



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, ASSISTANT TO THE TOWN
PLANNER RE: STAFF REPORT
DATE: WEDNESDAY, MAY 15, 2019

CF Cousins River – Temporary Activity Permit	
Property Location:	Tax Assessor Map 25, portion of Lot 2
Zoning Information:	Commercial I
Review Type(s):	Temporary Activity Permit
Waivers Requested:	None

Background: The applicant recently obtained Site Plan Approval to develop two of the lots on the property. While construction is starting, the applicant is seeking approval for a Temporary Activity Permit to park vehicles in an existing gravel area on the property. No site changes are proposed and no vehicle sales will occur on the property. The request is to allow the applicant to park vehicles on the site through the end of September 2019. If at some time the applicant feels that they would need more time to park vehicles in this location, they would need to apply for another Temporary Activity Permit and return to the Board.

Process: Temporary Activity Permits are regulated by Section 501 of the Freeport Zoning Ordinance. The standards are as follows:

- “A. An activity that is of a decidedly temporary nature and which can meet the minimum requirements of the performance standards below Sec. 501.A.2-4, may be allowed under the provisions of a Temporary Activity Permit issued by the municipal Codes Enforcement Officer. The conditions of issuance or of renewal for any such permit are:
1. The proposed activity or use will not continue beyond a maximum time period of one (1) week for no more than three times per year per property except as allowed in 501.C and 501.D below or as allowed in this section. If additional time beyond one week is requested by the applicant, the Codes Enforcement Officer must obtain the concurrence of the municipal Project Review Board before such an extension is granted. Upon expiration of the Special Permit, the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be in violation of this Ordinance.
 2. The proposed activity will not create, cause or increase any health, safety or public nuisance problems.
 3. The proposed activity will not cause immediate or future damage to adjacent properties.

4. Reasonable provision is made to prevent or minimize harmful environmental impacts of the proposed activity.”

Staff Comments: Staff did review the application and had the following comments:

- 1) The Codes Officer does not have any issue with the request, however noted that approval from the Freeport Project Review Board is required;
- 2)The Police Chief notes that this is a high crash location and recommends that there be no unloading of the vehicle transport truck in the right-of-way; and,
- 3) The Superintendent of Public Works noted that the road must be kept clear of mud and suggested that no unloading of automobiles in the right-of-way be allowed.

The applicant is aware of staff concerns and has no objections if these are conditions to the approval.

Proposed Motion: Be it ordered that the Freeport Project Review Board concurs with the Freeport Codes Enforcement Officer regarding the request by CF Cousins River LLC for the issuance of a Temporary Activity Permit for the parking of vehicles in the gravel parking area on their property on US Route One (Tax Assessor Map 25, portion of Lot 2), application dated 24 April 2019, as the Board finds that the standards of Section 501 of the Freeport Zoning Ordinance have been met, with the following conditions of approval:

- 1) There be no unloading of the vehicle transport truck in the right-of-way.
- 2) The public right of way must be kept clear of mud.
- 3) Upon expiration of the Permit on 09/30/19, the activity must be immediately discontinued or brought into conformance with the minimum standards of performance or be in violation of the Freeport Zoning Ordinance.

<u>Freeport Heights Retirement Community – Old County Road – PUBLIC HEARING</u>	
Property Location:	Tax Assessor Map 26, Lots 38A, 38B, & 38C
Zoning Information:	Rural Residential I (RR-1)
Review Type(s):	Extension of Site Plan and Subdivision Approvals
Waivers Requested:	None

Background: The applicant is seeking an extension of a previous approval of a retirement community on Old County Road. The approval is set to expire on 6/27/2019.

The proposal includes adding an 85-unit assisted living/independent care facility and 73 cottage units to the existing facilities. The development will add to the complex that currently includes Freeport Place, Webster Commons and the Hawthorne House. Freeport Place is an assisted living facility, Webster Commons and Hawthorne House is a skilled nursing facility. In total, at completion, there will be 288 beds and/or units on the site.

This project required both Subdivision and Site Plan Review and an extension of both approvals is requested. As part of the extension request, the dates of the previously approved phasing plan have also been updated. There have been no changes to the Freeport Zoning Ordinance or Freeport Subdivision Ordinance that would result in change to this application. The applicant still has a valid Site Location of Development Permit from the Maine Department of Environmental Protection.

Process: Section 602.C.1.r of the Freeport Zoning Ordinance and Article 8.3.G of the Freeport Subdivision Ordinance both allow the Board to grant extensions of past approvals, if the request is made prior to the date of the approval expiration. The last approval is set to expire on at the end of June, as the project has not yet begun construction. The same conditions of approval and previously approved Findings of Fact would be applicable and should be referenced in any action by the Board on the extension request.

Proposed Motion: Be it ordered that the Freeport Project Review Board grant an extension of the previously approved Site Plan and Subdivision approvals for the proposed Freeport Heights Retirement Community on Old County Road (Tax Assessor Map 26, Lots 38A, 38B, & 38C), to be built substantially as proposed, updated subdivision recording plan dated 04/18/2019, finding that no municipal ordinances affecting the approvals have changed and therefore the application would still meets the standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) The Findings of Fact and conditions of approval related to the Board’s 06-28-17 approvals are still applicable with the exception of condition 2 which is updated as follows:
 - a. The Board approves the phases as presented by the applicant in the submission cover letter dated April 18, 2019, and each phase is approved for the time as noted. Construction of the first phase must be initiated (as defined by the Freeport Subdivision Ordinance) within two years of this approval (by March 15, 2021). The Construction Phasing Plan is approved for the construction of all site work, including the driveway, roads, parking areas, landscaping, erosion control, and stormwater management etc. The buildings do not need to be completed within this phasing schedule.

