



TOWN OF FREEPORT, MAINE
 Planning Department
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, JUNE 21, 2023

1131 US Route One – After-the-Fact Change of Use	
Property Location:	Tax Assessor Map 21, Lot 31 (1131 US Route One)
Zoning Information:	Medium Density B (MD-B)
Review Type(s):	After-the-Fact Change of Use
Waivers Requested:	Yes – Section 406.G.7, lighting, traffic and performance guarantee

Background: The applicant presented conceptual plans for an after-the-fact change of use from Single-family Residential to Single-Family Residential and Construction Services in December 2022. A sitewalk was held on January 18, 2023. The site contains a residential structure, a 4,842 square foot residential barn and associated site improvements. Additional changes include the relocation of some accessory structures, removal of some impervious areas and some new landscaping.

The land previously existed at two parcels; the applicant intended to merge the two parcels; however, questions were raised with how this was done. Since the initial meeting, the applicant has filed an affidavit to remedy the situation and to clarify that the intent of the deed was to merge the two parcels into one for zoning purposes and thereby eliminating internal property lines.

Building – There are two existing structures on the lot; a single family house and the garage. Since the initial meeting, the applicant has now clarified that the garage will only be used to store items for single-family use and not for the use of construction services. Since the house and garage are for single family use, Site Plan Review is not required for those two structures. The applicant does have a business, Davis Erector Group, and between jobs they do bring equipment to this site for storage, thereby triggering the need for Site Plan Review for construction services.

The residential portion of the property is mostly the southern portion, while the construction services will be on the northern portion. The area for construction services will include outdoor gravel space, a 30'x60' dome tent (18' in height) and gravel driveway. The tent will be used to store materials for the construction services use and the tent will be located on an existing gravel pad. (The will be a storage container and dumpster for the residential use which will be located in the commercial area).

Section 406.G (5, 6, & 7) of the Freeport Zoning Ordinance provides some standards regarding the building and/or entrance depending on the visibility of the building from Route One.

- “5. All buildings that are subject to Site Plan Review and that are plainly visible from a public road shall be required to meet the building design standards of this section. For the purposes of this section, buildings that are screened by a depth that is the same or more than the front setback requirement of natural, mature vegetation, and/ or another building, and/or a change in elevation or other method as approved by the Project Review Board are not considered to be visible from the road, These building may be seen from the road, but they are not considered to be in plain sight.
- a. Designs that are characterized by long monotonous unrelieved shape or form or by the unbroken extension of line for any building are not permitted. Wall projections, recesses, windows, roof elevation variations and design features such as moldings, color changes, material changes, signs, awnings, dormers and so on can be used to break up the visual expanse of a building facing a public or private road.
 - b. Efforts should be made to vary the setback of the building on a parcel from the setback of adjacent buildings to avoid a monotonous, visual building line along a road. In situations where this is not possible landscaping, parking lot design and building design are some examples of site features which can be used to minimize the uniformity of the setback line.
6. Buildings that are subject to Site Plan Review that are not plainly visible as described in Sec.406.G.5 above shall provide extra attention to the entrance rather than the building. For example, signs for the business or a simple address sign might be made of a distinctive material, or decorative plantings, lighting, or art work may be included. The Project Review Board may base the appropriateness of an entrance design on the amount of customer recognition that is needed for a business.”

The tent is located more than double the required setback distance and there is existing vegetation near Route One that the applicant is proposed to retain. The plans include additional screening through the installation of a six-foot high berm with additional new six-foot-high evergreen plants to be planted on top. Does the Board feel that the dome tent, in its proposed location, and with the existing and proposed plantings would meet the criteria of the Ordinance to be considered not visible from the road?

Vehicular Access & Parking -There are two existing driveways on the property; the one to the south will be for residential use and the one to the north will be for commercial use. Access from US Route One exists and a commercial entrance permit was issued in 2012. The beginning of the entrance from Route One appears to be paved before it converts to a gravel surface. The current width is 15 feet, and it will be widened to 22 feet to comply with the standards of the Zoning Ordinance. The driveway will maintain the minimum 10-foot required setback from the site property line.

Section 514. Off-Street Parking and Loading has the following parking requirement for construction services: “1 parking space for each 1.2 employees based on the highest expected average occupancy or 1 space for each 1,000 sq. ft. of building area as defined in Sec.514.B.5 above, whichever is greater, plus one space for each vehicle used in conduct of the enterprise.” Other than the dome tent, there will be no commercial building and no employees working at the site as they will only access the site for the temporary storage of equipment. The frequency of trips to the site is expected to be no more than ten trips per day, although that will not happen every day.

Stormwater - The property is within a watershed of an Urban Impaired Stream. Due to the amount of impervious area on the site, a Stormwater Permit is required, and the applicant will need to

demonstrate that they comply with the requirements of Section 529 of the Freeport Zoning Ordinance. Rain gardens are proposed for the treatment of stormwater. The Town Engineer reviewed and approved the stormwater management plans; comments are included in an email dated 06/14/23. A Maintenance Agreement of a Stormwater Management System is suggested.

