



TOWN OF FREEPORT, MAINE
 Planning Department
 30 Main Street
 Freeport, ME 04032
 Phone: 207-865-4743
www.freeportmaine.com

TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, MAY 19, 2021

4 East Street- Residential Fence	
Property Location:	Tax Assessor Map 13, Lot 1 A (4 East Street)
Zoning Information:	Village I (V-I); Design Review 1 – Class C; Freeport Village Overlay District (FVOD)
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate for a new fence at their residential property on East Street. There is an existing section of fence on the property which will be replaced and some new sections which will be added. The fence will be made of pressure treated wood and picket style. It will be six feet in height with another two feet of grille material on top, for a total height of eight feet. A gate will be installed on the portion of fence facing East Street. No other changes are proposed. Due to the height, a building permit will be required.

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.

The scale of the building will not 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 or buildings should be visually compatible with the heights of the buildings in the neighborhood.

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

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

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

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

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

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

The sizes of all openings will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

The shape of the roof will remain unchanged. 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 building façade 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).

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.

There is an existing section of fence on the property which will be replaced and some new sections which will be added. The fence will be made of pressure treated wood and picket style. It will be six feet in height with another two feet of grille material on top, for a total height of eight feet. A gate will be installed on the portion of fence facing East Street. No other changes are proposed. Due to the height, a building permit will be required. 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 signage is proposed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Igor Kashirov, for a new fence at their property at 4 East Street (Tax Assessor Map 13, Lot 1A), to be substantially as proposed, application dated 04/12/21, 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.
- 2) Prior to installation, the applicant obtain a building permit from the Freeport Codes Enforcement Officer.

Wildflower Florist- Exterior Alterations	
Property Location:	Tax Assessor Map 10, Lot 24 (5 Depot Street)
Zoning Information:	Village Commercial I (VC-I); Design Review District 1 - Class C & Color Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking an after the fact approval of a Design Review Certificate for exterior building alterations including repair and replacement of some doors, windows, trim and roof over some existing bay windows. Some existing walls had rot repaired using wood and clapboards to match existing materials.

New windows will be the same shape and style and of metal material. Existing window shutters will be removed. Replacement trim will be PVC. The new door will match other entrance doors on the building

and will be metal with full glass; the existing door was a half-lite. The roof over the bay windows will be replaced and be continuous over the windows and entrance door. In addition to a modification in the roof shape, the roof material was changed from copper to synthetic slate.

Existing landscaping was removed for the project and gardens will be replanted (shrubs and flowers) in their existing location. A material change is also proposed for the wood walkway leading to their storefront on Depot Street. The new walkway will be made of Genest paving stones to match the other entrance walkways on the site.

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.

The scale of the building will not 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 or buildings should be visually compatible with the heights of the buildings in the neighborhood.

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

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

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

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

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

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

compatible with the architectural style of the building and with that of its neighbors.

The sizes of all openings will remain unchanged. Based upon this information, the Board finds that this standard has been met.

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

The roof over the bay windows will be replaced and be continuous over the windows and entrance door. In addition to a modification in the roof shape, the roof material was changed from copper to synthetic slate. 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.**

Some existing walls had rot repaired using wood and clapboards to match existing materials. New windows will be the same shape and style and of metal material. Existing window shutters will be removed. Replacement trim will be PVC. The new door will match other entrance doors on the building and will be metal with full glass. The roof over the bay windows will be changed from copper to synthetic slate. 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.

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Existing landscaping was removed for the project and gardens will be replanted (shrubs and flowers) in their existing location. A material change is also proposed for the wood walkway leading to their storefront on Depot Street. The new walkway will be made of Genest paving stones to match the other entrance walkways on the site. 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 signage is proposed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate for Alan Mooney, for exterior building alterations and minor site alterations at 5 Depot Street (Tax Assessor Map 10, Lot 24), to be substantially as proposed, application dated 04/28/21, 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 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.

304 Pownal Road Subdivision – Conceptual Subdivision	
Property Location:	Tax Assessor Map 21, Lot 89
Zoning Information:	Rural Residential I (RR-I)
Review Type(s):	Residential Open Space Subdivision
Waivers Requested:	None

Background: The applicant is presenting conceptual plans for a 6-lot residential Open Space Subdivision on Pownal Road. The initial presentation of the conceptual plan was at the 01/20/21 Project Review Board meeting. A sitewalk was held on 02/17/21 with a subsequent conceptual presentation at the 03/17/21 meeting.

