



TOWN OF FREEPORT, MAINE
Planning Department
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Freeport, ME 04032
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TO: FREEPORT PROJECT REVIEW BOARD
FROM: CAROLINE PELLETIER, TOWN PLANNER
RE: STAFF REPORT
DATE: WEDNESDAY, JULY 19, 2023

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 was before the Board at the June 2023 meeting. They are 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 side, 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 reduced setbacks in accordance with the requirements for the Village Commercial I (VC-I) Zoning District.

Conceptual plans and renderings were presented at the last meeting and the Board scheduled a sitewalk to be held before the meeting on July 19. Renderings remain unchanged since the first meeting, as the applicant was looking to have the sitewalk and then get additional feedback from the Board. They have been working with the Codes Officer regarding code requirements for a mixed-use building with small setbacks and will work on the interior layout for a separation of the two uses in the proposed mixed-use development.

A stormwater management report and plan were included in the packet; review comments from the Town Engineer will be forthcoming as the project moves forward. The approach shown, with a pipe crossing the Town road, may require review and approval from the Council for a utility easement.

The applicant will still need to work out some site plan details such as, utility connections, lighting, parking, landscaping, solid waste disposal and buffering (Section 413.E.2 (of the Freeport Zoning Ordinance)).

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

Background: The applicant was last before the Board in August 2022 where the Board granted preliminary subdivision approval for the project, with some conditions:

“MOVED AND SECONDED: Be it ordered that the Freeport Project Review Board provide preliminary approval, which imposes no obligation to deliver final approval, as subject to prior submission of the materials for final approval that we complete to our satisfaction a peer review as to the plan’s satisfaction of Article 11.2, 11.3, 11.6 of the Subdivision approval standards and otherwise incorporate all conditions set forth, written and read in the Staff Report.

- 1) The approval of the preliminary plan shall not constitute approval of the final plan or intent to approve the final plan.
- 2) Prior to final approval, the applicant obtain a final sign-off of the plans by the Town Engineer.
- 3) The final submission include a detailed cost estimate to cover the cost of all sitework, including but not limited to, the cost of drainage, road and parking area construction, landscaping, buffers, stormwater management, erosion control, etc.
- 4) The final submission shall incorporate the submission requirements of the Freeport Subdivision Ordinance, including, but not limited to Article 8, Appendix C, and Appendix H of the Freeport Subdivision Ordinance.
- 5) Prior to returning for final approval, the applicant obtain approval from the Maine Department of Environmental Protection for the Site Location of Development Permit.
- 6) The applicant submit applicable legal documents including provisions regarding the use and ownership of the open space and draft Community Association Documents including provisions for the long-term care and maintenance of septic system and wells, including any provisions required by the State for the community water supplies, all to be reviewed and approved by the Town Attorney. “

As reported to the Board at the March meeting, there were some delays in getting the peer review underway, which were then further delayed by some input needed from State agencies. The initial memo was issued, and additional information is needed from the applicant before the review can be finalized. In addition, the applicant is still waiting for their Site Location of Development Permit from the Maine Department of Environmental Protection and approval of the community water supply from the Maine Department of Health and Human Services. In addition, legal documents will still need to be submitted and reviewed and approved by the Town Attorney.

Article 8 of the Freeport Subdivision Ordinance has the following standard:

- A. “Within six (6) months after the approval of the preliminary plan, the applicant shall submit a submission for approval of the final plan to the Planning Department. If the submission for the final plan is not submitted within six (6) months after preliminary plan approval, the Board may require re-

submission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan and shall incorporate any changes required by the Board.

If an applicant cannot submit the final plan within six (6) months, the applicant may request an extension. Such a request for an extension to the filing deadline shall be submitted, in writing, to the Town Planner prior to the expiration of the filing period. In considering the request for an extension, the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.”

The applicant is returning to the Board to request an extension to the filing deadline between the conditional preliminary approval and the filing for final approval. Although it is beyond the six months, the Board has been updated and no objections were previously noted. The applicant is continuing to work on addressing the initial round of comments, but more time will be needed for the submission and then review of those items. The Ordinance does allow for an extension if the Board makes a specific finding as noted above.

One question for the applicant will be about their timeline on: approvals from outside agencies; submitting the additional items requested by the Town’s peer reviewer regarding the drinking water and waste disposal; and, a timeline to submit proposed legal documents for a legal review by the Town Attorney.