The applicant has been contacted by Maine Department of Environmental Protection about some impacts to a stream and wetlands. The applicant is working with DEP to resolve any permitting issues (after-the-fact Permit by Rule).

Signage - No signage has been included with the submission.

Landscaping & Buffering - Section 406.G.2. of the Freeport Zoning Ordinance has a buffer requirement, however only "For all lots other than those with single and two-family uses..." Since this lot contains a single-family use in addition to the commercial use, it has been determined by the Codes Officer that this standard is not applicable.

Section 406.G.3. of the Freeport Zoning Ordinance has the following requirement: "Minimum outdoor storage standards for non-residential uses are: a. The storage area shall be fully fenced with an opaque material 5 to 6 feet high. b. Only materials and/or equipment used in the business shall be stored. c. Stored materials shall be no higher than the height of the fence. d. No outdoor storage shall be allowed in any setback areas." We are awaiting clarification from the Codes Enforcement Officer as to whether or not this standard is applicable, if so, this is something the Board and applicant will discuss at the meeting, to better understand what types of materials and equipment will be stored, where they will be stored, and if a fence will be required.

Existing vegetation will remain. Rain gardens will be installed for the treatment of stormwater. The plans include additional screening of the construction services area through the installation of a six-foot high berm with additional new six-foot-high evergreen plants to be planted on top.

Other – No new utility connections, lighting or signage are proposed. The Board typically requires a performance guarantee for all sitework; in this case, the sitework would include widening the driveway, the rain gardens, and the berm and landscaping. The applicant asks that the Board does not require a performance guarantee. This is something that the Board will need to discuss.

Proposed Findings of Fact & Proposed Motion(s): This project requires after-the-fact Site Plan Review. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. 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 motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

- a. **Preservation of Landscape: The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the**

ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

The site contains a residential structure, a 4,842 square foot residential barn and associated site improvements. The residential portion of the property is mostly the southern portion, which the construction services will be on the northern portion. The area for construction services will include outdoor gravel space, a 30'x60' dome tent (18' in height) and gravel driveway. The tent will be used to store materials for the construction services use and the tent will be located on an existing gravel pad. Existing vegetation will remain. Rain gardens will be installed for the treatment of stormwater. The plans include additional screening of the constructions services area through the installation of a six-foot high berm with additional new six-foot-high evergreen plants to be planted on top. Based upon this information, the Board finds that this standard has been met.

- b. Relation of Proposed Buildings to the Environment: The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.**

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

The property is not located within the Design Review District. The site contains a residential structure and a 4,842 square foot residential barn. An existing storage container on the property will be relocated to comply with required setbacks. A dome tent is proposed for the use of construction services and will be located beyond the required setback from Route One. Based upon this information, the Board finds that this standard has been met.

- c. Vehicular Access: The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible**

There are two existing driveways on the property; the one to the south will be for residential use and the one to the north will be for commercial use. Access from US Route One exists and a commercial entrance permit was issued in 2012. The beginning of the entrance from Route One appears to be paved before it converts to a gravel surface. The current width is 15 feet, and it will be widened to 22 feet to comply with the standards of the Zoning Ordinance. The driveway will maintain the minimum 10-foot required setback. Based upon this information, the Board finds that this standard has been met.

- d. Parking and Circulation: The layout and design of all means of vehicular and pedestrian circulation,**

including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

There will be no commercial building and no employees working at the site as they will only access the site for the temporary storage of equipment. The frequency of trips to the site is expected to be no more than ten trips per day, although that will not happen every day. Based upon this information, the Board finds that this standard has been met.

- e. Surface Water Drainage: Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.**

The property is within a watershed of an Urban Impaired Stream. Due to the amount of impervious area on the site, a Stormwater Permit is required, and the applicant will need to demonstrate that they comply with the requirements of Section 529 of the Freeport Zoning Ordinance. Rain gardens are proposed for the treatment of stormwater. The Town Engineer reviewed and approved the stormwater management plans; comments are included in an email dated 06/14/23. Based upon this information, the Board finds that this standard has been met.

- f. Utilities: All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.**

The only structure associated with the construction services use will be the dome tent and no utility connections are proposed for that structure. Based upon this information, the Board finds that this standard has been met.

- g. Advertising Features: The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.**

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

- h. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

There are two existing structures on the lot; a single family house and the garage. Since the initial meeting, the applicant has now clarified that the garage will only be used to store items for single-family use and not for the use of construction services. Since the house and garage are for single family use, Site Plan Review is not required for those two structures. The applicant does have a business, Davis Erector Group, and between jobs they do bring equipment to this site for storage, thereby triggering the need for Site Plan Review for construction services. The residential portion of the property is mostly the southern portion, which the construction services will be on the northern portion. The area for construction services will include outdoor gravel space, a 30'x60' dome tent (18' in height) and gravel driveway. The tent will be used to store materials for the construction services use and the tent will be located on an existing gravel pad. (The will be a storage container and dumpster for the residential use which will be located in the commercial area). Based upon this information, the Board finds that this standard has been met.

