



TOWN OF FREEPORT, MAINE
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, May 18, 2022

Harraseeket Ridge – Residential Open Space Subdivision	
Property Location:	Tax Assessor Map 18, Lot 16 (0 US Route One)
Zoning Information:	Medium Density A (MD-A)
Review Type(s):	Subdivision – Preliminary Review, Major Subdivision
Waivers Requested:	None

Background: This will be a continued discussion from the last Project Review Board meeting when the Board tabled the review of the preliminary plan for more information to be submitted. The plan remain unchanged since the last meeting however additional information on soils, hydrology, septic systems, and nitrate plumes has been provided.

The Codes Officer/Local Plumbing Inspector had previously raised the issue of the State minimum lot sizes for septic systems and the need to make sure those requirements are met. The classification of the wells, as designed, and if they would be considered public drinking water suppliers by the State of Maine has also been raised. If the well are considered public water supplies by the State, additional standards may be applicable; additional information will be forthcoming.

The background below is from the previous staff report and is included for reference:

“The applicant is presenting Preliminary Subdivision Plans for an 80-unit residential open space subdivision on a vacant parcel (approximately 90 acres) on US Route One North. Forty duplex structures and two new road entrances off US Route One are proposed. Approximately 43 acres of open space will be required. There have been no significant changes to the plan since the initial presentation to the Board.

The applicant is proposing duplex structures, which will be about 2,870 sf in size and will each have their own garage and partial basements. The units will all be on common land and condominium style; a homeowner’s association will be established.

The net residential acreage calculation has been included in the submission and would allow 80 units. Areas of wetlands, steep slopes and a significant vernal pool have been identified on the plan. The locations of streambeds have also been noted.

The project will require a Site Location of Development Permit from the Maine Department of

Environmental Protection, a Maine Construction General Permit and permit(s) from the Maine Department of Transportation (partially due to US Route One being a State road).

Process: This is considered a Subdivision-Major (per Article III of the Freeport Subdivision Ordinance) and process would involve three levels of review – conceptual, preliminary and final. The Board first reviewed the conceptual plan at the June 2021 meeting and a sitewalk of the property was held in August 2021, with the conceptual process being determined to be completed at the September 2021 meeting.

Per Article 7.1 of the Freeport Subdivision Ordinance, “After the Project Review Board has completed its review of the Site Inventory Map and Site Analysis and Conceptual Sketch Plan, the applicant shall submit an application for approval of the preliminary plan for a Major Subdivision to the Planning Department. Failure to submit an application within six (6) months after the Project Review Board has completed its review of the Site Inventory Map and Site Analysis and Conceptual Sketch Plan, or a substantial change to the plan such as a major relocation of a road(s) or lots or the previously unforeseen need for a waiver may require re-submission of the Site Inventory Map and Site Analysis and Conceptual Sketch Plan to the Board...” As noted at the last meeting, the applicant did submit for preliminary review within this time period however was put on this agenda due to where they were at in the review process and turnover of Board members as of 04/2022.

Access: Two new road entrances of Route One are proposed. The road system has been designed to comply with Article 11.5 of the Freeport Subdivision Ordinance with regards to the number of units allowed on, and the maximum length of a dead-end road.

Entrance Permits for the new roads are required from the State of Maine since this portion of US Route One is regulated by the State. The applicant has provided information on site distance in their submission. In addition to any State requirements, they need to meet any site distance requirements of the Freeport Subdivision Ordinance (Article 11.5.C.2.b).

The road will include a 4 foot paved shoulder with striping and crosswalks to provide designated spaces for pedestrian traffic. In an email dated 04/11/2022, the Town Engineer made review comments, one of which was regarding the design of a sitewalk/pedestrian path.

Traffic: The applicant has included a traffic memo in their submission (prepared by Jason Ready, PE, PTOE, PTP, VHB). They have stated that a Traffic Movement Permit from the Maine Department of Transportation (MDOT) will not be required and MDOT has concurred with this finding. No high crash locations have been identified within a mile of the project site.

Public Safety: Public Safety staff will need to review the proposed plan. Sprinklers are proposed for all of the units.

Utilities: There are no public utilities in this area, so units would be served by private wells and septic systems. Wells would be shared for each duplex and the septic systems would serve “cluster” of units. The location of septic systems and wells have been shown on the plan.

Per Appendix F.15 of the Freeport Subdivision Ordinance, the following is required: “Location of all soil tests pits as may be required under this ordinance, including all failed test sites or pits, as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.” This has not been

included in the preliminary submission.

