelletier@freeportmaine.com>
Sent: Tuesday, March 7, 2023 9:02 PM
To: Adam Bliss <abliss@freeportmaine.com>; Tori Wilson <Tori@arc-maine.com>
Cc: Andy Johnston <AndyJ@arc-maine.com>
Subject: RE: Maine Optometry: Site Plan Review

Hi Tori (& Andy) –
Just circling back on this since we have not heard from you in response to Adam’s comments.

Thanks,
Caroline

From: Adam Bliss <abliss@freeportmaine.com>
Sent: Wednesday, March 1, 2023 1:14 PM
To: Tori Wilson <Tori@arc-maine.com>
Cc: Caroline Pelletier <CPelletier@freeportmaine.com>
Subject: Maine Optometry: Site Plan Review

Hi Tori,

Below are my review comments for the Maine Optometry Site Plan application. Please let me know if you have any questions.

1. Are there any permitting requirements for the additional wetland fill with the Maine DEP or Army Corp of Engineers?
2. Please show the ADA signage for the existing and proposed ADA spaces on the Site Plan.
3. The ADA striping detail should match the Site Plan dimensions.
4. Please confirm the parking spaces measure 18.5 feet long by 9’ wide.

5. Please show the locations of erosion and sediment control BMPs on the Site Plan.

Thank you,

Adam

Adam S. Bliss, P.E.
Freeport Town Engineer / Public Works Director
abliss@freeportmaine.com
207.865.4743 x106

Freeport Town Hall
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