



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, SEPTEMBER 15, 2021

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

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

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

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

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

The project would be phased; a detailed phasing plan would need to be part of the review later in the process.

There are no public utilities in this area, so units would be served by private wells and septic systems. Wells would be shared for each duplex and the septic systems would serve “cluster” of units. The units would also have residential sprinkler systems.

Two new road entrances of Route One are proposed. The road system has been designed to comply

with Article 11.5 of the Freeport Subdivision Ordinance with regards to the number of units allowed on, and the maximum length of a dead-end road. The road will include a 4 foot paved shoulder with striping and crosswalks to provide designated spaces for pedestrian traffic.

The open space has been situated to abut other abutting vacant land. Details on the possible future ownership of the open space will need to be worked out as will the details of any possible trail connections.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board determined that based upon the information submitted by the applicant, that Review of the Site Inventory Map, Site Analysis and Conceptual Plan for Beta Zeta Properties LLC, for a proposed residential open space subdivision (Tax Assessor Map 18, Lot 16, 0 US Route One) is considered complete as the Board finds that the appropriate areas have been determined for development and for open space.

Downeast Woodworks Addition – Change of Use and Site Plan Amendment	
Property Location:	Tax Assessor Map 25, Lot 7-1 (95 US Route One)
Zoning Information:	Commercial 1 (C-1)
Review Type(s):	After-the-Fact Change of Use and Site Plan Amendment
Waivers Requested:	None

Background: The applicant is seeking approval for an After-the-Fact Change of Use and Site Plan Amendment for an addition to their property on US Route One. The property was last approved for the use of a school. The building has been used for many years as a woodworking shop. This would have required the applicant to obtain a change of use, however they were not aware that this was required, which is why part of this application is after-the-fact.

The proposed addition will extend the current building with an additional 1,800 square feet of building space and 450 square feet of new pavement.

The applicant presented conceptual plans to the Board in August and is now returning seeking final approval.

Access: Access to the site is currently from US Route One and no changes are proposed.

Parking: A paved parking lot is existing. The applicant has provided an updated plan showing seven standard spaces and one ADA space which will be relocated. These spaces have been designed in accordance with Section 514.B.10 of the Freeport Zoning Ordinance and will need to be striped and signed accordingly; this has been added as a proposed condition of approval. Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which “shall be based upon a parking analysis submitted by the applicant.” In the initial submission, the applicant noted that they have only three employees and occasional visitors. They feel that the designated parking spaces will meet the parking demands of the business.

Stormwater: The Town Engineer did provide some preliminary comments to the applicant; this did include the recommendation that a rain garden be included on the site for stormwater treatment. Details and the location of the rain garden have been included in the submission. A drip edge along the building addition is also proposed. Final review comments from the Town Engineer will be forthcoming.

Utilities: The building is connected to the public sewer system; a Capacity letter from the Freeport Sewer District (dated 09/03/21) was included with the final submission. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. Dumpsters are existing on the site; the location has been shown on the plan.

Signs: Signage is existing. No new signs are proposed.

Lighting: The only lighting proposed is at points of egress and on the sides of the overhead door. The lighting will be LED, shielded and a barn style fixture is proposed.

Other propose changes: Site and building renderings have been included in the submission. The building is setback from US Route One and the addition will be set back further than the existing structure. There have been no changes to the building design or general site layout since the last meeting.

Other Standards: No changes to previously approved landscaping or buffers are proposed. The applicant intends to retain the existing woody vegetation and will only cut back what is needed to accommodate of the new building.

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 is already developed with an existing structure and existing site improvements. The addition will be set back further than the existing structure is from US Route One. No changes to previously approved landscaping or buffers are proposed. The applicant intends to retain the existing woody vegetation and will only cut back what is needed to accommodate of the new building. 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.

This parcel is not located within either of the Design Review Districts. There is an existing building on the site and the addition will be set back further than the existing structure is from US 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

Access to the site is currently from US Route One and no changes are proposed. 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.