Information on water supply and wastewater disposal is include in the electronic packet; please see Sections 15, 16 & 17 of the Site Location of Development permit submission. Does the Board feel that this information will demonstrate if the standards have been met, or is additional information required?

Stormwater: Due to the size and nature of the project, a Site Location of Development Permit from the Maine Department of Environmental Protection (DEP) will be required. Per Article 8.1.B of the Subdivision Ordinance, approval of this permit shall be obtained in writing from the DEP prior to the applicant submitting their final plan submission. The Town Engineer has reviewed the submission for compliance with the applicable standards of the Freeport Subdivision Ordinance and the Freeport Zoning Ordinance in regard to stormwater. His initial comments are included in an email dated 04/11/2022.

Open Space: 43.47 acres of open space are proposed. This appears to be slightly lower than the requirement; this will need to be addressed. The open space has been situated to abut other abutting vacant land. Details on the possible future ownership of the open space and of any possible trail connections will be forthcoming.

Phasing: The cover letter notes that the development will be phased. If phasing is proposed, Appendix F.19 of the Freeport Subdivision Ordinance requires the following: "Where installation of the improvements is proposed to be done in phases, the applicant shall submit with the Conceptual Preliminary Plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section is intended to be filed." This has not been included in the submission."

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the preliminary subdivision plans submitted by Beta Zeta Properties, LLC., for the proposed Harraseeket Ridge Subdivision (Tax Assessor Map 18, Lot 16) for an 80-unit residential open-space subdivision, preliminary plan set site plan sheet dated November 2021, revised through 2/7/2022. The Board finds that based upon the materials submitted by the applicant and the information contained in the record, the layout of the development is consistent with the information presented in the conceptual submission, that the applicant has submitted the required information per the Freeport Subdivision Ordinance and the applicant working towards the development of the final plans. The following condition(s) of approval and/or items shall be incorporated into the final submission:

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc.
- 4) The final submission shall incorporate the requirements of Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.

Nighthawk's Kitchen – Design Review Certificate	
Property Location:	Assessor Map 7, Lot 1 (200 Lower Main St)
Zoning Information:	Commercial 1 (C-1), Design Review District 1- Class C & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant recently (August 2021) received approval for an outdoor seating area at their restaurant in Freeport Crossing. They are now seeking approval of a material modification as the surface of the outdoor seating area has been changed to pavers (previously concrete). The area was approved as 230 sf; 200 sf was constructed. A new pergola has also been installed. It is 10'x20' in size and made of white aluminum. A new section of fencing is proposed to screen the HVAC area from the seating. Each section will be 8'x11' and made of wood; possibly with a clear protection coat or painted white. The submission does show an area next to the patio in which vegetation was removed. The applicant is proposing to install a garden in that area; details on planting types have been included in the submission and will include a variety of plant and shrubs that will flower throughout the year.

Design Review Ordinance: Chapter 22 Section VII.C.

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

No changes to the overall size and scale of the building will be altered. Based upon this information, the Board finds that this standard has been met.

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

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

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

Proportions of the building's front façade will not be altered. Based upon this information, the Board finds that this standard has been met.

4. **Rhythm of Solids to Voids in Front Facades.** When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a

pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

- 5. Proportions of Opening within the Facility. Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.**

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

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

No change to the existing roof shape is proposed. Based upon this information, the Board finds that this standard has been met.

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

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

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

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

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

The applicant recently (August 2021) received approval for an outdoor seating area at their restaurant in Freeport Crossing. They are now seeking approval of a material modification as the surface of the outdoor seating area has been changed to pavers (previously concrete). The area was approved as 230 sf; 200 sf was constructed. A new pergola has also been installed. It is 10'x20' in size and made of white aluminum. A new section of fencing is proposed to screen the HVAC area from the seating. Each section will be 8'x11' and made of wood; possibly with a clear protection coat or painted white. The submission does show an area next to the patio in which vegetation was removed. The applicant is proposing to install a garden in that area Based upon this information, the Board finds that this standard has been met.

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

No new signs are proposed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate Nighthawk's Kitchen, LLC, for alterations to a previously approved outdoor seating area at 200 Lower Main Street (Tax Assessor Map 7, Lot 1), to be built substantially as proposed, application dated 04/26/22, finding that it meets the standards of the Freeport Design Review Ordinance with the following Conditions of Approval:

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

<u>Freeport Historical Society –Signage</u>	
Property Location:	Tax Assessor Map 11, Lots 26, 26A & 29
Zoning Information:	Village Commercial I (VC-I), Design Review District I – Class A, & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for signage and associated improvements at 45 Main Street. The proposal includes new and replacement signage, new signposts and new brackets for some replacement signage. Although per Section V.B of the

Design Review Ordinance, there is the ability for Administrative Review of modifications to previously approved signs, this does not include the ability to approve posts or brackets and therefore the applicant is before the Board for the material changes and the new sign.

