



TOWN OF FREEPORT, MAINE
 Planning Department
 30 Main Street
 Freeport, ME 04032
 Phone: 207-865-4743
www.freeportmaine.com

TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, MARCH 18, 2020

The Beacon Residences – Commercial Open Space Subdivision	
Property Location:	Tax Assessor Map 22, Lots 24 & 24B
Zoning Information:	Commercial IV (C-IV)
Review Type(s):	Subdivision – Commercial Open Space, Site Plan Review
Waivers Requested:	See below.

Background: The applicant is presenting final plans for a Commercial Open Space Subdivision with 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements. Based upon the updated net residential acreage calculation, 186 units would be permitted. The use requires that 20% of the net residential acreage be included in the open space. The project will require both Site Plan Review and Subdivision Review from the Board. Since this parcel is in the Commercial District; Section 527 of the Freeport Zoning Ordinance will also be applicable.

Process: This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance) and process involves three levels of review – conceptual, preliminary and final review. The Board held a sitewalk and deemed the review of the conceptual plan complete at the 9/18/19 Project Review Board meeting.

A public hearing was held, and conditional preliminary approval was granted at the 11/20/19 Project Review Board meeting. The public hearing was advertised in the Times Record 11/12/19 & 11/18/19. The Board conducted an initial review of the final submission at the January 15, 2020 Project Review Board meeting.

Abutters have been notified for tonight’s meeting; a 500’ radius for notification is required.

Waivers: The Board granted a waiver at the 9/18/19 Project Review Board meeting “to reduce (parking) stall measurements from 9’x18.5’ to 9’x18’; this has been incorporated into the plan.

At the 11/20/19 Project Review Board meeting, the Board granted the following waiver: “Be it ordered that the Freeport Project Review Board waive Article 11.5.C.2.E.2 of the Freeport Subdivision Ordinance to allow entrance separation of the proposed road entrance and the entrance of the abutting MDOT property, in that the nature of the use of the abutting property generates minimal vehicular traffic, safe and adequate access is provided to the proposed development, and the proposed location provided further separations from the nearby 295 on/off ramps.” The proposed road location has been designed to incorporate this.

In addition, the applicant has requested additional waivers of the Freeport Subdivision Ordinance many of which pertain to a request to not require the road to be located within a right-of-way. The waivers requested are as follows:

Subdivision Ordinance Reference	Criteria	Requirement	Waiver Request
11.5.C.2.i.6	Road layout	Road centerline to be Right of Way Centerline	No Right of Way Required
11.5.C.2.i.8	Dead End Street Design	Street to have cul de sac turnaround area	No cul de sac required since parking lot has adequate turning areas
Table 11.5-1	Private Road Minimum Right of Way	50 ft	No Right of Way Required
Table 11.5-1	Private Road Design Speed	35 mph	20 mph
11.5.C.2.l.1	Street Monuments	Install street monuments	No street monuments required
11.5.C.2.l.2	Install monuments at all corners and angle points of the subdivision	Install stone or precast reinforced concrete	Install iron pins

The applicant has requested to not locate the road in a right-of-way as this would create new setback lines. Since the property will be retained under single ownership, there is no party to grant a right-of-way to and no other parties will be granted access from this road. The Town Attorney did comment (attached email dated 2/14/20) about this issue and that no easements from abutters would be required. Since there is no right-of-way proposed, the applicant has requested a waiver that the road not be required to be in the center of the right-of-way. In addition, since the road leads to a parking lot with room to maneuver and turn around, a wavier for the requirement of the turn around is also requested. Two waivers regarding monumentation are also requested. The Town Engineer has reviewed the waiver requests and has not identified any; his comments are included in a memo dated 03/12/2020. Draft motions for the proposed waivers will be available at the meeting.

Road: A new road entrance off Desert Road is proposed. This will require proper permitting from the Freeport Department of Public Works. A road name will need to be reviewed and approved by the Town’s E911 Addressing Officer and shown on the final plan. This will be finalized prior to the meeting and reflected on the recording plat.

There is only one entrance with a total road length of about 1,000 feet; this is within the allowable length per Article 11.5.C.2.i.8 of the Freeport Subdivision Ordinance. The road will be paved and 24 feet wide with sidewalks and some parking on one side.

Adam Bliss, Town Engineer conducted a review of the engineering for the road and overall site. His comments are included in a memo dated 01/09/20, attached.

Traffic: The applicant previously submitted a traffic study. As a condition of the preliminary approval,

the Board required “A peer review of the Traffic Study be conducted prior to returning for final approval with review of internal traffic circulation applicable standards of the Freeport Zoning Ordinance and Freeport Subdivision Ordinance and comments made by Staff and appropriateness of parking near the entrance of the abutting clubhouse.”

As discussed at the last meeting, a peer review, per the condition of approval, was performed by Milone & MacBroom (attached). The plans submitted for peer review, did include the removal of the parking spaces previously shown near the entrance to the clubhouse. Overall, the comments conclude that the peer reviewer is mostly in agreement with the applicant’s methodology for compiling their traffic study data however they do ask for some clarification in a few areas. The comments from the peer reviewer did request that the applicant include some updated information regarding the calculation of trip generation; this has been included in the final submission and completed to the satisfaction of the Peer Reviewer (see attached email dated 02/26/20 from Milone and MacBroom). In addition, as requested by the Board, the email addresses new information that was presented by the public at the last meeting and how it relates to the traffic study.

One item brought up by the Town Engineer and discussed previously was the issue of acceleration and deceleration lanes and if they would be required. The Milone and MacBroom memo did include comments on this (refer to attached memo under the heading for Acceleration/Deceleration Lanes) and concludes “...that based on the volumes of Desert Road at the project driveway intersection being less than 7,500 ADT, no acceleration or deceleration lanes are required at this time.”

The review comments do conclude that “Based on our examination of Sebago’s capacity analysis and traffic model, we do not believe that the proposed subdivision will cause unsafe conditions or unreasonable congestion at the development driveway based on the low number of trips the development is expected to generate. There is an existing crash pattern and capacity/delay problem at the I-295 SB off-ramp.” They do suggest that “The MaineDOT project should be confirmed that the proposed road modifications will include the traffic signal and improve LOS on the ramps.”

The applicant has stated that a Traffic Movement Permit from the Maine Department of Transportation will not be required. The plan does reflect two potential areas for possible future connections to an adjoining property (Article 11.5.B.2.e).

Parking and circulation: Since the project is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which “shall be based upon a parking analysis submitted by the applicant.” Plan sheet SB100 includes a parking requirement calculation. The calculation shows a need of 2.03 spaces per unit, with 295 parking spaces proposed. Aisle widths comply with the minimum width of 24 feet for two-way circulation.

Public Safety: Public Safety staff have reviewed the plan. The Fire Chief has reviewed the fire protections plans and his sign-off on the design has been included in a letter dated 02/27/2020.

Utilities: The project will be connected to public utilities. The applicant has obtained capacity letters from both MaineWater and the Freeport Sewer District. MaineWater did issue a capacity to serve letter, with conditions, dated 11/14/19 and subsequently sent an email regarding the hydrants, which they also approved with conditions (email from Marcus Knipp to Charles Jordan dated 01/27/2020). The Freeport Sewer District did issue a capacity to serve letter dated 12/16/19, with conditions. The Sewer District has signed off (letter dated 01/06/2020) on the plan designs and has suggested that final sign-off by them be

added into any conditions of approval.

Stormwater: Due to the size and nature of the project, a Site Location of Development (SLOD) Permit from the Maine Department of Environmental Protection (DEP) will be required. This permit is still pending, and some grading changes have been made to the plans based upon comments from DEP. Staff would recommend since this was not required for final submission, that obtaining approval from the DEP for a SLOD permit be added as a condition of approval. The applicant is aware that if the DEP requires additional changes that result in change to the recording plan, they would need to return to the Board for additional review and approval.

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. His comments are included in a memo dated 03/12/2020 (attached). A Maintenance Agreement for a Stormwater Management System is a suggested condition of approval.

Other site features: The plans show a maintenance building and a mail building near the private road. Abutting the maintenance building is a fenced area which will contain dumpsters. Details on fencing/screening of the dumpster area and other areas on the site has been include in the plan set (refer to sheet D103). Cut-sheets of site lighting fixtures were included with previous submissions and will all be full cut-off. Details for building mounted lighting is also shown on Sheet D103 of the plan set. A detailed lighting/photometrics plan was included with the final submission and in accordance with the lighting standards of Section 521.A of the Freeport Zoning Ordinance.

Open Space: 7.4 acres of open space are required; 7.8 acres of open space are proposed. Areas of open space are shown on the plan. The applicant is proposing to retain ownership of the open space. The applicant has submitted legal documents pertaining to the overall development and protection of open space, and they have been reviewed and approved by the Town Attorney (emails dated 3/2/2020 & 02/14/2020 from Lisa Magnacca).

Section 527 - Performance Standards for Commercial Districts: Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. This Section does contain standards for building design, signage, access and landscaping.

General information on signage has been included in the submission. The plan incorporates size, material and design of the ground sign; the details of the exact wording, colors and font are unknown and will require the applicable level of review when the details are known. In addition, the applicant intends to have additional signage within the site for internal circulation etc. The details of that signage are also unknown, and depending on what ends up being proposed, may require additional review in the future; the applicant is aware of this.

A detailed site landscaping plan has been included in the submission.

Section 527 does have a requirement for a 5 foot wide pedestrian path connecting to abutting properties. The plan does show a pedestrian path (5 foot wide, paved) along the front of the property and within the public right of way. Connections with the internal pedestrian site circulation have been provided and internal pedestrian circulation has been modified slightly in the final plan set.

The applicant did meet with the Town Council on 1/7/20 in regards to the path in the right of way. The 5

foot wide path, as shown on the plan, was generally acceptable to the Council and since it is in the right of way, the final details will be worked out between the applicant, town staff and the Council.

Building renderings were previously submitted and have been updated based upon comments at the last meeting.