A paved parking lot is existing. The applicant has provided an updated plan showing seven standard spaces and one ADA space which will be relocated. These spaces have been designed in accordance with Section 514.B.10 of the Freeport Zoning Ordinance and will need to be striped and signed accordingly. Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which "shall be based upon a parking analysis submitted by the applicant." In the initial submission, the applicant noted that they have only three employees and occasional visitors. They feel that the designated parking spaces will meet the parking demands of the business. 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 Town Engineer did provide some preliminary comments to the applicant; this did include the recommendation that a rain garden be included on the site for stormwater treatment. Details and the location of the rain garden have been included in the submission. A drip edge along the building addition is also 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 the public sewer system; a Capacity letter from the Freeport Sewer District (dated 09/03/21) was included with the final submission. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. Dumpsters are existing on the site; the location has been shown on the plan. 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.

Signage is existing. 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.

No special features are 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.

The only lighting proposed is at points of egress and on the sides of the overhead door. The lighting will be LED, shielded and a barn style fixture 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 previously approved landscaping or buffers are proposed. The applicant intends to retain the existing woody vegetation and will only cut back what is needed to accommodate of the new building. 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:
- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
 - (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 - (3) The project will conserve shoreland vegetation;
 - (4) The project will conserve points of public access to waters;
 - (5) The project will adequately provide for the disposal of all wastewater;
 - (6) The project will protect archaeological and historic resources;
 - (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Shoreland Zone or the Marine Waterfront District. The building will be connected to public utilities. 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, change of use and Site Plan Amendment for Downeast Woodworks at 95 US Route One (Tax Assessor Map 25, Lot 7-1), to be built substantially as proposed, application dated 07/28/2021, 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 work on the building, the applicant obtain a Building Permit from the Freeport Codes Enforcement Officer.
- 3) In accordance with Section 514.B.10 of the Freeport Zoning Ordinance, all parking stall will need to be striped and signed as required.
- 4) Prior to any sitework, the applicant establish an engineering review and inspection account in the amount of \$600.00, to cover the cost of plan review and site inspections by the Town Engineer.

Goodfire Brewing & Mr. Tuna- Change of Use and Site Plan Amendment	
Property Location:	Tax Assessor Map 25, Lot 5 (117 US Route One)
Zoning Information:	Commercial 1 (C-1)
Review Type(s):	Change of Use and Site Plan Amendment
Waivers Requested:	None

Background: The applicant is presenting conceptual plans for Change of Use and Site Plan Amendment. The use will change from restaurant (formerly Conundrum and El Jefe) to restaurant and Artisan Food and Beverage in an existing 4,500 sf building. The parcel is on the corner of South Freeport Road and US Route One. There is currently vehicular access from Route One and via an easement over the abutting property. The lot is uniquely shaped and is somewhat triangular. The current building and site features appear to be partially non-conforming with regards to current Zoning standards. Exterior building modifications are also proposed.

Access: Access to the site is currently from US Route One via a large gravel driveway/parking area and with another entrance from South Freeport Road to a gravel parking lot to the rear of the structure. The applicant is proposing to remove the gravel from the area in the front and redevelop that portion of the site. Access would be to the rear of the property and via South Freeport Road. Since portions of the roads are under State regulations, the applicant did reach out to the State of Maine Department of Transportation for some feedback; they had no objections to the proposed entrance changes. The Town of Freeport will require some existing brush in the right-of-way be trimmed back to improve site distance; this has been added as a condition of approval. An area of pavement will also be removed from the North end of the building which was used as part of the access to the rear.

Parking: Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which “shall be based upon a parking analysis submitted by the applicant.” A parking analysis was included in the submission and determines that the peak number of parking spaces needed will be 68. Since changes to the rear parking area are proposed, all parking stall dimensions will need to comply with Section 514.D.9 Off-street Parking and Loading of the Freeport Zoning Ordinance; this has been

reflected on the plan.

Traffic: The applicant did include a Transportation Analysis in the submission. The analysis does conclude that the estimated traffic will be under the 100 peak hour trips; a Traffic Movement Permit from the State of Maine will not be required.