- i. Exterior Lighting: All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.**

No new exterior lighting is proposed. Based upon this information, the Board finds that this standard has been met.

- j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.**

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. Landscaping: Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.**

Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

Existing vegetation will remain. Rain gardens will be installed for the treatment of stormwater. The plans include additional screening of the construction services area through the installation of a six-foot high berm with additional new six-foot-high evergreen plants to be planted on top. Based upon this information, the Board finds that this standard has been met. Based upon this information, the Board finds that this standard has been met.

- I. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:**
- a. Will maintain safe and healthful conditions;**
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;**
 - c. Will adequately provide for the disposal of all wastewater;**
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;**
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;**
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;**
 - g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;**
 - h. Will avoid problems associated with floodplain development and use; and**
 - i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.**

The parcel is not within the Marine Waterfront District or the Shoreland Zone. The dome tent is the only new commercial structure and there will be no utility connections. No historic or archaeological resources will be disturbed. The applicant has been contacted by Maine Department of Environmental Protection about some impacts to a stream and wetlands. The applicant is working with DEP to resolve any permitting issues (after-the-fact Permit by Rule). Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and after the fact Site Plan Review for David Erector Group, LLC (David and Terry David) for a change of use from residential to residential and construction services, at 1131 US Route One (Tax Assessor Map 21, Lot 31), to be substantially as proposed, application dated 03/28/23, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

1. This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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 any site work, including but not limited to clearing of the site, and prior to the issuance of any building permits, the applicant do the following:
 - a. Enter into a Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, with yearly stormwater reporting to the Town of Freeport being required.
 - b. Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$10,000.00, in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including the road, erosion control, stormwater management, landscaping and demarcation of property lines, etc. Along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council, be paid.
 - c. Establish an inspection account, in the amount to be determined of \$500.00, to cover the cost of inspection of the site improvements by the Town Engineer.
 - d. The developer have a pre-construction meeting with the Town Engineer.
 - e. The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.

198 Main St – Exterior Alteration – Design Review Certificate	
Property Location:	Tax Assessor Map 15, Lot 19 (198 Main Street)
Zoning Information:	Zoning District: Village 1 (V-1); Design Review District 1 - Class B & Color Overlay District; Freeport Village Overlay District (FVOD)
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of exterior building alterations to replace asphalt roof shingles with a standing seam metal roofing at 198 Main Street. The roof will have a mill finish of aluminum material. The new metal roof will be installed on the main portion of the dwelling, including some of the lower roof areas on the first level. Once some of the other previously approved building renovations are complete, the new metal roofing will be used on the entire structure. The property is located in Design Review District I and the Freeport Village Overlay District.

Per Section V.A.3 of the Freeport Design Review Ordinance, the applicant is before the Board since “Any material change in the exterior appearance of existing buildings classified as A or B by additions, reconstruction or alteration” requires review and approval.

This Freeport Village Overlay District has the following standards for roofs:

“Roofs are dominant architectural forms in the townscape, particularly as viewed when approaching town or from higher elevations. Roof forms such as gable, hipped or slight variations are acceptable. Buildings shall have a roof pitch in the ranges of 6 in 12 to 12 in 12. Roof dormers with pitched or shed roof forms are permitted, and skylights within the roof plane are acceptable. Shed roofs that are integrated with the building form are also acceptable. Preferred roof materials are asphalt shingle, fire treated wood shingles, natural slate or composite material made to resemble slate, or metal standing seam. Roof colors shall be those colors found on residential buildings within the village.”

Documentation regarding the historic details of the property are attached to the end of the staff report.

Proposed Findings of Fact & Proposed Motion(s): This project requires a Design Review Certificate. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. 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 motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

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 new 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 new 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.

No new buildings are proposed. 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.

No new buildings are proposed. 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 new 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 new 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.

The applicant proposes to replace asphalt roof shingles with a standing seam metal roofing which will have a mill finish of aluminum material. No other changes 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 new 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.

No 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".

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 Sam and Christina Kapala, for a new standing seam metal roof at their property at 198 Main Street (Tax Assessor Map 15, Lot 19), to be built substantially as proposed, application dated 05/31/23, finding that it meets the standards of Freeport Design Review Ordinance and Freeport Village Overlay District, 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.

178 Main Street – Change of Use	
Property Location:	Tax Assessor Map 13, Lot 5
Zoning Information:	Village I (V-I); Design Review District One – Class B & Color Overlay District; Freeport Village Overlay District
Review Type(s):	Change of Use
Waivers Requested:	None

Background: The applicant is seeking approval of a change of use from Bed and Breakfast with a single-family dwelling to three-unit multi-family residential dwelling. This project was previously approved by the Board in 2021, however since work did not begin and the approval lapsed, the applicant is returning to the Board for review as a new application.