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

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

The proposed development consists of two parcels at 6 & 8 Desert Road. One parcel contains a vacant dwelling and the other is vacant land. The proposal is for a Commercial Open Space Subdivision with 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements. The proposal complies with the standards of Section 412 (Commercial District IV) and Section 527 (Performance Standards for Commercial Districts) of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

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

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

The proposal is for a Commercial Open Space Subdivision with 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements. The proposal complies with the standards of Section 412 (Commercial District IV) and Section 527 (Performance Standards for Commercial Districts) of the Freeport Zoning Ordinance. This parcel is not within the Design Review District. 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

A new road entrance off Desert Road is proposed. This will require proper permitting from the Freeport Department of Public Works. A road name will need to be reviewed and approved by the Town's E911 Addressing Officer and shown on the final plan. This will be finalized prior to the meeting and reflected on the recording plat.

There is only one entrance with a total road length of about 1,000 feet; this is within the allowable length per Article 11.5.C.2.i.8 of the Freeport Subdivision Ordinance. The road will be paved and 24 feet wide with sidewalks and some parking on one side.

Adam Bliss, Town Engineer conducted a review of the engineering for the road. His comments are included in a memo dated 03/18/2020.

At the 11/20/19 Project Review Board meeting, the Board granted the following waiver of the Freeport Subdivision Ordinance: "Be it ordered that the Freeport Project Review Board waive Article 11.5.C.2.E.2 of the Freeport Subdivision Ordinance to allow entrance separation of the proposed road entrance and the entrance of the abutting MDOT property, in that the nature of the use of the abutting property generates minimal vehicular traffic, safe and adequate access is provided to the proposed development, and the proposed location provided further separations from the nearby 295 on/off ramps." The proposed road location has been designed to incorporate this waiver.

The applicant has requested to not locate the road in a right-of-way. The Town Attorney did comment (email dated 2/14/20) about this issue and that no easements from abutters would be required. Since there is no right-of-way proposed, the applicant has requested a waiver that the road not be required to be in the center of the right-of-way. In addition, since the road leads to a parking lot with adequate room to maneuver and turn around, a wavier for the requirement of the turn around is also requested.

The applicant submitted a traffic study prepared by Sebago Technics Inc. (Sebago) for "The Beacon Residences" development on Desert Road in the Town of Freeport. and dated 11/14/19. The Board required a peer review of the Traffic Study with review of internal traffic circulation applicable standards of the Freeport Zoning Ordinance and Freeport Subdivision Ordinance. A peer review was performed by Milone & MacBroom. The comments conclude that the peer reviewer is mostly in agreement with the applicant's methodology for compiling their traffic study data. The review comments do conclude that "Based on our examination of Sebago's capacity analysis and traffic model, we do not believe that the proposed subdivision will cause unsafe conditions or unreasonable congestion at the development driveway based on the low number of trips the development is expected to generate. There is an existing crash pattern and capacity/delay problem at the I-295 SB off-ramp."

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.

Since the project is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which “shall be based upon a parking analysis submitted by the applicant.” Plan sheet SB100 includes a parking requirement calculation. The calculation shows a need of 2.03 spaces per unit, with 295 parking spaces proposed. Aisle widths comply with the minimum width of 24 feet for two-way circulation.

Section 527 does have a requirement for a 5 foot wide pedestrian path connecting to abutting properties. The plan does show a pedestrian path (5 foot wide, paved) along the front of the property and within the public right of way. Connections with the internal pedestrian site circulation have been provided.

The Board granted a waiver at the 9/18/19 Project Review Board meeting to reduce parking stall measurements from 9’x18.5’ to 9’x18’.

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.

Due to the size and nature of the project, a Site Location of Development (SLOD) Permit from the Maine Department of Environmental Protection (DEP) will be required. This permit is still pending, and some grading changes have been made to the plans based upon comments from DEP. Obtaining approval from the DEP for a SLOD permit has been added as a condition of approval.

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 03/12/2020 (attached). 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.

- 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 buildings will be connected to the public water and public sewer system. The project will be connected to public utilities. The applicant has obtained capacity letters from both MaineWater and the Freeport Sewer District. MaineWater did issue a capacity to serve letter, with conditions, dated 11/14/19 and subsequently sent an email regarding the hydrants, which they also approved with conditions (email from Marcus Knipp to Charles Jordan dated 01/27/2020). The Freeport Sewer District did issue a capacity to serve letter dated 12/16/19, with conditions. The Sewer District has signed off (letter dated 01/06/2020) on the plan designs and has suggested that final sign-off by them be added into any conditions of approval. The location of dumpsters have been shown on the plan. 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.

General information on signage has been included in the submission. The plan incorporates size, material and design of the ground sign; the details of the exact wording, colors and font are unknown and will require the applicable level of review when the details are known. In addition, the applicant intends to have additional signage within the site for internal circulation etc. The details of that signage are also unknown, and depending on what ends up being proposed, may require additional review in the future. 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.

The location of a dumpster has been shown on the plan. The dumpsters will be screened with fencing. The plans also includes a fenced area with a pool, a club house and a fenced dog park. 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.

Cut-sheets of site lighting fixtures were included with previous submissions and they will all be full cut-off. Cut-sheets for building mounted lighting is also shown on Sheet D103 of the plan set. A

detailed lighting/photometrics plan was included with the final submission and in accordance with the lighting standards of Section 521.A of the Freeport Zoning Ordinance. Based upon this information, the Board finds that this standard has been met.

- j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.**

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

A detailed landscaping plan has been included in the submission. The Board finds that the proposed landscape/buffer plan complies with Section 527 of the Freeport Zoning Ordinance. 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. The project will not result in water pollution, erosion or sedimentation to surface waters;**
 - b. The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
 - c. The project will conserve shoreland vegetation;**
 - d. The project will conserve points of public access to waters;**
 - e. The project will adequately provide for the disposal of all wastewater;**
 - f. The project will protect archaeological and historic resources;**
 - g. The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Marine Waterfront District or the Shoreland Zone. The project is subject to a Site Location of Development Permit from the Maine Department of Environmental Protection. The lot will be connected to the public water and public sewer system.

There are no known historic sites or significant wildlife habitat identified on the site. In a letter dated 08/08/2019, Kirk Mohny from the Maine Historic Preservation Commission states that "No national register buildings or known national register eligible properties are on or adjacent to the parcels. In addition, the project area is not considered sensitive for archaeological resources."

In a letter dated 8/15/19, Becca Settele from the Maine Department of Inland Fisheries and Wildlife

states that they have "...not mapped any Essential Habitats that would be directly affected by the project." They are not aware of any Significant Wildlife Habitats within the project area. They do recommend that there be a 100-foot undisturbed vegetative buffer maintained along the any streams.

A vernal pool assessment and wetland evaluation was completed by Sebago Technics Inc with a report dated 10/11/19. No significant vernal pools were identified on the site and the location of wetlands has been shown on the recording plan.

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

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

Proposed Motion: Proposed Findings of Fact:

11.1 Pollution

A. State Standard

Pollution. The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

The parcel is not located within the watershed of an Urban Impaired Stream. The location of a stream and it's associated wetlands have been shown on the plan. No areas of flood plain have been identified on the site. There is approximately 7.8 acres of open space on the parcel which will be retained by the developer and include the stream and many areas of wetlands. This open space will be protected from future development with applicable legal documents which have been reviewed and approved by the Town Attorney.

Due to the size and nature of the project, a Site Location of Development (SLOD) Permit from the Maine Department of Environmental Protection (DEP) will be required. This permit is still pending and obtaining the SLOD permit be added as a condition of approval. 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. His comments are included in a memo dated 03/12/20 (attached).

The applicant has obtained capacity letters from both MaineWater and the Freeport Sewer District. MaineWater did issue a capacity to serve letter, with conditions, dated 11/14/19. The Freeport Sewer District did issue a capacity to serve letter dated 12/16/19, with conditions.

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

11.2 Sufficient Water

A. State Standard

Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

The development will be connected to the public water system. MaineWater did issue a capacity to serve letter, with conditions, dated 11/14/19. 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, with conditions, dated 11/14/19. 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 (SLOD) Permit from the Maine Department of Environmental Protection (DEP) will be required and erosion control plans will be reviewed as part of that process. The permit is still pending, and obtaining approval from the DEP for a SLOD permit has been added as a condition of approval.

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 03/12/2020 (attached). 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.

The applicant submitted a traffic study prepared by Sebago Technics Inc. (Sebago) for "The Beacon Residences" development on Desert Road in the Town of Freeport. and date 11/14/19. As a condition of the preliminary approval, the Board required "A peer review of the Traffic Study be conducted prior to returning for final approval with review of internal traffic circulation applicable standards of the Freeport Zoning Ordinance and Freeport Subdivision Ordinance and comments made by Staff and appropriateness of parking near the entrance of the abutting clubhouse."

A peer review, dated 1/3/2020 & 02/26/2020, was performed by Milone & MacBroom. The comments conclude that the peer reviewer is mostly in agreement with the applicant's methodology for compiling their traffic study data. The comments from the peer reviewed did request that the applicant include some updated information regarding the calculation of trip generation; this has been completed to the satisfaction of the Peer Reviewer.

In regards to acceleration and deceleration lanes and if they would be required, Milone and MacBroom memo did concluded "...that based on the volumes of Desert Road at the project driveway intersection being less than 7,500 ADT, no acceleration or deceleration lanes are required at this time."

The review comments do conclude that "Based on our examination of Sebago's capacity analysis and traffic model, we do not believe that the proposed subdivision will cause unsafe conditions or unreasonable congestion at the development driveway based on the low number of trips the development is expected to generate. There is an existing crash pattern and capacity/delay problem at the I-295 SB off-ramp."

The review did take into consideration the level of service at the closest nearby intersection and planned improvements at the Desert Road overpass and possibly the 295 on/off ramps.

Additional traffic information was submitted and reviewed as a result of the last meeting (dated 01/17/2020) with review comments from Jason Ready at Milone and MacBroom included in an email dated 02/26/20).

The applicant has stated that a Traffic Movement Permit from the Maine Department of Transportation will not be required.

The plan does reflect two potential areas for possible future connections to an adjoining property (Article 11.5.B.2.e).

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 12/16/19, with conditions. The Sewer District has signed off (see letter dated 01/06/2020) on the plan designs and has suggested that final sign-off by them be added into any conditions of approval.

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.

There are no known historic sites or significant wildlife habitat identified on the site. In a letter dated 08/08/2019, Kirk Mohney from the Maine Historic Preservation Commission states that “No national register buildings or known national register eligible properties are on or adjacent to the parcels. In addition, the project area is not considered sensitive for archaeological resources.”

