



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, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, MAY 17, 2023

Davis Properties – Design Review Certificate	
Property Location:	Tax Assessor Map 12, Lot 56 (209 Main Street)
Zoning Information:	Village I, Freeport Village Overlay District, Design Review District I – Class B & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate to replace and extend an existing concrete wall on their property. The new wall will be located in the same location, although be about twelve inches higher and extend further down Kendall Lane an additional fifty (50) feet. As shown, the wall will be located on the applicant’s private property, closely following the property line. To note, the applicant is currently having the property line (along Kendall Lane) surveyed to ensure that the portion of the extension of the wall is on private property.

The new wall will be constructed with retaining wall blocks – “Vineyard Blend” in color. There is an existing set of concrete stairs that will be retained. Once complete, the applicant will also level the lawn. No changes to the building, lighting, signage or other landscaping are proposed.

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 changes to the building are proposed. Based upon this information, the Board finds that this standard has been met.

2. Height. A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.

The height of the 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 proportion of the building's 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 facades will not be altered. 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.

The proportions of openings within the facility will not be altered. 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 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.

No changes to façade materials are 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).

Rhythm of spaces to buildings on the streets are not being 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.

The applicant is going to replace and extend an existing concrete wall on the property. The new wall will be located in the same location, although be about twelve inches higher and extend further down Kendall Lane an additional fifty (50) feet. As shown, the wall will be located on the applicant’s private property, closely following the line. The new wall will be constructed with retaining wall blocks – “Vineyard Blend” in color. There is an existing set of concrete stairs that will be retained. 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 signs 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 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 Davis Properties, LLC., for alterations to an existing wall on the property at 209 Main Street (Tax Assessor Map 12, Lot 56), to be built substantially as proposed, application dated 05/01/2023, 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 their representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.

Farrell & Elwell – Cunningham Road – Shoreland Stabilization	
Property Location:	Tax Assessor Map 5A, Lot 28 (33 Cunningham Road)
Zoning Information:	Medium Density Residential I (MDR-1) and Shoreland Area (SA)
Review Type(s):	Shoreland Zoning Permit (Shoreland Stabilization)
Waivers Requested:	None

Background: The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately one-hundred twenty feet in length will be stabilized with rip rap. The area of rip rap will extend about two to three feet above the Highest Annual Tide (HAT) line, with details on material sizes and installation techniques included in the submission. There are some existing rip rap areas and ramp that appear to been installed previously without a permit and those areas will be

removed as part of this project.

There has been storm damage to this area and the purpose of the rip rap is to protect the shoreline and existing structures. This will also provide a better way to access the water. The area behind the rip rap and any disturbed areas that will not be covered with rip rap, will be loamed and native plantings will be installed per the plan included in the submission. An area of large stone will be installed to provide a connection to a ramp that provides seasonal water access. Removal of vegetation and trees will not be required for this project. About 330 square feet of wetland impact is proposed with this project.

Process: Review of the project is required by the Project Review Board, per Section 305, Table 1 (line 16) of the Town of Freeport Shoreland Zoning Ordinance.

Section 306 of the Town of Freeport Shoreland Zoning Ordinance ([050322 chapter 65 shoreland zoning ordinance adopted.pdf \(freeportmaine.com\)](#)) has standards for the various allowable Shoreland Area land uses. These are the standards under which the Board must review the application.

In addition to municipal review, permitting from both the Maine Department of Environmental Protection (Natural Resources Protection Act Permit) and the Army Corps of Engineers are required. The applicant is aware of this and those applications have been submitted to the applicable agencies. Those agency reviews are independent of the Board's process with their own standards and should either of those agencies require substantial changes, the applicant may need to return to the Project Review Board for additional review and approval.

Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 306. Land Use Standards

Notwithstanding the standards of the underlying zoning district(s), all land use activities within the Shoreland Zone, shall also conform with the following provisions if applicable:

A. Space Standards:

Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.

B. Principal and Accessory Structures

Not applicable as no structures or changes to the lot are proposed. Based upon this information, the Board finds that this standard has been met.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland

Not applicable as no Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland are proposed. Based upon this information, the Board finds that this standard has been met.

D. Campgrounds.

Not applicable as no campgrounds are proposed. Based upon this information, the Board finds that this standard has been met.

E. Individual Private Campsites.

Not applicable as no individual private campsites are proposed. Based upon this information,

the Board finds that this standard has been met.

F. Parking Areas:

Not applicable as no parking areas are proposed. Based upon this information, the Board finds that this standard has been met.

G. Roads and driveways

Not applicable as no new roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

No changes resulting in an increase of stormwater run-off are proposed. The applicant installed rip rap to stabilize the eroding shoreline. Based upon this information, the Board finds that this standard has been met.

J. Septic Waste Disposal

Not applicable as no septic waste disposal systems are proposed. Based upon this information, the Board finds that this standard has been met.

K. Essential Services

Not applicable as no new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

L. Mineral Exploration

Not applicable as no mineral exploration is proposed. Based upon this information, the Board finds that this standard has been met.