The commencement date for the start of a subsequent phase under the phasing schedule may be extended by the Project Review Board. Phasing may be accelerated if the required performance guarantee has been established for each separate phase under construction and if applicable fees will be paid, but such acceleration shall not alter the beginning and end date for commencement of other subsequent phases, unless requested by the applicant in accordance with this approval.

If a construction of a phase is not initiated in the time allotted, the approval for all remaining phases becomes void unless otherwise approved by the Project Review Board prior to expiration of such phase. If during such time prior to construction, rules and regulations of the State or other governing body besides the Town change and require changes to the plan, the applicant may be required to return to the Town for approval of such changes. If Town standards affecting the plan change, those standards will be applicable at such time that the applicant returns to the Board.

<u>Pine Tree Academy – 67 Pownal Road</u>	
Property Location:	Tax Assessor Map 22, Lot 74
Zoning Information:	Rural Residential I (RR-I)
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

Background - The applicant is presenting plans to construct a 36' X 60' pole barn structure which will be used for storage. An existing garage in this location will be removed. The remainder of the area is currently gravel. No other changes are proposed. Per Section 602.1.C.3 of the Freeport Zoning Ordinance, based upon the square footage of the structure, review by the Project Review Board is required.

Building – Elevation drawings of the structure have been included in the submission. The pole barn will be connected to the existing industrial arts building. The gable end will have vertical ship-lap pine siding and the other two sides will have a series of openings with 6'x6' pressure treat columns between.

Vehicular Access & Parking – Access to the site is existing and no changes to parking and circulation are proposed.

Stormwater – No changes to the stormwater management system are proposed. The Town Engineer has suggested that they use an erosion control barrier down-gradient of the construction work. There is an existing Site Location Permit for the property, however in an email dated March 5, 2019, Alison Sirois from the Maine Department of Environmental Protection (DEP) says that this project will be an exempt activity under Site Law.

Utilities – The building will not have utility connections.

Signage - No signage is proposed.

Solid Waste & Outdoor Storage – No changes to solid waste is proposed.

Lighting – No new exterior lighting is proposed.

Landscaping– No changes to landscaping are proposed.

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 applicant is presenting plans to construct a 36' X 60' pole barn structure which will be used for storage. The pole barn will be connected to the existing industrial arts building. An existing garage in this location will be removed. The remainder of the area is currently gravel. No additional vegetation will be removed. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures

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

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

The applicant is presenting plans to construct a 36' X 60' pole barn structure which will be used for storage. The pole barn will be connected to the existing industrial arts building. An existing garage in this location will be removed. The structure appears to comply with the required setbacks for the Rural Residential I District. The parcel is not within the Freeport 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

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. 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 the stormwater management system are proposed. The Town Engineer has suggested that they use an erosion control barrier down-gradient of the construction work. There is an existing Site Location Permit for the property, however in an email dated March 5, 2019, Alison Sirois from the Maine Department of Environmental Protection (DEP) says that this project will be an exempt activity under Site Law. 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 new utility connections 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 signage is 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 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 new 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 new landscaping is 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 parcel is not within the Marine Waterfront District or the Shoreland Area. No new utility connections are proposed. There is an existing Site Location Permit for the property, however in an email dated March 5, 2019, Alison Sirois from the Maine Department of Environmental Protection (DEP) says that this project will be an exempt activity under Site Law. 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 Pine Tree Academy for a new pole barn at on their property at 67 Pownal Road (Tax Assessor Map 22, Lot 74), to be built substantially as proposed, application dated March 27, 2019, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review

Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.

- 2) Prior to any work on the building, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.
- 3) During construction, the applicant use an erosion control barrier down-gradient of the construction work.

Fletcher Property Group – Residential Open Space Subdivision – Public Hearing	
Property Location:	Tax Assessor Map 26, Lot 4A
Zoning Information:	Rural Residential I (RR-I), Resource Protection II (RP-II) & Stream Protection (SP)
Review Type(s):	Open Space Residential Subdivision
Waivers Requested:	None

Background Information – The applicant is seeking preliminary subdivision approval for a residential open-space subdivision located off Young’s Lane. Plans include four residential lots with a total of six single-family dwellings and four duplexes. A road extension and 34 acres of open space are proposed. The applicant was before the Project Review Board on 11/28/18, 1/16/19, & 2/20/19 presenting conceptual plans and a sitewalk was held on 12/8/18. The review of the conceptual plan was deemed complete by the Board on February 20, 2019. The layout of the plan remains relatively unchanged since the last meeting, with the exception that one dwelling has been moved out of the steep slopes (toward the curve near the end of the road) and to the other side of the road.

Procedure– This application is considered a Subdivision-Major (Article 3 of the Subdivision Ordinance). The procedure would involve three levels of review – conceptual, preliminary, and final. This is preliminary plan review and if this plan is approved, the applicant would then finalize plans and resubmit for the review of the final subdivision plan at a subsequent meeting. Abutters have been notified and this meeting has been advertised as a public hearing in the Times Record (5/6/19 & 5/13/19).

Road – The Board agreed at the February meeting, per the recommendation of a traffic engineer (see previously submitted letter from William Bray, dated January 22, 2019), and per Article 11.5.C.2.b (Freeport Subdivision Ordinance), to allow a less stringent standard for sight distances if the proposed improvements recommended by the traffic engineer are made. This has been incorporated in to the road design.