The parcel is in the Design Review District and the Freeport Village Overlay District. No changes to the site or exterior building façade are proposed.

Building: The applicant is currently not proposing any changes to the exterior of the building beyond painting using colors from a historic color palette. The applicant is aware that the property is in one of the Design Review Districts and any future changes to the exterior of the building (that are visible from any right-of-way) will require review and approval by the Board.

Utilities: The building is connected to public utilities. An “Ability to Serve” letter from MaineWater (dated 02/24/21) has been included in the submission. Obtaining a capacity letter from the Freeport Sewer District has been added as a condition of approval. Since this will still be considered a commercial use with regards to solid waste regulations, the applicant will be required to sort cardboard from other waste and contract with a private waste hauler. Since no dumpsters are shown on the plan, it is assumed that waste will be stored inside.

Access & Parking: Access to the site is exiting from Chapel Street. The unit types will consist of one four- bedroom unit and two two-bedroom units. Per Section 514 of the Freeport Zoning Ordinance, six parking spaces will be required; 8 exist on site and were part of a previously approved Site Plan.

Buffering: Since this property is in the Freeport Village Overlay District and changing to a multi-family use, buffers are required abutting single-family properties. The property line opposite Main Street abuts a single-family use. There is an existing buffer in place and no changes to the existing buffer area are proposed. The previously approved site plan and an as-built plan have been included in the submission to do show the existing vegetation on the site.

Proposed Findings of Fact & Proposed Motion(s): This project requires a Site Plan Review. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. 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 motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

Proposed Findings of Fact: (Section 602.F. of the Freeport Zoning Ordinance)

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

No site changes are proposed. Existing vegetation will remain and previously approved landscaping plans are in and well established. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

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

The parcel is Class B in Design Review District I and is in the Freeport Village Overlay District. No

new structures and no exterior building modifications are proposed. Based upon this information, the Board finds that this standard has been met.

- c. Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

No changes to vehicular access are proposed and access will remain from Chapel Street. Based upon this information, the Board finds that this standard has been met.

- d. Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

No changes to parking and circulation are proposed. The unit types will consist of one four-bedroom unit and two two-bedroom units. Per Section 514 of the Freeport Zoning Ordinance, six parking spaces will be required; 8 are existing on site and were part of a previously approved Site Plan. Based upon this information, the Board finds that this standard has been met.

- e. Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

No site changes are proposed and therefore no changes to surface water drainage are proposed. Based upon this information, the Board finds that this standard has been met.

- f. Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above

ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

The building is connected to public utilities. An "Ability to Serve" letter from MaineWater (dated 02/24/21) has been included in the submission. Obtaining a capacity letter from the Freeport Sewer District has been added as a condition of approval. Since this will still be considered a commercial use with regards to solid waste regulations, the applicant will be required to sort cardboard from other waste and contract with a private waste hauler. Since no dumpsters are shown on the plan, it is assumed that waste will be stored inside. Based upon this information, the Board finds that this standard has been met.

- g. Advertising Features: The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.**

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

- h. Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.

- i. Exterior Lighting: All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.**

No new exterior lighting is proposed. Based upon this information, the Board finds that this standard has been met.

- j. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.**

All public safety department heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

No changes to landscaping are proposed. Since this property is in the Freeport Village Overlay District and changes to a multi-family use, buffers are required abutting single-family properties. The property line opposite of Main Street abuts a single-family use. There is an existing buffer in place and no changes to the existing buffer area are proposed. The previously approved site plan and an as built plan have been included in the submission to do show the existing vegetation on the site. Based upon this information, the Board finds that this standard has been met.

- l. **Environmental Considerations:** A site plan shall not be approved unless it meets the following criteria:
- a. Will maintain safe and healthful conditions;
 - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
 - c. Will adequately provide for the disposal of all wastewater;
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
 - h. Will avoid problems associated with floodplain development and use; and
 - i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

The parcel is not within the Marine Waterfront District or the Shoreland Zone. The building will remain connected to public utilities. No historic or archaeological resources will be disturbed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, Design Standard Certificate for the Freeport Village Overlay District, and Change of Use for Paul and Liz Leonard, for a change of use from Bed and Breakfast with a single-family dwelling to three-unit multi-family residential dwelling at 178 Main Street (Tax

Assessor Map 13, Lot 5), to be substantially as proposed, application dated 05/31/23, finding that it meets the standards of the applicable sections of the Freeport Village Overlay District and the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 3) The applicant obtain a written capacity letter from the Freeport Sewer District for the change of use, with a copy to be submitted to the Freeport Planning Department, prior to applying for a Building Permit.

30 Morse Street – Design Review Certificate and Site Plan Review	
Property Location:	Map 11, Lot 54 (30 Morse Street)
Zoning Information:	Village Commercial 1 (VC-1); Design Review District 1 - Class C
Review Type(s):	Design Review Certificate and Site Plan Review
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate and Site Plan Review for a new mixed-use development (residential and office) at 30 Morse Street. The lot is approximately 50 feet each in length and width. The lot is surrounded by a dwelling on one site, parking lots on two sides and the Morse Street School across the street. There will be an office on the first floor which will occupy about 148 square feet. The Zoning Board of Appeals previously approved a reduction in setbacks to allow a replacement structure to be constructed on the property. There is already an existing foundation on the site.