Proposed Motion: Be it ordered that the Freeport Project Review Board grant an extension to Beta Zeta Properties, LLC., for the proposed Harraseeket Ridge Subdivision (Tax Assessor Map 18, Lot 16) for an 80-unit residential open-space subdivision, to allow for additional time for the applicant to file for final subdivision plan review, in that the applicant continues to work toward satisfying the conditions of the preliminary approval and the submission requirements of the Freeport Subdivision Ordinance and no municipal Ordinances that may impact this proposed development have been amended.

8 Independence Drive – Design Review Certificate	
Property Location:	Tax Assessor Map 9, Lot 2A (8 Independence Drive)
Zoning Information:	Village Commercial 3 (VC-3); Design Review District 1 - Class C
Review Type(s):	Design Review Certificate
Waivers Requested:	none

Background: The applicant is seeking approval of a Design Review Certificate for exterior building alterations at 8 Independence Drive. Many of the proposed changes are due to water issues on the site and with the building.

The applicant is proposing to replace the existing siding on the building; to remove the existing cedar shakes and replace the existing siding with vinyl clapboard style siding with a 4” reveal. (It was noted in the submission that other properties on this street also have clapboard vinyl siding).

The existing decks on the front of the building will also be removed. Two new sets of concrete steps with aluminum railings will be installed and any exposed areas will be loamed and seeded.

Also on the front façade of the building, the applicant is proposing to remove an existing damaged French door. The French door will be replaced with a single Fiberglass craftsman style exterior door with two panels on bottom and a six-lite glass on the top. Next to the single door the applicant is proposing to install a double hung window which will be white vinyl with a 6/6 mullion pattern (panes between the glass). A second existing door on the front façade will also be replaced with a door to match the other new one. An existing bow window will be replaced with two double-hung windows, as shown on the renderings. All windows and doors will be trimmed to match the existing building trim. The existing trim will be wrapped in white metal. One decorative piece of trim on the left dormer will be removed to provide a clean trim design. New full cut-off lighting fixtures will be installed next to the new doors.

The applicant is also proposing new roof shingles, changing from green asphalt to black. Gutters will also be installed along the front of the building.

The applicant has requested approval to paint both doors the Sherwin William color Red Bay (SW6321) and to use the color Smokey Gray for the new siding. Since the property is in the color overlay district and the colors are not on a historic color palette, review and approval for the use of the color is required. Details on the doors, windows, lighting features and color have all been included in the submission.

The applicant will be removing some existing shrubs along the rear property line and installing Thuja Occidentalis to provide a visual buffer along the rear property line and between this property and the abutting property. These should not be visible from the right of way, but just in case, has been noted in the submission. This would be a minor modification to the previously approved site plan and due to the size and nature, the site plan change is eligible for Town Planner review and approval.

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 should be reviewed, discussed and altered at the meeting as needed. 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.**

The building is existing and based upon the drawings and information included in the submission to describe the proposed changes, no changes to the scale of the building are proposed. Based upon this information, the Board finds that this standard has been met.

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

The building is existing and no changes to the height of the building are proposed. Based upon this information, the Board finds that this standard has been met.

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

The building is existing and based upon the drawings and information included in the submission to describe the proposed changes, the proportions of the building's front façade will not be altered. Based upon this information, the Board finds that this standard has been met.

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

The existing decks on the front of the building will be removed. Two new sets of steps will be installed. An existing damaged French door will be removed and replaced. The French door will be replaced with a single Fiberglass craftsman style exterior door with two panels on bottom and a six-lite glass on the top. Next to the single door the applicant is proposing to install a double hung window which will be white vinyl with a 6/6 mullion pattern (panes between the glass). A second existing door on the front façade will also be replaced with door to match the other new door. An existing bow window will be replaced with two double-hung windows, as shown. The location of the new doors and windows will remain in the same/similar location to the existing thereby maintaining the rhythm of solids to voids in the front façade. 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.**