Will Haskell, PE from Gorrill Palmer conducted a peer review of the engineering and stormwater on behalf of the Town. His preliminary comments are included in his memo dated 05/03/19 (attached). His comments will need to be incorporated into the final plan; obtaining his final sign-off on the plans will also need to be completed before final approval is granted. He did make some comments on the road design and the associated improvements; changes to the plan would be required to meet the standards of the Freeport Subdivision Ordinance. At this time the applicant has not submitted any written waiver requests, so it is assumed that the engineer’s recommended changes will be incorporated into the final plans.

Stormwater: As discussed at the last meeting and based upon documentation previously submitted (letter dated 01/30/19) from the Maine Department of Environmental Protection (DEP), the development, as proposed, would not require a DEP Site Location of Development Permit. Even though the application was determined to not meet the threshold for a Site Location Permit, the application will still require a DEP Chapter 500 Stormwater Permit (the project will most likely result in more than one acre of impervious area). The Town has requested that the DEP conduct the stormwater review. The applicant

has met with the DEP and had a preapplication meeting to discuss the project and their approach to stormwater treatment. The next step is for the applicant to submit a formal application to the DEP to obtain the required permit. Per Article 8.1.B of the Subdivision Ordinance, approval of this permit shall be obtained in writing from the DEP prior to the applicant submitting their final plan submission.

The memo from Will Haskell, peer reviewer, did contain some comments on stormwater and those comments will need to be addressed in the final submission. He will need additional information and calculations before he can give his final comments. One thing to note is that he observed that the current proposed road design appears to drain the surface water onto Sequoia Drive. This was previously an issue raised by Earl Gibson, Superintendent of Freeport Public Works (see memos dated 11/14/18 and 05/01/19), as there are existing drainage issues in the area from surface water draining off Young's Lane and onto Sequoia Drive; this is something that will need to be corrected in the final design.

Filling of Land and processing of material – As previously discussed, last summer, a large amount of fill material was brought into the site without a permit (see attached memo from Nicholas Adams, Codes Enforcement Officer dated 12/27/18). Based upon numbers provided by the applicant, and an on-site estimate by Crooker Construction (on behalf of the Town), it is estimated that there are 4,500 – 5,500 cubic yards of material on the site (only 200 cubic yards or less can be brought in without a permit). If Subdivision Approval is granted, the applicant intends to process the material on-site for use in the construction of the development. They would not be able to process material without a permit (in this case, final Subdivision approval). With the final submission, staff would suggest that the applicant include information from their engineer, on the amount of fill material that would be needed for the project.

Questions have been raised by abutters about the processing of material on-site and specifically whether or not it is allowed. In the attached memo from the Codes Officer, Mr. Adams explains that obtaining subdivision approval from the Board would allow the processing and use of the material for the construction of the development and no additional permits would be required. Until the subdivision is approved, the applicant would not be allowed to process the material on the site and is not able to bring additional material in. Comments from Phil Saucier, Town Attorney, about the issue of the fill and processing it on-site are included in an attached memo dated 05/07/19. The memo provides some clarification that Section 427: Mining and Extraction Overlay District "MEOD" and Section 509: Extraction (both of Chapter 21: Town of Freeport, Maine Zoning Ordinance) are not applicable to this subdivision application, nor is he aware of any other Sections of municipal ordinances that would prohibit the on-site processing of material with a final subdivision approval in place.

Although not required, the applicant did include information in the conceptual submission pertaining to timing and setbacks for processing material. The proposal suggested that they would limit processing to Monday through Friday from 7am-5pm and at least 300 feet away from any dwelling. The applicant has also suggested that they will follow the Standards of Section 518 of the Freeport Zoning Ordinance in regard to precautions to reduce smoke and particulate matter. What are the Board's thoughts on this? Based upon concerns raised by neighbors and understanding that processing on-site is not prohibited, does the Board feel that conditions of approval pertaining to the timing of processing of material on-site is something they want to discuss and/or require? If the Board wants to incorporate timing restrictions, the Board will need to include these restrictions in the Findings of Fact and/or Conditions of Approval at such time that final approval is granted, however could incorporate conditions to the preliminary approval if appropriate.

Wells / Septics – The location of test pits have been shown on the plan. A hydrogeologic assessment and nitrate study have been completed by Mark Cenci Geologic, Inc. (dated April 22, 2019) and has been included in the submission. His conclusion was that the proposal meets the requirements of the Town of Freeport for both water quality and quantity, with the note that the wastewater disposal system for lot three would require a de-nitrification system. This should be added as a note on the final recording plan.

Concerns were raised at the past meeting by abutters about the proximity of disposal fields to the external property lines and the “well exclusion zone” this creates. The Town did ask the applicant to take another look at the proposed disposal field locations to see if any of the proposed disposal fields could be located further away from the property line. The plan submitted by the applicant shows the locations unchanged, however two of the potential disposal fields were combined into one. The plans submitted reflect the applicable “well exclusion zones” based upon the size of the proposed disposal fields. The applicant has been asked to provide some clarification as to why the proposed disposal fields are unable to be relocated.

Septic systems and wells are regulated by the State of Maine Subsurface Wastewater Disposal Rules and the State of Maine Well Drilling Rules; the Town of Freeport follows these rules. The Town contacted Brent Lawson, Maine State Site Evaluator / Plumbing Inspector, for his opinion on the “well exclusion” zones; his comments are included in an email dated May 1, 2019 (attached). Comments from Phil Saucier, Town Attorney, about how the regulations pertain to the “well exclusion zones” are include in a letter dated May 6, 2019 (attached).

