



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, MAY 15, 2024

Background: The following seven applications are on the agenda are for Shoreland Zoning Permits, specifically for Shoreland Stabilization. The parcels are all located on Maquoit Drive and are either in closer proximity to and/or are abutting one another. Each application is for a separate parcel and each application will need to be reviewed and acted on separately by the Board.

Review of these application 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 has standards for the various allowable Shoreland Area land uses. These are the standards by 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 in cases where there are wetland impacts. In those cases, the applicants are aware of this and understand that those agency reviews are independent of the Board's process with their own standards. Should either of those outside agencies require changes to the plans, the applicant may need to return to the Project Review Board for additional review and approval.

Proposed Findings of Fact: The following projects require a Shoreland Zoning Permit for Shoreland Stabilizations. Draft versions of proposed findings for the standards are presented for each project below and are for Board review, consideration and deliberation. Since the findings of fact for any project are findings of the Board, these draft findings can be altered at the meeting as appropriate.

The seven applications are as follows:

Melinda Dyar and William Phillips – 42 Maquoit Drive – Shoreland Stabilization
The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately 100 feet in length will be stabilized with rip rap. There will be about 200 square feet of wetland impact. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 76ETC (42 Maquoit Drive). Tim Forrester, Flycatcher, LLC., applicant and representative; Melinda Dyar and William Phillips, owners.

Background: The applicant is proposing to stabilize 100 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on a parcel to the North. The height of the rip rap will vary based upon the erosion of the shoreline, but be about 5-6 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 200 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Proposed access to the site will be over the lot via a 12' wide access and no clearing will be proposed for the access area. The area will be hayed and reseeded as needed upon the completion of construction. Timber mats will be placed at the bottom of the rip rap area to protect the wetland vegetation during construction. Three trees are proposed to be removed along with four woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper.

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 being reviewed under the authority granted to this Board. 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 permanent roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs 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 is proposing to install rip rap to improve the conditions of the eroding bank. The design of the rip rap area will use filter fabric, a mix of stone sizes with the bottom row to be buried in a trench and pinned to existing ledge. 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

Proposed access to the site will be over the lot via a 12' wide access and no clearing will be proposed for the access area. The area will be hayed and reseeded as needed upon the completion of construction. Three trees are proposed to be removed along with four woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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

The proposed vegetation removal does not come under and of the exemptions and therefore this standard is not applicable. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

Proposed access to the site will be over the lot via a 12' wide access and no clearing will be proposed for the access area. The area will be hayed and reseeded as needed upon the completion of construction. Three trees are proposed to be removed along with four woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant is proposing to stabilize 100 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on a parcel to the North. The height of the rip rap will vary based upon the erosion of the shoreline, but be about 5-6 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. These improvements are proposed to stop the erosion occurring on the bank. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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 is proposing to stabilize 100 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on a parcel to the North. The height of the rip rap will vary based upon the erosion of the shoreline, but be about 5-6 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 200 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Proposed access to the site will be over the lot via a 12' wide access and no clearing will be proposed for the access area. The area will be hayed and reseeded as needed upon the completion of construction. Timber mats will be placed at the bottom of the rip rap area to protect the wetland vegetation during construction. Three trees are proposed to be removed along with four woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. 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 Maquoit Drive. Approximately 200 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Three trees are proposed to be removed along with four woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. 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 Tim Forrester, Flycatcher, LLC on behalf of Melinda Dyar and William Phillips, for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5, Lot 76ETC (42 Maquoit Drive), to be built substantially as proposed in an application dated 04/01/24, 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) This approval shall expire one (1) year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- 3) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain any applicable permits from the Maine Department of Environmental Protection and the Army Corps of Engineers.

Amy and Stacy McManus – 46 & 48 Maquoit Drive – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately 100 feet in length will be stabilized with rip rap. There will be about 200 square feet of wetland impact. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 74 & 74A (46 & 48 Maquoit Drive). Tim Forrester, Flycatcher, LLC., applicant and representative; Amy and Stacy McManus, owners.

Background: This project is on two abutting properties under the same ownership with the combined details for both properties being as follows: The applicant is proposing to stabilize 200 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 6-10 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 200 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Two trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper.

Proposed access to the site will be from an existing set of steps and an existing foot path.

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 being reviewed under the authority granted to this Board. 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 permanent roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs 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 is proposing to install rip rap to improve the conditions of the eroding bank. The design of the rip rap area will use filter fabric, a mix of stone sizes with the bottom row to be buried in a trench and pinned to existing ledge. 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

This project is on two abutting properties under the same ownership. Two trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. Proposed access to the site will be from an existing set of steps and an existing foot path. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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

The proposed vegetation removal does not come under and of the exemptions and therefore this standard is not applicable. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Two trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant is proposing to stabilize 200 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 6-10 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. These improvements are proposed to stop the erosion occurring on the bank. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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.

(c) 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.