Based upon the drawings and material details included in the submission, the proposed doors and windows will be of standard shapes and sizes. The new doors and windows will be similar in size and location thereby maintaining the existing proportions of opening within the facility. 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 changes to the roof shape 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 is proposing to replace the existing siding on the building; to remove the existing cedar shakes and replace it with vinyl clapboard style siding with a 4" reveal. The existing decks on the front of the building will also be removed and two new sets of concrete steps with aluminum railings will be installed. An existing French door will be replaced with a single Fiberglass craftsman style exterior door with two panels on bottom and a six-lite glass on the top. Next to the single door the applicant is proposing to install a double hung window which will be white vinyl with a 6/6 mullion pattern (panes between the glass). A second existing door on the front façade will also be replaced with a door to match the other new one. An existing bow window will be replaced with two double-hung windows, as shown. The existing trim will be wrapped in white metal. New full cut-off lighting fixtures will be installed next to the new doors. The applicant is also proposing new roof shingles, changing from green asphalt to black. Gutters will also be installed along the front of the building. The applicant has requested approval to paint both doors the Sherwin William color Red Bay (SW6321) and to use the color Smokey Gray for the new siding. Details on the doors, windows, lighting features and color have all been included in the submission. 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 building is existing. The only change to the existing footprint will be the removal of the decks on the front. Two new sets of concrete steps will be installed, and the remainder of the area will be loamed and seeded. Due to the style of the existing deck and the proposed changes, the rhythm of spaces to buildings on the street will remain relatively unchanged from the previous approvals. Based upon this information, the Board finds that this standard has been met.

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

The existing decks on the front of the building will also be removed. Two new sets of concrete steps with aluminum railings will be installed and any exposed areas will be loamed and seeded. The applicant will be removing some existing shrubs along the rear property line and installing Thuja Occidentalis to provide a visual buffer along the rear property line and between this property and the abutting property. 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 Melinda Sanderson, for exterior building alterations at their property at 8 Independence Drive (Tax Assessor Map 9, Lot 2A), to be built substantially as proposed, application dated 06/25/23, 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.
- 2) The applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.

48 Bow Street – Design Review Certificate	
Property Location:	Tax Assessor Map 13, Lot 88 (48 Bow Street).
Zoning Information:	Village I (V-I), Design Review District 2 – Class B
Review Type(s):	Design Review Certificate
Waivers Requested:	none

Background: The applicant is seeking approval of a Design Review Certificate for exterior building alterations at 48 Bow Street. Changes include but are not limited replacing a 20’x20’ structure with a 20’x24’ structure. The current structure is used for a barn/shed and the new structure will be used as a studio for a single-family dwelling. This historical inventory sheet for the property is attached (*Note: As a reminder, the historical inventory sheets are available for all Class A and/or Class B buildings*).

The existing structure is a wood clapboard sided, red barn, about 20’x20’ in size. The new structure would be in the same general location, however slightly larger with a footprint of 20’x24’. A plot plan has been included in the submission. The submission does include a rendering of the proposed structure; an updated rendering will be forthcoming prior to the meeting.

The new building will be similar in shape and size with a peaked roof. There will be windows on all four sides and doors on three sides. The design of the doors has been designed to have a barn door appearance with doors on a track. There is some conflicting information in the submission about whether or not the doors and windows will have mullions; additional information has been requested with regards to the mullion detail.

The windows will be vinyl clad on the exterior and pine on the interior. The building will be sided with vertical ship lap of pine material. The trim will also be pine with a width of 3.5 inches to match the existing trim. There will be a dormer on one side of the roof. The roof of the dormer and of the overall

structure will be covered in asphalt shingles.

The Ordinance does require a four-month notice period for demolition of a Class B building. Based upon past legal guidance, reconstruction of a structure does not have the same notice requirement.

Reconstruction is defined by the Design Review Ordinance as “The rebuilding, or constructing again, of a building or part of a building. The reconstruction may or may not be a return to the original design of the building.” Does the Board feel that this would be considered a reconstruction project, or rather a demolition project of the original structure in which case, the four-month notice period would apply?

Some additional details on the building are forthcoming. Once that information is received, proposed draft findings and a draft motion will be circulated to the Board.

Whitetail Drive Subdivision – 1495 US Route One (North)	
Property Location:	Tax Assessor Map 18, Lot 17 (1495 US Route One).
Zoning Information:	Medium Density A (MD-A)
Review Type(s):	Subdivision – Open Space Subdivision
Waivers Requested:	Tbd – possible for underground utilities, road surface, etc

Background: The applicant is presenting conceptual subdivision plans for the Whitetail Drive Subdivision, a four-lot (8 units in four duplexes) open space subdivision. Approximately 73,091 square feet of open space is proposed. The total parcel size is about 8.2 acres. There is an existing duplex on the site which will be retained and will be part of the proposed subdivision.

The parcel is in the Medium Density A Zoning District and Subdivision review is required. There are no public utility connections available at the site, so the lots/units will be served by private wells and septic systems. There are some wetlands on the site and the locations are shown on the plan. The development on the site is proposed for the western portion of the property as the wetlands are mostly on the eastern side.