Public Safety – Public Safety staff have reviewed the plans. The Police Chief has requested that a stop sign be added at the end of Young’s Lane where it connects with Sequoia Drive. The Fire Chief is also recommending that all residential dwellings have private sprinkler systems in accordance with NFPA 13D. A note indicating this should be added to the final recording plan.

Association Documents – A copy of the “Declaration of Protective Covenants, Restrictions and Easements” has been included with the submission. Since a private road is proposed, the provisions regarding road maintenance will need to be reviewed and approved by the Town Attorney; this would be done at the expense of the applicant prior to final approval.

Buffering - The areas of proposed buffering have been updated on the plan. An inventory of existing vegetation and proposed plantings (along the abutting Granite Farms Subdivision) is shown on the landscaping plan. The plan does refer to the area as a “20 foot limited disturbance landscape buffer”. A question for the applicant would be how this will be dealt with; will it be a deed restriction or something in the Association documents?

One item not shown on the plan is buffering abutting the residential properties at the beginning of Young’s Lane (where it enters the site). Based upon the current proposed road design, additional clearing will be required for the construction of the road. A question for the applicant is have they given any thought to buffering in this area, whether it be through the use of plant material and/or fencing? The Board previously indicated that they want a peer review of the landscape buffer plan. This will be conducted by the Town’s peer reviewer at the expense of the applicant and before final review. Can the Board provide additional guidance as to what specifics they would like the reviewer to comment on; such as, is the buffer to screen headlights or the view from abutting properties?

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the preliminary subdivision plans submitted by Fletcher Property Group, LLC., for the proposed Young's Lane Subdivision (Tax Assessor Map 26, Lot 4A) for a 14 unit residential open-space subdivision, preliminary plan set dated 04/24/2019. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to submitting for final approval, and per Article 8.1.B of the Freeport Subdivision Ordinance, the applicant obtain approval in writing from the Maine Department of Environmental Protection for a NRPA Wetlands Alteration Permit and a Maine DEP Chapter 500 Stormwater Permit.
- 3) Prior to final approval, the applicant obtain a final sign-off of the plans by Will Haskell, PE from Gorrill Palmer Consulting, whom is conducting the engineering peer review and municipal stormwater peer review on behalf of the Town of Freeport.
- 4) A note be added to the recording plan stating that the wastewater disposal system for Lot 3 will require a de-nitrification system.
- 5) The applicant provide supporting documentation from their engineer regarding the quantity of fill that will be required to be use in the construction of the road and other site improvements.
- 6) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc.
- 7) A note be added to the recording plan stating that individual residential sprinkler systems in accordance with NFPA 13D are required.
- 8) Prior to final approval, the road maintenance agreement be reviewed and approved by the Town Attorney.
- 9) Prior to final approval, a peer review of the landscaping/buffer plans shall be conducted by a landscape architect who will conduct a peer review on behalf of the Town, with any recommendations to be incorporated into the final plan.
- 10) The applicant submit a detailed plan in writing to outline a proposed plan for the timing on the processing of the fill material on-site and to incorporate into that plan, any suggestions made by the Board during the preliminary review discussion.
- 11) A stop sign shall be added at the end of Young's Lane where it connects with Sequoia Drive; this should be reflected on the final plans.
- 12) The final submission shall incorporate the requirements of Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.

To: Caroline Pelletier, Assistant to the Town Planner

From: Will Haskell, Maine PE #8518

Date: May 3, 2019

Subject: Preliminary Plan Peer Review o Youngs Lane Major Subdivision

We received the following information from the Town for review:

- Preliminary Plan Submission dated 4/23/2019, prepared by Land Design Solutions
- Youngs Lane Subdivision Preliminary Plans, dated 4/24/2019, prepared by Land Design Solutions
- Memorandum from Earl Gibson dated 11/14/2018 regarding sight distance at Youngs Lane and Sequoia Drive
- Memorandum from Earl Gibson dated 5/1/2019 regarding installation of stop sign on Youngs Lane at Sequoia Drive

We have reviewed the technical engineering components of the project for general compliance with the Town Ordinances and generally accepted engineering standards. We offer the following comments:

Application/Stormwater

1. The Applicant has submitted a preliminary stormwater management report, but much of the supporting data, calculations, and watershed plans will not be submitted until the final plan submission. We will review the stormwater report and calculations after the final plan submission.
2. The Application narrative indicates that a Maine DEP NRPA Permit By Rule is necessary for the proposed culvert outlet at the intersection of Youngs Lane and Sequoia. Given that the culvert outlet, riprap and grading is proposed within 25 feet of a stream, the Applicant shall obtain written confirmation from Maine DEP that a full NRPA permit is not required. If a NRPA permit was obtained when Youngs Lane was originally constructed, any additional wetland impacts may be cumulative.

Plans

3. C-300, 301, 302 – There are 5 underdrain soil filters (UDSFs) proposed for stormwater treatment. Grassed swales upstream of the UDSFs area acceptable as sediment pretreatment BMPs by Maine DEP. However, Maine DEP also recommends sediment forebays at inlets to the UDSFs to help reduce the velocity of incoming stormwater and to provide sediment removal. We recommend that forebays be added to reduce incoming velocities and provide additional sediment storage.
4. C301, 302 – There are several propose driveway culverts and roadway cross culverts shown on these plans that do not meet the requirements in the Town Subdivision Ordinance 11.16.C.2, which states that the minimum size for driveway culverts is 15” diameter and the minimum size for cross culverts is 18” diameter. Please revise culvert sizes to meet the requirements of 11.16.C.2. We also recommend that the Engineer submit sizing calculations for all proposed storm drains.
5. C301 – There is an existing gravel area that extends across proposed Lots 1 and 2. In areas where this gravel area is not being reconstructed, we recommend that a note be added defining how this area will be revegetated.
6. C301 – It appears that the construction of the riprap ditch and the cross culvert near the intersection of Youngs Lane and Sequoia, specifically on the right side of Youngs Lane, will eliminate much of the wooded



buffer between the existing lane and the Burch parcel. We recommend that a buffer be re-established to minimize impacts to the abutting property.