The two signposts will be replacements of existing wood posts; new 6"x6" wood posts will be installed and covered with white composite material. The posts will be ten feet in height and capped with a cannon ball (similar to that on the fence posts). The replacement blade signs will be made of styrene composite and similar in size to the existing. They will be attached to the posts with new metal brackets, as shown in the submission.

A new wall mounted sign will be hung on the back of the new vault building. The sign will be made of dibond aluminum and 7'x5' in size.

No other changes are proposed.

Design Review Ordinance: Chapter 22 Section VII.C.

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

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

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

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

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

The proportion of the building's front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The rhythm of solids to voids in the front facades will not be altered. Based upon this information, the Board finds that this standard has been met.

5. **Proportions of Opening within the Facility.** Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.

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

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

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

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

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

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

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

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

The two signposts will be replacements of existing wood posts. No other changes to any site features are proposed. Based upon this information, the Board finds that this standard has been met.

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

The proposal includes new and replacement signage, new signposts and new brackets for some replacement signage. The two signposts will be replacements of existing wood posts; new 6"x6" wood posts will be installed and covered with white composite material. The posts will be ten feet in height and capped with a cannon ball (similar to that on the fence posts). The replacement blade signs will be made of styrene composite and similar in size to the existing. They will be attached to the posts with new metal brackets, as shown in the submission. A new wall mounted sign will be hung on the back of the new vault building. The sign will be made of dibond aluminum and 7'x5' in size. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for the Freeport Historical Society at 45 Main Street (Tax Assessor Map 11, Lots 26, 26A & 29), to be substantially as proposed, application dated 05/02/22, finding that it meets the standards of Freeport Design Review Ordinance, with the following Conditions of Approval:

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

<u>CCS Subdivision Amendment – Renee Road – PUBLIC HEARING</u>	
Property Location:	Tax Assessor Map 17, Lot 33-14 (16 Renee Road)
Zoning Information:	Zoning District: Medium Density Residential I (MDR-1)
Review Type(s):	Amendment to a previously approved Subdivision Plan
Waivers Requested:	No waivers have been requested.

Background: This will be a public hearing regarding an amendment to the previously approved plan for the CCS Subdivision on Renee Road. The plan was last approved by the Project Review Board in 2018 for the approval of the subdivision. As part of the stormwater management plan, there was a limitation for each lot on the amount of allowable impervious area allowed and a note indicating such was added to the plan.

Before the Board for consideration is a change to the note on the plan to allow for an increase of

allowable impervious area on Lot 14 from the previously approval of up to 4,000 sf of impervious area to allow up to 5,500 sf of impervious area on this one lot. This request is being made due in part to shape and features of the lot which require a longer driveway to access the portion of the lot where the house would go. The associated stormwater management plans for the lot have also been updated and reviewed and approved by the Town Engineer (see email dated 05/09/2022, attached).

Any required notes on the plan have been updated. No lot lines are being altered and no additional lots are being created.

It does appear that the update to the recording plan will require the associated "Declaration of Protective Covenants, Reservations, Restrictions and Common Easements of CCS Subdivision" to be revised with regards to any references to the recording plan. The applicant will need to get legal guidance on how they need to amend the documents due to the pending status of the Homeowner's Association. The updating and recording of these documents have been added as a proposed condition of approval. They have included signatures in the packet from the other lot owners acknowledging their approval of the request to amend the plan for this one lot.

Per Article 9 of the Freeport Maine Subdivision Ordinance, changes to a previously approved plan can require review and approval by the Project Review Board. There are no outstanding items with this application. The same conditions of approval from the original approval would still be applicable to the original applicant. No additional waivers have been requested.

Proposed Findings of Fact:

11.1 Pollution

A. State Standard

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

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

The application for consideration before the Board is for a change to the note on the plan to allow for an increase of allowable impervious area on Lot 14 from the previously approval of up to 4,000 sf of impervious area to allow up to 5,500 sf of impervious area on this one lot. This request is being made due in part to shape and features of the lot which require a longer driveway to access the portion of the lot where the house would go. The associated stormwater management plans for the lot have also been updated and reviewed and approved by the Town Engineer (see email dated 05/09/2022). Based upon this information, the Board finds that this standard has been met.