There is an existing driveway on the property which will be expanded and upgraded to a subdivision road, about 656 feet in total length. They are proposing to keep the gravel surface of the road; a waiver would be required. A new Entrance Permit from the Freeport Department of Public Works will be required for the change of use of the road.

There was some previous wetland impact from the installation of the driveway, but not enough to require a permit from the Department of Environmental Protection (DEP) at that time. There is a significant vernal pool on the site, as shown on the plan. Since the significant vernal pool was identified, the wetlands are now considered wetlands of special significance and therefore an after-the-fact permit for the wetland fill will be required by the Maine DEP. The applicant is also seeking approval from the DEP for the work done within the 250-foot buffer from the significant vernal pool; some revegetation will be required. No additional impacts to either the wetlands or the significant vernal pool are proposed with the project.

The applicant is proposing overhead utilities; a waiver would be required as underground utilities are required. The applicant will be required to treat stormwater; some preliminary comments from the

Town Engineer as included in an email dated 07/11/23 (attached). The memo from the Town Engineer as also includes some comments on access and traffic.

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. 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.

Does the Board want to schedule a sitewalk?

1. **Historic Property Name(s):**
2. **Street Address:** 48 Bow Street
3. **Tax Parcel:** 13-88
4. **Survey Date:** 5/23/2019

Architectural Data

5. **Style and/or Form:** Federal, Cape
6. **Stories:** 1
7. **Appendages and Additions (Porches, Ells, Dormers, etc.):** Side ell, bay window in ell, garage and carport with mudroom/entry way
8. **Windows:** 6/6 double-hung vinyl replacements; 3-light wood transom
9. **Roof Configuration and Materials:** Side gable, asphalt shingles
10. **Chimneys:** Center, brick
11. **Exterior Wall Materials:** Vinyl siding
12. **Foundation:** Granite
13. **Outbuildings and Barns:** Non-original one-car garage and carport attached perpendicular to ell addition; cupola centered on ridgeline of garage; c.1850 New England carriage barn with clapboard siding, 6/6 wood windows, and wood paneled door located west of house.
14. **Alterations:** Garage and ell added prior to 1970, replacement siding and windows
15. **Site Features:** Minimal hedges at front of house and small garden at southwest
16. **Significant Architectural Elements of Style:** Symmetrical massing of original house, simple window surrounds, 3-light transom over entry door

Historical Data

17. **Construction Date:** c.1790
18. **Architect/Builder (If Known):**
19. **Significant Person:**
20. **Historic Context:** Despite changes to materials and addition, retains enough integrity to be representative of a simple Federal-style house.

1. **Historic Property Name(s):**
2. **Street Address:** 48 Bow Street
3. **Tax Parcel:** 013-88
4. **Survey Date:** 5/23/2019

Photos



1. **Historic Property Name(s):**
2. **Street Address:** 48 Bow Street
3. **Tax Parcel:** 013-88
4. **Survey Date:** 5/23/2019



From: [Adam Bliss](#)
To: [Caroline Pelletier](#)
Subject: Whitetail Drive Subdivision: Conceptual Subdivision Review
Date: Tuesday, July 11, 2023 1:04:38 PM

Hi Caroline,

Below are initial comments on the Conceptual Subdivision Plan for Whitetail Drive at 1495 U.S. Route One.

1. The application form reads that no waivers are requested. This is inconsistent with the information in the narrative and appendices or ordinance requirements (e.g., road culvert diameter, utilities, road paving, etc.).
2. A stormwater pre-application meeting is requested before the Preliminary Plan submittal.
3. Stormwater buffers are highly discouraged due to maintenance and future ownership challenges experienced in other subdivisions in Town. Alternatives are strongly recommended.
4. I do not support a gravel road due to erosion issues and the adjacency to vernal pools and wetlands of special significance. The approach to road design and culvert requirements should be discussed in the pre-application meeting.
5. Utilities are required to be constructed underground as defined in the ordinance.
6. A Stormwater Permit-by-Rule application will be required. The Town can manage the review process in an expedited manner on behalf of the Maine DEP. The applicant's agent should submit all materials and technical requirements required by the Maine DEP.
7. The traffic calculations should be revised to reflect the eight-unit subdivision rather than six additional units.

Thank you,

Adam S. Bliss, P.E.
Freeport Town Engineer / Public Works Director
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