In a letter dated 8/15/19, Becca Settele from the Maine Department of Inland Fisheries and Wildlife states that they have “...not mapped any Essential Habitats that would be directly affected by the project.” They are not aware of any Significant Wildlife Habitats within the project area. They do recommend that there be a 100-foot undisturbed vegetative buffer maintained along the any streams.

In a letter dated 08/12/2019, Kristen Puryear, Maine Natural Areas Program, states “...that there are no rare botanical features documented from the vicinity of the project...”

A vernal pool assessment and wetland evaluation was completed by Sebago Technics Inc with a report dated 10/11/19. No significant vernal pools were identified on the site and the location of wetlands has been shown on the recording plan. 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 both Site Plan Review and Subdivision Review. The parcel is in the Commercial IV (C-IV) Zoning District. A Commercial Open Space Subdivision with 144 units (in six residential buildings), 5 garage buildings, a clubhouse with pool and associated site improvements is proposed.

This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance). The Board held a sitewalk and deemed the review of the conceptual plan complete at the 9/18/19 Project Review Board meeting. A public hearing was held and conditional preliminary approval was granted at the 11/20/19 Project Review Board meeting. The public hearing was advertised in the Times Record 11/12/19 & 11/18/19. The Board conducted an initial review of the final submission at the January 15, 2020 Project Review Board meeting.

7.4 acres of open space are required; 7.8 acres of open space are proposed. Areas of open space are shown on the plan. The applicant is proposing to retain ownership of the open space and submitted legal documents pertaining to the protection of open space. Legal documents were reviewed and approved by the Town Attorney (emails dated 3/2/2020 & 02/14/2020 from Lisa Magnacca). The proposal is in harmony with the vision of the 2011 Freeport Comprehensive Plan which states part of the vision as “allowing a variety of neighborhoods and housing types, at a variety of prices; protecting natural and

historic resources; maintaining large tracts of undeveloped fields and forests, and providing opportunities to enjoy these places.” 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 subdivision plan was prepared by Sebago Technics Inc and Charles D. Marchese, a Professional Land Surveyor licensed by the State of Maine. The applicant’s team of professionals includes: Sebago Technics Inc. and GATE 17 Architecture.

The cost estimate included in the submission for the proposed site improvements is estimated at TBD. A letter was submitted from Rockland Trust, dated 09/24/2019 indicating that they will be providing the construction financing for KGI Properties. A letter was also included in the submission, from KGI Properties and dated 10/31/2019, clarifying the relationship between KGI Properties and Devine Capital LLC who will form one entity to completed the project. 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

A. State Standard

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

The 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 vernal pool assessment and wetland evaluation was completed by Sebago Technics Inc with a report dated 10/11/19. No significant vernal pools were identified on the site and the location of wetlands has been shown on the recording plan. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. State Standard

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

The location of a stream and it’s associated wetlands have been shown on the plan. There is approximately 7.8 acres of open space on the parcel which will be retained by the developer and include the stream and many areas of wetlands. This open space will be protected from future development with applicable legal documents which have been reviewed and approved by the Town Attorney. 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 (SLOD) Permit from the Maine Department of Environmental Protection (DEP) will be required. This permit is still pending, and some grading changes have been made to the plans based upon comments from DEP. Obtaining approval from the DEP for a SLOD permit has been added as a condition of approval.

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 03/12/2020. 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

A. State Standard

Spaghetti lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

No spaghetti lots are proposed. 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 Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Site Plan and final subdivision plan for Devine Capital LLC (represented by KGI Properties LLC), for a 144 unit, commercial open space residential subdivision, to be located on Desert Road (Tax Assessor Map 22, Lots 24 & 24B), subdivision recording plan dated 12/17/19 and revised through TBD, to be built substantially as proposed, finding that it meets the standards of the Freeport Zoning Ordinance and the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to any site work, including but not limited to clearing of the site and/or processing of the existing material on the site, the applicant do the following:
 - A. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - B. Pay a Pavement Maintenance Impact Fee to the Town of Freeport, to be based upon length of the road and the current impact fee effective at such time that the fee is paid. Applicants for building permits will also be required to pay a Pavement Maintenance Impact Fee at the time a building permit is applied for and based upon the size of the structure and the current impact fee effective at such time.
 - C. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in an amount to be reviewed and approved by the Town's peer reviewing engineer, 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.

- D. 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.
 - E. The developer have a pre-construction meeting with the Town Engineer.
 - F. The applicant obtain their Site Location of Development Permit from the Maine Department of Environmental Protection with a copy being forwarded to the Freeport Planning Department.
- 3) 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.
 - 4) Prior to the sale of any lot, the applicant shall provide the Town Planner with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

Thos Moser Building – Main Street	
Property Location:	Tax Assessor Map 12, Lot 28
Zoning Information:	Village Commercial II (VC-II), Design Review District I – Class B Building, & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for exterior alterations including new replacement windows and replacement doors at 149 Main Street. The replacement doors and windows will only be on the portions of the building, as reflected in the submission. The building currently has a variety of door and windows and includes a combination of wood, vinyl and aluminum materials. The windows proposed for replacement are currently wood; vinyl is proposed. Existing window sizes will be retained. Three of the new windows will be on the front façade of the garage and two will be on the southern side. The remaining windows and two patio doors are on the rear façade and since they are not visible from a right-of-way, are not subject to Design Review.

Documentation regarding the historic details of the property are attached to the end of the staff report.

Design Review Ordinance: Chapter 22 Section VII.C.

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

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

2. Height. A sudden dramatic change in building height can have a jarring effect on the

streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height or buildings should be visually compatible with the heights of the buildings in the neighborhood.

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

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

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

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

The rhythm of solids to voids in the front façade will be retained as windows will be replaced in their existing locations. 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.

Proportions of openings within the facility will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

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

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

The building currently has a variety of door and windows and includes a combination of wood, vinyl and aluminum materials. The windows proposed for replacement are currently wood; vinyl is proposed. Based upon this information, the Board finds that this standard has been met.

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

The rhythm of spaces to building on the street will not be altered. Based upon this information, the Board finds that this standard has been met.

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

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

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

No new 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.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Maine Windows and Doors, representing the Urban Trust, for exterior building alterations at 149 Main Street (Tax Assessor Map 12, Lot 28), to be built substantially as proposed, application dated 02/24/2020, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.

Fairhurst Residence – Main Street	
Property Location:	Tax Assessor Map 12, Lot 53
Zoning Information:	Village I (V-I), Design Review District I – Class B Building, Color Overlay District and Freeport Village Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for exterior alterations including the removal and replacement of an existing covered porch on the front and side of the existing dwelling at 195 Main Street.

Procedure: Section VII of the Freeport Design Review Ordinance has the following Design Guidelines for buildings Classified as A or B, with number 2 pertaining to the requirement for the four month notice period for demolition:

“Section VIII Design Guidelines

A. Buildings Classified as A or B

1. A or B Buildings: Any building classified as A or B, or any part of appurtenance thereof, including but not limited to walls, fences, light fixtures, steps, driveways, parking areas and paving shall only be moved, reconstructed, altered or maintained in a manner that will preserve its historical, architectural and neighborhood significance. When making that determination, recognition shall be given to the design and placement of buildings previously on the site and their past relationship with surrounding buildings.

2. Demolition or Removal of A or B Buildings: Should a property owner want to demolish or remove all or any portion of a building classified A or B, a four (4) month notice of the proposed demolition or removal shall be given before a demolition or removal permit is issued. The owner of the affected building shall cause notice to be published in a newspaper of general circulation at least three (3) times prior to demolition or removal. The first notice shall be published no later than fifteen (15) days after the application for a permit for demolition or removal is filed and the final notice shall be published approximately fifteen (15) days prior to the date of the Project Review Board meeting where action on the application is expected. The purpose of this section is to further the purposes of this Ordinance by preserving buildings classified A or B which are important to the architectural, historical and neighborhood significance of the Town, and to afford the Town, interested persons, historical societies or organizations the opportunity to acquire or to arrange for preservation of such buildings. The notice of the proposed removal shall be forwarded to the Freeport Historical Society, the Freeport Town Council and the Freeport Planning Board. The Project Review Board shall conduct a public 7 hearing prior to its vote on an application to provide an opportunity for public comment of the proposed demolition or removal.

In addition, the property owner shall also submit a statement to the Board describing the need for demolition and why the building can't be saved or renovated for another use.

3. Negotiation to Avoid Demolition: During this four (4) month period, the Board may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property.

Such negotiations may include relocation to a new site, recommendation for a historic easement pursuant to Section XI of this Ordinance, adaptive re-use of the structure, or inducements to interested third parties to purchase the property for the purpose of preserving it. The Project Review Board may issue a permit to remove a building prior to the expiration of the four month notice period if adequate provisions are made to move the building for the purpose of preserving it.”

The applicant will need to adhere to the notice requirements outlined in the Ordinance and the Board will need to hold a public hearing prior to taking action on the request. Essentially by coming to the Board at this meeting, the applicant gets the timing started on the four month notice period. The only action for the Board to take at the meeting, would be to table to the review until the requirements of the four month notice period have been completed.

Additional Information: The applicant’s submission does include details on the replacement porch. The replacement porch will include adding a second stairway leading to the rear of the property. The roofline of the new porch will more closely match the original. The overall footprint will be slightly smaller, as there will be an increase in the space between the windows on the front façade, and the start of the new porch. Does the Board have any feedback for the applicant on the proposed replacement porch?

This property is also located in the Freeport Village Overlay District. Section I of the Standards for the Freeport Village Overlay District has the following standard: “In order to encourage the use of open or screened porches in the District, open or screened porches may be built in the front setback, up to a distance of 3’ from the edge of sidewalk. Occupied space on an upper floor over the porch may not sit within the front setback.” Based upon the plot plan included in the submission, the proposal appears to comply with this standard.

Documentation regarding the historic details of the property are attached to the end of the staff report.

Proposed Motion: Be it ordered that the Freeport Project Review Board table the review of a request from John and Christina Fairhurst for a Design Review Certificate for the demolition of a portion of a Class A building located at 195 Main Street (Tax Assessor Map 12, Lot 53) until the requirements of the four month notice period have been met.