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

This project is on two abutting properties under the same ownership with the combined details for both properties being as follows: Approximately 200 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Two trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. Proposed access to the site will be from an existing set of steps and an existing foot path. 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 two abutting properties on Maquoit Drive. Approximately 200 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Two trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 1,000 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, Virginia rose and juniper. 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 Tim Forrester, Flycatcher, LLC on behalf of Amy and Stacy McManus, for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5, Lots 74 & 74A (46 & 48 Maquoit Drive), to be built substantially as proposed in an application dated 04/01/24, 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) This approval shall expire one (1) year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- 3) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain any applicable permits from the Maine Department of Environmental Protection and the Army Corps of Engineers.

Patricia and Allen Craig – 52 Maquoit Drive – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately twenty feet in length will be stabilized with rip rap. There will be about 170 square feet of wetland impact. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 73 (52 Maquoit Drive). Tim Forrester, Flycatcher, LLC., applicant and representative; Patricia Craig, owner.

Background: The applicant is proposing to stabilize 85 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 8-12 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 170 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Four trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 850 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, white birch, juniper, bayberry and beach plum.

Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded

as needed upon the completion of construction.

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 being reviewed under the authority granted to this Board. 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 permanent roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs 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 is proposing to install rip rap to improve the conditions of the eroding bank. The design of the rip rap area will use filter fabric, a mix of stone sizes with the bottom row to be buried in a trench and pinned to existing ledge. 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

Four trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 850 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, white birch, juniper, bayberry and beach plum. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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

The proposed vegetation removal does not come under and of the exemptions and therefore this standard is not applicable. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

Four trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 850 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, white birch, juniper, bayberry and beach plum. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant is proposing to stabilize 85 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 8-12 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 170 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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.

(e) 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.

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

The applicant is proposing to stabilize 85 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 8-12 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 170 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. Four trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 850 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, white birch, juniper, bayberry and beach plum. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. *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 Maquoit Drive. Approximately 85 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. One tree is proposed to be removed along with 40 sf of woody shrubs. Four trees are proposed to be removed along with 200 sf of woody shrubs. Approximately 850 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, white birch, juniper, bayberry and beach plum. Proposed access to the site will be over abutting properties via a 12' wide access. 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 Tim Forrester, Flycatcher, LLC on behalf of Allen and Patricia Craig, for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5, Lot 73 (52 Maquoit Drive), to be built substantially as proposed in an application dated 04/01/24, 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) This approval shall expire one (1) year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- 3) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain any applicable permits from the Maine Department of Environmental Protection and the Army Corps of Engineers.

Geraldine Kerr – 54 Maquoit Drive – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately eighty five feet in length will be stabilized with rip rap. There will be about 40 square feet of wetland impact. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 72 (54 Maquoit Drive). Tim Forrester, Flycatcher, LLC., applicant and representative; Geraldine Kerr, owner.

Background: The applicant is proposing to stabilize 20 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap

will vary based upon the erosion of the shoreline but be about 10 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 40 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. One tree is proposed to be removed along with 40 sf of woody shrubs. Approximately 200 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper.

Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction.

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 being reviewed under the authority granted to this Board. 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 permanent roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs 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 is proposing to install rip rap to improve the conditions of the eroding bank. The design of the rip rap area will use filter fabric, a mix of stone sizes with the bottom row to be buried in a trench and pinned to existing ledge. 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

One tree is proposed to be removed along with 40 sf of woody shrubs. Approximately 200 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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

The proposed vegetation removal does not come under and of the exemptions and therefore this standard is not applicable. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

One tree is proposed to be removed along with 40 sf of woody shrubs. Approximately 200 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant is proposing to stabilize 20 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will be about 10 feet in height and replace existing rip rap. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. These improvements are proposed to stop the erosion occurring on the bank. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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.

(g) 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.

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

The applicant is proposing to stabilize 20 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 10 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 40 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. One tree is proposed to be removed along with 40 sf of woody shrubs. Approximately 200 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. 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 Maquoit Drive. Approximately 40 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. One tree is proposed to be removed along with 40 sf of woody shrubs. Approximately 200 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. 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 Tim Forrester, Flycatcher, LLC on behalf of Geraldine Kerr, for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5, Lot 72 (54 Maquoit Drive), to be built substantially as proposed in an application dated 04/01/24, 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) This approval shall expire one (1) year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- 3) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain any applicable permits from the Maine Department of Environmental Protection and the Army Corps of Engineers.

Erik and Diane Emerton – 60 Maquoit Drive – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately fifty feet in length will be stabilized with rip rap. There will be about 100 square feet of wetland impact. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 69 (60 Maquoit Drive). Tim

Background: The applicant is proposing to stabilize 50 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 6-10 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 100 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. One tree is proposed to be removed along with 300 sf of woody shrubs. Approximately 500 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper.

Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction.