Stormwater: The property is located in a threatened watershed. Stormwater treatment will be required per Section 529 of the Freeport Zoning Ordinance. The applicant is proposing a rain garden to treat a portion of the runoff from the site. An initial stormwater report was submitted and review comments were issued by the Town Engineer. An updated stormwater report was submitted and included in the packets, with calculations dated 09/02/21. Review comments from the Town Engineer are included in an email dated 09/09/21. A Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, is recommended.

Utilities: A Capacity letter from the Freeport Sewer District and Maine Water Company will be required and obtaining letters have been added as a suggested condition of approval. There is an on-site well that will be used for gardening purposes only. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. Solid waste will be stored in dumpsters on the site. The dumpsters will be enclosed with a cedar stockade fence.

Signs: The conceptual design of the signs, in regard to location and sizes has been included in the submission. Would the Board be comfortable with a condition of approval that the final materials and design may be submitted to the Town Planner for review and approval prior to applying for a Sign Permit? Signs will need to be located entirely on private property as they are not allowed in the right-of-way.

Lighting: Full cut-off fixtures are proposed near points of building egress and for the outdoor seating areas. Cut-sheets of lighting fixtures have been included in the submission. No parking lot lights are proposed at this time.

Other propose changes: There is a wetland on the site and no wetland impact is proposed. The plans also respects the 75 foot stream setback. Site and building renderings have been included in the submission. Exterior building improvements are proposed; updated renderings have been included in the submission. Areas of enclosed outdoor seating are also proposed; details of the fencing enclosure are included on the plans.

Other Standards: Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. If the property line on South Freeport Road is considered the front, the opposite property line could be considered the rear, and which case buffering is not required and the outdoor seating shown in this area would be allowed. Any fencing and outdoor seating would need to be entirely on the applicant's property.

Since this property is in a commercial zoning district, the standards of Section 527. Performance

Standards for Commercial Districts is applicable. This Section does contain standards for building design, signage, access and landscaping. Does the Board feel that the standards of Section 527 have been met?

Section 527.D has the following standard: "D. Pedestrian Access 1. A pedestrian access at least 5 feet wide connecting abutting parcels shall be constructed on each parcel where development is proposed. If the adjoining parcel is developed, the access should be designed to relate to existing facilities on the abutting lot. Materials might be asphalt, stone dust or wood, as examples. If the abutting lot is not developed, the plan shall contain a statement that says that continuous and consistent access will be created when the abutting lot is developed. The Project Review Board may waive this requirement if no reasonable access is available due to, for example the presence of wetlands, and/or steep slopes." The applicant is requesting a waiver of this provision at this time, as they feel that it would be better to wait to see if/how the abutting property is redeveloped rather than putting in a pedestrian connection that might not be in a good location. What are the Board's thoughts on this?

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

- b. 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 is already developed with an existing structure and existing site improvements. Some exterior building modifications and site modifications are proposed. Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. 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 not located within the Design Review Districts. The site is already developed with an existing structure and existing site improvements. Some exterior building modifications and site modifications are proposed. The Board finds that the proposed exterior building and site alterations

meet the standards of Section 527 of the Freeport Zoning Ordinance. 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

Access to the site is currently from US Route One via a large gravel driveway/parking area and with another entrance from South Freeport Road to a gravel parking lot to the rear of the structure. The applicant is proposing to remove the gravel from the area in the front and redevelop that portion of the site. Access would be to the rear of the property and via South Freeport Road. Since portions of the roads are under State regulations, the applicant did reach out to the State of Maine Department of Transportation for some feedback; they had no objections to the proposed entrance changes. The Town of Freeport will require some existing brush in the right-of-way be trimmed back to improve site distance; this has been added as a condition of approval. An area of pavement will also be removed from the North end of the building which was used as part of the access to the rear. 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.

Since this parcel is in the Commercial District, per Section 513.B.8.a of the Freeport Zoning Ordinance, the Project Review Board shall establish the parking requirement which "shall be based upon a parking analysis submitted by the applicant." A parking analysis was included in the submission and determines that the peak number of parking spaces needed will be 68. Since changes to the rear parking area are proposed, all parking stall dimensions will need to comply with Section 514.D.9 Off-street Parking and Loading of the Freeport Zoning Ordinance; this has been reflected on the 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.