Doten’s Construction – US Route One	
Property Location:	Tax Assessor Map 26, Lot 41
Zoning Information:	Commercial I (C-I)
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

Background: The applicant was granted Site Plan Approval by the Board on 10/23/2019 for a new office and car wash at their property on 392 US Route One. They are now before the Board seeking approval of a Site Plan Amendment regarding changes to façade of the building, with associated site modifications and an increase in the footprint of the car wash of four feet (due to more room required for the mechanical bay).

Proposal: The applicant is proposing to relocate the entrance of the office building from the Route One façade to the side facing the parking lot. They will retain the peak, with signage, facing Route One, and the façade will be changed to have two windows in that area, with siding to match the remainder. The new entrance will face the parking lot on the interior of the site; this resulted on a change to the window and door style and configuration on that façade. In association with the changes, the walkway around the building has been removed and only a drip edge is shown surrounding the building. No changes to the landscaping plan are proposed. The footprint of the car wash has been extended by four feet, although abutting site features were not impacted by the change.

No other changes are proposed and no changes to the previously approved stormwater system are required.

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

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

The proposed site and building façade changes are relatively minor and will not alter the previous finding on this standard. 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.

No changes to the building locations are proposed. The updated façade complies with the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance). 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

No changes to vehicular access is 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.

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

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

No changes to surface water drainage are proposed. 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 signage 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.**

There are no new special features associated 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 changes to exterior lighting are proposed. Based upon this information, the Board finds that this standard has been met.

- j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.**

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

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

- l. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:
(1) The project will not result in water pollution, erosion or sedimentation to surface waters;**

- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (3) The project will conserve shoreland vegetation;
- (4) The project will conserve points of public access to waters;
- (5) The project will adequately provide for the disposal of all wastewater;
- (6) The project will protect archaeological and historic resources;
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

The site is not within the Marine Waterfront District or the Shoreland Area. The buildings will be connected to public utilities. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for Doten LLC, for exterior building alterations and minor site changes, at 392 US Route One (Tax Assessor Map 26, Lot 41), to be substantially as proposed, site plan and building rendering dated February 26, 2020, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 1) Any conditions of approval from the October 23, 2019 Project Review Board approval are still applicable.

Freeport Crossing – Lower Main Street	
Property Location:	Tax Assessor Map 7, Lot 1
Zoning Information:	Commercial I (C-I), Design Review District I – Class C, & Color Overlay District
Review Type(s):	Change of Use, Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking a change of use from retail to artisan food and beverage and restaurant in one of the existing buildings (n/f Carter’s) at 200 Lower Main Street. Exterior building modifications are proposed.

The artisan food and beverage use (Mast Landing Brewery) will use 9,685 sf of the two-story building, and the remaining 1,000 sf will be allocated to a restaurant use. The site plan also shows an existing paved area where a potential food truck could be located (with proper permits).

Exterior Building Alterations: A small deck and ADA ramp will be added to the rear of the existing building (on the façade facing the 295 off ramp). The deck surface will be Trex (composite material) with all other portions to be cedar (stained/sealed). Guard balusters will metal. A new door will be added to provide access to the deck along with two aluminum framed overhead doors. In addition, four small existing windows on this rear façade will be removed and third egress door along with associated concrete steps will be added.

On the façade facing the parking lot, existing aluminum doors will be replaced with matching doors. One additional door will be added on the left side and providing access to the upstairs.

On the building façade facing the 295 North ramp, two existing vinyl windows will be removed and the façade will be repaired with matching clapboards.

On the façade facing Lower Main Street, alterations include removing some small existing windows and repairing the siding with matching clapboards.

Other site features: Signage and any associated lighting have not been included in the submission. The applicant is aware that this could require review and approval from the Project Review Board in the future.

Solid waste will be disposed of in existing dumpsters on the site; no changes to this area are proposed.

Traffic & Parking: Since this parcel is in the Commercial I Zoning District, the parking requirement is based upon a parking analysis submitted by the applicant. The applicant has submitted a parking analysis demonstrating that the peak demand for all uses on the property is anticipated to be 366 spaces; 381 spaces are existing (paved and striped) on the site, with 16 of those being accessible spaces.

The applicant has been asked to provide some additional information on any impacts this change will have to traffic; this information is forthcoming. There is already a Maine Department of Transportation Traffic Movement Permit in place for the development.

Utilities: The submission did include an ability to serve letter from MaineWater (02/24/20) with some conditions being noted and to be worked out between the two parties. The applicant has contacted the Freeport Sewer District and a capacity letter dated 03/10/2020 was issued.

Section 527: Since this parcel is in the Commercial I Zoning District, the standards of Section 527 of the Freeport Zoning Ordinance are applicable. The applicant has included a summary in their submission, demonstrating how the requirements of this section will still be met after the change of use. It is important to note, that the property has an existing paved sidewalk along the front of the property abutting Route One. No change to signage, lighting, landscaping or the flagpoles are proposed at this time.

Design Review Ordinance: Chapter 22 Section VII.C.

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

No new buildings are proposed. A small deck will be added to the rear of one of the existing buildings on the property. 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 overall height of the structure will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The building has four facades of varying visibility. Minor exterior alterations are proposed and the changes will not significantly alter the proportions of the building's front façade. 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.**

There are some existing small windows on the side facades that will be removed and replaced with clapboard siding match the existing materials. Two new overhead doors will be added to the façade facing the 295 off-ramp. 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.**

Existing doors will be replaced with those of a similar size. Two new overhead doors will be added leading to the deck which will be located on façade of the building facing the 295 off ramp. 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 shape will not be altered. Based upon this information, the Board finds that this standard has been met.

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

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

A small deck and ADA ramp will be added to the rear of the existing building (on the façade facing the 295 off ramp). The deck surface will be Trex (composite material) with all other portions to be cedar (stained/sealed). Guard balusters will metal. The two new overhead doors will be aluminum framed. An egress door along with associated concrete steps will be added to the rear facade. New and replacement doors on the front of the building will be aluminum to match the existing. Any areas with replacement siding will match the existing material. 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 open spaces surrounding the existing structure will be retained. 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 new 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.

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

- a. Preservation of Landscape: The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides**

scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

The site is already developed with existing buildings. A small deck will be added to the rear of the structure, but otherwise no additional disturbance to the site is proposed. No landscaping is proposed to be removed or added. Existing buffering will be retained. Based upon this information, the Board finds that this standard has been met.

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

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

The parcel is Class C in Design Review District I and is in the Color Overlay District. A small deck will be added to the rear of an existing structure, but otherwise no additional disturbance to the site is proposed. The project is in the Commercial I District (C-1) and complies with the space and bulk standards of Section 409 of the Freeport Zoning Ordinance. Minimal changes are proposed for the overall building facades and it will still comply to the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance). 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

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.

No changes to parking and circulation are proposed. The applicant has submitted a parking analysis demonstrating that the peak demand for all uses on the property is anticipated to be 366 spaces; 381 spaces are existing (paved and striped) on the site, with 16 of those being accessible spaces. 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.

No changes to surface water drainage are proposed. 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. The submission did include an ability to serve letter from MaineWater (02/24/20) with some conditions being noted and to be worked out between the two parties. The applicant has contacted the Freeport Sewer District and a capacity letter. 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 new signs are proposed at this time. The applicant is aware that any future signage may require review and approval by the Board. Based upon this information, the Board finds that this standard has been met.

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

Solid waste will be disposed of in existing dumpsters on the site; no changes to this area are proposed. Based upon this information, the Board finds that this standard has been met.

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

No changes to any exterior lighting is proposed. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

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

No changes to landscaping are proposed. Existing vegetation and buffers will be retained. 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. The project will not result in water pollution, erosion or sedimentation to surface waters;
 - b. The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - c. The project will conserve shoreland vegetation;
 - d. The project will conserve points of public access to waters;
 - e. The project will adequately provide for the disposal of all wastewater;
 - f. The project will protect archaeological and historic resources;
 - g. The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

The parcel is not within the Marine Waterfront District or the Shoreland Zone. The building will remain connected to public utilities. No historic or archaeological resources will be disturbed. The existing cemetery on the property will not be disturbed. No changes affecting environmental considerations are proposed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Change of Use, and Design Review Certificate for WS Development, for exterior building alterations and a change of use to artisan food and beverage and restaurant in Freeport Crossing at 200 Lower Main Street (Tax Assessor Map 7, Lot 1), to be substantially as proposed, application dated February 26, 2020, building renderings dated 9-18-19, revised through 01-28-2020, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

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

Hanscome Woods Subdivision – Pownal Road	
Property Location:	Tax Assessor Map 22, Lot 63
Zoning Information:	Rural Residential I (RR-I)
Review Type(s):	Site Plan Review
Waivers Requested:	None

Background: The applicant recently purchased a vacant piece of land on Pownal Road and is presenting conceptual plans for a six-lot residential open-space subdivision. The site is mostly wooded, with a small area of overgrown field. The parcel does contain areas of forested wetlands and a small area of steep slopes. There are some existing tote roads and trails on the property. Although the trails will be interrupted by the proposed development, there is the opportunity for them to be relocated into the proposed open space. No vernal pools have been identified on the site, although additional investigation will be conducted in the Spring.

Access to the lots will be from driveways on Pownal Road. Entrance permits from the Maine Department of Transportation would be required. The submission indicates that the entrances would have the required site distance (per the Freeport Subdivision Ordinance) of 450 feet in each direction. A separation waiver may be required.

Each lot will be served by a well and septic system. The location of passing test pits have been shown on the plan.

Approximately 10.86 acres of open space is proposed, which is the amount required by the Ordinance. Most of the wetlands identified on the property have been incorporated into the open space. The area of open space includes access from Murch Road, an old Range Road and from Pownal Road.

The proposed open space abuts municipal property (Hedgehog Mountain). There is an existing trail on this property which users of Hedgehog currently utilized. This trail will be incorporated into the open space. The intent of the applicant is to donate the open space to the Town of Freeport to be incorporated into the abutting Hedgehog Mountain property. This is something that the applicant would need to coordinate with the Town Manager and Town Council on, however upon initial discussion with the Town Manager, it is something that the Town would most likely be interested in acquiring.