7. C301 – A stop sign shall be added on Youngs Lane at the intersection with Sequoia.
8. C301 – We understand that the sight distance for vehicles exiting the proposed Youngs Lane on Sequoia Drive has been previously reviewed with the Applicant. The improvements as noted in a Memorandum dated November 14, 2018 from Earl Gibson shall be incorporated into the subdivision plans. The 11/14/18 memo discusses raising Youngs Lane 6 inches, but also preventing any runoff from Youngs Lane from draining into Sequoia Drive. It does not appear that the proposed design will prevent runoff from Youngs Lane into Sequoia. Also see comment 19.
9. C301 – There is a cross culvert at station 16+30 that extends beyond the road right-of-way, along with the riprap inlet and outlet aprons. Easements should be provided to allow for future maintenance of the culvert and aprons.
10. C301 – A note is provided that indicates that the driveway to the Titcomb lot shall be reconstructed. The dashed lines for the reconstructed driveway should be revised to match into the existing edge of gravel.
11. C301 – UDSF #1 does not have an overflow spillway. If the underdrain system were to fail how will the driveway to the Duhaime lot be impacted?
12. C301 – UDSF #1 grading shows that there will be filled berm forming the northeasterly corner of the UDSF. We recommend that a detail be provided showing how this berm will be constructed. Also, the top of berm width appears to be about 4' which is less than recommended by Maine DEP design guidelines.
13. C301 – There is a note near the underdrain outlet for UDSF #1 to “clean existing culvert if necessary”. We recommend that the inlet to this culvert be armored given its proximity to the toe of the UDSF #1 berm. The location of the existing drainage channel upstream of this culvert, which will now be filled by the UDSF#1 is a potential failure point for the new berm.
14. C301 – Subdivision Ordinance Section 11.15.C.2.e.2 specifies access spacing. We were not able to find a definition of “access” in the definitions section, but based on this section of the ordinance, it appears that “access” can refer to a residential driveway. The ordinance states that “street intersections shall be separated from adjacent accesses; streets, by at least hundred (100) feet from other residential access and street intersections.” The existing and proposed Youngs Lane does not meet this requirement relative to the residential driveway to the Burch parcel located to the east on Sequoia Drive.
15. C302 – The ditch along the left side of the road from approximate station 24+50 to the end of the road is relatively steep. Please provide sizing and velocity calculations and determine if additional armoring is required to prevent erosion.
16. C302 – The overflow spillway elevation for UDSF #5 near the end of the road appears to be labeled incorrectly.
17. C302 – The ditch grading around the end of the dead end of the road and towards the UDSF #5 appears to be quite steep and also appears to have a filled berm on the outside corner. This is a potential weak point in the ditch and should be redesigned or armored to minimize potential failure.
18. C400 – Subdivision Ordinance Table 11.5-1 states that the maximum road grade is 8%. The Table also states that the maximum grade may be exceeded for a length of 100 feet or less. The proposed road grade from approximate stations 10+50 to 12+00 (150') appears to exceed the 8% maximum. Note that the proposed grade in this section has been improved from the existing grade of Youngs Lane which is about 13%. The Engineer shall determine if further improvements to the road grade can be achieved, however, a waiver of this standard may be necessary.
19. C400 - Subdivision Ordinance Section 11.15.C.2.c specifies the vertical alignment of accesses at an intersection with an existing street. It requires that: “Accesses shall be designed to prevent surface water from draining across the intersection. Accesses shall slope upward or downward from the gutter line at a maximum slope of three percent (3%) for at least seventy-five (75) feet. The proposed vertical alignment provides a 3% slope for 25 feet before the slope begins to increase due to the vertical curve. Additionally, it appears that surface drainage from the new road entrance may drain out into Sequoia Drive. Youngs Lane shall be redesigned to meet the requirements of this Ordinance section. Also see comment 8 regarding sight distance.



20. C503 – The typical road sections show erosion control blanket on ditch slopes steeper than 3:1, but not along the flowline of the ditches. Provide calculations showing ditch velocities and consider adding erosion control blankets along the ditch flowlines.



Earl Gibson
Public Works Superintendent
Office (207) 865-4461
Fax (207) 865-0244

Department of Public Works
Facility & Mailing Address:
7 Hunter Road, Freeport, ME 04032

November 14, 2018

I meet with Peter Biegel, Bill Bray, and Justin Fletcher on 11-14-18 to discuss improvements to Young's Lane which is a private driveway off of Sequoia Drive in the Town of Freeport. We discussed that Young's Lane would change from a private driveway to a subdivision road if the subdivision plans are approved by the town. With the change of use, there would need to be some improvements to Young's Lane.