The property is located in a threatened watershed. Stormwater treatment will be required per Section 529 of the Freeport Zoning Ordinance. The applicant is proposing a rain garden to treat a portion of the runoff from the site. An initial stormwater report was submitted and review comments were issued by the Town Engineer. An updated stormwater report was submitted and included in the packets, with calculations dated 09/02/2. Review comments from the Town Engineer are included in an email dated 09/09/21. A Maintenance Agreement for a Stormwater Management System with the Town of Freeport, to be recorded in the Cumberland County Registry of Deeds, is recommended. 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.

A Capacity letter from the Freeport Sewer District and Maine Water Company will be required and obtaining letters have been added as a suggested condition of approval. There is an on-site well that will be used for gardening purposes only. Per the Freeport Solid Waste Ordinance, commercial users are required to sort their cardboard from other waste. Solid waste will be stored in dumpsters on the site. The dumpsters will be enclosed with a cedar stockade fence. 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.

The conceptual design of the signs, in regard to location and sizes has been included in the submission. The final materials and design may be submitted to the Town Planner for review and approval prior to applying for a Sign Permit. Signs will need to be located entirely on private property as they are not allowed in the right-of-way. 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.

Since this is a commercial use, per Town of Freeport, Chapter 28, Solid Waste Disposal Ordinance, the applicant will be required to sort their cardboard from their other waste and contract with a private waste hauler for waste disposal. 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.

Full cut-off fixtures are proposed near points of building egress and for the outdoor seating areas. Cut-sheets of lighting fixtures have been included in the submission. No parking lot lights are proposed at this time. 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.

Section 409.D.2 of the Freeport Zoning Ordinance has standards for buffering in the front and side setbacks. If the property line along South Freeport Road is considered the front, landscaping will be required in that area and in the setback from US Route One. The applicant is proposing to loam and seed in these areas. Additional plantings are proposed near the building and in the parking lot island. If the property line on South Freeport Road is considered the front, the opposite property line could be considered the rear, and which case buffering is not required and the outdoor seating shown in this area would be allowed. 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:

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (3) The project will conserve shoreland vegetation;
- (4) The project will conserve points of public access to waters;
- (5) The project will adequately provide for the disposal of all wastewater;
- (6) The project will protect archaeological and historic resources;
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.

This parcel is not within the Shoreland Zone or the Marine Waterfront District. The building will be connected to public utilities, with obtaining capacity letters from the Freeport Sewer District and Maine Water Company (if applicable) being a condition of approval. 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 Waiver: Be it ordered that the Freeport Project Review Board move to grant a waiver of Section 527.D of the Freeport Zoning Ordinance requiring that a pedestrian access at least 5 feet wide connecting abutting parcels to be constructed, as given the current application and the recent transfer in ownership of the abutting property, a pedestrian connection would be better addressed at such time that the abutting property is redeveloped.

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact, change of use to restaurant and artisan food and beverage, for Mr 117 Route One, LLC, at 117 US Route One, to be built substantially as proposed, application dated 8/26/2021, 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, or a building permit being applied for, 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, to be reviewed and approved by the Town Engineer and in a form acceptable to the Town Attorney. The performance guarantee shall cover the cost of all site work, including the road, landscaping, erosion control, and stormwater management etc. Along with the performance guarantee, a non-refundable administrative fee of 2% of the performance guarantee, in the amount to be determined by the Town Engineer, be paid.
 - c. Establish an inspection account, in the amount of \$TBD, for 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 written capacity letters from the Freeport Sewer District and MaineWater Company (if applicable) with a copy to be forwarded to the Freeport Planning Department.
- 3) Prior to any work on the building, the applicant obtain a Building Permit from the Freeport Codes Enforcement Officer.
- 4) The conceptual design of the signs, in regard to location and sizes has been included in the submission. The final materials and design may be submitted to the Town Planner for review and approval prior to applying for a Sign Permit.