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



MEMORANDUM

TO: Caroline Pelletier, Town Planner
FROM: Adam S. Bliss, P.E., Freeport Town Engineer *ASB*
DATE: March 12, 2020
SUBJECT: Subdivision and Site Plan Review for The Beacon Residences
6 – 8 Desert Road
Map 22, Lots 24, 24B

Introduction

Sebago Technics, Inc. submitted Subdivision and Site Plan application materials and plans on behalf of Devine Capital. The development is located off Desert Road and accessed via a 24-foot-wide access drive. The development consists of (6) 3-story apartment buildings. The project will create 5.3 acres of onsite impervious area and 10.2 acres of onsite developed area which will require a Maine DEP Site Location of Development permit. The project proposes wetland and stream impacts which require state and federal environmental permits. A Traffic Movement Study was submitted for the project which was peer reviewed by Milone & MacBroom of Portland.

Technical Engineering Review

1. The Applicant's response to comments dated January 6, 2020 have been addressed.
2. The submitted Erosion Control Plan is in general compliance with Section 11.4 of the Town's Subdivision Ordinance.
3. The submitted Traffic Movement Study is in general compliance with traffic performance standards in Section 11.5.A and B of the Town's Subdivision Ordinance.
4. The proposed subdivision access drive has been designed in general compliance with Section 11.5.i of the Town's Subdivision Ordinance, except for the waiver granted by the Project Review Board allowing reduced separation between the entrance drive and Maine DOT driveway.
5. The stormwater design is in general compliance with Section 11.16 of the Town's Subdivision Ordinance and Section 529 of the Town's Zoning Ordinance. As required, the proposed development peak flows for the 2-, 10-, and 25-year storm events are limited to pre-development levels at the analysis point through the design and use of two wet ponds.
6. The cost estimate was received on March 12, 2020 and has yet to be reviewed. I recommend a condition of approval that the cost estimate be accepted should final approval be granted by the Project Review Board.
7. The Town Council requested input from the Complete Streets Committee (CSC) regarding the proposed sidewalk width along Desert Road. The CSC recommended that a five-foot sidewalk within the right-of-way is acceptable. The CSC also expressed concern that this sidewalk doesn't accommodate all users such as bicyclists because of the limited width. The Ordinance only requires a 5-foot path connected to adjacent parcels. The sidewalk is not required in the right-of-way, but the applicant has offered to construct it as a connectivity benefit when the Desert Road I-295 Bridge is

- constructed. The applicant has offered to maintain the sidewalk until the Town constructs a sidewalk along the adjacent parcel. Section 527 of the Zoning Ordinance has been met.
8. Solid Waste disposal must be contracted with a private hauler. Solid waste and recyclables may not be transported to the Transfer Station for disposal.
 9. Assumptions purported by the applicant that the Maine DOT will fix the failing intersection at Desert Road and the I-295 Southbound offramp cannot be confirmed and will not be known until a preliminary design report is available in several months' time. Should signalization be warranted and implemented as part of the Exit 22 Bridge Rehabilitation Project, then the level of service at the I-295 Southbound offramp would improve.
 10. The waiver requests dated January 27, 2020 related to driveway separation, right-of-way, road design speed, and survey monumentation are all acceptable.

General Comments

- A. The applicant will be required to obtain all state and federal environmental permits prior to start of any construction work. Copies of these permits and revised plans must be submitted to the Town with documentation of revisions. Revisions to construction plans related to issuance of these permits or "value" engineering may require Project Review Approval. I encourage the applicant communicate these revisions to the Town as they relate building permits, certificates of occupancy, and construction inspections.
- B. In addition to the Maine DEP requirement for 5-year recertification of the stormwater BMPs, the applicant will be required to annually certify the stormwater BMPs in a Stormwater Maintenance Agreement executed with the Town and recorded in the Cumberland County Registry of Deeds.
- C. A pre-construction meeting will be required prior to any ground disturbance on the project and not before all permits are obtained. All conditions of approval must also be met prior to initiation of any construction.

Caroline Pelletier

From: Jason Ready <JReady@mminc.com>
Sent: Wednesday, February 26, 2020 3:29 PM
To: Caroline Pelletier
Cc: John Adams
Subject: RE: Additional peer review - Devine Capital Project

**** CAUTION EXTERNAL EMAIL ****

Caroline,

For the questions related to trip generation recalculation, Sebago Technics response was adequate and we have no further questions.

Please let me know if there are additional questions.

Thank you,

Jason Ready, PE, PTOE
Project Engineer, Transportation



**MILONE &
MACBROOM**
121 Middle Street, Suite 201, Portland, ME 04101
207.888.0125 | mminc.com
[Facebook](#) | [Instagram](#) | [LinkedIn](#) | [Twitter](#)

From: Caroline Pelletier <CPelletier@freeportmaine.com>
Sent: Monday, February 24, 2020 12:42 PM
To: Jason Ready <JReady@mminc.com>
Subject: RE: Additional peer review - Devine Capital Project

Did you have comments on the other updated information that was provided in response to your first memo (recalculation)?

Thanks,
Caroline

From: Jason Ready <JReady@mminc.com>
Sent: Tuesday, February 11, 2020 4:44 PM
To: Caroline Pelletier <CPelletier@freeportmaine.com>
Subject: RE: Additional peer review - Devine Capital Project

**** CAUTION EXTERNAL EMAIL ****

Caroline,

Please see our updated comments below:

Q: Will the Maine Coast Waldorf School traffic have an impact on the traffic analysis, as those school trips would not be taken into account when the traffic data was collected?

A: Based on our experience and the generally statistical nature of traffic in the area, the highest volumes of traffic occur during the summer and generally wane in the winter months (with exception of retail areas much like Freeport for holiday shopping.) Additionally, schools generally release before the PM peak hour, which is normally the peak traffic congestion period during the day. For this reason, capturing traffic during the school year would reduce the overall volumes of the traffic analysis and not give a true reading of the peak traffic delay and queueing. It would be our recommendation that the town request a statement or analysis from the applicant that this specific type of traffic from the school would not impact the analysis with discussion about how the specific peak hour traffic of the school may impact the study area traffic.

MaineDOT, in working with the Maine Chapter of the Institute of Transportation Engineers, has created a policy for when traffic counts, for developments that require a traffic movement permit, can be conducted. The rules are applicable based on the type of road (Urban, Rural, or Recreational – Heavy seasonal tourist traffic such as beaches and ski mountains.) The more that the road is anticipated to have heavy seasonal changes the more restrictive the rules are. This would prohibit counting the Ogunquit beach traffic in winter and the summit road to Sugarloaf mountain in July.

Q: The Board would like additional clarity regarding the Subdivision Ordinance which has the standard "...If any intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service...."

A: The I-295 intersection is currently operating in a LOS F. The addition of new trips into the intersection will not reduce the letter grade of the LOS as it cannot be reduced from this worst LOS condition. However, the overall delay of the intersection will be made worse with the additional new trips through the intersection. The applicant should show proof that improvements will be made to the study area intersections that will increase capacity/reduce delay to follow this standard.

Please let me know if there are additional questions.

Thank you,

Jason Ready, PE, PTOE
Project Engineer, Transportation



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TO: Caroline Pelletier, Assistant Planner, Town of Freeport
FROM: Jason Ready, PE, PTOE
John Adams, PE, PTOE
RE: Peer Review of Freeport Development – “The Beacon Residences”
DATE: 1/3/20
MMI #: 3807-08

Milone & MacBroom, Inc. (MMI) was tasked with peer reviewing a traffic study by the Town of Freeport. The traffic study is from Sebago Technics, Inc. (Sebago) for “The Beacon Residences” development on Desert Road in the Town of Freeport. MMI reviewed the submittals for consistency with town ordinances (Article 11.5 [parts A and B], Section 512.D [Items 13 and 14],) general feedback on internal circulation, comments from Town Staff, MaineDOT criteria, and standard industry practices.

Traffic Study

Existing Traffic Volumes

Establishing the existing traffic volume of the project intersections of a development is essential in establishing the base levels of vehicle delay for comparison to the projected additional trips that the development will add.

Sebago collected turning movement count data from MaineDOT, adjusting the data by a factor of 0.98 to bring the volumes to the 30th highest hour (in actuality the 6th highest week which generally contains the 30th highest hour), in order to determine the Design Hourly Volume (DHV). The calculation was made for Desert Road (classified by MaineDOT as a Type II road) by dividing the weekly factor from the date in which the data was collected to the 6th highest week.

MMI concurs with the volume adjustment.

Annual Growth

Traffic volumes need to be adjusted based on the difference between when the traffic data was collected and when the expected development will be in place.

Sebago adjusted traffic data collected in 2018 by 2% per year. The Portland MPO (Municipal Planning Organization – a federally designated urban area planning organization) PACTS (Portland Area Comprehensive Transportation System – The name of the Portland, Maine MPO) travel demand model (a traffic model that uses census and traffic data to estimate future traffic volumes) estimates 20% growth in 20 years, or roughly 1% annually. Information provided by MaineDOT shows a decrease in daily traffic from 5130 vehicles per day in 2016 to 4010 vehicles per day in 2019. A 2% increase per year is conservative. While there is a decrease of traffic volumes in this timeframe, general increases in average daily traffic in multi-year time spans are present for other near count locations. Sebago has presented the buildout date of the proposed development as 2020.

MMI concurs with the annual growth adjustment of 2%, but would ask if the 2020 buildout is realistic and appropriate. We would ask the applicant to confirm the buildout date and adjust the traffic impact, if necessary.

Projected Generated Trips

The proposed development will increase the number of trips to the parcel from its current use and developers needs to state their assumptions for how the expected number of trips was determined.

Sebago utilized the 10th Edition of ITE's (Institute of Transportation Engineers) Trip Generation Manual (The industry standard manual that uses statistical data to estimate expected levels of vehicle trips for different types of land uses) to determine the projected trips from the proposed development. Industry practice is to only use the best fit curve equation when the associated statistical R² value is greater than 0.75.

Note: The R² value should be at least 0.75, if using the fitted curve, "because it indicates the recommended acceptable level of correlation between trips generated by a site and the value measured for an independent variable" (ITE Trip Generation Handbook, 3rd edition).

MMI suggests that Sebago recalculate trip generation where the R² value does not exceed 0.75 to instead use the weighted average rates. Sebago should correct the enter/exit % charts. Additionally, PM Peak hour of adjacent roadway shows 38% instead of 39%, though there is no change to the actual distribution.

