



**TOWN OF FREEPORT, MAINE**  
**Planning Department**  
**30 Main Street**  
**Freeport, ME 04032**  
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**TO: FREEPORT PROJECT REVIEW BOARD**  
**FROM: CAROLINE PELLETIER, TOWNPLANNER**  
**RE: STAFF REPORT**  
**DATE: WEDNESDAY, JULY 20, 2022**

<b>Freeport Crossing Apartments – Multiple-Family Dwelling</b>	
Property Location:	Tax Assessor Map 11, Lot 132 (22 Main Street)
Zoning Information:	Village Commercial I (VC-I), Design Review District One – Class C & Color Overlay District
Review Type(s):	Design Review, Site Plan Review and Subdivision Review
Waivers Requested:	None

**Background:** The applicant is presenting conceptual plans for an 12,135 s.f. footprint, three story building (33,400 s.f. total), with 25 dwelling units (condominiums) and associated site improvements on a vacant parcel of land located at the corner of Main Street and West Street. The unit types will consist of 8 one-bedroom units and 17 two- bedroom units.

Since this parcel is in the Village Commercial I Zoning District, and based upon the location and the proposed multiple-family dwelling use; Design Review, Site Plan Review and Subdivision Review are all required. Although subdivision review is required, in this District, an applicant is not required to provide any open space. The applicant still however needs to complete the Site Inventory Map, Site Analysis and Conceptual Plan and the Four-Step Design Process (Appendix A of the Freeport Subdivision Ordinance). The submission does include a net residential acreage calculation (Sheet SIA-1); there are 0.43 acres of net residential acreage on the site. There is no land per dwelling unit requirement in this zoning district. The location of an area of wetlands have been shown on the plan; additional information on the wetland and any impact will be forthcoming.

There are public utilities in this area and the applicant does intend to connect to the utilities. Capacity to serve letters from the applicable utilities will be required. Power will come from West Street and underground electric lines are proposed. The applicant is working on plans for stormwater treatment and is considering an underground stormwater treatment tank. Some of the stormwater from a municipal catch basin drains to this site and will be re-routed. Initial comments from the Town Engineer have been included in an memo dated 07/13/2022 (attached).

Vehicular access to the site will be off West Street and any other existing vehicular accessways on the site will be removed. The access will be one-way and 18 feet in width, proposing to exit over the Town Hall site. There is an existing agreement in place that allows this, but it is something that the applicant would need to work with the Town of Freeport (Town Manager & Town Council) to formalize. Based upon the use and the number of units, the project is estimated to result in approximately 150 vehicle trips per day and will not meet the thresholds for a Maine Department of Transportation Traffic Movement Permit.

Pedestrian connections to the building will be provided through walkways/steps to four residential entrances on the Main Street façade and a ramp and entrance on the West Street façade. There are existing sidewalks on both Main Street and West Street. If any work is proposed in the public right of way, it will need to be coordinated with the Town and approval from the Town Council could be required depending on the scope of work.

The applicant is proposing 35 on-site parking spaces: 19 standard surface parking spaces and 16 tandem spaces below the structure. Since the property is in the Village Commercial I Zoning District, they have the option to provide shared or non-shared parking. The parking calculation would be based upon which type of parking they choose to meet the parking requirement of Section 514. Off-street Parking of the Freeport Zoning Ordinance with. They also would have the ability to lease parking per the requirements of Article V of the Town of Freeport Traffic and Parking Ordinance. (Note: The Planning Board is currently discussing the parking requirements for multiple-family dwellings in the Village Commercial I Zoning District)

The plan is to retain and repair much of the existing stone wall on the property. A conceptual landscaping plan has been included in the submission.

Conceptual building renderings have been included in the submission. The façade has been broken up with building projections and entrances to minimize the expanse of the building façade. Many of the units would also include outdoor porches for access by residents of the units. The siding materials will be composite. The parcel is in the Color Overlay District so the applicant can use any paint colors from any paint manufacturer's historic color pallet without needing approval from the Board. The submission does include information on the building color study, and documentation of how the applicant feels the building design relates to the requirements of the Freeport Design Review Ordinance and the recently completed Freeport Downtown Vision Plan.