To maximize setback allowances beyond what was granted beyond the Board of Appeals, the applicant is proposing a structure of non-combustible materials and a roof pitch, both of which will allow for reduces setbacks in accordance with the requirements for the Village Commercial I (VC-I) Zoning District. A conceptual site plan has been included in the submission. The applicant is still working on the approach for stormwater treatment. They will also need to provide details on how the parking requirement will be met in accordance with the Zoning Ordinance, utility connections, lighting, landscaping and solid waste disposal. The plan will also need to be updated to demonstrate how the requirement of Section 413.E.2 (buffer requirement) of the Freeport Zoning Ordinance will be met.

With regards to the structure itself, renderings and details on building materials have been included in the submission. The building has been designed to be non-combustible and includes the use of a metal roof and trim and a combination of fiber-cement and metal siding. Details on window material and lighting fixtures were not included in the submission. Does the Board have any feedback for the applicant on the proposed building?

Goodfire Brewing Parking Expansion – Site Plan	
Property Location:	Tax Assessor Map 25, Lot 5 (180 South Freeport Road)
Zoning Information:	Commercial 1 (C-1)
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

Background: The applicant is seeking approval of a Site Plan Amendment for a park lot expansion. An expansion of about 31 parking spaces is proposed along with associated site improvements such as stormwater management and lighting. The existing gravel parking area and new parking area will both be paved. An additional accessible parking space is also being provided, for a total of four. The parking lot layout has been designed to comply with the space standards Section 514 Off-Street Parking of the Freeport Zoning Ordinance. A vegetated under drained soil filter is proposed for the treatment of stormwater which has been designed to accommodate the potential for future expansion.

Three new parking lot lighting fixtures are proposed and a photometrics plan and cut-sheet of lighting have been included in the submission. Since there are no changes to the square footage of the use, the traffic information for the project has not changed. This zoning district has a parking requirement based upon the information submitted by the applicant. In this case, the applicant has indicated that the additional parking is required to support the current business needs.

Based upon the proposed changes, an NRPA permit from the Maine DEP will be required and the applicant has submitted the required information to the Maine Department of Environmental Protection; a copy of that application was included in the submission. Stormwater Management and Erosion Control Plans were included in the submission and reviewed by the Town’s peer reviewing engineer; their final review comments are included in the email dated 06/15/23 (attached).

Since the parcel is in a Commercial Zoning District, there is a buffer requirement in the setback from South Freeport Road. Any areas within the buffer that will be disturbed will be loamed and seeded. Existing vegetation will be retained to the greatest extent possible, and about twelve evergreen trees will be planted to supplement the buffer area. Trees will also be added in the landscaped island between the existing and new parking lots.

Proposed Findings of Fact & Proposed Motion(s): This project requires a Site Plan Amendment. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. 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 motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

Proposed Findings of Fact: Section 602.F.1 of the Town of Freeport Zoning Ordinance

- a. **Preservation of Landscape:** The landscape shall be developed in such a manner as to be in keeping with the character of the surrounding neighborhoods and in accordance with good development practice by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If a site includes a ridge or ridges above the surrounding areas and provides scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the

ridge. Existing vegetation and buffering landscaping are potential methods of preserving the scenic vista.

No changes to the building are proposed. The existing buffer will remain and supplements as needed to screen the expanded parking lot area. Based upon this information, the Board finds that this standard has been met.

- b. **Relation of Proposed Buildings to the Environment:** The design and layout of the buildings and/or other development areas shall encourage safety, including fire protection. Proposed structures shall be related harmoniously to the terrain and to existing buildings and land uses in the vicinity which have a visual relationship to the proposed buildings. Visual compatibility, not uniformity with the surrounding area, shall be emphasized. Special attention shall be paid to the scale (mass), height and bulk, proportions of the proposed buildings, the nature of the open spaces (setbacks, landscaping) around the buildings, the design of the buildings (including roof style, facade openings, architectural style and details), building materials and signs.

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

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

- c. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid unnecessary adverse impacts on existing vehicular and pedestrian traffic patterns. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. The entrance to the site shall meet the minimum sight distance according to MDOT standards to the greatest extent possible

Vehicular access to the site will not be altered. Since there are no changes to the square footage of the use, the traffic information for the project has not changed. Based upon this information, the Board finds that this standard has been met.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall be safe and convenient and, insofar as practical, shall not detract from the proposed buildings and neighboring properties. General interior circulation, separation of pedestrian and vehicular traffic, service traffic, drive-up facilities, loading areas, and the arrangement and use of parking areas shall be considered.