Trip Distribution and Assignment

After determining the projected number of trips for the development, developers need to explain their assumptions in how they distributed generated vehicles into the traffic model network.

Sebago determined trip distribution to and from the proposed development based on surrounding area ADT (Average Daily Traffic – The total expected number of vehicles that use the road on an average day) volumes. The analysis with charts first shows the existing volumes of the network, then grows the volumes of the network to year 2020 (assuming full buildout in 2020) with an annual growth rate of 2%, and then assigns generated trips to the network based on the gravity model distribution.

MMI concurs with the Trip Distribution and Assignment completed by Sebago, with respect to a previous comment regarding the proposed full buildout year.

Capacity Analysis

After showing the existing volumes, the new trips, and the distribution of the trips, developers needs to show what the existing and projected future traffic delay at the intersection would be.

Sebago completed a capacity analysis of the network using the latest version of the traffic modeling software *Synchro*, utilizing the HCM 6 (Highway Capacity Manual – 6th Edition) capacity analysis method. The results of the capacity analysis were presented with both the expected average vehicle delay and the Level of Service (LOS), a grading of the amount of delay from A to F, least to most respectively. MMI examined Sebago's traffic model for consistency with standard practice and general traffic model creation setup and did not find any inconsistencies of setup from accepted practice.

MMI concurs with the Sebago model and affirms that the proposed site driveway and Desert Road/Hunter Road (the closest intersection) will operate with a satisfactory LOS, though the I-295 SB offramp is operating at an F LOS. MaineDOT may possibly improve the interchange approaches in an upcoming bridge replacement and signalization of the intersection that should improve the LOS F delay at the I-295 SB offramps. The MaineDOT project should be confirmed that the proposed road modifications will include the traffic signal and improve LOS on the ramps.

Sight Distance

Sebago utilized the town standards to validate the sight distance of Desert Road (Posted Speed Limit of 40 MPH) of the development driveway and found the sight distance to be in excess of 500'.

MMI concurs that the sight distance of the proposed development driveway appears to be adequate. MMI additionally utilized MaineDOT standards for sight distance. MaineDOT standards are less stringent than town standards for sight distance, requiring 360' of sight distance. The development driveway appears to exceed both town and MaineDOT standards.

Crash History

Sebago presented the most recent three years of crash history for the project intersections and roadway links. The findings show two high crash locations, the off-ramps for northbound and southbound vehicles on I-295. The existing crash patterns should be corrected to increase safety.

MMI concurs with the Sebago crash analysis, but adds that there may also be a correlation with the failing capacity at the intersection. The crash pattern would therefore not be limited to the rear-end collisions subset, but additionally to all exiting maneuvers for the offramps. MMI believes that it would be unfair to the applicant to singly correct the existing crash patterns, though a commitment from MaineDOT for improvements (which may increase safety and reduce crashes at the I-295 SB off-ramp) would be pertinent.

Freeport Subdivision Zoning Ordinances – 11.5 Parts A and B

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.

Based on our examination of Sebago's capacity analysis and traffic model, we do not believe that the proposed subdivision will cause unsafe conditions or unreasonable congestion at the development driveway based on the low number of trips the development is expected to generate. There is an existing crash pattern and capacity/delay problem at the I-295 SB off-ramp.

B. Performance Standards

1. General Access and Circulation

The project site as presented appears to safeguard against hazards for traffic and pedestrians. In an examination of the traffic model, there is no anticipation of a traffic congestion problem on any internal

street. Though a traffic model was not presented for the internal circulation, the volume of traffic anticipated to use the development would not be expected to generate significant congestion. Our comments of the site plan are shown below:

1. Consider improved pedestrian access from sidewalk in south east corner to buildings 2000 and 3000, either on east side of development or via the area between garages 2 and 3.
2. Consider removing parking from main access drive to new lot behind building 1000.
3. Consider traffic calming on main access drive with addition of esplanade between road and sidewalk.

2. Access and Circulation Standards

Based on the traffic model capacity analysis, most intersections in the project area operate at an acceptable LOS of at least C in the AM/PM peak hour, post-development 2020 conditions. The intersection of I-295 with Desert Road for the southbound ramps has an F – Failing LOS, though the intersection would be in a failed condition regardless of this proposed development.

A MaineDOT project is currently partially funded for construction that will replace the bridge over the interstate and signalize the intersection. Signalization of the intersection should decrease delay and increase safety. The applicant should confirm that the project is programmed with MaineDOT and that the improvements include signalization of the failing LOS intersection.

Acceleration/Deceleration Lanes

Sebago completed an analysis on the need for turn lanes into the development based on Freeport Subdivision Ordinance Section 512.D.13-14.

MMI concurs with Sebago that based on the volumes of Desert Road at the project driveway intersection being less than 7,500 ADT, no acceleration or deceleration lanes are required at this time. However, should the development be expanded in the future, this should be carefully re-evaluated.

MMI additionally consulted the MaineDOT standards for implementation of acceleration and deceleration lanes. The charts confirm that auxiliary right and left turn lanes at the development driveway are not normally considered with the specific peak hour turning movements of the proposed development.

MMI also consulted the NCHRP 745 (National Cooperative Highway Research Program - The NCHRP conducts research in problem areas that affect highway planning, design, construction, operation, and maintenance in the United States) document, '*Development of Left-Turn lane Warrants for unsignalized intersections.*' The left turns in the AM and PM peak hours do not meet the minimum thresholds for consideration of an auxiliary left-turn lane.

Staff Comments

Adam Bliss, PE, Town Engineer

Section 11.5.B of the Subdivision Ordinance describes performance standards for intersections functioning at LOS D or lower within 2,000 feet of the proposed access road. The Traffic Impact Study reports that the intersection of Desert Road and the I-295 on/off ramps function at LOS F. The report also states the

proposed development will increase turning delays from 371 seconds/ vehicle (6.2 minutes) to 526 seconds/ vehicle (8.8 minutes). The Project Review Board (PRB) should discuss whether this added delay causes unreasonable congestion within the project vicinity. A preliminary design is not available nor a commitment in funding has been provided by the Maine DOT. Therefore, the applicant's assertion the Maine DOT will improve nearby intersections as a result of the Exit 20, I-295 bridge rehabilitation project cannot be known at this time.

MMI analyzed the traffic model from Sebago. The model appears to show increases in delay from 371 seconds/vehicle to 526 seconds/vehicle. The increase should not be construed as direct correlation of the amount of time that a vehicle would actually spend at the intersection, but merely that it was an F LOS before and would continue to be a slightly worse F LOS after. It is clear that a project to increase the capacity of the intersection is needed, such as signalization. The intersection currently has committed funding from MaineDOT for design, but only partial funding for construction.

Sue Nourse, Chief, Freeport Police Department

MMI will address certain general questions for context and understanding of the proposed project from Sue Nourses's 11/14/19 email to Caroline Pelletier with subject line "Desert Road Proposal." Some questions outside of our review scope should be directed to Sebago or the Applicant.

- *'Peak Hour' is determined by computation of the most vehicles in a 1-hour period (collected in 15-minute intervals) from all approaches to the intersection. Peak hours of other nearby uses differing from the proposed subdivision would be a benefit for the traffic network. Peak traffic at differing times would mean that the high vehicle counts for one property would align at a lower volume of traffic for another.*
- *The applicant should show funding commitments from MaineDOT that will address the existing F LOS for the I-295 intersection. It would benefit the applicant to show that the intersection meets industry traffic signal warrants, that signalization of the intersection would decrease the overall intersection average vehicle delay, and that the improvements would reduce the number of crashes.*

Caroline Pelletier

From: Lisa R. Magnacca <LMagnacca@dwmlaw.com>
Sent: Monday, March 2, 2020 9:29 AM
To: 'William Fletcher'
Cc: Caroline Pelletier; Frank Dougherty
Subject: RE: Revised Declaration - The Beacon Residences

**** CAUTION EXTERNAL EMAIL ****

Hi Bill,

That looks fine to me.

Thanks,

Lisa

From: William Fletcher <wfletcher@fsd-lawfirm.com>
Sent: Monday, March 2, 2020 9:04 AM
To: Lisa R. Magnacca <LMagnacca@dwmlaw.com>
Cc: Caroline Pelletier <CPelletier@freeportmaine.com>; Frank Dougherty <f.dougherty@kgiproperties.com>
Subject: Revised Declaration - The Beacon Residences

Good morning Lisa,

To confirm, your suggested edits to the Declaration look fine. I've made one minor housekeeping change (Devine Capital LLC's state of formation is Massachusetts).

Attached a clean final version (accepting your changes) and compared-text version (showing your changes plus the housekeeping change I added).

Let me know if there are any questions/comments whatsoever.

Thanks,
Bill

William M. Fletcher, Esq.
Fletcher, Selser & Devine
Portland | Greenville

Two Monument Square, 7th Floor
Portland, Maine 04101
Direct: 207.536.4665 | Cell: 207.577.3086
wfletcher@fsd-lawfirm.com | www.fsd-lawfirm.com



From: Caroline Pelletier <CPelletier@freeportmaine.com>
Date: February 14, 2020 at 1:09:17 PM EST
To: Frank Dougherty <f.dougherty@kgiproperties.com>, "Will Conway (wconway@sebagotechnics.com)"
<wconway@sebagotechnics.com>
Subject: FW: The Beacon Residences

Please see email below and attachment.

Caroline

From: Lisa R. Magnacca <LMagnacca@dwmlaw.com>
Sent: Friday, February 14, 2020 1:07 PM
To: Caroline Pelletier <CPelletier@freeportmaine.com>
Subject: The Beacon Residences

**** CAUTION EXTERNAL EMAIL ****

Caroline,

We have reviewed the Declaration of Protective Covenants and Restrictions for The Beacon Residences and my comments are below. Note that the version you sent us had some redlining from the applicant's attorney and I have accepted those and added my own proposed changes in redline just so there would be no confusion. The plan shows that this project will have a private way located entirely within the property boundaries. Access to the property is from Desert Road, an abutting public way, so no easements from abutters are required in order to satisfy Section 512 of the zoning ordinance. The declarant will build and maintain the road and will own the open space.