Some background information regarding the current condition of Young's Lane and the Town of Freeport Street Ordinance requirements. The Town of Freeport sight distance standard is as follows. "Unobstructed sight distance shall be that distance of clear sight measured from a point 10' from the edge of pavement or curb line at a height of 3.5 feet to an object in an approaching lane with a height of 2 feet. Minimum sight distance is 10 feet for each mph of the posted speed limit". Sequoia Drive is posted at 25 mph speed limit. The required Sight distance on Sequoia Drive by the Street Ordinance would be 250'. At the intersection Young's Lane and Sequoia Drive, the current sight distance is 210' looking north and 175' looking south using the Town of Freeport sight distance standard.

We discussed and agreed to the following improvement to be made to Young's Lane: At the intersection of Young's Lane and Sequoia Drive, Young's Lane would be raised by 6" inches increasing the sight distance to 230' looking north and 195' looking south. The developer would purchase, install and maintain 1=W2-4 sign 24"/24" in size with 230' sign on one sign pole north of the intersections. 1=W2-4 sign 24"/24" in size with 195' sign on one sign pole south of the intersections. While designing the subdivision road steps shall be taken to ensure that all water drainage from the subdivision road is controlled and directed into the ditches before reaching Sequoia Drive. At no time will water be allowed onto Sequoia Drive.

Under the Town Street Ordinance, a permit is not required for paving, culvert replacement, sealing, or repairs to any existing driveway. A current contractor license will be required as work will be done in the Town right of way.

With the additional improvement outlined in this memo, I feel the applicant will satisfy the Town requirements

Earl Gibson



Earl Gibson
Public Works Superintendent
Office (207) 865-4461
Fax (207) 865-0244

Department of Public Works
Facility & Mailing Address:
7 Hunter Road, Freeport, ME 04032

5-1-19

After reviewing Young's lane subdivision plans again and having a discussion with the chief of police. I'm adding a request for a stop sign be installed on Young lane before reaching Sequoia Drive. We both feel this is need.

Earl Gibson



TOWN OF FREEPORT
Code Enforcement Office
30 Main Street, Freeport ME 04032
ph: 865-4743 ext. 102 fax: 865-0929
nadams@freeportmaine.com

Date: December 27, 2018
To: Donna Larson, Town Planner
CC: Justin Fletcher, Developer
From: Nicholas L. Adams, CEO *NLA*
Re: Young's Lane Subdivision, MBLU (026004A 000)

Mr. Fletcher received two building permits from my office, the first permit was issued in April of 2018 to "Construct A new shed dormer on existing house, demolish outbuilding and construct a new 24' x 24' detached unconditioned garage. See plans". The second permit was issued in September of 2018 to "Amend Permit BP-18-156, tear down existing house and reuse foundation, attach 24' x 24' garage with 14' 6" x 23' breezeway. No additional bedrooms, see plans"

On August 20, 2018 I received a complaint that thousands of yards of material had been hauled onto the site and that Mr. Fletcher was starting work on a subdivision road. I visited the site that day and concluded that thousands of yards of material had in fact been hauled onto the site and stockpiled. There were no indications that the fill was be used for construction of a road or for a subdivision, merely that the fill was stockpiled on site.

Neither building permit was issued for constructing a road or for a subdivision. It was my opinion from my August 20th inspection that the fill was not associated with a building permit, the fill was most likely going to be used for road construction of a potential subdivision that I was aware Mr. Fletcher was planning on pursuing.

Therefore, on August 20th I wrote the following email to Mr. Fletcher and his contractor:

"As you are aware, we have received several complaints about the filling off Young's Lane. Given that the filling is in excess of 200 yards and not associated with any permits the filling is a violation of the zoning ordinance. It's my understanding with speaking with Donna that Justin plans on using this fill for a proposed subdivision in the future.

This being said, if the fill is for the proposed subdivision, then the material may remain for a period not to exceed one year, however the entire fill area need to have proper erosion control installed within two days from the date of the email.

No additional fill shall be hauled into the site and there shall be no processing of the fill material. If material continues to be hauled into the site or if the erosion control is not installed or if the material is processed onsite, I will be required to issue a Notice of Violation and order to correct. Please contact me when the site is stabilized and all erosion control devices have been installed. Furthermore, if after a year there is no subdivision approved by the Board, then the material must be removed and all disturbed areas shall be re-vegetated.

Let me know if you have any questions or concerns."

That day, Mr. Fletcher and his contractor stopped work. Erosion control was installed the next day. Since then, no additional material has been hauled onto the site (other than for the permits listed above) and the material does not appear to have been disturbed, (other than to gain access to remove the old greenhouse and miscellaneous trash/debris).

There is some confusion between several interested parties on what the next steps are for Mr. Fletcher. As the CEO for the Town I'm required to enforce the Zoning Ordinance, and if I find that a property is in violation of the Zoning Ordinance then I must notify the parties and how to correct the violation. As stated above, I notified Mr. Fletcher that he was in violation and that he must stop work, install erosion control, and apply for Subdivision approval (Because this is his intent).

Mr. Fletcher has done exactly what I asked him to do to this point. He stopped hauling the material that day; he has installed erosion control, and is seeking Subdivision approval. In addition to applying for subdivision approval, Mr. Fletcher may have originally applied for an after the fact filling permit. An after the fact filling permit was not a requirement from my office; filling associated with permits are exempt from the filling section (525.A.2) of the Zoning Ordinance. In my opinion and as indicated in my email, because the material is intended to be used in conjunction with the Subdivision he is only required to apply for Subdivision approval.

Hauling material onto the site and then processing the material or even processing material from the site is common when constructing a roadway for a new Subdivision. Mr. Fletcher is aware that he cannot process any of the material that is currently onsite or bring any additional material onto the site without proper permitting from the Town, which in this case would be Subdivision approval. Another option is that Mr. Fletcher could remove all the material onsite and haul to a conforming location. Mr. Fletcher cannot use the material for construction of any portion of the infrastructure of the proposed Subdivision prior to approval, however if the existing material onsite is impacting work under the current building permits that material could be moved within the site.

