



**TOWN OF FREEPORT, MAINE**

Planning Department  
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**TO: FREEPORT STAFF REVIEW BOARD**  
**FROM: CAROLINE PELLETIER, INTERIM TOWN PLANNER**  
**RE: STAFF REPORT**  
**DATE: TUESDAY, MAY 5, 2020**

<b>Peregrine Acupuncture – Lower Main Street</b>	
Property Location:	Tax Assessor Map 8, Lot 4A
Zoning Information:	Commercial III (C-III), Design Review I – Class B & Color Overlay District
Review Type(s):	Change of Use
Waivers Requested:	None

**Background:** The applicant is seeking approval for a change of use at 178 Lower Main Street. The change is from daycare to business and professional office. There is also a single-family dwelling unit, Mom’s Munchies (manufacturing and processing) and Wilbur’s of Maine Chocolate Factory and Retail Store which are existing and will remain on the site. No site changes other than a new sign are proposed. No exterior building alterations are proposed.

Access to the site is existing with curb cuts on both Lower Main Street and Lindwood Road. There are currently 41 parking spaces; 2 ADA spaces, 6 spaces for Peregrine Acupuncture, 2 for the existing dwelling unit, 6 for Mom’s Munchies and the remaining 25 for Wilbur’s of Maine. The applicant may offer some classes, but they should be opposite of the hours of Wilbur’s of Maine and the applicant should be able to share the existing parking on the site. No changes to the existing parking area are proposed.

The building is already connected to public utilities. In an email dated 04/14/20, Leland Arris of the Freeport Sewer District stated that the utility has the capacity to serve the project. Sign-off from MaineWater is not needed. The applicant will utilize the existing dumpsters on the site.

The applicant will be replacing the existing sign face; using the existing sign posts and in the existing location. The sign will be made of aluminum composite material with digitally printed vinyl graphics. Dimensions will be the same as the existing sign; 30 inches in height and 72.75 inches in length. The design will be as shown in the submission. Since this is a replacement ground sign, the design has been approved as a staff approval and will not need to go to the Project Review Board for a Design Review Certificate.

Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts (of the Freeport Zoning Ordinance) is applicable. Section 527 contains standards for building design, signage, access and landscaping. There is an existing sidewalk in the public right of way in which provides connections to abutting properties. Since the site plan was previously approved by the Project Review Board, it was previously found to be in compliance with this section. Again, no site changes other than a new replacement sign, are proposed.

- 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 and no changes to the site or building are proposed. Based upon this information, the Board finds that this standard has been met.*

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

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

*The property is in Design Review I and is Class B. It is also located in the Color Overlay District. No exterior changes to the building are proposed. Based upon this information, the Board finds that this standard has been met.*

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

*Access to the site is existing with curb cuts on both Lower Main Street and Lindwood Road. No changes to vehicular access to the site 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. There are currently 41 parking spaces; 2 ADA spaces, 6 spaces for Peregrine Acupuncture, 2 for the existing dwelling unit, 6 for Mom's Munchies and the remaining 25 for Wilbur's of Maine. The applicant may offer some classes, but they should be opposite of the hours of Wilbur's of Maine and the applicant should be able to share the existing parking on the site. Based upon this information, the Board finds that this standard has been met.*

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

way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

*No changes to surface water drainage is 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.

*The building is already connected to public utilities. In an email dated 04/14/20, Leland Arris of the Freeport Sewer District stated that the utility has the capacity to serve the project. Sign-off from MaineWater is not needed. The applicant will utilize the existing dumpsters on the site. Based upon this information, the Board finds that this standard has been met.*

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

*The applicant will be replacing the existing sign face; using the existing sign posts and in the existing location. The sign will be made of aluminum composite material with digitally printed vinyl graphics. Dimensions will be the same as the existing; 30 inches in height and 72.7 inches in length. The design will be as shown in the submission. Since this is a replacement ground sign, the design has been approved as a staff approval and will not need to go to the Project Review Board for a Design Review Certificate. 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.

*Since this property is in a commercial zoning district, the standards of Section 527. Performance Standards for Commercial Districts is applicable. Section 527 contains standards for building design, signage, access and landscaping. There is an existing sidewalk in the public right of way in which provides connections to abutting properties. Since the site plan was previously approved by the Project Review Board, it was previously found to be in compliance with this section. 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 new lighting is proposed. There is existing lighting near points of egress on the building. 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. The applicant has an approved landscaping plan that was previously approved by the Freeport Project Review Board. 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 surfacewaters;
  - (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 parcel is within the Shoreland Zone but not within the Marine Waterfront District. No site changes 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 Staff Review Board approve the printed Findings of Fact and Change of Use for Chris Haskell, Peregrine Acupuncture, at 178 Lower Main Street (Tax Assessor Map 8, Lot 4A), to be built substantially as proposed, application dated 04/01/2020, finding that it meets the standards of the Section 602 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 installation, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.
- 3) The applicant obtain a building permit from the Freeport Codes Enforcement Officer for the Change of Use.