Comments:

1. As we discussed, the subdivision plan should include a note that no changes may be made to the approved plan, including further property divisions, except in accordance with the Subdivision Ordinance. I can confirm that this concept is already appropriately incorporated in the Declaration (in Section D).
2. I have also confirmed that the Declaration appropriately states that the declarant is obligated to build and maintain the road, however, I have made some minor revisions in redline (attached).

Please let me know if you have any additional questions.

Thank you,

Lisa

Lisa R. Magnacca
Attorney

207.253.0504 Direct
LMagnacca@dwmlaw.com

84 Marginal Way, Suite 600, Portland, ME 04101-2480
800.727.1941 | 207.772.3627 Fax | dwmlaw.com



Freeport Fire Rescue

4 Main Street Freeport, Maine 04032
(207)865-3421 Fax (207)865-2858

February 27, 2020

Ms. Caroline Pelletier
Acting Town Planner
Town of Freeport
30 Main Street
Freeport, ME 04032

Dear Ms. Pelletier,

Please allow this letter to serve as confirmation of my approval of the proposed water supply system for firefighting purposes at the Beacon Residential Development at 6-8 Desert Road. My approval of the system is based upon the required fire flow for the fire hydrants serving the project, which I concluded to be 1,000 gallons per minute (GPM) per fire hydrant. This conclusion was based upon NFPA 1 – The Fire Code, the size, construction type, and use of the building improvements, and upon the fact that each of the residential buildings will be equipped with a quick-response fire sprinkler system to be approved by the Maine State Fire Marshal.

Please find attached, documentation from KGI Properties, LLC, Sebago Technics, Everett J. Prescott, Inc. and Maine Water which detail available fire flows, acceptable hydrant styles and sizes, acceptable piping materials and diameters, gate value types and sizes, etc. So long as the materials, styles and sizes of the infrastructure components are acceptable to Maine Water, they are acceptable to me. My main concern is fire flow which will be accommodated by Maine Water's public infrastructure, from which, the private water system will extend.

I echo the comments of Marcus Knipp, E.I.T., Engineer of Maine Water, found in the attached e-mail and ask that the proposed and all successive property owners be required to contract with a third-party vendor for annual hydrant inspections to ensure 1) the private hydrants are properly winterized, and 2) the private hydrant system offers continuous reliability. Finally, I ask that ownership be required to keep the hydrants free and clear from debris, including snow piles and that all private fire hydrants be painted PURPLE, in order to denote the same.

Should you have any questions, please do not hesitate to contact me at 207-865-3421 or cjordan@freeportmaine.com.

Very truly yours,


Charlie Jordan, Chief
Freeport Fire-Rescue

Attachments

Project: Beacon Residential Development
 6-8 Desert Road
 Freeport, ME

Date: 1/29/20

Transmitted To	Transmitted By
-----------------------	-----------------------

Fire Chief Joran
 Freeport Fire Department
 4 Main Street
 Freeport, ME 04032

Frank Dougherty
 KGI Properties
 Suite 901, 10 Memorial Blvd
 Providence, RI 02903
 (c) 617/548-8416
 (e) f.dougherty@kgiproperties.com

Package Transmitted For	Delivered Via
Final Approval	Electronic Mail and Hand Delivery

Item #	Qty	Items	Reference	Description and Notes	Status
1	1	Hydrant Flow Test		EJ Prescott flow analysis dated 1/24/20	
2	1	Design Memo		Water system design memorandum, dated January 28, 2020 prepared by Sebago Technics	

Cc: Company Name	Contact Name	Copies	Notes
Maine Water Company	Marcus Knipp	1	Transmitted via email

Remarks

Chief,

EJ Prescott's analysis determined that the water main in Dessert Road has a static pressure of 62 psi and a residual pressure of 56 psi when flowing at 1,190 gpm. Sebago Technics assessment concluded that the hydrant closest to Garage 5 would have a flow of 1,200 gpm with a residual pressure of 20 psi as noted on the attached.

I trust this evaluation provides your office with the necessary information to approve the system design from the Fire Department's perspective.

Thank You,



 Francis X. Dougherty

1/29/20

 Date



Everett J. Prescott, Inc.

Home Office
P.O. Box 600
32 Prescott Street
Gardiner, Maine 04345



Everett J. Prescott, Inc.

HYDRANT FLOW TEST REPORT

Contractor: KGI Properties Date: 1/24/20
 Job Site: Desert Rd. Time: 9:30AM
Freeport, ME

Hydrant #1 Location: #78 - 4 Desert Rd.
 Hydrant #2 Location: #79 - 12 Desert Rd.
 Hydrant #3 Location: _____
 Hydrant #4 Location: _____

RESULTS

Hydrant	#1	#2	#3	#4
Static Pressure	<u>62</u> PSI	____ PSI	____ PSI	____ PSI
Flow Rate	____ GPM	<u>1190</u> GPM	____ GPM	____ GPM
Shows Pressure	____ PSI	<u>50</u> PSI	____ PSI	____ PSI
Residual Pressure (when flowing Hydrant # __)	<u>56</u> PSI	____ PSI	____ PSI	____ PSI
Nozzle Size	<u>2.5</u>	<u>2.5</u>	____	____

Remarks: _____

Test made by Patrick Coughlan
 Witnessed by Peter Smith



CONNECTICUT WATER SERVICE

**PURCHASING STANDARDS
FOR
WATERWORKS MATERIAL**

FOR ALL SUBSIDIARY COMPANIES

JANUARY 2019



PURCHASING STANDARDS FOR WATERWORKS MATERIAL

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WATER MAIN MATERIALS

DUCTILE IRON PIPE

Pipe shall be minimum thickness Class 52 or pressure class 350 ductile-iron as specified per installation location, double cement mortar-lined, double bituminous seal coated inside, manufactured and finished in The United States of America or Canada and in accordance with ANSI/AWWA C151/A21.51-02 or the latest revisions thereof.

All pipe joints shall be the push-on type, unless otherwise specified, employing a single, elongated grooved rubber gasket to affect the joint seal. All joints shall conform to the applicable requirements of ANSI/AWWA C111/A21.11-07 or the latest revision thereof. Where push-on locking or mechanical joint locking gaskets are specified, they shall be 'Field Lok' (red in color) by U.S. Pipe, "Sure Stop 350" by McWane or 'Fast-Grip' by American Pipe.

If flanged pipe is used, it shall be flanged ductile iron pipe with threaded flanges in accordance with ANSI/AWWA C115/A21.15-05 or the latest revision thereof. Flanged pipe shall have a minimum thickness of special Class 53 and be furnished with ductile iron flanges.

All pipes shall be double cement mortar-lined and double seal coated in accordance with ANSI/AWWA C104/A21.4-03.

Approved Manufacturers of Ductile Iron Pipe

McWane Ductile

American Cast Iron Pipe Company

United States Pipe & Foundry Company

Approved Manufacturers for Restrained Joint Ductile Iron Pipe Class

United States Pipe & Foundry Company (TR Flex)

McWane Ductile (Super-Lock)

PRE-INSULATED PIPE

Service Pipe:

The service pipe shall be Ductile Iron manufactured in accordance with ANSI/AWWA C151/A21-51. Push-on joints and mechanical joints shall be in accordance with ANSI/AWWA C111/A21.11

Insulation:

The insulation shall be a foamed in place closed cell polyurethane which completely fills the annular space between the carrier pipe and the exterior casing. The insulation shall have the following physical properties:

Plain end butt fused fittings and electro-fusion couplings shall be used when joining polyethylene materials. Mechanical joint fusion adaptors shall be used when joining polyethylene materials to different piping materials for 4 inch and greater diameter. Mechanical (compression) fittings shall be used only when joining polyethylene materials to different piping materials for less than 4 inch diameter and approved by MWC.

MAIN LINE FITTINGS

Fittings shall be ductile-iron, double cement mortar-lined, double bituminous seal coated inside with mechanical or flanged joints, as specified, manufactured in the United States or Canada and in accordance with C153/A21.53-06 (Ductile iron Compact fittings) or the latest revision thereof. This standard includes tees, bends, offsets, sleeves, crosses, reducers, caps, plugs and connecting pieces. Gray iron fittings (ANSI/AWWA C110/A21.10.03) will only be used where specified.

Exterior coating for mechanical joint fittings shall be bituminous seal coat OR. Exterior coating for flanged fittings shall be bituminous seal coat or primer coated as specified.

All fittings shall meet the following required working pressure rating:

<u>ANSI/AWWA Standard</u>	<u>Pipe Material</u>	<u>Pipe Diameter (inches)</u>	<u>Type of Joint</u>	<u>Working Pressure Rating (psig)</u>
C153/A21.53-06	Ductile-Iron	3-64	Mechanical	350
C110/A21.10-03	Ductile-Iron	3-48	Mechanical	250
C115/A21.15-05	Ductile-Iron	3-48	Flanged	250

Approved Manufacturers

Tyler Union

RETAINER GLANDS FOR MECHANICAL JOINTS

CWC – Shall only use Megalug Series 1100, manufactured by EBAA Iron Inc.,
MWC Only – Romac Grip Ring for DIP sizes 4 – 12 inch, greater than 12 inch, Megalug noted above shall be used.

BOLT THROUGH MJ ADAPTER FOR JOINT RESTRAINT

In-Fact Corporation Foster Adapter 6-12 inches for the direct connection of MJ fittings.
In-Fact Compact Restrained Joint fittings (As specified by application)

Approved Manufacturers

Henry Pratt Co., "Groundhog"
Mueller Co., "Linesal III"
VAL-Matic American - BFV
M&H Valve Co.

STAINLESS STEEL TAPPING SLEEVES

All Tapping Sleeves shall be stainless steel unless ductile iron is called for on specific installations. Ductile specifications may be found in the Appendix. Only TPS brand stainless tapping sleeves may be used on Ductile Iron, Cast Iron and Transite water mains for size on size taps. Outlet flange to be Stainless. All nuts, bolts, etc. should be stainless steel and conform to AWWA Standard for Fabricated Steel and Stainless Steel Tapping Sleeves C223-02. Additional installation requirements may be project specific.