If Mr. Fletcher plans on using the material for a use other than for the Subdivision, then he would be required to apply for approvals under separate provisions of the Zoning Ordinance, however at this time I cannot confirm which sections of the Zoning Ordinance would apply because there is no pending application for such use.

This memo is not appealable to the Board of Appeals as this memo is not a formal enforcement of the Zoning Ordinance.

Let me know if you have any questions or concerns.



**Bernstein, Shur,
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Philip R. Saucier
(207) 228-7160 direct
psaucier@bernsteinshur.com

May 7, 2019

Caroline Pelletier
Planning Department
Town of Freeport
30 Main Street
Freeport, ME 04032

Re: Young's Lane Subdivision

Dear Caroline:

You have asked me to respond to number of questions related to the Project Review Board's review of the proposed Young's Lane Subdivision ("the Project").

The proposed Project is a residential, open space subdivision with a combination of single family and two family dwellings in the Rural Residential I Zoning District. Prior to applying for subdivision review, the developer of the Project brought approximately 4,500-5,500 cubic yards of fill material to the property. I understand that the developer intends to process the material on-site to use for the construction of a road for the Project if final subdivision approval is granted by the Project Review Board.

Your questions and my answers are below:

1) Is Section 427: Mining and Extraction Overlay District "MEOD" of the Freeport Zoning Ordinance applicable to the application?

In my view the MEOD does not apply to the Project.

When interpreting the provisions of an ordinance, the Maine Law Court construes the ordinance reasonably "considering its purposes and structure and to avoid absurd or illogical results" and considers the general structure of the ordinance as a whole. *Olson v. Town of Yarmouth*, 2018 ME 27, ¶ 11, 179 A.3d 920, 924; *Wister v. Town of Mount Desert*, 2009 ME 66, ¶ 17, 974 A.2d 903, 909.

Pursuant to Section 302 of the Zoning Ordinance, the official zoning map is the final authority as to the current zoning status of property in the Town. The current Zoning Map on the Town's website, last amended on February 26, 2013, does not show any areas zoned as within the MEOD. Only the Town Council, after a public hearing by the Planning Board, may zone an area to be within the MEOD and amend the Zoning Map. *See* Section 302 and 427(A).

Further, even if the property was within the MEOD, the overlay district applies to the "excavation, processing, and storage of mineral deposits in locations" that are compatible with surrounding land uses and the general character of the area, among other purposes. Section 427(A). While excavation and processing uses are listed as separate permitted uses in the MEOD, it is reasonable to interpret the MEOD as applying to the processing of earth materials excavated on-site; any "processing uses" permitted in Section 427(B)(5) must logically be associated with on-site excavation since only 33% of aggregate processed at a site may be brought in from a location outside the site while the rest must come from on-site excavation.

This view is consistent with other provisions in the ordinance, including that minimum lot area in the MEOD is determined in part by the "maximum area of extraction" and that the requirements of Section 509 be met. Section 509, entitled "Extraction," regulates "excavations and their accessory uses" including associated processing operations, and specifically exempts "excavation necessarily incidental to construction, alteration or grading for which a building permit or other construction permit has been issued by the Codes Enforcement Officer" and "excavations and fill incidental to construction."

2) Is Section 509: Extraction of the Freeport Zoning Ordinance applicable to the application?

In my view Section 509 does not apply to the Project. Any "excavation necessarily incidental to construction, alteration or grading for which a building permit or other construction permit has been issued by the Codes Enforcement Officer" and "excavations and fill incidental to construction" are exempted in Section 509(D)(2); see answer #1 above.

3) Are you aware of any other Sections of the Freeport Zoning Ordinance or Subdivision Ordinance that would prohibit the processing of the material on-site if Subdivision approval were granted?

I am not aware of any provision that would prohibit the processing of the material on-site for the purpose of constructing an approved subdivision road. The Project would of course still need to comply with any relevant performances in the Zoning and Subdivision Ordinances.

4) The State of Maine Well Drilling Rules and State of Maine Subsurface Wastewater Disposal Rule set standards for the required distance between wells and septic system components, setbacks from property lines, etc. In this case, some of the proposed disposal fields are shown 10 feet from the property line, thereby creating “well exclusion zones” that extend beyond the applicants property line. Are the “well exclusion zones” something that is regulated and not allowed to extend beyond the property line on which the septic component is located on? Furthermore, per the State rules, are these “well exclusion zones” considered a “septic system component” and subject to setbacks such as a septic tank and/or leach field would be?

The Maine Subsurface Wastewater Disposal Rule (Table 7B) rule contains setback requirements for first-time subsurface wastewater system from potable water supplies that range from 100-300 feet depending on the size of the system and must also be set back between 10-20 feet from a property line; the Maine Well Drilling Rules (Section 400.2) contain similar setback distances for locating water supply rules from wastewater disposal fields. The rules regulate where a new wastewater disposal system or well can be located and how far they must be setback from existing systems; the term “well exclusion zone” does not appear in either of the rules.

The definition of “subsurface wastewater disposal system” in Section 14 of the Wastewater Rules means “any system designed to dispose of waste or wastewater on or beneath the surface of the earth; including, but not limited to: septic tanks; disposal fields; legally existing, nonconforming cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S. §414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.” In my reading of the above definition, the “system” is comprised of the physical structures and materials – the required setback distance is not part of the “system” but instead simply regulates where the system may be located.