11.2 Sufficient Water

A. State Standard

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

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

11.3 Impact on Existing Water Supplies

A. State Standard

Municipal water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

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

11.4 Soil Erosion.

A. State Standard

Erosion. The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

No changes to the previously approved erosion control plans are proposed. Based upon this information, the Board finds that this standard has been met.

11.5 Traffic Conditions

A. State Standards

Traffic. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed.

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

11.6 Sewage Disposal

A. State Standards

Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

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

11.7 Solid Waste

A. State Standard

Municipal solid waste disposal. The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

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

11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline

A. State Standard

Aesthetic, cultural, and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

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

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

A. State Standard

Conformity with local ordinances and plans. The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

The application for consideration before the Board is for a change to the note on the plan to allow for an increase of allowable impervious area on Lot 14 from the previously approval of up to 4,000 sf of impervious area to allow up to 5,500 sf of impervious area on this one lot. The associated stormwater management plans for the lot have also been updated and reviewed and approved by the Town Engineer (see email dated 05/09/2022). Based upon this information, the Board finds that this standard has been met.

11.10 Financial and Technical Capacity

A. State Standard

Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section.

Due to the nature of the application, additional information on financial and technical capacity was not submitted. Based upon this information, the Board finds that this standard has been met.

11.11 Impact on Water Quality or Shoreline

A. State Standard

Surface waters; outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B¹, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

This parcel is not located within the watershed of a great pond or lake nor is it within the Shoreland Zone. Based upon this information, the Board finds that this standard has been met.

11.12 Impact on Ground Water Quality or Quantity

A. State Standard

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

No negative impacts to ground water quality or quantity are proposed. Based upon this information, the Board finds that this standard has been met.

11.13 Floodplain Management

A. State Standard

Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway

Maps, Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

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

11.14 Identification of Freshwater Wetlands

A. State Standard

Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

Wetlands remain shown on the recording plan and no additional wetland impacts are proposed. Based upon this information, the Board finds that this standard has been met.

11.15 Rivers, Streams, and Brooks

A. State Standard

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

No additional impacts to any rivers, streams or brooks are proposed. Based upon this information, the Board finds that this standard has been met.

11.16 Storm Water Management

A. State Standard

Storm water. The proposed subdivision will provide for adequate storm water management.

The application for consideration before the Board is for a change to the note on the plan to allow for an increase of allowable impervious area on Lot 14 from the previously approval of up to 4,000 sf of impervious area to allow up to 5,500 sf of impervious area on this one lot. The associated stormwater management plans for the lot have also been updated and reviewed and approved by the Town Engineer (see email dated 05/09/2022). Based upon this information, the Board finds that this standard has been met.

11.17 Spaghetti Lots

A. State Standard

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

No spaghetti lots are proposed. Based upon this information, the Board finds that this standard has been met.

11.18 Phosphorus Impacts on Great Ponds

A. State Standard

Lake phosphorus concentration. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

The development is not within the watershed of a great pond. Based upon this information, the Board finds that this standard has been met.

11.19 Impacts on Adjoining Municipalities

A. State Standard

Impact on adjoining municipality. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The parcels do not abut or cross the municipal boundary. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and subdivision plan amendment Steve and Valerie Konstantino for an amendment to the previously approved CCS Subdivision recording plan, pertaining to an increase in the allowable amount of impervious area on Lot 14 (Tax Assessor Map 17, Lot 33-14 / 16 Renee Road), subdivision recording plan dated 09/24/2018, revised through _____, finding that it meets the standards of the Freeport Subdivision Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and his/her representatives at Project Review Board meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions.
- 2) Prior to the applicant applying for a building permit on Lot 14, the applicant do the following:
 - A. The final signed mylar of the recording plan shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days of the date upon which the plan is signed otherwise the plan shall become null and void.
 - B. The applicant provide the Freeport Planning Department with a copy of the recorded, amended, "Declaration of Protective Covenants, Reservations, Restrictions and Common Easements of CCS Subdivision"

From: [Adam Bliss](#)
To: [Caroline Pelletier](#)
Subject: Renee Road: Lot 14
Date: Monday, May 9, 2022 3:00:40 PM

Hi Caroline,

I have reviewed the application materials related to the request to increase the maximum allowable impervious area associated with Lot 14. I approve the request as the impact on stormwater is negligible to none. There isn't any need to increase the performance guarantee or establish an inspection escrow account. My review time for the application was one hour.

Thank you,

Adam

Adam S. Bliss, P.E.
Freeport Town Engineer / Public Works Director
abliss@freeportmaine.com
207.865.4743 x106

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Freeport, Maine 04032