Approved Manufacturers:

Standard MJ Valve Sleeves

Total Piping Solutions – TPS Standard and Flanged Tapping Sleeves
Power Seal #3490MJ
Mueller H-304MJ

**Ductile Iron Tapping Sleeves may be required for certain installations. See Appendix for Specifications*

VALVE BOXES

Valve boxes shall be iron-body with close fitting dirt-tight covers, 2-piece (26 inch top, 36 inch bottom,) 5 ¼-inch shaft adjustable slide type. The top of the cover shall be flush with the top of the box rim with the word "WATER" clearly marked.

All Boxes for CWC & MWC lengths shall be sized as indicated above with the exception of:

Greenville and Millinocket Maine Typically 36" tops, 48" bottoms

Approved Manufacturers

Bingham & Taylor #4908
Bibby St. Croix #V683 (5664)
Tyler/Union Foundry #7126

FIRE HYDRANTS

Fire hydrants shall be Mueller Super Centurion 250 A423 with a standard shoe *, dry-barrel, iron-body with one 4 ½-inch pumper** and two 2 ½-inch hose connections with National Standard Thread manufactured in the United States or Canada and in accordance with ANSI/AWWA C502-05 or the latest revision thereof. All CWC hydrants shall be of the automatic drain type to prevent freezing.

Blowoff valves shall be a 2inch gate valve. Open direction shall be same as Region valves as specified in the appendix.

SDP top mount air vent, 1inch only

WARNING TAPE

Warning tape shall be a minimum 3-inch wide, 4.0 mil polyethylene film suitable for buried service. The tape shall be blue in color per the A.P.W.A. National Color Code and shall be permanently imprinted with a warning label indicating a "Water Main Buried Below."

SUBSURFACE INSULATION – Specified on a job by job basis.

CHLORINE TABLETS

5 gram calcium hypochlorite tablets, **non-stabilized**, installed per the Disinfection Section of the project specifications, and in accordance with AWWA C651-05.

LIQUID CHLORINE INJECTION (See Standard Details SD-27 & SD-28)

REPAIR CLAMPS – MISCELLANEOUS FITTINGS

All repair clamps and miscellaneous fittings should be stainless steel, epoxy, or nylon coated and use all stainless steel nuts, bolts, etc. and full face rubber gaskets where available.

Approved Manufacturers

Ford

Smith Blair

Romac

Mueller

Dresser

Wide range transition couplings approved for use up to and including 12"

Mueller: Maxi-Range

TPS – Quick Cam

Hymax for non-uniform size only

Romac – MACRO – Trial basis

Hymax Grip Coupling (for restraint of non-uniform size only)

Wide range transition couplings approved for use over 12"

Smith Blair # 44

Romac # 501

Approved Manufacturers

Mueller Mark II Oriseal H-15209, Mueller 300 Ball Valve B-25209

Ford B44-444-Q

A.Y. McDonald – 6100-Q

If a curb stop valve is needed with a drain (stop and waste), it shall be a Mueller Mark II Oriseal H-15219 or other approved manufacturer.

CURB BOXES

Curb boxes shall be iron-body with close fitting, dirt tight or screw type covers. The top of the cover shall be flush with the top of the box rim with the word 'WATER' clearly marked.

Curb boxes for MWC shall be Erie Style with Stainless Steel Rods with lengths specific to each installation. Curb boxes for CWC are ordered specific to each Region and may be found in the Appendix. Any Erie style boxes for CWC shall also be equipped with Stainless Steel Rods.

METER PITS

Meter Pits shall be .486 inch minimum wall PVC or polyethylene, eighteen inch in diameter per CWC drawing SMS-3, dated 10/31/07 for 5/8 x 3/4" and 3/4" meters. Twenty-two inch diameter meter pits per drawing, SMS-3A dated 10/31/07, shall be used for 1" meters. Meter pits are to be furnished with cast iron frame and 15" or 18" diameter lid to say "Water." Covers to be drilled for touch pad reader and supplied with plug. Frames and covers also to include full diameter foam insulation pad with cutout for meter access.

Approved Manufacturers:

Mueller/McCulloch

QWP

A.Y. McDonald

METER YOKES (HORNS) – Required for CWC only

Meter Yokes shall be corner style with locking corner brass valves for sizes 5/8" x 3/4", 3/4" or 1" per CWC drawing SMS-1, dated 4/6/04 or SMS-2, dated 4/13/04 with pressure-reducing valve for size 5/8" x 3/4". With exception of Avon Water, the Meter Yoke shall be a Ford No. 2 copper horn.

Approved Manufacturers:

Mueller Company

Ford Meter Box Co.

A.Y. McDonald

TRIAL ITEMS

Products selected for trial basis are at the discretion of CWC. Those selected and placed in use, must be in use for at least six months prior to approval. Upon the conclusion of said period, final approval of the product will be at the discretion of CWC.

MWC Hydrant Information

<u>MWC System</u>	Color	Bury	<u>MWC Contracts</u>	Color	
Biddeford Saco - Open Right	Yellow	5'6"- 6'0"	South Freeport - Open Right	Yellow	6'0"
Camden Rockland - Open Right	Red	5'6"- 6'0"	Waldoboro - Open Right	Red	5'6"- 6'0"
Union & Warren - Open Right	Red	5'6"- 6'0"	Vinalhaven - Open Left	Red	6'0"
Skowhegan - Open Right	Red	6'0"			
Oakland - Open Left	Red	6'0"			
Hartland - Open Right	Red	6'0"			
Bucksport - Open Left	Yellow	6'0" + 7'0"			
Millinocket - Open Left	Orange	6'0"			
Greenville - Open Left	Orange	6'0"			
Freeport - Open Right	Yellow	6'0"			
Kezar Falls - Open Left	Yellow	5'6"			

Naugatuck Northern Crystal Gallup Heritage Village	1" through 2"	Slide type 2 ½-inch shaft	Bingham & Taylor 95E Slip Bibby St. Croix #V213
Unionville	1" 1 ½" – 2"	Extension type With 33" long stationary rod (Mueller # 82864) Extension type With 33" long stationary rod (Mueller # 82864) <i>and</i> Installed over enlarged base	Mueller H-10314 QWP "Laroache" Bibby #R1500 Mueller H-10314 QWP "Laroache" Bibby #R1500 Bibby #V313
Mansfield	1" through 2"	Extension type With 27" long stationary rod Or Slide type 2 1/2 inch shaft	Mueller H-10314 QWP "Laroache" Bibby #R1500 Bingham & Taylor 95E Slip Bibby St. Croix #V213
Avon	1" through 2"	Erie #1 Curb Box & Rod with 30" stationary rod.	

Note: Enlarged base section may need to be used on service lines with 2in ball valves and larger

DUCTILE IRON TAPPING SLEEVES

Tapping sleeves are to be manufactured from ductile iron. Tapping sleeves are to only be used in conjunction with a mating tapping valve from same manufacturer. All sleeves are to include the end joint accessories and split glands necessary to assemble sleeve to pipe. MJ bolts and nuts are to conform to ANSI/AWWA C111/A21.11-07. Inside and outside of all tapping sleeves to be coated in accordance with AWWA Standard for Ductile Iron Compact Fittings ANSI/AWWA C153/A21.53-06 Section 4.3.

Approved Manufacturers

Mueller Company – H-615 (for use on C.I. & D.I. pipe), H-616 (for use on Pit Cast C.I. pipe)

MISCELLANEOUS

Caroline Pelletier

From: Charles Jordan
Sent: Thursday, March 12, 2020 11:06 AM
To: Caroline Pelletier
Subject: FW: Private or Public Hydrants at Beacon Apartments

As requested

From: Marcus Knipp <Marcus.Knipp@MaineWater.com>
Sent: Monday, January 27, 2020 10:58 AM
To: Charles Jordan <cjordan@freeportmaine.com>; Frank Dougherty <f.dougherty@kgiproperties.com>
Cc: Aric Odone <Aric.Odone@MaineWater.com>
Subject: Private or Public Hydrants at Beacon Apartments

**** CAUTION EXTERNAL EMAIL ****

Good afternoon,

We had discussed the issue of public or private hydrants during our meeting and after some internal discussion we have agreed that MWC would rather keep those hydrants private. In our best effort to stay consistent, we only like to see public hydrants on roads that are in the public right of way.

Private hydrants present a few issues for the property owners that need to be considered:

- The property owner will be charged an extra fee for each private hydrant on property
 - This fee only covers the cost of the availability of water that may be required during a fire event, but does not cover any maintenance or inspection related to the hydrant. MWC takes no responsibility in private hydrants.
- The property owner is recommended to get a contract in place with a third party company like EJPrescott that will do yearly inspections of the hydrants. This ensures that they are pumped dry prior to each winter season to prevent a frozen barrel as well as the continued working condition of the hydrant itself.
 - This should effectively be a maintenance agreement to keep the hydrants working properly (MWC does not have maintenance agreements for private hydrants and another company would be used)
 - Keeping the hydrants free and clear from debris, such as snow piles, will be required and should be implemented by the maintenance department of the apartment complex.
- MWC may operate the hydrants during our annual flushing schedule to ensure the best quality of water in our system, but if anything is found to be wrong during our flushing, we will notify the owner and expect a prompt repair schedule be implemented.
- Freeport division will require that the private hydrants are painted Purple.

Feel free to reach out with any questions or concerns,

Thank you,

Marcus Knipp, E.I.T.
Engineer



93 Industrial Park Road

Caroline Pelletier

From: Adam Bliss
Sent: Thursday, March 12, 2020 8:32 AM
To: Caroline Pelletier
Subject: Doten's Site Plan Amendment

Hi Caroline,

I reviewed the Doten's Site Plan Amendment application. The revisions to the plan do not have any impact to stormwater management, erosion and sediment control, or traffic circulation. I do, however, encourage the applicant to be cognizant of ADA grading and building access requirements at the new entrance.

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

Caroline Pelletier

From: Adam Bliss
Sent: Thursday, March 12, 2020 8:46 AM
To: Caroline Pelletier
Subject: Mast Landing Site Plan Review

Hi Caroline,

I have reviewed the Mast Landing Site Plan application and have no issues with the proposal since most of the improvements are internal. I am unable to review the application for Traffic Management without the existing Traffic Movement Permit. Property ingress and egress is unlikely to be an issue, however, since the site is served by a traffic light with dedicated turn lanes.

Thank you,

Adam

Adam S. Bliss, P.E.
Freeport Town Engineer / Public Works Director
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