5) If final subdivision approval is granted (and any conditions are met, etc.), do you feel that a separate fill permit would also be required to construct the road and site improvements per Section 525. Filling of Lands and Creation of Ponds of the Freeport Zoning Ordinance?

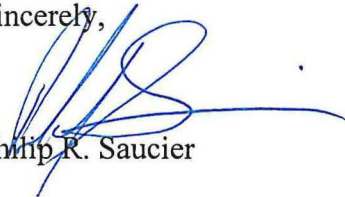
Under Section 525(A)(2) of the Zoning Ordinance, “filling necessarily incidental to construction, alteration or grading for which a building permit or other construction permit has been issued by the Codes Enforcement Officer” is exempt and does not require a fill permit.

Caroline Pelletier
May 7, 2019
Page 4

Finally, and as a general comment, the Project Review Board has the inherent authority to attach reasonable conditions to any approval. Any such condition must be reasonable, related to the relevant performance standards, and based on evidence in the record.

Please let me know if you have any further questions.

Sincerely,



Philip R. Saucier

PRS/ree

From: [Nick Adams](#)
To: [Caroline Pelletier](#)
Subject: FW:
Date: Thursday, May 02, 2019 8:58:02 AM

FYI, opinion on well exclusion zones from State

Nicholas L. Adams
Freeport Codes Enforcement Officer
Town of Freeport
30 Main Street
Freeport, ME 04032
207-865-4743
nadams@freeportmaine.com



From: Lawson, Brent <Brent.Lawson@maine.gov>
Sent: Wednesday, May 01, 2019 5:08 PM
To: Nick Adams <nadams@freeportmaine.com>
Subject: Re:

The imaginary line does not have any setback and does not require an easement.

Brent lawson

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From: Nick Adams <nadams@freeportmaine.com>
Sent: Wednesday, May 1, 2019 5:03:13 PM
To: Lawson, Brent
Subject: RE:

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Brent,

Table 7B of the SSWD Rules allows a disposal field (not the fill extension) to be installed 10 feet from a property line, therefore a hypothetical “well exclusion zone” could cross an abutting lot line.

Because this hypothetical “well exclusion zone” is not considered a **component** of the **system**, and is only considered a **setback distance** is it correct that this imaginary line/circle does not have a setback from a property line? Based upon the SSWD rules specifically section 4.A.6, would an easement be required for this imaginary line/circle?

- 4.A.6. Location of the system: A **system** must be located entirely on property owned or controlled by the owner of the **system**.
- (a) Private property: The owner of a **system** may locate the **system** or **components** partially or completely on other private property, provided the property owners execute an easement in perpetuity for the construction, operation, replacement, and maintenance of the system, giving the system's owner authorization to cross any land or right-of-way between the two parcels. The easement must be filed and cross-referenced in the Registry of Deeds and the municipality's office prior to issuance of a disposal system permit. The easement must provide sufficient buffer around the disposal field and fill material extensions for future replacement and maintenance of the **system**.

Section 14 Definitions SSWD Rules

Component: Any individual part of a subsurface wastewater disposal system.

Setback distance: The shortest horizontal distance between a component of a system and certain site features or structures.

System: See definition, "Subsurface wastewater disposal system".

Subsurface wastewater disposal system: Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; including, but not limited to: septic tanks; disposal fields; legally existing, nonconforming cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S. §414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

Thanks and let me know if you have any questions or concern,

Nicholas L. Adams
Freeport Codes Enforcement Officer
Town of Freeport
30 Main Street
Freeport, ME 04032
207-865-4743
nadams@freeportmaine.com



From: Lawson, Brent <Brent.Lawson@maine.gov>
Sent: Wednesday, May 01, 2019 1:03 PM
To: Nick Adams <nadams@freeportmaine.com>
Subject: RE:

A well excursion zone as named is an imaginary line/circle that would not allow a well to be drilled within that zone without first obtaining a possible variance to do so as to not have the septic system possibly contaminate a potable water supply. They are not considered components, however they are considered setback distances to both the potable water supply and the septic system which the distances are both obtained from the Maine subsurface wastewater disposal rules and the Maine well drillers rules.

Brent Lawson
Maine state Site evaluator /Plumbing Inspector

From: Nick Adams [<mailto:nadams@freeportmaine.com>]
Sent: Wednesday, May 01, 2019 12:58 PM
To: Lawson, Brent <Brent.Lawson@maine.gov>
Subject: FW:

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is the question to the Town Attorney from the Manager

Nicholas L. Adams
Freeport Codes Enforcement Officer
Town of Freeport
30 Main Street
Freeport, ME 04032
207-865-4743
nadams@freeportmaine.com



From: Caroline Pelletier
Sent: Wednesday, May 01, 2019 11:35 AM
To: Nick Adams <nadams@freeportmaine.com>
Subject:

4) The State of Maine Well Drilling Rules and State of Maine Subsurface Wastewater Disposal Rule set standards for the required distance between wells and septic system components, setbacks from property lines, etc. In this case, some of the proposed disposal fields are shown 10 feet from the property line, thereby creating "well exclusion zones" that extend beyond the applicants property line. Are the "well exclusion zones" something that is regulated and not allowed to extend beyond the property line on which the septic component is located on? Furthermore, per the State rules, are these "well exclusion zones" considered a

"septic system component" and subject to setbacks such as a septic tank and/or leach field would be?

Caroline C. Pelletier

Asst. to the Town Planner

Town of Freeport

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(207)865-4743 ext. 107

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