An expansion of about 31 parking spaces is proposed along with associated site improvements such as stormwater management and lighting. The existing gravel parking area and new parking area will both be paved. An additional accessible parking space is also being provided, for a total of four. The parking lot layout has been designed to comply with the space standards Section 514 Off-Street Parking of the Freeport Zoning Ordinance. This zoning district has a parking requirement based upon the information submitted by the applicant. In this case, the applicant has indicated that additional parking is required to support the current business needs. Based upon this information, the Board finds that this standard has been met.

- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. The increase in rate of runoff in the post development condition shall be held to a zero or less percent of the predevelopment condition unless an engineering study has been performed as described in Section 529.2 above. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a two-year, ten year and twenty-five-year storm frequency. Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage rights-of-way and the adequacy of the existing system; and the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage and the quality of the stormwater leaving the site. Maintenance responsibilities shall be reviewed to determine their adequacy.

An expansion of about 31 parking spaces is proposed along with associated site improvements. The existing gravel parking area and new parking area will both be paved. A vegetated under drained soil filter is proposed for the treatment of stormwater which has been designed to accommodate the potential for future expansion. Stormwater Management and Erosion Control Plans were included in the submission and reviewed by the Town's peer reviewing engineer; their final review comments are included in the email dated 06/15/23 (attached). Based upon this information, the Board finds that this standard has been met.

- f. **Utilities:** All utilities included in the site plan shall be reviewed as to their adequacy, safety, and impact on the property under review and surrounding properties. The site plan shall show what provisions are being proposed for water supply, wastewater, solid waste disposal and storm drainage. Whenever feasible, as determined by the Project Review Board, all electric, telephone and other utility lines shall be installed underground. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.

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

- g. **Advertising Features:** The size, location, texture and lighting of all exterior signs and outdoor advertising structures or features shall not detract from the layout of the property and the design of proposed buildings and structures and the surrounding properties, and shall not constitute hazards to vehicles and pedestrians.

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

- h. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no special features associated with this project. Based upon this information, the Board finds that this standard has been met.

- i. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public. For all proposed lighting, the source of the light shall be shielded and the light should be directed to the ground, except in the case of ground sign lighting. In the Village Commercial 1 and 2 Districts, lighting for pedestrian walkways and adjacent public sidewalks shall also be provided.

Three new parking lot lighting fixtures are proposed and a photometrics plan and cut-sheet of lighting have been included in the submission. Based upon this information, the Board finds that this standard has been met.

- j. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

All public safety departments heads have reviewed the plans. Based upon this information, the Board finds that this standard has been met.

- k. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right(s)-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, perennials, annuals, plants, grading and the use of building and paving materials in an imaginative manner.

Since the parcel is in a Commercial Zoning District, there is a buffer requirement in the setback from South Freeport Road. Any areas within the buffer that will be disturbed will be loamed and seeded. Existing vegetation will be retained to the greatest extent possible, and about twelve evergreen trees will be planted to supplement the buffer area. Trees will also be added in the landscaped island between the existing and new parking lots. Based upon this information, the Board finds that this standard has been met.

I. Environmental Considerations: A site plan shall not be approved unless it meets the following criteria:

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all wastewater;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

- f. Will protect archaeological and historic resources as designated in the comprehensive plan;
- g. Will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District;
- h. Will avoid problems associated with floodplain development and use; and
- i. Is in conformance with the standards of Section 306, Land Use Standards, of the Town of Freeport Shoreland Zoning Ordinance.

This parcel is not within the Marine Waterfront District or the Shoreland Zone. No changes to existing utility connections are proposed. No known historic or archaeological resources will be negatively impacted by this project. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Site Plan Amendment for Mr 117 Route One, LLC (David Redding) for a parking lot expansion and associated site alterations at Goodfire Brewing, 180 South Freeport Road (Tax Assessor Map 25, Lot 5) to be built substantially as proposed, plan set revised through 06/14/23, finding that it meets the standards of the Freeport Zoning Ordinance, with the following Conditions of Approval:

- 1) This approval incorporates by reference all supporting plans that amend the previously approved plans submitted by the applicant and 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 any site work associated with this approval, and prior to the issuance of any building permits, the applicant do the following:
 - a) Establish a performance guarantee in the amount to cover the cost of all site work associated with the project, in the amount of \$113,700, and in a form acceptable to the Town Attorney. The performance guarantee, shall cover the cost of all site work, including, but not limited to, erosion control, drainage, landscaping and walkways, parking areas, etc., along with the performance guarantee, a non-refundable administrative fee, at the rate established by the Freeport Town Council be paid.
 - b) Establish an escrow account, in the amount of \$1000.00 to cover the cost of the plan peer review and inspections of the site improvements by the Town.
 - c) The developer have a pre-construction meeting with Town staff.
 - d) The applicant enter into a new Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds.
 - e) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.