- 5) Prior to installation of the sign, the applicant obtain a Sign Permit from the Freeport Codes Enforcement Officer.
- 6) Prior to a Certificate of Occupancy being issues for the use of the building, the applicant work with the Town in regards to trimming some existing brush in the right-of-way to improve site distance.
- 7) If/when in the future the abutting property is re-developed, the owner of this property shall return to the Board for review and approval of a site plan amendment to comply with the standard of Section 527.D of the Freeport Zoning Ordinance.

Independence Drive – Design Review Certificate	
Property Location:	Tax Assessor Map 9, Lot 2B (0 Independence Drive)
Zoning Information:	Village Commercial 3 (VC-3), Design Review District I – Class C, Freeport Village Overlay District
Review Type(s):	Design Review Certificate
Waivers Requested:	None

Background: The applicant is seeking approval of a Design Review Certificate to build a driveway and new single-family home at their property at 0 Independence Drive. The lot is accessed through a private driveway from Independence Drive. Although the proposed structure be located behind another existing dwelling, it is expected to be at partially visible from a public right-of-way, and therefore per Section V.A.4 of the Design Review Ordinance, review and approval of a Design Review Certificate is required.

The applicant is proposing a ranch style home with an attached two-car garage. The structure will be sided in vinyl siding with a 4/4 reveal. Windows and trim will also be vinyl. The windows will be double-hung with no grilles. They will be rectangular in shape and standard sizes. The proposed doors will be made of fiberglass and will have six panels. Shutters will be vinyl. Roof will be asphalt shingles. The applicant will need to clarify at the meeting how the windows will be trimmed. Any lighting fixtures will be required to be full cut-off.

The proposal also includes an attached garage. The garage will be constructed of the same materials. It will have a 7/12 pitch roof and will have two overhead doors. The garage will be 20' x24'. Additional information on the exterior elevations will be available before the meeting.

A plot plan has been included in the submission and shows how the building will be situated on the site. The structure appears to comply with the required setbacks for the Freeport Village Overlay District and the Village Commercial 3 District.

The building is also on the Freeport Village Overlay District. The Codes Officer will review the application for compliance with those standards at such time that a building permit is applied for.

There are no outstanding items with this application.

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 will be single story and about 16.5 feet in height. It will be lower in height than other nearby structures. The use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. 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 will be single story and about 16.5 feet in height. It will be lower in height than other nearby structures. The view of the new structure will be partially screened by other nearby structures. 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 use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. 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 use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. The rhythm of solids to voids in the front façade will be similar to other nearby residential structures. Based upon this information, the Board finds that this standard has been met.

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

The use of windows and doors, and the setting back of the garage will help to minimize the expanse of the length of the building facades. Windows and doors will be rectangular in shaped and are designed to be in proportion to the overall size of the structure and other nearby properties. Based upon this information, the Board finds that this standard has been met.

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

The roof of the house and garage will be peaked. There will be a peak in the center of the roof of the dwelling which will have a 7/12 pitch. The roof of the garage will also be 7/12. Both will be sided in asphalt shingles. 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 structure will be sided in vinyl shiplap siding with a 4/4 reveal. Windows and trim will also be vinyl. The windows will be double-hung with no grilles. They will be rectangular in shaped and standard sizes. The proposed doors will be made of fiberglass and will have six panels. Shutters will be vinyl. Roof will be asphalt shingles. 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 lot is accessed through a private driveway from Independence Drive. Although the proposed structure be located behind another existing dwelling, it is expected to be at partially visible from a public right-of-way. A plot plan has been included in the submission and shows how the building will be situated on the site. The structure appears to comply with the required setbacks for the Freeport Village Overlay District and the Village Commercial 3 District. 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 lot is accessed through a private driveway from Independence Drive. The driveway will be paved. Some additional clearing will be required for the new house. A plot plan has been included in the submission and shows how the building will be situated on the site. The structure appears to comply with the required setbacks for the Freeport Village Overlay District and the Village Commercial 3 District. 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 signs are proposed. Based upon this information, the Board finds that this standard has been met.