M. Agriculture

Not applicable as no agriculture is proposed. Based upon this information, the Board finds that this standard has been met.

N. Clearing of Vegetation for Activities Other than Timber Harvesting

No clearing of trees or vegetation will be required for this project. Based upon this information, the Board finds that this standard has been met.

O. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

No Hazard Trees, Storm-Damaged Trees, and Dead Trees will be removed with this project. Based upon this information, the Board finds that this standard has been met.

P. Exemptions to Clearing and Vegetation Removal Requirements

No clearing of trees or vegetation will be required for this project. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

The area behind the rip rap and any disturbed areas that will not be covered with rip rap, will be loamed and native plantings will be installed per the plan included in the submission. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant installed rip rap to stabilize the eroding shoreline. No other erosion control was installed for this project. Based upon this information, the Board finds that this standard has been met.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

The applicant will install rip rap to stabilize the eroding shoreline which should improve the water quality by reducing sediments runoff from the land. Based upon this information, the Board finds that this standard has been met.

T. Shoreline Stabilization

Vegetation may be removed in excess of the standards in Section 306.N of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Project Review Board. Construction equipment must access the shoreline by barge when feasible as determined by the Project Review Board.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

(b) Revegetation must occur in accordance with Section 306.Q

The applicant installed rip rap to stabilize the eroding shoreline. No clearing of vegetation will result from this project. The area behind the rip rap and any disturbed areas that will not be covered with rip rap, will be loamed and native plantings will be installed per the plan included in the submission. Based upon this information, the Board finds that this standard has been met.

U. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on- site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. In addition, if an on-site investigation for a septic system is needed, a Maine Licensed Site Evaluator shall submit a required report. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed design to counteract soil limitations where they exist.

This is a shoreline stabilization project and no new land uses are proposed. Based upon this information, the Board finds that this standard has been met.

V. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Codes Enforcement Officer, during the required review process, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action being taken by the Codes Enforcement Officer who shall consider comments received from the Commission prior to rendering a decision on the application.

There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. 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 Town of Freeport Shoreland Zoning Ordinance.

Proposed Findings of Fact – Chapter 65 Town of Freeport Shoreland Zoning Ordinance - Section 404. Administering Permits

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;
8. Will avoid problems associated with floodplain development and use; and
9. Is in conformance with the provisions of Section 306, Land Use Standards.

The project is for shoreline stabilization at a residential property on Cunningham Road. The project was designed to minimize impacts to the coastal wetland, however resulted in about 330 square feet of impact. No vegetation was required to be removed for this project. The area behind the rip rap and any disturbed areas that will not be covered with rip rap, will be loamed and native plantings will be installed per the plan included in the submission. There are no known adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places. The property is not within the Marine Waterfront District and there is no public access to the water. 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 Town of Freeport Shoreland Zoning Ordinance.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Christine Farrell and Robert Elwell, for a Shoreline Stabilization Project (approximately 120 feet in length) at a residential property at Tax Assessor Map 5A, Lot 28 (33 Cunningham Road), to be built substantially as proposed in an application dated 03/21/23, finding that it meets the standards of Section 306 & Section 404 of the Town of Freeport Shoreland Zoning Ordinance, with the following conditions of approval:

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

<u>LLBean (95 Main Street)– Design Review Certificate & Site Plan Review</u>	
Property Location:	Tax Assessor Map 11, Lots 36-ETC, 40-ETC and 64-ETC (12 Nathan Nye Street, 57 Main Street & 95 Main Street)
Zoning Information:	Village Commercial I (VC-I), Design Review District One – Class B & C buildings and Color Overlay District
Review Type(s):	Design Review & Site Plan Review
Waivers Requested:	None

Background: The applicant is presenting conceptual plans for proposed site and building alterations at the L.L. Bean Flagship Store Campus on Main Street & Justin’s Way.

Proposed changes include, but are not limited to:

- Changes to the Flagship Store, including the removal of a portion of the building, an addition that will face the interior L.L. Bean Campus, façade changes along Main Street, changes to the entrances and the patio areas.
- Site changes will be made to the existing green space and Discovery Park in the center of the campus
- The existing Boat, Bike and Ski Building (Class C) on Main Street will be removed and the area will be converted to a park space
- Alterations to existing parking lots and internal pedestrian and vehicular circulation patterns
- New area for outdoor storage and installation of products

Part of the proposal includes the removal of a Class B structure that is part of the Flagship Store. The Design Review Ordinance has the following requirement:

“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 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 4 month notice period if adequate provisions are made to move the building for the purpose of preserving it.”

The site does have an existing Site Location of Development Permit from the Maine Department of Environmental Protection and an amendment of this permit will be required. The plans will also have to comply with municipal stormwater regulations.

As the project progresses, detailed renderings and site plans will be developed and submitted and will address the details of proposed building and site changes, including detailed information on parking, circulation, lighting, drainage, stormwater management, landscaping, and signage. The applicant is looking for general feedback on the conceptual drawings and renderings so they can continue with the development

of the both the building and site plans.

Does the Board want to schedule a sitewalk?