Young's Lane Subdivision – Subdivision Amendment – PUBLIC HEARING	
Property Location:	Tax Assessor Map 26, Lot 4A-4 (17 Youngs Lane)
Zoning Information:	Rural Residential I (RR-I)
Review Type(s):	Subdivision Amendment
Waivers Requested:	None

Background: The applicant is seeking approval of a Subdivision Amendment to the previously approved subdivision plan for the Young's Lane Subdivision on Young's Lane. The proposed change includes relocation of the previously approved leach field locations for Units 7-14. There will be no changes to the number or location of previously approved units and/or lots.

When the original subdivision was approved, the Board required a hydrogeologic assessment and a note was added to the plan that the septic systems had to be installed as shown in the plan unless the applicant returned to the Board and an updated hydrogeologic assessment was completed. The applicant is now proposing to relocate three of the previously approved leach fields in the locations shown on the updated recording plat.

The submission states that the septic fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. The submission includes an updated hydrogeologic assessment, dated 06/15/23, prepared by Mark Cenci Geologic. It does note that two of the systems will need to have pre-treatment systems to comply with the standards of the Freeport Subdivision Ordinance. The updated assessment also shows the well exclusion zones and reflects that no existing wells are located within those areas.

The submission also includes written consent from "the affected mortgage holder and unit holders to the change in location of the leach fields" (document dated 05/19/2023).

Proposed Findings of Fact & Proposed Motion(s): This project requires approval of an amendment to a previously approved subdivision plan. A draft version of proposed findings of the standards is presented here for Board review, consideration, and deliberation. A draft motion has also been provided. 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 motion is also that of the Board and can be altered at the meeting as appropriate; to deny, to approve, or to approve with conditions.

Findings of Fact – Freeport Subdivision Ordinance:

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 floodplains;
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.

No changes are proposed other than the relocation of three leach fields. The leach fields will be

relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. The submission includes an updated hydrogeologic assessment, dated 06/15/23, prepared by Mark Cenci Geologic. It does note that two of the systems will need to have pre-treatment systems to comply with the standards of the Freeport Subdivision Ordinance. The updated assessment also shows the well exclusion zones and reflects that no existing wells are located within those areas. 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 usage 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 usage 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 are proposed other than the relocation of three leach fields. The septic fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. 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 vehicular access are proposed. V 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 are proposed other than the relocation of three leach fields. The leach fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. The submission includes an updated hydrogeologic assessment, dated 06/15/23, prepared by Mark Cenci Geologic. It does note that two of the systems will need to have pre-treatment systems to comply with the standards of the Freeport Subdivision Ordinance. The updated assessment also shows the well exclusion zones and reflects that no existing wells are located within those areas. 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 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 are proposed other than the relocation of three leach fields. The leach fields will be relocated to minimize the impact on the property and to locate them further away from abutting properties and will result in less tree cutting and site disturbance. 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.

No changes impacting the space and bulk standards are of the Freeport Zoning Ordinance are proposed. 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.

The updated recording plan was prepared by Richard Hamilton, Professional Land Surveyor. No site changes are proposed other than a change to the leach field locations for three of the previously

approved fields. Information on financial capacity was previously submitted and the applicant has a performance guarantee previously established to cover the cost of site improvements. 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

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

No changes that would impact 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.

The area of the leach fields are not shown to be in a flood plain. 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.

No changes impacting wetlands 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 changes impacting 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.

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

11.17 Spaghetti Lots

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 new 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 Amended Subdivision Plan for Fletcher Property Group, for the relocation of three

previously approved leach fields in the Young's Lane Subdivision (Tax Assessor Map 26, Lot 4A-4), recording plat dated 05/23/23, to be built substantially as proposed, 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 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) The final signed copy 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.
- 3) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.
- 4) The applicant shall provide the Town with digital file, in a format compatible with the Assessor's records, containing the information shown on the recording plan.



MEMORANDUM

TO: Caroline Pelletier, Town Planner and Interim Town Manager
FROM: Adam S. Bliss, P.E., Town Engineer *ASB*
DATE: June 14, 2023
SUBJECT: Davis Erector Group, LLC
1131 U.S. Route One
Map 31, Lot 31
MD-B District

I received the following information for review from the Applicant and their consultant, Main-land Development Consultants.

- Response email dated June 12, 2023
- Site Plans (drawings) dated June 12, 2023
- Stormwater Management Plan

I have reviewed the technical engineering components of the project for compliance with Town Ordinances and generally accepted engineering standards. The materials submitted to the Town comply with its Ordinances, and I recommend after-the-fact Site Plan approval for the project. The following comments summarize my review.

Technical Engineering Review

1. The Applicant's response to comments dated June 12, 2023, has addressed the Town Engineer's previous comments.
2. The Erosion Control Plan complies with Section 602 of the Zoning Ordinance. Town Ordinances refer to the Maine DEP's Erosion Control standards. Their latest manual published for Contractors shall govern where standards may (or may not) be consistent with the Applicant's Site Plans.
3. The stormwater design for the project complies with Section 529 of the Zoning Ordinance.
4. This review relates to the application and plans submitted through the Town's Project Review Board (PRB) application process. The Applicant is responsible for communicating all changes to plans and supplemental materials that may occur after PRB approval.