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

Proposed Motion: Be it ordered that the Freeport Project Review Board approve the printed Findings of Fact and Design Review Certificate George Naaman and Erica Plourde, for a new single-family dwelling at 0 Independence Drive (Tax Assessor Map 9, Lot 2B), to be built substantially as proposed, application dated 08/25/21, finding that it meets the standards of the Freeport Design Review Ordinance with the following Conditions of Approval:

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

RSU5 Community Programs Disc Golf Course– Site Plan Amendment	
Property Location:	Tax Assessor Map 12, Lots 59 and 59-1 (10 Library Drive and 19 Kendall Lane)
Zoning Information:	Village 1 (V-1), Resource Protection 2 (RP-2), and Freeport Village Overlay District
Review Type(s):	Site Plan Amendment
Waivers Requested:	None

The applicant is seeking approval for a Site Plan Amendment to add a nine-hole disc golf course which will be located on property at both Freeport Middle School and the Freeport Community Library. The property used to all be owned by the Town, however the parcel was divided when the RSU became separate from the Town.

In this area, is an existing ropes course that is accessory to the school. The applicant is now proposing a disc golf course that will also be accessory to the school. The course will be mostly in the wooded area and the removal of vegetation will be minimized.

The Codes Officer has reviewed the concept and determined that the equipment (target baskets) required will not be considered structures and therefore setbacks will not be an issue.

The applicant is proposing to install the course while retaining existing vegetation and only cleaning up vegetation, as needed. All mature trees will be retained unless that are already fallen. Some limbing may be required on large trees. A few small trees may need to be removed for two of the baskets.

The Town Manager has given written authorization for the use of town property for this project.

No changes to existing site access, parking, signage or lighting is proposed as this course will be accessory to the existing uses on the properties.

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 is already developed with an existing structure and existing site improvements. The nine-hole disc golf course will be located on property at both Freeport Middle School and the Freeport Community Library. The use will be accessory to the school. The course will be mostly in the wooded area and the removal of vegetation will be minimized. The 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 new buildings 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

Vehicular access to the site will remain 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.

Parking and circulation will remain unchanged. 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.

Based upon the size and nature of the project, information on surface water drainage was not required to be submitted. 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 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 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.

The applicant is seeking approval for a Site Plan Amendment to add a nine-hole disc golf course which will be located on property at both Freeport Middle School and the Freeport Community Library. The course will be mostly in the wooded area and the removal of vegetation will be minimized. In this area, is an existing ropes course that is accessory to the school. The Codes Officer has reviewed the concept and determined that the equipment (target baskets) required will not be considered structures and therefore setbacks will not be an issue. 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 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.

The applicant is proposing to install the course while retaining existing vegetation and only cleaning up vegetation, as needed. All mature trees will be retained unless that are already fallen. Some limbing may be required on large trees. A few small trees may need to be removed for two of the baskets. 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:

- (1) The project will not result in water pollution, erosion or sedimentation to surface waters;**
- (2) The project will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;**
- (3) The project will conserve shoreland vegetation;**
- (4) The project will conserve points of public access to waters;**
- (5) The project will adequately provide for the disposal of all wastewater;**
- (6) The project will protect archaeological and historic resources;**
- (7) The project will not adversely affect existing commercial fishing or maritime activities in the Marine Waterfront District.**

This parcel is not within the Shoreland Zone or the Marine Waterfront District. No new utility connections are proposed. Based upon this information, the Board finds that this standard has been met.

Conclusion: Based on these facts the Board finds that this project meets the criteria and standards of the 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 RSU 5 Community Programs, for a disc golf course accessory to Freeport Middle School, course to be located at 10 Library Drive and 19 Kendall Lane (Tax Assessor Map 12, Lots 59 and 59-1), to be built substantially as proposed, application dated 09/01/2021, 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.

ITEM V: Public Hearing regarding a remote participation policy for the Freeport Project Review Board.

Proposed - REMOTE PARTICIPATION POLICY
Freeport Project Review Board

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing

simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods unless technically not possible and when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.