**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?

**Proposed Motion:** Be it ordered that the Project Review Board determines that based upon the information submitted by the applicant, submission dated 06/27/2022, that the review of the Site Inventory Map, site Analysis and Conceptual Plan for LWS, LLC for a proposed residential subdivision (Tax Map 11, Lot 132) is considered complete as the Board finds that the appropriate areas have been determined for development and no open space is required.

<b>Regier Property – Stream Crossings</b>	
Property Location:	Tax Assessor Map 20, Lot 95 (56 South Street)
Zoning Information:	Rural Residential I, Rural Residential II, Stream Protection and Shoreland Area
Review Type(s):	Shoreland Zone Permit
Waivers Requested:	None

**Background:** The applicant is seeking approval of a Shoreland Zone Permit to replace two existing stream crossings on their residential property on South Street. Since the area of the stream crossings are in Stream Protection and changes in the design of the existing structures are proposed, review of the project is required by the Project Review Board, per Section 305, Table 1 (line 15.d) of the Town of Freeport Shoreland Zoning Ordinance.

Section 306 of the Town of Freeport Shoreland Zoning Ordinance has standards for the various allowable Shoreland Area land uses. For permits that pertain to the use of Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, the reviewing authority is referred by Section 306 to the detailed approval standards in the Chapter 31, Town of Freeport Coastal Waters Ordinance.

In addition to municipal review, there is the possibility that the proposed crossings will require a level of review and permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers. The applicant is aware of this and has been in contact with both agencies. Those agency reviews are independent of the Board’s process with their own standards and should either of those agencies require substantial changes, the applicant may need to return to the Project Review Board for additional review and approval.

**Project Information:** The applicant is proposing to replace two existing stream crossings with new structures of a different size and design. Both locations are in Stream Protection. The crossings are being replaced to improve the current conditions of ongoing erosion in the Concord Gully Brook which is an Urban Impaired Stream. The first crossing is shown in the submission as IS-1 and will be a concrete deck bridge. The second crossing is shown in the submission as IS-5 and will be a rock ford.

Details on the design of each of the crossings has been included in the submission. Fill will be required to create the desired slopes for the bridge project. The bottom of the rock ford will be about seven feet in width with sloped sides. Some vegetation will be removed for the crossings; additional information will be forthcoming. For the bridge, areas of rip rap will be added near the precast concrete blocks.

Erosion and sedimentation control plans have been included in the submission and will include the use of hay bales, filter fabric and silt fence.

**Proposed Findings of Fact**

**Article XIII.8.a of the Town of Freeport Coastal Waters Ordinance – Approval Standards**

- a. Standards. The following standards are applicable to all projects.
  - i. The project shall be no larger in dimension than is necessary to carry on the activity and is consistent with the conditions, uses and character of the surrounding area; and it shall not adversely affect water use by adjacent properties.

*The proposed bridge crossing and rock ford will replace two existing crossings and have been designed to effectively allow for the passage of water while protecting the resource. The project should improve the conditions in Concord Gully Brook including the conditions on the adjacent downstream properties. The Board finds that this standard has been met.*

- ii. The total length of a project from the highest annual tide line shall not exceed one hundred twenty-five (125) feet, and no part of the project (e.g., walkway, dock, wharf, platform, ramp or float) may extend more than one-fourth of the way across the width of a water body or wetland, as measured by the total straight line distance from the highest annual tide of the shoreline on which the project would be placed to the highest annual tide mark of an opposing shoreline.

*This project will be located in non-tidal waters. The Board finds that this standard has been met.*

- iii. The property for which the project will be constructed shall have a minimum of sixty (60) feet of shore frontage. No more than one pier, dock, wharf, float or similar structure extending or located below the normal high water line of a water body or within a wetland is allowed on a single lot.

*The crossings are replacing existing crossings, but with a new design. The Board finds that this standard has been met.*

- iv. For projects in non-tidal areas, all portions of a non-residential project shall not be wider than six (6) feet.

*This project is on a residential property. The Board finds that this standard has been met.*

- v. New permanent projects on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Codes Enforcement Officer and/or the Project Review Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

*This project does not pertain to a pier or dock. The Board finds that this standard has been met.*

- vi. Construction of the project must be completed within two (2) years of final approval.