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 being reviewed under the authority granted to this Board. 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 permanent roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs 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 is proposing to install rip rap to improve the conditions of the eroding bank. The design of the rip rap area will use filter fabric, a mix of stone sizes with the bottom row to be buried in a trench and pinned to existing ledge. 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

One tree is proposed to be removed along with 300 sf of woody shrubs. Approximately 500 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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

The proposed vegetation removal does not come under and of the exemptions and therefore this standard is not applicable. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

One tree is proposed to be removed along with 300 sf of woody shrubs. Approximately 500 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant is proposing to stabilize 50 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will be about 6-10 feet in height and replace existing rip rap. The rip rap will include the use of filter fabric, stone and the bottom of the

rip rap in a trench or pinned as needed. The finished slope will be 1:1. These improvements are proposed to stop the erosion occurring on the bank. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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.

(i) 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.

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

The applicant is proposing to stabilize 50 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will vary based upon the erosion of the shoreline but be about 6-10 feet in height. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. Approximately 100 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. One tree is proposed to be removed along with 300 sf of woody shrubs. Approximately 500 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. Proposed access to the site will be over abutting properties via a 12' wide access. No clearing will be proposed for the access area and it will be used for call of the shoreland projects on tonight's agenda. The area will be hayed and reseeded as needed upon the completion of construction. 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 Maquoit Drive. Approximately 100 square feet of wetlands will be impacted by this project. A permit from the Army Corps of Engineers will be required. Upon completion of the rip rap, native plantings will be installed at the top of the rip rap. One tree is proposed to be removed along with 300 sf of woody shrubs. Approximately 500 sf area of native vegetation will be proposed along the top of the rip rap area and consisting of red oak, bayberry, virginia rose and juniper. 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 Tim Forrester, Flycatcher, LLC on behalf of Erik and Diane Emerton, for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5, Lot 69 (60 Maquoit Drive), to be built substantially as proposed in an application dated 04/01/24, 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) Permits shall expire one (1) year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- 3) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain any applicable permits from the Maine Department of Environmental Protection and the Army Corps of Engineers.

Lucy and McAllister Lloyd – 62 Maquoit Drive – Shoreland Stabilization

The applicant is seeking approval for a Shoreland Zoning Permit (for Shoreland Stabilization). An area of approximately fifty feet in length will be stabilized with rip rap. There will be no wetland impact. Zoning Districts: Medium Density Residential I (MDR-1) and Shoreland Area (SA). Tax Assessor Map 5, Lot 68 (62 Maquoit Drive). Tim Forrester, Flycatcher, LLC., applicant and representative; Lucy and McAllister Lloyd, owners.

Background: The applicant is proposing to stabilize 50 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will be about 6 feet in height and replace existing rip rap. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. No wetland impact is proposed. A permit from the Army Corps of Engineers will be required. No vegetation removal and/or no new plantings are proposed. Proposed access to the project area will be from an existing footpath.

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 being reviewed under the authority granted to this Board. 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 permanent roads and driveways are proposed. Based upon this information, the Board finds that this standard has been met.

H. Signs:

Not applicable as no signs 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 is proposing to install rip rap to improve the conditions of the eroding bank. The design of the rip rap area will use filter fabric, a mix of stone sizes with the bottom row to be buried in a trench and pinned to existing ledge. 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 upland vegetation will be removed with this project. No vegetation removal and/or no new plantings are proposed. Proposed access to the project area will be from an existing footpath. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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 vegetation is proposed to be removed with this project. Based upon this information, the Board finds that this standard has been met.

Q. Revegetation Requirements

No vegetation is proposed to be removed or planted in association with this project. Based upon this information, the Board finds that this standard has been met.

R. Erosion and Sedimentation Control

The applicant is proposing to stabilize 50 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will be about 6 feet in height and replace existing rip rap. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. These improvements are proposed to stop the erosion occurring on the bank. There will be someone on-site during construction that is certified in Maine DEP Erosion Control. 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.

(k) 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.

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

The applicant is proposing to stabilize 50 feet of shoreline using rip rap which will consist of stones, two to four feet in diameter. This new rip rap will tie into a rip rap area located on abutting properties. The height of the rip rap will be about 6 feet in height and replace existing rip rap. The rip rap will include the use of filter fabric, stone and the bottom of the rip rap in a trench or pinned as needed. The finished slope will be 1:1. No wetland impact is proposed. A permit from the Army Corps of Engineers will be required. No vegetation removal and/or no new plantings are proposed. Proposed access to the project area will be from an existing footpath. 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:

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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 Maquoit Drive. There will be no wetland impact associated with this project. No vegetation will be removed or planted. 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 Tim Forrester, Flycatcher, LLC on behalf of Lucy and McAllister Lloyd, for a Shoreline Stabilization Project at a residential property at Tax Assessor Map 5, Lot 68 (62 Maquoit Drive), to be built substantially as proposed in an application dated 04/01/24, 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) This approval shall expire one (1) year from the date of issuance if substantial start is not made in construction or in the use of the property during that period. If substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.
- 3) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant obtain any applicable permits from the Maine Department of Environmental Protection and the Army Corps of Engineers.