Performance Guarantee

I recommend establishing a \$10,000 performance guarantee for the stormwater and landscaping work. I recommend an additional \$500 to establish an escrow inspection account.

Stormwater Maintenance Agreement

I recommend the Applicant record a local stormwater maintenance agreement at the Cumberland County Registry of Deeds.

Pre-construction Meeting

The Town requires a pre-construction meeting between the Owner and Town Engineer before the start of demolition or construction. I request a minimum 72-hour notification period.

1. **Historic Property Name(s):** Baptist Parsonage
2. **Street Address:** 198 Main Street
3. **Tax Parcel:** 15-19
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Vernacular with Italianate-style elements, Side Hall
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Rear ell, bay window
8. **Windows:** 2/2 double hung wood (likely original)
9. **Roof Configuration and Materials:** Front gable, asphalt shingles
10. **Chimneys:** Brick, interior
11. **Exterior Wall Materials:** Wood clapboards
12. **Foundation:** Granite, brick
13. **Outbuildings and Barns:** Attached New England carriage barn with clapboard siding and hay door
14. **Alterations:** Modern garage door in barn, enclosed entry porch on north elevation, replacement front door
15. **Site Features:** Gravel path from sidewalk to entry door, paved driveway south of house, large shade trees along driveway
16. **Significant Architectural Elements of Style:** Deep eaves, paired bracketed cornice, cornice returns, wide trim below cornice, corner boards, simple window surrounds, hood with elaborate carved wood brackets above entry door

Historical Data

17. **Construction Date:** c.1870
18. **Architect/Builder (If Known):**
19. **Significant Person:**
20. **Historic Context:** Donated in 1890 to the Maine Baptist Missionary Convention by the widow of Franklin Curtis. Intact example of a late 19th-century house with Italianate-style elements. Barn retains enough integrity to exemplify connected New England barn type.

1. **Historic Property Name(s):** Baptist Parsonage
2. **Street Address:** 198 Main Street
3. **Tax Parcel:** 15-19
4. **Survey Date:** 5/23/2019

Photos



1. **Historic Property Name(s):** Winthrop C. Fogg House
2. **Street Address:** 178 Main Street
3. **Tax Parcel:** 13-5
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Vernacular with Queen Anne-style elements, Side Hall
6. **Stories:** 2
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Front porch, bay window, rear ell
8. **Windows:** 2/2 double-hung wood (likely original)
9. **Roof Configuration and Materials:** Gable front, asphalt shingles
10. **Chimneys:** Brick, interior
11. **Exterior Wall Materials:** Vinyl siding, wood shingles
12. **Foundation:** Brick
13. **Outbuildings and Barns:** Attached New England carriage barn
14. **Alterations:** Replacement siding, fenestration in barn (windows added and use of vinyl casements and vinyl double-hung), barn door filled in with pedestrian door
15. **Site Features:** Paved parking area on the southeast, brick paths leading to from sidewalk to front door and side door, brick patio outside of ell and barn, large shade trees scattered across lot, low shrubs and small trees along house
16. **Significant Architectural Elements of Style:** Multiple siding types, squared bay window, non-symmetrical façade, decorative brackets on porch posts, turned porch posts and railings, belt course above 2nd and 3rd floor windows, deep eaves and cornice, brackets supporting eaves

Historical Data

17. **Construction Date:** c.1890
18. **Architect/Builder (If Known):**
19. **Significant Person:**
20. **Historic Context:** Some loss of detail with application of vinyl siding but house retains enough integrity to contribute to the Design Review District; attached barn suffers from significant changes to fenestration (multiple windows added, casement windows added) and therefore no longer represents the New England barn form and does not contribute to the property.

1. **Historic Property Name(s):** Winthrop C. Fogg House
2. **Street Address:** 178 Main Street
3. **Tax Parcel:** 13-5
4. **Survey Date:** 5/23/2019

Photos



1. **Historic Property Name(s):** Winthrop C. Fogg House
2. **Street Address:** 178 Main Street
3. **Tax Parcel:** 13-5
4. **Survey Date:** 5/23/2019



From: [Will Haskell](#)
To: [Caroline Pelletier](#)
Subject: 4145 Goodfire Brewing - Technical Peer Review Comments
Date: Thursday, June 15, 2023 4:11:57 PM
Attachments: [image001.png](#)

**** CAUTION EXTERNAL EMAIL ****

Hi Caroline,

We reviewed the following submitted by the Applicant.

- Site Amendment Plans and Documents Revised 6-14-23, prepared by Acorn Engineering, Inc., dated June 14, 2023

We have reviewed the materials for conformance with the technical engineering portions of the Town of Freeport Ordinance and generally accepted civil engineering standards and offer the following comments:

1. The Applicant has responded to our comments regarding the VUSF berm top width. We have no further comments.

Thank you,

William C. Haskell | Principal



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