*The applicant is aware that they have two years from final approval to complete the project. The Board finds that this standard has been met.*

- vii. The project must not unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, and navigation) in, on, or over the submerged lands; unreasonably interfere with fishing or other existing marine uses of the area; unreasonably interfere with existing developed or natural beach areas; unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and unreasonably interfere with ingress and egress of riparian owners. No project located on a river, stream, or brook shall obstruct public access to navigable portions of such water body upstream or downstream of the project. The project may require accommodations such as steps or pier elevations allowing passage over or beneath the structure.

*This project is on private property and will not impact public access ways to submerged lands; will be designed to meet and State and/or Federal requirements for fish passages; will not impact beach areas or marine activities; and, will not impact navigable waters. The Board finds that this standard has been met.*

- viii. The project will not pose hazard to navigational channels, nor pose a hazard to navigation by obscuring visibility or by the display of distracting lights or reflective material. If appropriate the project will display appropriate warning lights to aid in navigation and public safety at the discretion of the Harbor Master, the US Coast Guard, or the Army Corps of Engineers.

*This project is not located within a navigational channel. The Board finds that this standard has been met.*

- ix. The project will not encroach into, interfere with, or pose a hazard to: municipal or federal navigational channels; existing mooring or berthing areas (commercial and recreational); public access, public rights of way, public and private launching ramps in any Freeport Coastal Waters.

*This project is not located within a navigational channel or mooring areas and will be located on private property. The Board finds that this standard has been met.*

- x. The project will be developed on soils appropriate for such use and construction so as to control erosion.

*Plans for the crossings were developed by the USDA – NRCS (United States Department of Agriculture – Natural Resources Conservation Service). The plans include methods for erosion and sedimentation control. The new crossings are designed to improve the existing conditions of the brook which has significant erosion. The Board finds that this standard has been met.*

- xi. The project will not cause water quality or other coastal resources to be degraded including developed or natural beach areas, marshes, grasses and wildlife habitats.

*There are no coastal resources such as beach areas or marshes associated with this project. The project is not expected to negatively impact any wildlife habitats. The Board finds that this standard has been met.*

- xii. The project shall be located so as to minimize adverse effects on fisheries, and shall not significantly impact fisheries or shellfish harvesting. Prior to approval applications may be reviewed by the Shellfish Commission.

*The proposed crossings may require a level of review and permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers. The applicant is aware of this and has been in contact with both agencies. If such reviews are required, part of the review will pertain to the impacts on fisheries. The project will not have any impacts on shellfish harvesting. The Board finds that this standard has been met.*

- xiii. Registration and Identification will be required on all ramps and floats.

*This project does not include a ramp of float. The Board finds that this standard has been met.*

- xiv. No new structure shall be built on, over or abutting a float, pier, wharf, dock or other portion of the project unless the structure requires direct access to the water body or wetland as an operational necessity. No existing structure built on, over or abutting a float, pier, wharf, dock or other portion of a project shall be converted to a dwelling unit - residential.

*This project is limited to two stream crossings and nothing will be built on, over or abutting a float, pier, wharf, or dock. The Board finds that this standard has been met.*

- xv. Structures built on, over or abutting a project, or other structure extending beyond the normal high-water line of a water body or wetland shall not exceed twenty (20) feet in height above the project or other structure.

*This project is limited to two stream crossings and nothing will be built on, over or abutting an existing structure. The Board finds that this standard has been met.*

### **Proposed Findings of Fact**

#### **Section 404 of the Town of Freeport Shoreland Zoning Ordinance – Administering Permits**

The Project Review Board, the Coastal Waters Commission, or the Codes Enforcement Officer shall approve an application for a permit, only upon finding that the use, activity or structure complies with all requirements of this Ordinance and that it meets the following criteria:

- 1. Will maintain safe and healthful conditions;

*The two replacement stream crossings will improve the conditions in the Concord Gully Brook and will not create unsafe conditions. The Board finds that this standard has been met.*

- 2. Will not result in water pollution, erosion, or sedimentation to surface waters;

*Erosion and sedimentation control plans have been included in the submission and will include the use of hay bales, filter fabric and silt fence. The Board finds that this standard has been met.*

- 3. Will adequately provide for the disposal of all wastewater;

*No wastewater will be created from this project. The Board finds that this standard has been met.*