Six residential lots are proposed; however, the initial net residential acreage calculations would allow for 14 lots. The area of open space has decreased to 28.54 acres as the closed landfill would be contained separately on its own lot. The applicant will need to make sure this lot still conforms to the space and bulk standards of the Freeport Zoning Ordinance.

The site is mostly wooded, with some pockets of forested wetlands and areas of steep slopes as identified on the plan. Based upon the comments at past meetings, lot 2 has been moved further away from the landfill boundary. There was past discussion about possibly moving the location of lots four and six; the location of those lots remains unchanged. If lot four were shifted slightly, a small area of steep slopes could be incorporated into the open space. Per Appendix A, Four Step Design Process of the Freeport Subdivision Ordinance "...Primary conservation areas within individual building lots should be avoided; however, the Project Review Board may approve a lot that contains a primary conservation area if there is provision for protecting that portion of the lot from being developed."

Individual lots would be accessed by private driveways from Pownal Road. As presented at the last meeting, the original plan had been updated so that some lots will now share driveways. Driveway Entrance Permits from the State of Maine will be required since this portion of the

road is a State road. The entrances will also need to meet the requirements of the Freeport Zoning Ordinance and the Freeport Subdivision Ordinance.

The lot contains a former (closed) municipal landfill. The applicant has been in contact with the Maine Department of Environmental Protection (DEP) regarding the closed landfill on the property. The DEP has indicated that they regulate any construction within 100 feet of the landfill boundaries. No alterations or construction within the closed landfill or buffer area are proposed.

There was a lot of discussion at the last meeting about liability in regards to the closed landfill as it was stated that the future homeowner's association (HOA) would own the open space and closed landfill. The applicant included a letter from their attorney about the Town's responsibilities however there are still unanswered questions about the applicant's responsibility. Due to the approved DEP closure plan, there is record of the Town's responsibilities and monitoring requirements. The unanswered questions are really what is the developer's and/or HOA responsibility in the future should there be a breach in the integrity of the closed landfill during or after development? Based upon the information submitted, it appears that water quality and the status of the cap have been stable over the past 30 years. What if during, or after the buildout of the project, one of these things is jeopardized? What arrangements will be made to cover the future property owners/HOA from any potential liability? Some additional legal clarification would be helpful.

There has been some water quality monitoring done in the general area throughout the years. The applicant did have a preliminary review of the hydrogeologic information done. The initial report was included in the submission, is dated April 28, 2021 and was prepared by Mark Cenci Geologic, Inc. If the project moves forward, one thing for the Board to consider is if they want all hydrogeologic information submitted by the applicant to be peer reviewed (this would be done at the expense of the applicant, with a consultant to be selected by the Town). The submission did also include results of a water quality test for the existing residential well on the property (dated 04/26/2021, completed by A&L Laboratory).

Each lot will be served by a well and septic system. Details on a high intensity Class B soil survey were previously submitted. The locations of test pits have been shown on the plan. Going forward, one of the questions staff will have is, how will the location and depth of wells relate to the landfill and how will the well placement and installation ensure adequate water quality and quantity?

The Town Engineer will be available at the meeting to answer any technical questions that the Board may have.

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. Since this is conceptual review, the Board shall review the submission to determine if the information provides a clear understanding of the site and identifies opportunities and constraints that help determine how it should be used, areas that are appropriate for conservation areas, and areas that are appropriate for development (refer to Article 5 of the Freeport Subdivision Ordinance). The Board shall also act on any requests for waivers at this time. This step is often completed in multiple meetings. Review of the Site Inventory Map and the Site Analysis and Conceptual Plan shall be considered complete upon a finding by the Project Review

Board that the appropriate areas have been determined for development and for conservation or open space.

Proposed Motion: Be it ordered that the Freeport Project Review Board finds the review of the Site Inventory Map, Site Analysis and Conceptual Plan for 304 Pownal Road LLC, for a 6 lot, residential open space subdivision (Tax Assessor Map 21, Lot 89) complete as the Board finds that the appropriate areas have been determined for development and for conservation of open space.