- 4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

*The proposed crossings may require a level of review and permitting from both the Maine Department of Environmental Protection and the Army Corps of Engineers. The applicant is aware of this and has been in contact with both agencies. If such reviews are required, part of the review will pertain to the impacts on fisheries. The project is not expected to have adverse impacts on spawning grounds, fish, aquatic or other wildlife. The Board finds that this standard has been met.*

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

*Vegetation removal will be limited to what is required for the installation of the crossings. An existing roadway will be maintained. Public points of access to inland and coastal waters will not be impacted. The Board finds that this standard has been met.*

6. Will protect archaeological and historic resources as designated in the comprehensive plan;

*No known archaeological and historic resources are known to be on the site.*

7. Will not adversely affect existing commercial fishing or maritime activities in a Marine Waterfront District;

*The parcel is not located within the Marine Waterfront District. The Board finds that this standard has been met.*

8. Will avoid problems associated with floodplain development and use; and

*Portion of the project area is in a flood plain and the project will be reviewed by the Codes Enforcement Officer as a Flood Permit from the Codes Enforcement Officer will be required.*

9. Is in conformance with the provisions of Section 306, Land Use Standards.

*The lot is existing and no changes to the lot are proposed that would impact the minimum lot standards. This project will include stream crossings and not the creation of any other new principal and/or accessory structures that are not water dependent. This project does not include campgrounds, individual private campsites, parking areas, no new roads and driveways, signs, septic systems, essential services, mineral exploration, agriculture, an independent shoreline stabilization project, and/or the removal of hazard or dead trees. The proposed project will improve conditions in Concord Gully Brook by minimizing existing erosion issues in the Urban Impaired Watershed. An erosion control plan has been included with the submission and been designed considering the proposed improvements and natural features of the site. There are no known archaeological resources on the site. Limited clearing is proposed and will be limited to what is required to complete the project. Plans for vegetation clearing and revegetation will be reviewed by the Codes Enforcement Officer at such time that a permit is issued for the project and will need to comply with the standards of Section 306 of the Town of Freeport Shoreland Zoning Ordinance. The Board finds that this standard has been met.*

**Proposed Motion:** Be it ordered that the Freeport Project Review Board approve a Shoreland Zoning Permit for Rod Regier, for two stream crossings at his residential property at 56 South Street (Tax Assessor Map 20, Lot 95), to be built substantially as proposed in a submission dated 07/09/2022, finding that it meets the standards of Article XIII.8.a of the Town of Freeport Coastal Waters Ordinance and meets the standards of Section 404 of the Town of Freeport Shoreland Zoning Ordinance, with the following conditions of approval:

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

other stated conditions.

- 2) Prior to the start of any sitework for the project, the applicant obtain any applicable permits from the Freeport Codes Enforcement Officer.





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## MEMORANDUM

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**TO:** Caroline Pelletier, Town Planner  
**FROM:** Adam S. Bliss, P.E., Town Engineer  
**DATE:** July 13, 2022  
**SUBJECT:** 22 Main Street – LWS Development  
22 Main Street and West Street  
Map 11, Lot 132  
VC-1 District

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I received a Conceptual Sketch Plan dated June 27, 2022, and revised on July 5, 2022, for review from the Applicant and their consultant, Trillium Engineering Group. I offer the following comments for discussion at the Project Review Board's meeting on July 20, 2022.

### Technical Engineering Review Comments

1. The parcel is located within the Concord Gully Brook watershed, an urban impaired stream. The developer will be responsible for stormwater quality and quantity treatment of all runoff from the site.
2. The Applicant should consult with the Town Engineer and Public Works Department to verify the public stormwater drainage system has adequate capacity to receive flows from the development.
3. The Applicant proposes a driveway entrance approximately 165 feet from the Main Street intersection. A Street Opening Permit will be necessary, and a consultation with the Public Works Department and Town Engineer is requested. The proposed access drive width should be discussed, so it does not present as a two-way drive.
4. The Applicant will need to consult with the Town Manager's Office and the Public Works Department concerning the request for a driveway easement across Town Hall property.
5. The Applicant should provide a narrative that addresses the standards set in Article 11.5, Traffic Conditions. The Narrative should include the traffic counts and turning movements at the West Street intersection. The Applicant will need to demonstrate that queuing will not be problematic. Site Distances should also be provided.
6. The Applicant should identify all permits that may be necessary for the development. A list of potential permits and ability to serve letters is contained within Article 8 of the Subdivision Ordinance.